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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. COX of California].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON DC,
May 21, 1996.

I hereby designate the Honorable CHRISTOPHER COX to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3103. An act to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

The message also announced that pursuant to the order of May 13, 1996, the Senate insists upon its amendment to the bill (H.R. 2202) ''An act to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. SIMPSON, Mr. GRASSLEY, Mr. KYL, Mr. SPECTER, Mr. THURMOND, Mr. KENNEDY, Mr. LEAHY, Mr. SIMON, Mr. KOHL, and Mrs. FEINSTEIN to be the conferees on the part of the Senate.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

ASIAN AND PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Hawaii [Mrs. MINK] is recognized during morning business for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I take this opportunity this morning to acknowledge a celebration that has been ongoing throughout the month of May, which is the month in which we celebrate Asian and Pacific American Heritage Month. This is a part of the permanent law which former Congressman Frank Horton was successful earlier in establishing recognition for a week each year. On his last year of service he was successful in having the whole month designated as Asian and Pacific American Heritage Month.

Just this past week we had the opportunity of celebrating the Asian and Pacific American Institute banquet, at which President Clinton spoke and highlighted the importance of the Asian continent as well as the Pacific communities. In so doing he emphasized the importance of active participation of Asian Pacific-Americans in the United States and in all of their various activities, professionally, academically, in business and commerce, in international trade, and, in particular, in the Federal agencies and in the Federal Government and here in the Congress in both the House and the Senate.

The March 1994 population of Asian Pacific-Americans is estimated at nearly 9 million, and we account for about 3 percent of America's population. It is a growing number, probably the fastest growing ethnic group in the country.

So we take great delight in recognizing the achievements of our constituencies throughout the United States, their academic excellence and achievements spread over a wide variety of subject areas, most notably in math and science, where Asian and Pacific-Americans excel with great prominence.

The history of Asian and Pacific Members of Congress is noteworthy. There have been 17 Asian Pacific-Americans elected to Congress fom 1903 to the present time. They included Chinese, Chamorro, Asian Indian, Japanese, Korean, native Hawaiian, and Samoan.

The first Asian Pacific Member of Congress came from Hawaii. We was a native Hawaiian, Prince Jonah Kuhio Kalanianaole, who represented the territory of Hawaii as a nonvoting delegate from 1903 to 1922. He was responsible for the enactment of our Hawaiian Homestead Act, which is a basic land tenure program which has made it possible for many native Hawaiians to acquire land to build their homes and raise their families.

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The first voting Asian and Pacific-American Member of Congress was Dalip Singh Saund of California, an immigrant from India who served in the House from 1957 to 1963.

The first Asian Pacific-American Senator was Senator Hiram Leong Fong from Hawaii, who served from 1959 to 1976.

Currently we have nine sitting Members of both the House and the Senate that make up our congressional Asian Pacific Caucus, which was formed on May 16, 1994, to establish an effort in the Congress to cause other Members of Congress perhaps to be more sensitive and aware of Asian and Pacific-American issues within their own constituencies.

The caucus idea came about from former Congressman Norm Mineta, and he is to be congratulated for having put in the effort to organize this caucus.

The Member of the House of Representatives who has the most Asian and Pacific Members is Congressman NEIL ABERCROMBIE from the First District in Hawaii, and his constituency is about 66.5 percent Asian Pacific. In my own case, the second district, I have about 57 percent Asian Pacific. The gentlewoman from California [Ms. PELOSI] has the next highest at 27.8 percent.

The other participant of our caucus who has been instrumental in leading the fight on all of the Asian Pacific issues throughout his entire tenure is the gentleman from California [Mr. MATSUI]. The other Members, the gentleman from American Samoa, Mr. FALEOMAVAEGA, the gentleman from Guam, Mr. UNDERWOOD, Senator INOUYE, Senator AKAKA, and Senator MURRAY, all constitute the original membership of our caucus. Recently we added 10 additional Members.

Mr. Speaker, I submit the following material for the RECORD:

REMARKS OF CONGRESSMAN NEIL ABERCROMBIE IN CELEBRATION OF ASIAN PACIFIC AMERICAN HERITAGE MONTH, MAY 21, 1996

Now, more than ever, the need to recognize America's rich and diverse cultures is crystal clear. America is at a crossroads and a few would rather forget that this is a nation built by immigrants whose ancestral roots trace back to every corner of the earth.

Asian Pacific American Heritage Month gives us the opportunity to acknowledge one of the great communities of this country. Across this nation, over 7.3 million Asian and Pacific Islanders make America their home. Asian and Pacific Islanders have made notable contributions in industry, education, science and government. Along with other immigrant groups, Asian and Pacific Americans helped to strengthen the fabric of American society.

Against the backdrop of America's multicultural society, the push for ''English-Only'' and other anti-immigrant measures are indefensible and are an affront to the heart of this nation. During Asian Pacific American Heritage Month and every month of every year, let us not forget what we so often take for granted: America has been made great by the collective contributions of every group who has settled in this country. The distinguished contributions of Asian Pacific Americans are a superb example.

CONGRESSIONAL ASIAN PACIFIC CAUCUS

The Congressional Asian Pacific Caucus was formed on May 16, 1994 to establish an organized effort within the Congress to advocate for the needs of Asian Pacific Americans.

Congressional Asian Pacific American Caucus Executive Committee:

Neil Abercrombie (HI–1)—66.5%.
Patsy T. Mink (HI–2)—57.0%.
Nancy Pelosi (CA–8)—27.8%.
Robert Matsui (CA–5)—13.9%.
Eni Faleomavaega (AS)—?.
Robert Underwood (GU)—?.
Sen. Daniel Inouye (HI)—55.6% (State of Hawaii).
Sen. Daniel Akaka (HI)—55.6% (State of Hawaii).
Sen. Patty Murray (WA)—5.7% (State of Washington).

New Member of Congressional Asian Pacific Caucus:

Tom Lantos (CA–12)—25.6%.
Matthew Martinez (CA–31)—22.8%.
Xavier Becerra (CA–30)—21.2%.
Zoe Lofgren (CA–16)—21.1%.
Nydia Velázquez (NY–12)—19.6%.
Pete Stark (CA–13)—19.4%.
Ronald Dellums (CA–9)—15.6%.
Bob Filner (CA–50)—14.8%.
Anna Eshoo (CA–14)—12.2%.
Lucille Roybal Allard (CA)—4.0%.

NOTABLE ASIAN PACIFIC AMERICANS

Asian Pacific Americans have made significant contributions to the United States and the world in a variety of ways. In the arts, academia, business, sports, politics, Asians have reached the top of their field:

I.M. Pei, the internationally renowned architect.

Samuel C.C. Ting who won the Nobel Prize in physics.

Ellison Onizuka, one of the seven astronauts of the Challenger.

Christie Yamaguchi, the young figure skating Olympic champion.

Vivienne Tam, fashion designer who built a $10 million business.

Amy Tan, Author.

Elaine Chao, head of the United Way.

Robert Nakasone, CEO of Toys R Us.

Brigadier General John L. Fugh, Former Judge Advocate General of the Army.

Chang Lin Tien, Chancellor, University of California—Berkley.

ASIAN PACIFIC MEMBERS OF CONGRESS

Seventeen Asian Pacific Americans have been elected to Congress from 1903 to the present. Their ancestry has included Chinese, Chamorro, Asian Indian, Japanese, Korean, Native Hawaiian, and Samoan.

The First Asian Pacific Member of Congress was Prince Jonah Kuhio Kalanianole (Native Hawaiian) who represented the Territory of Hawaii as a non-voting delegate from 1903 to 1922. The first voting Asian Pacific American Member of Congress was Dalip Singh Saund (D–CA), an immigrant from India who served in the House from 1957 to 1963.

The first Asian Pacific American Senator was Hiram Leong Fong (R–HI), who served from 1959 to 1976. Senator Fong was also the first American of Chinese ancestry elected to the Congress.

Congresswoman Patsy T. Mink was the first Asian Pacific woman to serve in the House, serving from 1964 to 1976, and from 1990 to present.

There have been only two Asian Pacific American women in the Congress—Patsy T. Mink (D–HI) and Patricia Saiki (R–HI).

ROMER VERSUS EVANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, yesterday was a sad day in our Nation's history. In one fell swoop, the U.S. Supreme Court managed to seriously undermine our tradition of democratic self-governance, and, at the same time, to deliver a harsh slap-in-the-face to all Americans who seek to preserve traditional moral standards regarding homosexuality. I hope and expect that American citizens share my sense of outrage at the Court's action.

I'm referring to the Court's decision in the case of Romer versus Evans. The case involves an amendment to the Colorado State Constitution adopted in 1992 by the citizens of that State. The amendment, known as amendment 2, would have prevented the State or any of its political subdivisions from enacting, adopting, or enforcing any law granting homosexuals protected status or other preferential treatment. Amendment 2 was adopted in response to the actions of several Colorado cities that had adopted so-called gay rights ordinances, which had added homosexuals to the list of protected persons under local antidiscrimination laws.

By a 6-to-3 vote, the court yesterday ruled that amendment 2 violates the equal protection clause of the U.S. Constitution. The Court held that amendment 2 ''lacks a rational relationship to legitimate state interests, and so could only be understood as an expression of animosity toward homosexuals.''

That might sound like stale legal doctrine, but don't be deceived. What the Court did yesterday has profoundly troubling implications for our democracy and for our civilization. As Justice Antonin Scalia, writing for himself, Chief Justice Rehnquist, and Justice Thomas, pointed out in his dissenting opinion, the Court has unleased a new constitutional doctrine that has no rational limitation.

We must be clear on one important fact: Notwithstanding the majority's portrayal of amendment 2 as an effort to make homosexuals ''stranger[s] to [Colorado's] laws,'' the measure did no such thing. All amendment 2 would have accomplished is to prevent the government from making homosexuals a protected class, or otherwise to make homosexuality the basis for any preferential treatment. Every Colorado law of general applicability applies fully to homosexuals. This case, no matter what the majority held, was about whether or not homosexuals could be given special protections under the law.

I quote from Justice Scalia's dissent:

The only denial of equal treatment [the majority] contends homosexuals have suffered is this: They may not obtain preferential treatment without amending the state constitution. That is to say, the principle underlying the Court's opinion is that

one who is accorded equal treatment under the law, but cannot as readily as others obtain preferential treatment under the laws, has been denied equal protection of the laws.

It is tough to argue with Justice Scalia's conclusion that the Court's constitutional jurisprudence ''has achieved terminal silliness.''

Confessing itself unable to fathom a rational, legitimate governmental purpose that might be served by amendment 2, the Court concluded that the amendment thus raised ''the inevitable inference that the disadvantage imposed is born of animosity'' toward homosexuals. The Court characterized it as ''a bare desire to harm a politically unpopular group.''

This conclusion, which lies at the core of the Court's opinion, is as puzzling as it is offensive. It's puzzling because, just 10 years ago, the Supreme Court held that nothing in the Constitution prevents States from enforcing laws criminalizing homosexual sodomy. In Bowers versus Hardwick, the Court expressly held that government can put citizens in prison for engaging in homosexual conduct.

Now, however, we learn that the same Constitution forbids States from deciding that homosexuals should not be granted protected or preferential status under their laws. I defy anyone to explain how these two results can be reconciled.

In a truly amazing display of intellectual dishonesty, the Court majority didn't even attempt such a reconciliation, and indeed, it didn't even mention the Bowers case.

So there are some serious legal flaws in the Court's decision. But what truly offends me—and, I would expect, a great many Americans—is the Court's conclusion that amendment 2 was motivated by ''animosity'' toward homosexuals. Again, I quote from Justice Scalia's dissent: ''To suggest,'' he writes, ''that [Amendment 2] springs from nothing more than 'a bare desire to harm a politically unpopular group' is nothing short of insulting.''

And so it is. For 2,000 years, our Judeo-Christian ethic has taught that homosexual conduct is wrong. Accordingly, our laws have always embodied some moral disapproval of homosexuality. Sometimes that disapproval takes the form of criminal sanction, as with antisodomy laws. But often it is expressed in much more subtle ways. Here, for example, the voters of Colorado decided simply not to extend their antidiscrimination protections to homosexuals as a discrete protected class. The Supreme Court has now pronounced that decision to be the result of rank bigotry, motivated only by animosity toward homosexuals. Such a crass dismissal of our moral and religious heritage should provoke outrage on the part of the American people.

I do not come to the floor lightly to criticize our Supreme Court. I have deep respect for the institution of the Supreme Court, and I have been quick to praise the Court when it has performed its assigned constitutional role. But yesterday's decision, Mr. Speaker, does not deserve our praise; in striking down amendment 2 and in labeling as ''bigots'' adherents to traditional moral values, the Court deserves our disapproval.

FLOODING IN WEST VIRGINIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, I want to report on the flooding in West Virginia over this weekend, and I particularly want to say, following 2 days of visiting hard-hit communities, there are a lot of people to thank. Particularly high up there is the West Virginia National Guard, which once again responded and provided the semblance of order and peace and hope that many people needed to seize on to during these troubled times.

Remember, Mr. Speaker, that this is the second time in 4 months that many of these communities have been hit by ravaging floods; the second time in 4 months.

Mr. Speaker, I started out Friday night in the Charleston office of emergency services headquarters. We moved Saturday and Sunday to preparing. Sunday I was with Governor Caperton as we toured much of the flood-torn area by helicopter and touching down in a number of communities, and then yesterday, Mr. Speaker, I traveled by car over 400 miles across many of the counties in central West Virginia that had been hit by floods.

Let me report to you, Mr. Speaker, that once again for the second time in 4 months a lot of our communities are digging out, and washing mud out of basements and homes, are having to look at fences that were just replaced in many of our farm fields, now torn again or damaged again, are having to regroup and reorder their lives. This is actually the third time in 10 years for floods of this magnitude.

I started, Mr. Speaker, in Buckhannon and Ellamore and Maibe and Cassity and Randolph, Jerusalem, a large town meeting in Elkins, then to Circleville and Big Run, Upshur and Randolph and Pendleton Counties on that swing, as well as other counties the day before.

In every one of the locations people are digging out, Mr. Speaker.

I am happy to report to you, Governor Caperton is submitting to the White House an application for Federal disaster assistance. This has moved very quickly, through a combination of the State office of emergency services officials, the Governor, working with FEMA, which is the Federal Emergency Management Agency, and, hopefully, that application will be acted upon today, perhaps tomorrow, and again, hopefully, as early as tomorrow afternoon or perhaps Thursday morning the declaration will be made.

At that point, Mr. Speaker, citizens in the designated counties will then be able to call a toll-free number to receive firsthand information and assistance in working with the Federal Emergency Management Agency, the FEMA agency.

At this point our staff, my staff, is out in the field distributing leaflets telling people what to do until that disaster assistance is received; telling them whom to contact in case of immediate emergency, the local office of emergency service officers.

At the point the declaration of disaster assistance is made from Washington, we will immediately race back out to the hardest-hit communities with leaflets and other information outlining the toll-free number that people can call.

I think that it is essential that people understand that very shortly the media, our office, the Governor's office, all other officials will be letting them know the toll-free number that they can call for assistance.

So the first stop, Mr. Speaker, is digging out, and that is what the Red Cross is helping with. The Federal Emergency Management Agency is doing disaster assistance estimates right now. The local office of emergency service officers is assisting.

The second step, though, Mr. Speaker, after digging out and getting back on their feet is what a lot of citizens asked me yesterday in Elkins, ''Bob Wise, why is it for the second time in 4 months we are having to deal with this? When will the investments be made to floodproof our areas to start to deal with the tributaries that are rising and dig out the streams that are silted up, to contain the stream banks in those areas where riprapping has occurred since the last flood?''

We were able to contain much of the flooding. But for the hundreds of thousands of dollars that it costs to floodproof a stream or area, we would save millions of dollars not spent in having to dig people out and put them back in their homes. So when the budgets are up for consideration, my hope is that my colleagues recognize what an investment it is in stream bank channelization and soil bank erosion control and building watershed and, in some cases, building dams, because what this does is to prevent millions of dollars of damage later.

In the case of West Virginia and other areas, what we have seen in just 4 months is you can have two crippling floods. So, hopefully, assistance is once again on the way. The disaster declaration should be coming within the next day or so. Individuals, businesses and units of government should be able to apply for Federal funds to assist them in getting back on their feet.

This is a process that should not have to be occurring every 4 months, and my hope is that very soon this Congress and others will recognize the importance of investing in flood control so that we do not have to go through this process so repeatedly.

I thank very much, Mr. Speaker, those who have made it possible to get back on our feet as quickly as we can, whether from Governor Capterton directing immediate response, to the West Virginia National Guard, which has just been a godsend to so many of our communities over the last few days, to the county office of emergency services personnel, and the countless volunteers. Thank you very much. We all thank you in our communities.

CONGRATULATIONS TO BRENDA AND JIM TALENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized during morning business for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, it is my great pleasure to rise on behalf of all of my colleagues of the U.S. House of Representatives to congratulate my very good friend, Congressman JIM TALENT of Missouri, who last Thursday was responsible for bringing another young Missourian into the world.

Jim and Brenda Talent are the proud parents of newborn Christine Lyons Talent, who was born at 1:53 p.m., last Thursday, and weighed in at 8 pounds and 7 ounces.

Young Christine is fortunate indeed to enter this world into a loving home with very loving parents.

Mr. Speaker, I yield to Mr. CANADY of Florida.

Mr. CANADY of Florida. Mr. Speaker, I appreciate the gentleman yielding this time to me, and I want to join in expressing my congratulations to the gentleman from Missouri, my good friend, JIM TALENT.

I have always admired Representative TALENT'S dedication to his family. He is a person among the Members here who puts his family first, and this child is very fortunate to have a father such as JIM TALENT and a mother such as Brenda, who is a dedicated mother and the spouse of our colleague, and we are very grateful for their family, and I appreciate what their friendship means to me.

Mr. HUTCHINSON. Reclaiming my time, I appreciate the gentleman's comments and agree entirely that JIM TALENT has been one of the strongest advocates for the family in the U.S. Congress. I know now, with the birth of Christine Lyons, that he will be an even stronger proponent of the $500 per child tax credit and a more fervent than ever advocate for the family in the U.S. Congress.

So, our best wishes to JIM and Brenda.

WAGE-BASED TAX CREDIT NEEDED TO STIMULATE JOB CREATION IN PUERTO RICO

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] is recognized during morning business for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, last week the House Ways and Means Committee favorably reported the Small Business Job Protection Act of 1996. This act is designed to provide businesses with new tax breaks and is using the repeal of section 936 of the Internal Revenue Code as the primary revenue-raising offset for these tax breaks. And yet, while substantially increasing the taxes on Puerto Rican source income, the act provides no increase in the Federal benefits provided to the U.S. citizens of Puerto Rico.

I fully agree that the income-based tax credit provided in section 936 is to a significant extent excessive corporate welfare. In fact, I was perhaps the first voice to call for repealing the income-based tax credit and substituting it by a wage-based tax credit. Numerous reasonable proposals have been put forth which would eliminate the wasteful income-based credit while preserving a narrower, well-targeted wage-based credit. The wage-based credit is a cost effective way to make sure that tax breaks for Puerto Rican source income do indeed produce jobs in Puerto Rico.

While the 3,800,000 people of Puerto Rico are U.S. citizens, we have, nonetheless, been partially or wholly excluded from participation in many important Federal programs. According to the Congressional Budget Office, if Puerto Rico were treated as a State, in Medicaid alone we would get more than $1 billion per year. And now, even though taxes on Puerto Rican source income are to be drastically increased, by $4.9 billion in 8 years, we are being provided no additional funds for Medicaid. Are the health and lives of the 3,800,000 U.S. citizens in Puerto Rico worth less than the health and lives of our fellow citizens in the 50 States?

Fairness dictates that increased taxes on Puerto Rican source income be used for the benefit of the people of Puerto Rico. It is preposterous, indeed outrageous, and unfair that tax revenues collected on income earned in the Nation's poorest jurisdiction, Puerto Rico, be used to subsidize tax-credits for small businesses in the 50 States of the Union, the poorest of which has more than double the per capital personal income of Puerto Rico.

Puerto Rico has more than twice the unemployment of any State and needs and deserves a new wage-based tax credit to stimulate creation of new jobs. Puerto Rico also needs increased participation in Medicaid. Please join with the President, the Governor, and me in supporting these changes for the benefit of the disenfranchised U.S. citizens of Puerto Rico.

Mr. Speaker, we are not aliens, we are not illegal residents, we are U.S. citizens. Fairness dictates that increased taxes on Puerto Rican-source income be also used for the benefit of the people of Puerto Rico. It is preposterous, indeed outrageous and unfair, that tax revenues collected on income earned in the Nation's poorest jurisdiction, Puerto Rico, be used to subsidize tax credits for small businesses in the 50 States of the Union, the poorest of which has more than doubled the per capita personal income of Puerto Rico.

Puerto Rico has more than twice the unemployment of any State and needs and deserves a new wage-based tax credit to stimulate the creation of new jobs. Puerto Rico needs increased participation in Medicaid.

Please join with the President, the Governor, and myself in supporting these changes for the benefit of the disenfranchised U.S. citizens of Puerto Rico. Do not allow the poorest jurisdiction in the Nation to be used for subsidizing the tax cuts for small businesses for the 50 States. That is indeed unfair. This is indeed unjust.

Mr. Speaker, I formally submit that sufficient thought has not been given to this proposal. The tax cuts for the small businesses, I repeat, very good, we support them, but why does the poorest jurisdiction in the Nation have to be the principal subsidy used for supporting the tax cuts for all the States?

LACK OF NATIONAL DRUG POLICY CAUSING CRISES IN U.S. WAR ON DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. MICA] is recognized during morning business for 5 minutes.

Mr. MICA. Mr. Speaker, today the State of Florida and the Nation are really reeling over the effects of President Clinton's lack of a national drug policy, and even more so his lack of a record on drug prosecution. The Clinton record is a disaster followed by disaster and deserves the attention of this Congress and the American people.

I serve on the subcommittee that oversees our national drug policy and we have recently detailed this disaster in this report.

Several months ago a Clinton Federal judge let cocaine dealers off the hook when they ran away from their drug-laden car. Only after a national outrage that ensued did the Clinton appointee finally relent. Federal prosecution of drug cases, again detailed in this report, have dropped 12 percent since President Clinton took office. Drug use among teenagers, cocaine, crack, heroin, and designer drugs among our youth, has grown to epidemic proportions, again detailed in this report all this occurring in the last 3 years. All this while President Clinton parades around the country talking about Federal regulations on teen smoking.

Let me tell my colleagues what is happening. Marijuana use among our teenagers has increased by 50 percent per year each year of the 3 years since President Clinton has been elected. This is the legacy of his ''just say maybe'' policy.

Joycelyn Elders, who the President appointed, led our Nation as our Nation's top drug official, and now we have seen the results from her tenure. ''What ye sew ye shall reap.'' Teens now smoke marijuana that is up to 30 to 40 times more potent than that marijuana of the 1960's.

While President Clinton is out talking about teens smoking cigarettes, they are, in fact, frying their brains, destroying their lives, and dying in incredible numbers while he ignores setting a national drug policy. President Clinton does not need to travel to New Jersey or other States to talk about the effects of teen smoking. President Clinton can stay right here in Washington, DC, where drugs have killed nearly 1,000 black males in drug violence since he took office.

We thought the President was going to get serious about a national drug policy when he came to my State of Florida several weeks ago. We were grossly disappointed. His visit was a fiasco. They were to go to a public school and have a public student, in this case a young black student was supposed to make a presentation to the President. The White House staging people had a white private school student selected for the presentation. It caused a furor.

Now, listen to this. The President's top Federal prosecutor in south Florida, an appointee who was trying a drug case, lost the drug case. First, we heard we had decreased prosecutions under his reign; then, when they prosecuted, he lost the case. And what did he do when he lost? He went to a strip bar and bit a stripper and last week resigned in disgrace.

So we have a south Florida U.S. attorney forced to resign for biting a stripper, not to mention in central Florida the U.S. attorney had to resign a little over a year ago on charges of having a disorganized office and attempting to choke a reporter. Our two top Federal prosecutors.

Mr. Speaker, we have a crisis in the drug war and we have a crisis in Federal prosecution. We have a crisis that I fear is really rooted in the White House and in the lack of leadership; the lack of providing a national drug policy for this Nation. So I ask my colleagues to read this report that details this disaster, and to suggest that we need some leadership on this issue or our teens are going to suffer a fate far worse, a fate far worse than smoking. They are dying in our streets and in our homes and across this country in larger numbers because of the failure of not having a national drug policy.

FACTS REGARDING UNITED STATES-CHINA TRADE RELATIONSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 5 minutes.

Ms. PELOSI. Mr. Speaker, yesterday President Clinton announced that he was going to request a special waiver from Congress to grant unconditional most-favored-nation status to China. As Members know, Mr. Speaker, in the Congress of the United States there is concern about the United States-China relationship in regard to human rights, proliferation of weapons of mass destruction, and trade. The President said yesterday that renewing MFN was about our economic future. On the basis of trade alone, I would like to address some conclusions that the President drew.

I think, Mr. Speaker, that if for a moment we can put aside, which is difficult to do, our concerns about human rights and proliferation and Taiwan and Hong Kong and Tibet, major issues of concern to this Congress, and just talk about trade, I do not believe that the renewal of unconditional MFN status is justified. So while people say to us that we are sacrificing U.S. jobs to promote human rights, that is simply not the case.

First, I would like to present some of the basic facts of the United States-China trade relationship. The emphasis of supporters of unconditional renewal of MFN status for China is not unexpectedly focused on our exports to China, it is important also to focus on China's exports to the United States. While overall United States exports to China have tripled in the last 10 years, United States imports from China have grown by 11 times, resulting in a trade deficit with China that has grown from $10 million in 1985 to $35 billion in 1995. $35 billion.

Another alarming feature of this trade pattern is the 4-to-1 ratio of what we buy from China to what they buy from us. The United States is China's largest export market, with over a third of their exports coming into our market with preferential trade treatment. Our products, by and large, are not allowed into the Chinese market. These barriers to market access contribute to the trade deficit.

And lest we think that the nearly $12 billion of exports that we send to China is a big number, consider this China, with 1.28 billion people, buys just under $12 billion. Taiwan, with 23 million people, buys nearly $20 billion from the United States. So the access to the Chinese markets is a major obstacle in our trade relationship.

I know we also hear people who propose unconditional MFN status and talk about the 180,000 to 200,000 jobs that are connected with exports to China. These are important jobs and we must respect that fact, but let me just briefly go into why we cannot allow that couple hundred thousand jobs, however significant, to be a barrier to many more jobs that should spring from our trade relationship.

We should all be concerned about the harm to our economy of the ongoing practice of the Chinese of violating our intellectual property rights. The trade deficit I referred to before of $35 billion does not include the billions of dollars that the Chinese have pirated in our intellectual property.

We are told regularly by economists and we, in turn, tell our labor force that while manufacturing jobs go offshore, our intellectual property is our international comparative advantage. It is the genius of America that arises from the great democratic tradition of freedom of expression and freedom of thought. In a very real way, with the Chinese continuing practices and patterns of theft of our intellectual property, the Chinese are stealing our economic future.

I disagree with the President that China is our economic future. The Chinese regime is under the present practices, stealing our economic future. In China it is possible to buy $12,000 worth of pirated United States software on a CD–ROM for $10. Pirated versions of Windows 95 were available in China before the real thing was released in the United States.

More importantly, the production of stolen intellectual property in China is not only for domestic consumption; it is used for export. The domestic capacity is about 7 million units and the production capacity is about 150 million units per year. So the Chinese are in the business of stealing our intellectual property not only for domestic consumption but for export.

And the piracy does not stop at software. There are reports of pirated raw materials, like integrated circuits from China, showing up in Paraguay for distribution throughout the Americas.

I do not have time to go into more detail on that. I want to commend the administration for issuing a list of sanctions and, hopefully, they will follow through with that.

The last point I have time to make is the issue of technology and production transfer. Many people know that production is going offshore. What we must recognize is that the Chinese insist on the technological transfer as well. So we will have, for example, Boeing closing a factory in Wichita, KS, for the manufacture of the tail section of a 737, and that production going to Chinese workers making $50 a month. And the Chinese have the technology transfer.

So it is the barriers to our products, the ripping off of our intellectual property, and the transfer of our technology that rob our economy of jobs. Our economic future is at risk in this relationship. I urge our colleagues to focus on these numbers. More to come.

BALANCING THE BUDGET WILL STRENGTHEN AMERICA'S FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, my colleagues, behind me on the wall, behind

the Speaker's chair, high up on the wall, in fact way up there, is inscribed the following words by Congressman Daniel Webster:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.

In the quote I am trying to emphasize perform something worthy to be remembered in our generation. His words are a creed to live by. They are words by which our actions as representatives of the people should be judged, and I urge the American people to do just that. Judge us by whether we also in our day and generation may not perform something worthy to be remembered.

I am confident that we have done just that, that we have done something worthy to remember, that in our action last week in passing a balanced budget resolution we have proactively and for the good of the country changed the course of American history; that we have halted 40 years of reckless spending and that we have at long last set the country back on track. In our day and our generation we have faced the defining issue and we have offered a solution to the problem.

Simply and emphatically, balancing the budget is the most important action Washington can take for the American people. Why, one might ask. Because not balancing the budget would be disastrous. It would mark the end of many of the things that we take for granted. It would, in effect, mark the beginning of the end of the American way of life as we know it.

The national debt already stands at over $5 trillion and it is growing at a rate of $14,000 per second, which actually means in the 5 minutes it takes me to give this speech, our debt will have increased by $4.2 million, totaling over $50 billion an hour, or $1.2 billion a day.

Consider this, my colleagues. If Congress does nothing and allows spending to continue at its present course, a child, perhaps one of our children or our grandchildren, born today, will have to pay $187,000 in taxes over his or her lifetime just to cover the interest on the national debt.

But getting Federal spending under control is not just about putting off this fiscal doomsday, it is also about tremendous and vital benefits, the foremost of which would be a dramatic drop in interest rates for all of us. The study by the economics firm of McGraw Hill predicts that balancing the budget would lower the interest rates on the average mortgage by almost 3 percentage points. On a 30-year $75,000 loan, that would translate into a total savings over the life of the loan of over $37,000.

What will it take to balance the budget? Simply put, letting spending continue to go up, but more slowly than it otherwise would. Let us look at the numbers. This year Federal spending will total $1.6 trillion. If Congress does nothing, spending by 2002 will rise to $2.1 trillion, an increase of $600 billion. Under last week's budget resolution, spending in 2002 would rise to $1.9 trillion, an increase of some $400 billion. By any measure, a $400 billion increase in spending does not represent a cut.

Abraham Lincoln said it best when he said:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise to the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves and then we shall save this country.

We must save this country. We are at the crossroads, Mr. Speaker, at the occasion in our history when, we must disenthrall ourselves and save our country. To do this we must make the difficult decisions. We must take the steps to guarantee the fiscal solvency of our country so that our children and our grandchildren will have the same chances we had, so that they, too, have a chance to grow and to prosper in a land of greatness and of opportunity.

For our Nation, for our solvency, and for our children we must balance the budget. This is not about politics and rhetoric, it is about the right of Americans to pursue and secure their dreams. it is about doing what is right and what is, as Daniel Webster said, ''worthy to be remembered.''

So the question is not whether we can afford to balance the budget, but whether we can afford not to.

ASIAN/PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. BECERRA] is recognized during morning business for 5 minutes.

Mr. BECERRA. Mr. Speaker, I rise today to join another colleague and friend, the gentlewoman from Hawaii, Mrs. PATSY MINK, to salute all those in this country, all those Americans of Asian/Pacific Islander descent who have made this such a great country.

I rise because I have grown to know and to respect the many accomplishments of our Asian/Pacific Americans, and I happen to have a district in California, in the Los Angeles area, that happens to have a great number of Asian/Pacific Islanders in Los Angeles. It happens that much of my work, much of my effort and much of my success is a result of the efforts of many of the people in my district, and I count among those the many people from the Asian/Pacific community that have helped me along the way.

Mr. Speaker, I would like to spend a few moments talking a little bit about the individual and the collective contributions of Asian/Pacific Americans to our country, and I would like to do that within the context, if I may, of my particular district, because as I said, my district is rich in what makes America great, the diversity, the talents, and I can speak of so many individuals from my particular district in southern California, so I would like to concentrate on just a few of those.

First, I would like to just make sure it is clear that someone who has an opportunity to represent Koreatown in Los Angeles, parts of Chinatown in Los Angeles, a great percentage of the Filipino community in Los Angeles, and countless other Southeast Asians who live in Los Angeles, I have had a great opportunity to get to know the much and diverse ways in which our culture here in America is reflected.

We can talk about people like Mr. Don Toy, who is a Chinese American, who has become probably Mr. Chinatown over the years because of his many efforts on behalf of the residents of Chinatown within the Los Angeles area. This is the executive director of Chinatown Teen Post, and in that capacity he has been able to help so many of our youth go on and lead productive lives.

He has been instrumental in making sure that senior citizens throughout Los Angeles have an opportunity in the areas around Chinatown to have safe and decent homes to live in at the point of their retirement. Cathay Manor, which houses more than 300 units and is home to more than 500 seniors in Los Angeles, is really a tribute to the success of someone like Don Toy. Cathay Manor is there, and the people living in Cathay Manor owe a great deal to Don Toy.

Stewart Kwoh, another Chinese American, is a resident of Los Angeles, the Silver Lake area, part of which I represent. He is the executive director of the Asian/Pacific American Legal Center of southern California. Most people know of the legal center because of its many successes in defending the rights and protecting those rights of Asian/Pacific islanders who are in this country.

We have found on too many occasions the need to go to court to defend the rights of all citizens of this country, of all people of this country, to have the protections of the Constitution. Stewart Kwoh and the Asian/Pacific American Legal Center of southern California have been there to ensure that those people have been able to assert their rights.

Bong Hwan Kim, a friend and another individual from my district, he is Korean American. He is also the director of a fantastic program at the Korean Youth and Community Center. It is the largest Korean American service organization in the Nation. Through his leadership it has continued to grow, and it continues to build bridges with the different races and ethnic groups that make up Los Angeles, the patchwork which has become such a renowned part of Los Angeles. It is because of his efforts that the Korean American community has been able to

reach out to the African American community, to the other communities which make up that portion of America that we call Los Angeles.

Linda Wong, a Chinese American of fantastic reputation, is chief financial officer of Rebuild L.A., the organization created to make sure that we could, after the aftermath of the unrest in Los Angeles, go on to rebuild this great city. She has worked tirelessly for many years as a lawyer defending so many people, not just Asian/Pacific islanders, but many people through her public interest work as an attorney, and now she is also someone who is working as a trustee of the Los Angeles metropolitan project, which is a $100 million educational reform movement in Los Angeles.

The honorable Delbert Wong, Chinese American resident, is the first superior court judge in the United States, a fantastic jurist, someone who would be just the epitome of what we would want to see in our courts. He is someone who is Los Angeles bred.

One last friend, Dr. Haing Ngor. Some of you may remember this Cambodian American because he is the individual who won the Oscar for best supporting actor in the film, the Killing Fields. He has unfortunately left us because of his brutal murder, a tragic death, but he too was an Asian American of renown. Throughout his lifetime Dr. Ngor never gave up his work to someday obtain peace in Cambodia.

I want to thank the Speaker for the opportunity to say to all those people who have represented this country so well and will continue to do so whether they are of a particular ethnicity, or race in this case, we are talking about the Asian/Pacific islander community, that what make America great is the fabric that keeps us together. The Asian/Pacific islander community is among the various communities that make this Nation so great, and I wish to extend to all those people my congratulations and my thanks for the greatness that comes through those people.

REPEAL OF 4.3-CENT GAS TAX ILL-ADVISED

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. SKAGGS] is recognized during morning business for 5 minutes.

Mr. SKAGGS. Mr. Speaker, the House later today will be voting on legislation designed to repeal, supposedly temporarily, although I think we should be skeptical of that, repeal the 4.3-cent-a-gallon gasoline tax that was enacted just a few years ago. I just want to register my concerns in opposition to what I believe is a very ill-advised move that the Congress seems determined to take. Not that any of us want to see consumers paying more for gasoline or other products. But we should be under no illusions as to what this will do that is beneficial, and, more importantly, what it will do that is really not in the national interest, if we repeal this 4.3-cent-a-gallon tax.

The premise, of course, is that somehow the huge increase that we have all experienced at the gasoline pumps over the last couple of months, 20 cents a gallon or so, in most places around the country, is being driven by a 4-cent-a-gallon tax that was enacted several years back. I think that premise of course falls of its own weight, upon any kind of examination at all.

It makes no sense to me whatsoever, as we are trying gamely to get the Federal budget balanced, to go out of our way to eliminate one of the things that has provided a success story over the last 3 years in cutting the deficit in half; namely, that 4-cent-a-gallon gas tax that was part of the 1993 budget package. That has succeeded in cutting the deficit in half over the intervening 3 years.

Now, either we are going to have to make up that revenue of about $3 billion for the rest of this year, or over $30 billion over the next 6 years, by raising taxes somewhere else, or we will aggravate that budget balancing problem that is such a demanding one for us to begin with.

Mr. Speaker, I would rather see us stay the course, get the budget into balance, not give up this modest increase in the gasoline tax that has, I think, made a good contribution to that fundamental fiscal responsibility mission of the Congress over the last 3 years.

Somehow in this we have also lost sight of what was supposed to be our respect for markets and the way that they operate in a free enterprise system in this country. I think it is almost unanimously held by people that follow this part of the energy market that what we experienced with this increase in gasoline prices was the natural result of the way refiners had kept making heating oil later than usual this year and then got into a crunch as the driving season kicked in. We always see an up tick in gas prices about this time of year. So to think there was some conspiratorial element in this, I think is misplaced.

That, in a reverse twist, means even if we repeal the gas tax, I am not sure we will see a tremendous impact on the pocketbooks of most American consumers. The natural fluctuation in energy prices, in gasoline prices, will more than eclipse this change in the tax level. Just as we never noticed it when it kicked in, because gas prices back when this gasoline tax increase took effect were fluctuating by much more than 4 cents a gallon through the natural forces of the market.

I am not sure the consumers will see significant benefit in this. It really, I am afraid, is an exercise in election year appeals to some of our most understandable, but not necessarily our best instincts, that we of course love to pay a little bit less per gallon for gas.

But let us look at a little longer term. We all know that we are going to have to face up to the real demands for energy conservation in this country sooner or later. We are going to have to face up to the fact that we cannot continue relying on huge quantities, millions of barrels of oil a day, imported from elsewhere in the world. This very, very modest effort at dealing with an energy conservation objective as well as a budget balancing objective in the gas tax increase of 1993 is now merely going to be tossed aside.

Mr. Speaker, I hate to think of how many years are going to have to pass before this Congress has the courage, and it took some courage in 1993 to vote for that very modest gasoline tax increase, before we have the courage again to realize that an essential component of sane energy policy in this country is going to be conservation and an inevitable component of that is going to be pricing.

So we are really deluding ourselves if we think this is, first, going to deal with the budget; second, going to help consumers; or, third, is not going to aggravate our energy problems in the long haul.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 25 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WICKER] at 2 p.m.

PRAYER

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

We earnestly pray, gracious God, for all Your blessings—for peace and strength, for justice and mercy and all the values of Your word. On this day we pray for humility in our hearts whenever we seek to speak the truth and when we venture to know Your will. We hold to our views and yet we do not know all; we stand for right and we admit our limitations; we speak to the issues and yet we can miss the mark. Save us, O God, from any arrogance that would blind us from truth or from undue pride which keeps us from Your blessings so that, instead, in all things we will truly do justice, love mercy, and ever walk humbly with You. 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.

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

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

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

Mr. HEFLEY. 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. Pursuant to the provisions of clause 5 of rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. MARKEY 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.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

LLOYD B. GAMBLE

The Clerk called the bill (H.R. 1009) for the relief of Lloyd B. Gamble.

There being no objection, the Clerk read the bill, as follows:

H.R. 1009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATION OF FUNDS.

(a) PAYMENT.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Lloyd B. Gamble of Fairfax, Virginia, the sum of $253,488.

(b) BASIS.—The payment required by subsection (a) shall be to compensate Lloyd B. Gamble for the injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1957.

SEC. 2. SATISFACTION OF CLAIMS.

The payment made pursuant to section 1 shall be in full satisfaction of all claims Lloyd B. Gamble may have against the United States for any injury described in such section.

SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS.

Upon payment of the sum referred to in section 1, Lloyd B. Gamble shall not be eligible for any compensation or benefits from the Department of Veterans Affairs or the Department of Defense for any injury described in such section.

SEC. 4. LIMITATION OF AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount of more than 10 percent of the amount paid pursuant to section 1 to be paid to or received by any agent or attorney for any service rendered to Lloyd B. Gamble in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROCCO A. TRECOSTA

The Clerk called the bill (H.R. 2765) for the relief of Rocco A. Trecosta.

There being no objection, the Clerk read the bill, as follows:

H.R. 2765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. PAYMENT AUTHORIZED.

As soon as practicable after the date of enactment of this Act, the Secretary of Defense shall pay to Rocco A. Trecosta, of Fort Lauderdale, Florida, a former teacher in the Department of Defense Overseas Dependent Schools, back pay in the amount calculated pursuant to section 2.

SEC. 2. AMOUNT OF PAYMENT.

(a) INITIAL CALCULATION OF AMOUNT.—The Secretary of Defense shall calculate the amount that Rocco A. Trecosta would have been awarded had Mr. Trecosta been a member of the plaintiff class in March v. United States, 506 F.2d 1306 (D.C. Cir. 1974).

(b) GROSS AMOUNT.—The gross amount for purposes of subsection (c) shall be the lesser of—

(1) the amount calculated pursuant to subsection (a); and

(2) $10,000.

(c) DEDUCTIONS FROM GROSS AMOUNT.—The Secretary of Defense shall pay to Rocco A. Trecosta the gross amount described in subsection (b) less appropriate amounts for—

(1) Civil Service Retirement;

(2) Social Security;

(3) Federal Employees Group Life Insurance;

(4) Federal income tax withholding; and

(5) any other similar or related deductions.

SEC. 3. FULL SATISFACTION OF CLAIMS.

The payment authorized by this Act shall be in full satisfaction of all claims of Rocco A. Trecosta against the United States for back pay in connection with his service as a teacher in the Department of Defense Overseas Dependent Schools.

SEC. 4. LIMITATION ON FEES.

No more than 10 percent of the payment authorized by this Act shall be paid to or received by any agent or attorney for services rendered in connection with obtaining such payment, any contract to the contrary notwithstanding. Any person who violates this section shall be fined not more than $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

PRESIDENT CLINTON ON WELFARE REFORM: THERE HE GOES AGAIN

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

Mr. CHABOT. Mr. Speaker, the President is talking tough on welfare reform again. Remember, this is the President, who as a candidate, promised to ''end welfare as we know it.'' But when this Congress presented him with legislation that truly would end welfare as we know it, Mr. Clinton quickly vetoed it. When Congress once again sent him welfare reform he vetoed it again.

Now his pollsters have apparently told him that it's time to change course again, or, at least appear to change course. He's once again saying the he supports welfare reform. Unfortunately, what he's actually proposed is not even a pale copy of meaningful reform.

Mr. Speaker, talk is cheap, Candidate Bill Clinton made welfare reform a centerpiece of his campaign for the Presidency. It's time for him to keep his word. It's time to stop the political posturing. It's time for him to sign a real welfare reform bill.

CHINA MFN

(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, Congress will soon take up the question of whether or not to renew China's most-favored-nation trade status inside this marketplace for another year. I am one Member of Congress who will vote ''no,'' as in no more lost U.S. jobs, no more abdication of the U.S. marketplace, no more trade deficits and no more wishful thinking on our trade policy toward China.

Every year the American public is told that, if Congress votes to renew China's MFN status just one more year, that our trading relationship with China will improve. Well, it has not.

This chart shows over the last 7 years the United States trade deficit with China has increased over 1000 percent, from a deficit of $3 billion in 1988 to over $35 billion last year and projected over $40 billion this year.

At this rate China will even pass Japan shortly in racking up the most red ink with this country. China remains a closed authoritarian Communist regime. Why should Congress add more red ink to this ledger?

PRESIDENT CLINTON AND OSHA

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

Mr. BALLENGER. Mr. Speaker, it was 1 year ago that President Clinton announced his plans to reinvent OSHA.

The new OSHA, according to the President's speech, would rely less on enforcement, more on partnerships. It would use common sense in regulations, so that the most benefits could be achieved with the least burden. And the new OSHA would focus on results, not redtape by focusing on hazards not paperwork and evaluating personnel on improvements in safety rather than penalties.

Mr. President, that was a good speech. But not much has happened since then. Why not? The head of OSHA answered that question a few days ago: ''There are a lot of people who doubt this direction, including people inside the organization [OSHA].''

Mr. President, you have an opportunity to say to your opponents on OSHA reinvention that you actually meant what you said. I've introduced H.R. 3234. All it does is take your ideas on reinventing OSHA, even your words, and put them in law.

So what will it be, Mr. President? Did you mean what you said 1 year ago?

CHINA AND MFN STATUS

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

Mr. TRAFICANT. Mr. Speaker, China steals American software and videos. China sponsors slave labor. China imprisons political opponents. China sells nuclear technology to terrorists. China literally threatened to nuke Taiwan. And if this is not enough to disrupt the constipation of the National Security Council, Chinese dictator told the White House to shut their mouth and back off. Unbelievable, Mr. Speaker.

After all this, the White House is so mad the White House has decided to punish China by renewing most-favored-nation trade status. Beam me up, Mr. Speaker. When will this White House wise up? When one of these Chinese dictators slaps the President in the face with one of those Barney dolls, which just happens to be made in China. Think about that.

PRESIDENT CLINTON AND WELFARE REFORM

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

Mr. HEFLEY. Mr. Speaker, the American public has heard a lot from Bill Clinton over the past 4 years on welfare.

First, candidate Bill Clinton promised to enact real welfare reform if elected President. Next, after no action from the Democrat leadership in the 103d Congress, President Clinton failed to deliver on his promise the first 2 years of office. Next, after Republicans deliver a welfare package to his desk last December, he vetoed it. And now, Clinton has come full circle and is again playing campaign politics saying he supports strong welfare reform.

Mr. Speaker, the only words I can use to describe Bill Clinton's actions on this issue—he's the great pretender—he says he's for reforming welfare, then he vetoes welfare reform, and now he is trying to be seen as the welfare reform leader in this campaign year.

Bill Clinton—the greater pretender.

GAS TAX REPEAL

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

Mr. MARKEY. Mr. Speaker, yesterday, candidate DOLE criticized the Clinton administration for allowing the United Nations to permit Iraqi oil sales, claiming that offering Saddam Hussein a lifeline to prolong his dictatorship is bad policy and bad strategy. It is interesting to see candidate DOLE suddenly expressing concern over the prospect of Iraqi oil hitting the world market. Where was candidate DOLE over the last 6 months when the big oil companies, like a reckless driver on a bet, drove into the year with their inventory needles on empty, passing right by any number of global filling stations in an attempt to buy cheap oil from Saddam Hussein, who wants to sell the oil to get money to buy guns?

Candidate DOLE, did he chide the oil companies for bad policy and bad strategy? Did he criticize the oil companies for gouging consumers at the pump when the shortages resulted from their corporate irresponsibility and sent gas prices skyrocketing? No.

REFORMING WELFARE

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

Mr. JONES. Mr. Speaker, when Republicans kept their promise and delivered to the President a strong welfare reform bill, he vetoed it. Now Bill Clinton, realizing it is an election year, is trying to take some sort of credit for being pro-welfare reform. Let's take a look at his latest charade.

The Republican Governor of Wisconsin, Tommy Thompson, implemented a strong, get tough welfare system in his State. In his weekly radio address, President Clinton praised the Wisconsin plan as ''one of the boldest yet attempted in America.'' Yet, the Wisconsin plan is very similar to the one that President Clinton vetoed!

Mr. Speaker, in President Clinton's case his actions speak louder than his words. President Clinton has done nothing in the past 3½ years to reform welfare. On welfare, he is truly the great pretender.

REPEAL OF GAS TAX

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

Mr. FILNER. Mr. Speaker, later today the House will take up the repeal of the 4.3-cent gasoline tax. The American people should know not only what is in this bill but what is not in this bill. This bill mandates repeal of a 4.3-cent gasoline tax, but it does not mandate that we as consumers or the American people as consumers will get the benefit of that 4.3 cents. I have the bill right here. It says that it is the sense of Congress that consumers ought to get that benefit, a sense of the Congress. It does not mandate anything.

Mr. Speaker, we have some experience with this. When the airline surtax was allowed to expire recently, that 10 percent was not passed on to the consumers. In fact the airlines took at least half of that for their own.

That is what will happen if we do not take stronger action today. The oil companies will get the benefit of this tax repeal and not the consumer. This bill later today should mandate that all consumers get the full benefit of the 4.3-cent tax repeal.

A CALL FOR THE DISMISSAL OF DICK MORRIS, ADVISER TO THE PRESIDENT

(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, last week 10 Republican Members of the Congress wrote to President Clinton to express our outrage over the fact that his top political adviser, Dick Morris, has been assisting in the defense team of Alex Kelly, an accused rapist who fled the country for 8 years rather than face charges of brutally raping two teenage girls. Kelly, who is a convicted thief on probation for nine burglaries, allegedly threatened to kill the girls if they reported the rapes.

In our letter to the President, we said there has been a lot of tough talk, Mr. President, from your administration on the issue of crime. But actions speak louder than words. Given Mr. Morris' insensitivity to women's concerns about rape and violent crime and his lack of ethical judgment, we call on you to dismiss him immediately.

The White House, which has failed yet to take any action on this matter, now admits that the President himself knew about Morris' testimony, testimony on behalf of the rapist, but tolerated it.

Mr. President, we call on you to dismiss Dick Morris. Do something good for the women of this Nation.

THE MINIMUM WAGE

(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, this week a vote has been scheduled on raising the minimum wage. Finally.

For months the Democrats have taken to the floor of the House asking the Republican leadership to schedule this vote on behalf of hardworking Americans and their families.

And for the same number of months—the Republican leadership has refused. In some instances, even denying that working families trying to get by on $4.25 an hour exist. Easy for them to say when you consider that since Speaker NEWT GINGRICH's April 17 promise to at least hold hearings on the minimum wage issue—34 days ago—he has received $15,975.24 of the taxpayers' money.

Compare that to a minimum-wage worker who earns $4.25 an hour, works 40 hours a week for 52 weeks and makes a grand total of $8,840.00 for that entire year of hard work. In a month of dawdling, the Speaker has made almost twice as much as a minimum-wage worker makes in a whole year.

Let's pass a minimum wage increase now, it's exactly what over 80 percent of American want us to do. They understand that this is simply the right approach to take if we are going to honor work, protect families and fight for children.

THE ECONOMY IS GOOD?

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

Mr. KNOLLENBERG. Look out, Mr. and Mrs. America. The President is selling his own personal brand of snake oil again. But guess what? Sometimes the President does not really mean what he says.

As recently as this weekend the President said he now supports welfare reform. Yes, welfare reform. He is back to that position. So far this year he has vetoed, as my colleagues know, changing welfare as we know it, not once, but twice. The President has simply surrounded this issue.

In fact, he switched his position so many times I am starting to get a bit dizzy.

Then he said this is, and again I quote, the healthiest economy in 30 years. If this is the healthiest economy in 30 years, then why does it lag behind all 4 years of the Carter administration? That is right. Remember the Carter years? The Carter economy grew 2½ times faster than the Clinton economy. No wonder everybody is worried. That does not sound like the healthiest economy in 30 years.

So I say, enough of the Clinton snake oil, enough of the flip-flops. Americans are no longer buying that line.

CONFUSION ABOUT WELFARE REFORM

(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, confused about where the President stands on welfare reform? Well, the White House does not even know for sure. The Clinton administration is tripping all over its own rhetoric on welfare. I call it the politics of confusion.

Last Friday in a embargo briefing on the President's radio address, White House press secretary Mike McCurry said, quote, the President in his address, or in this address, has signaled that he will look with favor on the Wisconsin welfare reform model. And the President did. Specifically he said, I quote, ''Wisconsin submitted to me for approval the outlines of a sweeping welfare reform plan, one of the boldest yet attempted in America. All in all, Wisconsin has the makings of a solid, bold welfare reform plan. We should get it done.'' End quote.

Well, however, if my colleagues read the Washington Post this morning, the White House is waffling. We hear remarks such as we will have to negotiate the situation, details will have to be changed before the Federal Government approves the necessary waivers.

Mr. Speaker, it is my belief that President Clinton should not be playing politics with the welfare proposal. We need welfare reform, we need it now. Let us get it done.

PRESIDENT CLINTON AND WELFARE REFORM

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

Mr. BARTLETT of Maryland. Mr. Speaker, talk is cheap; like many Americans are not confused about where our President stands because it seems that he changes his opinions dramatically during election years. In his radio address this past Saturday the President said, 4 years ago I challenged America to end welfare as we know it.

Of course 4 years ago President Clinton was campaigning to be President. Once President, Clinton waited 18 months to propose welfare reform that was rejected by his own Democratic Congress. In his address the President bragged that he has approved 38 waivers for State welfare reforms. However, in the last year the President has twice vetoed comprehensive bipartisan welfare reform that would have ended Washington's ability to veto State reforms.

There is no good reason why 50 State Governors should have to go on their hands and knees to get President Clinton's permission to implement welfare reforms for their own citizens.

CONGRATULATIONS TO OUR COLLEAGUE, SONNY BONO

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

Mr. DREIER. Mr. Speaker, last Saturday afternoon I had the opportunity to address the California Contract Cities Association convention in Palm Springs, and I would like to congratulate the outgoing president, Bea Lapisto-Kirtley, and the new president, Tom Breazeal.

But as I walked out of that meeting, I turned down the street, and I saw a crowd. And like any of us, we are rather curious when we see a crowd, and who did I see in the midst of that crowd but our colleague the gentleman from California, SONNY BONO, who was joined by his beautiful wife, Mary, their two little children and his 82-year-old mother, Jean Bono.

What was happening was the gentleman from California, SONNY BONO, was having his star status set in stone as he was having a star placed on Palm Canyon Drive in Palm Springs, California, and I would simply like to rise and inform my colleagues that we all knew that the gentleman from California, Mr. BONO, was a star, but now it is set in stone, and I want to congratulate him, and I know that every one of my colleagues will join in doing so.

PRESIDENT'S WELFARE STRATEGY LEADS A DOUBLE LIFE

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

Mr. CHRISTENSEN. Mr. Speaker, Bill Clinton and the Washington liberal groups are leading a double life. They claim that they want to end welfare as we know it, yet fight it and veto every plan we put forward.

They say they want to increase the earnings of working Americans, but yet they are pushing to hike the minimum wage, which kills low-wage jobs. To add injury to insult, they denounce tax relief for working families and job creation which would help accomplish both those goals.

Well, Mr. Speaker, Bill Clinton's strategy undercuts both getting people off the welfare rolls and letting them keep more of what they earn. Studies show that hiking the minimum wage swells the welfare rolls. That is because increasing the minimum wage will cut out over 400,000 entry-level jobs, the very jobs needed to get people off of welfare in the first place.

If Bill Clinton truly cares about the working poor, he will end his double life. He will stop vetoing plans to spring people from the welfare trap, he will stop pushing the minimum wage, rusting the welfare trap shut, and he will certainly stop vetoing the tax relief that he himself has promised.

It is time for Bill Clinton to stop living a double life.

IT IS NOT COMPASSIONATE TO INCREASE THE MINIMUM WAGE

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

Mr. CAMPBELL. Mr. Speaker, what is the compassionate and caring approach to people who need jobs? It is to

give them jobs. The problem with the minimum wage debate is that the arguments have ignored the fundamental fact that it is better to give somebody a job and get them started on their path in life by earning their own income, getting ready to go to work, and keeping a schedule, rather than not to have a job at all. I would like to be able to wave a wand and make sure that everybody's income rises, but I cannot, and nobody in government can. What we can do though is say ''yes'' to somebody who has got a shot at starting in life with a minimum-wage job. So be it, because one moves on from that to the next.

It is not compassionate, therefore, to increase the minimum wage. Every time we have done it since 1974, unless the economy was just shooting through the roof, we lost jobs from what otherwise would have happened. I am afraid that will happen again.

Do not put a tax on those people who offer jobs to people who need them; unemployed people who need a start in life. Do not support an increase in the minimum wage.

A BAD DEAL FOR OUR CONSTITUENTS

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

Mr. WISE. Mr. Speaker, as I drove several hundred miles across the State of West Virginia yesterday visiting flood-hit areas, I stopped off at a lot of gasoline stations. I saw gasoline selling for everything and bulk gasoline selling for everything from $1.28 to $1.37 a gallon for 87 octane regular, and as I would stop, I would ask them how they felt about getting 4.3 cents back or having the Congress actually cut the gasoline tax by 4.3 cents. ''Where does it go, BOB? Are we going to get it?''

Well, of course, I told them that the Congress would not be permitted to offer an amendment guaranteeing it went to the consumer.

''You are telling us we don't automatically get it?''

''No, you don't automatically get it. In fact the chances are good that the savings will actually go either to oil companies or to foreign oil producers.''

Well, what good does that do?

They would be even less happy to know that the roughly $3 billion that this will cost while, yes, it will be made up by selling the spectrum in telecommunications, that that is $3 billion that could have been used for deficit reduction. And then again when we need more deficit reduction, what are they going to cut? That will be education.

It is not a good deal.

CLINTON DEMOCRATS' ACTIONS SPEAK LOUDER THAN WORDS

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

Mr. FUNDERBURK. Mr. Speaker, remember President Clinton's campaign promises of 1992? He said, among other things, that he would enact strong welfare reform if elected President. I certainly haven't seen any sign of this. But now, in a true act of desperation, he is trying to blend-over his dismal record by taking credit for some of the reforms our State governments have implemented on their own.

Why the desperation? Because no matter what the campaign game is, the facts remain the same—last Congress when the Democrats were in the majority they didn't deliver a welfare reform package to President Clinton. This Congress with Republicans in charge, President Clinton got a welfare reform package but he vetoed it.

Mr. Speaker, the facts don't lie. The Clinton Democrats' actions speak louder than their words. Until Bill Clinton stops talking about ending welfare as we know it and actually signs a genuine reform bill, we will remain absent without leadership.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WICKER). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

REVISION OF VETERANS BENEFITS DECISIONS

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1483) to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

The Clerk read as follows:

H.R. 1483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF DECISIONS BASED ON CLEAR AND UNMISTAKABLE ERROR.

(a) ORIGINAL DECISIONS.—(1) Chapter 51 of title 38, United States Code, is amended by inserting after section 5109 the following new section:

''§ 5109A. Revision of decisions on grounds of clear and unmistakable error

''(a) A decision by the secretary under this chapter is subject to revision on the grounds of clear and unmistakable error. If evidence establishes the error, the prior decision shall be reversed or revised.

''(b) For the purposes of authorizing benefits, a rating or other adjudicative decision that constitutes a reversal or revision of a prior decision on the grounds of clear and unmistakable error has the same effect as if the decision had been made on the date of the prior decision.

''(c) Review to determine whether clear and unmistakable error exists in a case may be instituted by the Secretary on the Secretary's own motion or upon request of the claimant.

''(d) A request for revision of a decision of the Secretary based on clear and unmistakable error may be made at any time after that decision is made.

''(e) Such a request shall be submitted to the Secretary and shall be decided in the same manner as any other claim.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5109 the following new item:

''5109A. Revision of decisions on grounds of clear and unmistakable error.''.

(b) BVA DECISIONS.—(1) Chapter 71 of such title is amended by adding at the end the following new section:

''§ 7111. Revision of decisions on grounds of clear and unmistakable error

''(a) A decision by the Board is subject to revision on the grounds of clear and unmistakable error. If evidence establishes the error, the prior decisions shall be reversed or revised.

''(b) For the purposes of authorizing benefits, a rating or other adjudicative decision of the Board that constitutes a reversal or revision of a prior decision of the Board on the grounds of clear and unmistakable error has the same effect as if the decision had been made on the date of the prior decision.

''(c) Review to determine whether clear and unmistakable error exists in a case may be instituted by the Board on the Board's own motion or upon request of the claimant.

''(d) A request for revision of a decision of the Board based on clear and unmistakable error may be made at any time after that decision is made.

''(e) Such a request shall be submitted directly to the Board and shall be decided by the Board on the merits, without referral to any adjudicative or hearing official acting on behalf of the Secretary.

''(f) A claim filed with the Secretary that requests reversal or revision of a previous Board decision due to clear and unmistakable error shall be considered to be a request to the Board under this section, and the Secretary shall promptly transmit any such request to the Board for its consideration under this section.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7111. Revision of decisions on grounds of clear and unmistakable error.''.

(c) EFFECTIVE DATE.—(1) Sections 5109A and 7111 of title 38, United States Code, as added by this section, apply to any determination made before, on, or after the date of the enactment of this Act.

(2) Notwithstanding section 402 of the Veterans Judicial Review Act (38 U.S.C. 7251 note), chapter 72 of title 38, United States Code, shall apply with respect to any decision of the Board of Veterans' Appeals on a claim alleging that a previous determination of the Board was the product of clear and unmistakable error if that claim is filed after, or was pending before the Department of Veterans Affairs, the Court of Veterans Appeals, the Court of Appeals for the Federal Circuit, or the Supreme Court on, the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1483.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, I want to commend the gentleman from Illinois [Mr. EVANS] for introducing this bill and the subcommittee chairman, the gentleman from Alabama [Mr. EVERETT], for acting on this legislation. They have truly proceeded in a bipartisan manner and deserve the support of the Members.

I would also like to thank my good friend, the gentleman from Mississippi, SONNY MONTGOMERY, the ranking minority member of the full committee, for his efforts on this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT] for an explanation of the bill.

Mr. EVERETT. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs and my good friend for yielding the time.

H.R. 1483 will offer veterans whose claims have been denied to appeal on the grounds of clear and unmistakable error. The bill will do three things.

First, it will codify the existing right of appeal at the regional office. Second, it will establish right of appeal at the board of veterans' appeals. And finally, it will provide access to the court of veterans appeals on the grounds of clear and unmistakable error.

The bill received strong support from the VSO's on the grounds that clear erroneous error on the part of the VA should never be allowed to stand. VA has opposed the bill on the grounds that the right already exists through the BVA, chairmans discretionary reconciliation reconsidering process and the potential for increasing the claims backlogged, but VA was unable to provide any data supporting the concerns about potential increase in the backlog. I view this as a classic confrontation between the right of the individual and the right of the group, evidence to the contrary showing severe impact on the veterans as a whole. I must support the individual's right to redress, and I urge my colleagues to support the bill.

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

Mr. Speaker, I want to congratulate and thank the distinguished chairman of the committee, the honorable gentleman from Arizona [Mr. STUMP], for bringing this measure to the floor and also for the next bill and say that we are a bipartisan committee, and we have worked like that for years in a bipartisan manner doing everything we can to help veterans.

□ 1430

Mr. Speaker, I want to compliment my friend and ranking member of the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs of the Committee on Veterans' Affairs, the gentleman from Illinois, LANE EVANS, for introducing this measure; and I want to say to the chairman of the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs, the gentleman from Alabama, TERRY EVERETT, I thank him for his work in bringing both of these bills to the floor.

Mr. Speaker, the Board of Veterans' Appeals must review decisions made by the VA regional offices as a veteran files an appeal within 1 year of the date of the decision. The board can reverse that decision for many reasons, including errors in applying the law if errors in judgment.

However, if no appeal is filed within 1 year, a veteran loses the right to have the board review the decision, even if that decision was clearly wrong. The bill before us gives veterans the right to have the Board of Veterans Appeals' review a prior final decision, no matter when it was made, and correct a clear and unmistakable error. It is a good bill that serves the best interests of the veterans, and I urge my colleagues to support the bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. EVANS], the author of this bill.

Mr. EVANS. Mr. Speaker, I also want to express my appreciation to the chairman of the full committee and the chairman of the subcommittee, to the gentleman from Arizona, BOB STUMP, and the gentleman from Mississippi, SONNY MONTGOMERY.

Mr. Speaker, both bills received extensive scrutiny at a subcommittee hearing last October. They include measures recommended by the administration and members of the Committee on Veteran's Affairs.

H.R. 1483 has received strong support from the Disabled American Veterans and other veterans organizations.

Mr. Speaker, there has been some concern expressed about the possible effect that this bill may have on the backlog of appeals at the Board of Veterans' Appeals. I met with BVA Chairman Cragin and we discussed the Administration's concern about this possibility. While I do not believe that this legislation will have any appreciable effect on the BVA backlog, I want to reflect several important matters concerning this bill.

First, since veterans already have the right to raise a claim of clear and unmistakable error before the regional office, any increase in the BVA backlog should be minimal. Veterans have long had this right, and it does not appear to cause unusual or time-wasting problems today.

Second, the Board may wish to consider the adoption of procedural rules to make consideration of appeals raising such issues less burdensome, much as the Court of Veterans Appeals did in Russell versus Principi and Fugo versus Brown.

In these cases, the Court noted that a simple claim of CUE, or a ''broad-brush allegation'' that previous decisions were wrong, is not sufficient to constitute CUE.

> If a claimant-appellant wishes to reasonably raise CUE there must be some degree of specificity as to what the alleged error is and . . . persuasive reasons must be given as to why the result would have been manifestly different but for the alleged error. *Fugo* v. *Brown*, 6 Vet. App. 40, 44 (1993).

It would appear that the Board could propose pleading standards consistent with this statement which would make adjudication of non-meritorious CUE claims easier.

However, an appellate system which would tolerate and let stand decisions so patently wrong as to meet the demanding standard of being clearly and unmistakably erroneous is a system not worthy of continued respect. The very essence of a system of appellate and judicial review cries out for correction of ''clear and unmistakable error'', no matter when the error occurred or how much effort it takes to sift meritorious claims from all others. I believe that this is why all of the veterans service organizations support this legislation.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FILNER].

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

Mr. Speaker, more important than that, I thank the gentleman for his friendship and his tutelage. We all know that the gentleman from Mississippi [Mr. MONTGOMERY] will be retiring at the end of this session. I just want to say when I first arrived in Congress, there was no one who was more gracious or more giving of his time and knowledge than the gentleman from Mississippi; and I appreciate his service, of course, to our Nation's veterans, and his assistance to me personally, as I have tried to learn the issues of veterans.

SONNY, you are going to hear this many times in the next few months, but you will be missed greatly. I thank the gentleman very much.

Mr. Speaker, I, too, rise in support of H.R. 1483. I was a proud cosponsor of the bill, as were the various organizations, such as the Disabled American Veterans and the Vietnam Veterans of America. This bill, as we have heard, provides a review for veterans who have been denied their benefits in the past. If there was a clear and unmistakable error involved in a VA decision the veteran may appeal, even if the

current time limit for appeals has expired. Retroactive benefits will be paid to veterans whose appeal results in a favorable decision. The Board of Veterans' Appeals will be required to review these cases.

Mr. Speaker, during the years 1991 through 1995, 3,600 motions to reconsider Board of Veterans' Appeals decisions were filed, but only 22 percent were granted. The other 78 percent of veterans who believe they had been wronged were denied a hearing on that appeal.

We must keep our promises to our veterans. There are many veterans whose claims have been denied due to an error in the decision making process. This bill will allow us to correct the wrongs that many of these veterans have endured. I thank all the chairs and the ranking members for bringing this bill today, and I urge my colleagues to approve H.R. 1483.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 1483 revising veterans benefits decisions based on clear and unmistakable error.

I want to thank the gentleman from Illinois, Mr. EVANS, for introducing this bill as well as Chairman STUMP and Ranking Member MONTGOMERY for their support of this measure.

H.R. 1483 will amend current law to ensure that benefit decisions by both VA regional offices and the Board of Veterans' Appeals are subject to review on the grounds of clear and unmistakable error.

The intention of this legislation is make the consideration of appeals based on clear and unmistakable errors less burdensome and to ensure just results in cases where such error has occurred.

The Department of Veterans Affairs believes that this legislation will streamline its claims adjudication process, and will result in a more efficient and economical claims administration as well as savings in general operating expenses.

I believe that this legislation provides needed assistance to those veterans who have filed claims and I urge my colleagues to give it their support.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 1483.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS' BENEFITS AMENDMENTS OF 1996

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3373) to amend title 38, United States Code, to improve certain veterans' benefits programs, and for other purposes.

The Clerk read as follows:

H.R. 3373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Amendments of 1996''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—INSURANCE REFORM

SEC. 101. MERGER OF RETIRED RESERVE SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVE.

(a) DEFINITION OF MEMBER.—Section 1965(5) is amended—

(1) by inserting ''and'' at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) by striking out ''or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,''; and

(2) by striking out subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968 is amended—

(1) in subsection (a)—

(A) by striking out ''subparagraph (B), (C), or (D) of section 1965(5)'' and inserting in lieu thereof ''section 1965(5)(B)'';

(B) by striking out the period at the end of paragraphs (1) and (2) and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and'';

(D) in paragraph (4)—

(i) by striking out ''from such'' in the matter preceding subparagraph (A) and all that follows through ''(A) unless on'' and inserting in lieu thereof ''from such assignment, unless on'';

(ii) by striking out the semicolon after ''such assignment'' and inserting in lieu thereof a period; and

(iii) by striking out subparagraphs (B) and (C); and

(E) by striking out paragraphs (5) and (6); and

(2) in subsection (b), by striking out the last two sentences.

(d) PREMIUMS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out ''is assigned to the Reserve (other than the Retired Reserve) and meets the qualifications of section 1965(5)(C) of this title, or is assigned to the Retired Reserve and meets the qualifications of section 1965(5)(D) of this title,'';

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 102. CONVERSION TO COMMERCIAL LIFE INSURANCE POLICY.

(a) SGLI CONVERSION.—Subsection (b) of section 1968, as amended by section 101(c)(2), is amended—

(1) by inserting ''(1)'' after ''(b)'' at the beginning of the subsection;

(2) by striking out ''would cease,'' in the first sentence and all that follows through the period at the end of the sentence and inserting in lieu thereof ''would cease—

''(A) shall be automatically converted to Veterans' Group Life Insurance, subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

''(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums.''; and

(3) by designating the second sentence as paragraph (2) and in that sentence striking out ''Such automatic conversion'' and inserting in lieu thereof ''Automatic conversion to Veterans' Group Life Insurance under paragraph (1)''.

(b) VGLI CONVERSION.—Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)'';

(B) by striking out the last two sentences; and

(C) by adding at the end the following:

''(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed $200,000.''; and

(2) in subsection (e)—

(A) in the first sentence, by inserting ''at any time'' after ''shall have the right''; and

(B) by striking out the third sentence and inserting in lieu thereof the following: ''The Veterans' Group Life Insurance policy will terminate on the day before the date on which the individual policy becomes effective.''.

SEC. 103. INFORMATION TO BE PROVIDED MEMBERS CONCERNING AUTOMATIC MAXIMUM COVERAGE OF $200,000 UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967, as amended by section 101(b), is amended by inserting after subsection (c) the following new subsection (d):

''(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of $200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

''(1) the purpose and role of life insurance in financial planning;

''(2) the difference between term life insurance and whole life insurance;

''(3) the availability of commercial life insurance; and

''(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.''.

SEC. 104. RENAMING OF SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) IN GENERAL.—The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.

(b) AMENDMENTS TO CHAPTER 19.—(1) Sections 1967(a), (c), and (e), 1968(b), 1969(a)–(e), 1970(a), (f), and (g), 1971(b), 1973, 1974, and 1977(a), (d), (e), and (g) are amended by striking out ''Servicemen's Group'' each place it appears and inserting in lieu thereof ''Servicemembers' Group''.

(2)(A) The heading of subchapter III of chapter 19 is amended to read as follows:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE (FORMERLY SERVICEMEN'S GROUP LIFE INSURANCE)''.

(B) The heading of section 1974 is amended to read as follows:

''§ 1974. Advisory Council on Servicemembers' Group Life Insurance (formerly Servicemen's Group Life Insurance)''.

(3) The table of sections at the beginning of chapter 19 is amended—

(A) by striking out the item relating to subchapter III and inserting in lieu thereof the following:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE (FORMERLY SERVICEMEN'S GROUP LIFE INSURANCE)''; and

(B) by striking out the item relating to section 1974 and inserting in lieu thereof the following:

''1974. Advisory Council on Servicemembers' Group Life Insurance (formerly Servicemen's Group Life Insurance)''.

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out ''servicemen's'' the first place it appears and inserting in lieu thereof ''servicemembers''.

(2) Sections 3017(a) and 3224(1) are amended by striking out ''Servicemen's'' each place it appears and inserting in lieu thereof ''Servicemembers' ''.

SEC. 105. EFFECTIVE DATE.

The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service in force on the date of the enactment of this Act shall be converted, effective 90 days after that date, to Veterans' Group Life Insurance.

TITLE II—OTHER MATTERS

SEC. 201. ELIGIBILITY OF CERTAIN MINORS FOR BURIAL IN NATIONAL CEMETERIES.

(a) ELIGIBILITY.—Paragraph (5) of section 2402 is amended by adding at the end thereof the following: ''For purposes of this paragraph, a 'minor child' is a child under 21 years of age, or under 23 years of age if pursuing a program of education at an educational institution, and those terms have the meaning as defined in sections 3452 (b) and (c) of this title.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking out ''chapter 19'' and inserting in lieu thereof ''chapters 19 and 24''.

SEC. 202. PROGRAMS, PROJECTS, AND ACTIVITIES OF THE EDUCATION SERVICE, DEPARTMENT OF VETERANS AFFAIRS.

(a) LOCATED IN THE DISTRICT OF COLUMBIA.—Chapter 77 is amended by inserting after section 7703 the following new section:

''§ 7705. Management, policy, and operations functions associated with the educational assistance programs of the Education Service

''The offices of Education Procedures Systems, Education Operations, and Education Policy and Program Administration, and any successor to any such office, of the Education Service of the Veterans Benefit Administration shall be in the District of Columbia.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7703 the following new item:

''7705. Management, policy, and operations functions associated with the educational assistance programs of the Education Service.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 3373.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, H.R. 3373, The Veterans' Benefits Amendments of 1996, makes a variety of changes in our veterans' life insurance programs.

It also clarifies eligibility standards for burial of minor children of veterans in national cemeteries. Additionally, the bill stipulates the location for the office that administers VA's educational assistance programs.

I believe this bill improves these veterans' programs and I urge my colleagues to support it. I want to thank my good friend, SONNY MONTGOMERY, the ranking minority member of the full committee, for his hard work and guidance on this measure.

Before yielding to him, I also want to thank TERRY EVERETT, chairman of the Compensation, Pension, Insurance and Memorial Affairs Subcommittee, and LANE EVANS, the ranking minority member on the subcommittee.

Additionally, I would like to thank STEVE BUYER, chairman of the Education, Training, Employment and Housing Subcommittee, and BOB FILNER, the ranking minority member of the subcommittee, for all of their efforts on this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, before I go any further, I want to recognize the distinguished leadership that our chairman, the gentleman from Arizona [Mr. STUMP], has given us, and the leadership of the gentleman from Mississippi [Mr. MONTGOMERY]. I particularly want to recognize my ranking member on my subcommittee for his work on H.R. 1483.

Mr. Speaker, H.R. 3373 is a compilation of several bills reported by the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs and the Subcommittee on Education, Training, Employment and Housing.

Title I makes several changes to life insurance programs operated by VA. First, it will merge the Retired Reserve Servicemen's Life Insurance Program with the Veterans Group Life Insurance Program and extend coverage to members of the Retired and Ready Reserves.

Second, it would make it easier to convert from active duty and veterans insurance programs to commercial policies by allowing those coming out of the service to go to either a veterans policy or a commercial policy. It would also allow a veteran to convert to a commercial policy at any time during the 5-year term of the VA policy. Among other things such as making it less costly to shift to whole life programs at a younger age, the bill would allow rapid use of commercial viaticle programs that buy policies at a discount from the terminally ill, thus providing much-needed cash for medical and living expenses for those who are often too sick to work.

The bill would also require the services to provide additional types of insurance information to those on active duty when they make insurance choices, and finally the bill would rename the Servicemen's Group Life Insurance Program as the Servicemember's Group Life Insurance Program.

Title II section 201 of the bill would make age limits for dependent's burial benefits in a national cemetery consistent with the rest of title 38. The bill would allow burial of dependent children up to age 23 if in school or 21 if not in school.

Title II section 202 of H.R. 3373 would prohibit VA from moving the Education Service headquarters functions out of the District of Columbia.

VA is proposing to move the entire service to St. Louis despite the subcommittee's expressed concerns about the dynamic nature of education programs. The committee feels strongly that VA policy and program management personnel need to work closely with the Congress, VSO's and DOD in the District to ensure that veterans get the absolute maximum out of their education benefits. The potential management benefits form locating the service at a field operation site is marginal at best and could possibly lead to further decreases in service to veterans.

But despite our attempts to persuade VA from making this highly questionable move, VA has not heeded our concerns. It is unfortunate that we need to legislate in this matter, but VA continues to move ahead with plans.

I want to emphasize that the bill does not prevent VA from downsizing the education staff or meeting any of

the goals of the Government Performance Review Act. The bill was introduced as H.R. 3036 by the ranking member, Mr. MONTGOMERY, and cosponsored by the chairman, Subcommittee Chairman BUYER and the former ranking member, Ms. WATERS, and has received strong support from the VSO's. I urge my colleagues to support the bill.

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

Mr. Speaker, again, I want to thank the chairman of the committee and the distinguished members for bringing this bill to the floor.

Mr. Speaker, someone said to me the other day, they said, ''You fellows on the Committee on Veterans Affairs, you are always complimenting each other back and forth across the aisles.'' I say, what is wrong with that?

Mr. Speaker, H.R. 3373 will provide needed improvements in VA insurance programs and keep the adminsitration of the GI bill and other educational programs here in Washington, where they belong. Mr. Speaker, I want to take this opportunity to bring my colleagues up to date about the success of the newest GI bill.

The GI bill was started back in 1944. Our Government since then has provided educational benefits to veterans to assist in their readjustment to civilian life. Educational assistance earned through honorable military service is really good national policy. Those who serve in our Armed Forces deserve the opportunity to improve themselves by education. The Montgomery GI bill continues to be popular with the young men and women serving in the Nation's Armed Forces.

As of January 31, 1996, more than 2 million recruits have chosen to participate in the GI bill active duty, and the basic pay reduction required under that program, the $1,200 the active duty person pays in, has brought $2 billion into the Treasury. In March of this year, 94 percent of the new enlistees enrolled in the GI bill for active duty forces. I repeat, the bill does not come free, and active duty people have to participate in it.

Mr. Speaker, the Montgomery GI bill provided for the Selected Reserve has been extremely successful. This program has enabled the Reserves and National Guard to recruit and retain the smart, successful young people they need. Since the program was implemented for our reserves on July 1, 1985, nearly 600,000 veterans and over 364,000 members of the Selected Reserve have signed up for this program. Close to 1 million people are now going to school under the GI bill.

Without the strong support of my colleagues in this body, the chairman, the gentleman from Arizona, Mr. STUMP, who was a sponsor of this legislation when it was passed in 1984, as well as the gentleman from Illinois, LANE EVANS, a member on the committee, and those whose name I did not mention were not in the Congress back in the early 1980's, but we are proud that this legislation has worked. I wanted my colleagues to know something about this bill.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. EVANS], and thank him. He is the one that named the GI bill.

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Mr. EVANS. Mr. Speaker, this bill makes changes in the insurance programs that are requested by the administration. The committee has examined these changes and finds they will enhance the usefulness of the insurance programs and put them on a firmer financial footing.

One provision of great importance to me is a measure ensuring that the Education Service of the Department of Veterans Affairs continues to be housed in the District of Columbia at the VA central office. If this office were to be moved, it could jeopardize management and policy decisions affecting the Montgomery GI bill.

Mr. Speaker, I offered the amendment to name the GI bill after SONNY MONTGOMERY. I do not want to see it undermined, and that is why I very much appreciate again the leadership of Chairman STUMP and the gentleman from Alabama, TERRY EVERETT, on this matter today.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. NEY], a member of the committee.

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

Mr. NEY. Mr. Speaker, I rise today in strong support of H.R. 3373, the Veterans Benefits Amendments of 1996. The bill makes several changes which are needed, and some are administrative in nature, but I also wanted to point out one of substance.

Right now, veterans can be locked into a 5-year hold on a life insurance policy, and under this bill, this would allow an individual upon separation of the military, Mr. Speaker, to choose either to enroll in the Veterans' Group Life Insurance Program or to convert to a commercial policy. That is important, because a veteran might be ill and cannot wait that 5-year period to convert that policy, and might need the support that that financial situation can help them and their families with.

So I just want to point out that although there are a lot of technical changes that are good, there are changes of substance.

I also want to give credit to the gentleman from Mississippi [Mr. MONTGOMERY] who has always been willing to listen to a new freshman, and also the same holds true for our chairman. I would note, Mr. Speaker, that they have left politics at the door, which is the way it should be. I commend both gentlemen for that for the best benefit of veterans.

I rise to support this bill. It makes some changes and clarifications in the definition of minor children for purposes of burial in our national cemeteries, and prevents the VA from moving their education service outside of Washington, DC.

I would also like to note, Mr. Speaker, that the Committee on Veterans' Affairs staff has logged many phone calls in support of this measure. It is a good bipartisan bill, and I applaud the entire committee and the chairman for their support of this.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I want to commend the committee for taking up this important measure. I thank the gentleman from Alabama, Mr. EVERETT, for introducing the bill, as well as our distinguished chairman, Mr. STUMP, and the distinguished ranking member, Mr. MONTGOMERY, for their support.

This measure restructures the Servicemen's Retired Reserve and Group Life Insurance and Veterans' Group Life Insurance Programs by merging the two programs for members of the retired reserve and extending coverage under the Veterans' Group Life Insurance Program to members of the Ready Reserve of our uniformed services, a group that we should give special attention to. It also alters current law to make it easier to roll a military insurance policy over into a veteran's or commercial policy upon separation from the military.

These two programs, which are administered by the Prudential Insurance Co., supervised by the Department of Veterans' Affairs, provide low-cost group life insurance protection to active duty and recently discharged service members and, as such, they serve an important purpose of providing a measure of financial security and peace of mind to our Nation's service men and women.

Accordingly, I urge my fellow Members to give their support to this important legislation.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3373.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING TAIWAN ON FIRST PRESIDENTIAL DEMOCRATIC ELECTION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 154) to congratulate the Republic of China on Taiwan on the occasion of its first Presidential democratic election, as amended.

The Clerk read as follows:

H. CON. RES. 154

Whereas March 28, 1996, was the first time in the history of the Republic of China on Taiwan that a presidential election was held through direct popular vote by the people of Taiwan;

Whereas the election was held under great difficulties caused by extensive military threats from the People's Republic of China; and

Whereas the presidential inauguration will be held on May 20, 1996, and should be honored; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress congratulates the people of Taiwan on holding their first direct and democratic presidential election;

(2) the United States continues its commitment to move nations toward freedom and democracy; and

(3) the United States is committed to encouraging and protecting its democratic friends on Taiwan, within the framework of the Taiwan Relations Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, I would like to commend the gentleman from North Carolina, Mr. FUNDERBURK, for his initiative in crafting House Concurrent Resolution 154 and also the gentleman from Nebraska, Subcommittee Chairman BEREUTER, and the gentleman from California, Mr. BERMAN, for swiftly adopting it subcommittee and passing it to the full committee.

The people of Taiwan and President Lee deserve our praise and support for holding Taiwan's first Presidential election.

They took great risk in sticking to their principles.

They proved to the State Department that it is possible to stand up to Beijing.

When the hostile Chinese military maneuvers were taking place and the administration was waffling on what the United States would or would not do if Taiwan were attacked, the people of Taiwan were brave and stood together.

It took an act of Congress to prompt the administration to send two aircraft carrier battle groups to the region.

The waffling continues.

On May 14, a Washington Post article pointed out that the Clinton administration has not received any promises from Beijing regarding future sales of nuclear weapons technology. And yet the administration announced that it would not punish China for the ring magnet delivery.

And what of the sales of cruise missiles to Iran? The administration has still not done a thing.

We need more people like the Taiwanese around the world.

They set a great example for other aspiring democracies as well as for our own Nation.

We welcome them into the family of democratic nations and wish them the very best for their people.

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

Mr. MORAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of this resolution. I will not bite at some of the partisan references that were made. Let me just stick to the issue here.

All Americans celebrate the remarkable political journey from autocracy to democracy that Taiwan has made in recent years. Taiwan's presidential election in march signalled that Taiwan has joined the ranks of full-figured democracy.

Taiwan stands as an inspiration and an example for other Asian peoples who do not yet fully enjoy the fruits of political freedom. The people of Taiwan deserve our commendation and our congratulations. So, too, does President Lee, whose inauguration yesterday promises a new day not only for Taiwanese democracy but also for improved relations between Taiwan and mainland China.

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

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

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

Mr. FUNDERBURK. Mr. Speaker, I want to extend my heartfelt congratulations to the Republic of China on Taiwan, the Chinese people on Taiwan, and to their newly inaugurated president.

The Chinese on Taiwan have been evolving toward democracy and self rule for some time. The election of President Lee is the culmination of this process. It is also the beginning of the process of democratic government. President Lee Teng-hui has the distinct honor of being the first Chinese leader elected in a popular and direct Presidential election.

As always, we must applaud the movement of nations toward democracy and self-determination. President Lee's election and his inauguration is in accord with the very principle of democracy.

Yesterday, May 20, was the date of the inauguration of President Lee and I want to thank today my staff assistant, Dr. Sam K. Lee, who was born in China. I thank him for his help with this and also for the cooperative support of the Democrats.

The reason and the purpose for this is to extend heartfelt congratulations from one of the oldest democratic republics to one of the youngest, and to extend a special welcome to the Chinese people on Taiwan to a unique fraternity among nations, the democracies. To this end, I submitted the House Concurrent Resolution 154, extending our congratulations to the Republic of China on Taiwan.

I think also the resolution is a strong signal that the United States stands with friendly democratic countries and will defend them in the face of bullying threats. So I wanted to applaud Taiwan's act of self-determination, and this bipartisan legislation draws a clear line of distinction between Taiwan, a free-market democracy, and mainland China.

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

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the distinguished chairman of the Committee on International Relations, for yielding me the time.

Mr. Speaker, this resolution is a welcome step toward focusing our China policy where it ought to be focused. For too many years the United States has ignored and insulted a faithful and freedom-loving ally in order to curry favor with a totalitarian dictatorship. This policy is not only morally problematic, but also self-defeating.

The recent Taiwan elections have shown that Chinese people, like people the world over, will choose democracy and freedom when they are given the opportunity. The election also highlights a difficult choice for the people of Taiwan: Whether their government should move gradually toward official independence, or continue to assert its historic status as the Government of the Republic of China.

The United States should take no position on this question. We should insist only that the choice be freely made by the people themselves, acting through legitimately elected institutions. We should also recognize that the only real hope for eventual reunification of Taiwan with the Chinese mainland rests in the possibility that freedom and democracy will also come to the mainland. Today, as the Beijing regime tightens its grip on power, this possibility seems remote. But the Taiwan elections should offer both an example and an incentive to Beijing. The message they send is clear: Join us in choosing freedom. We will never go back to slavery.

The people of Taiwan will never choose absorption by a Communist government. The model for reunification, if it is ever to happen, is not Hong Kong, where millions of people who had no say in the matter are about to be delivered forcibly into the hands of despotism. Rather, the model is Germany, where people who had thrown off

the shackles of communism quickly and freely chose unity with the free and prosperous society that had been built by their countrymen, who were happy to welcome and assist them.

Mr. Speaker, I especially want to congratulate the gentleman from North Carolina [Mr. FUNDERBURK] on his tireless promotion of democracy and human rights. As the former Ambassador to Romania, Mr. FUNDERBURK fought the good fight against the atrocities of Nicolae Ceausescu and incurred the wrath of our own State Department for his candor and consistency. I have enormous respect for Mr. FUNDERBURK.

Thus, it is not surprising to note that he is again in the forefront of this battle for democracy and freedom for the people of Taiwan. I want to thank my good friend from North Carolina, Mr. FUNDERBURK, for sponsoring this important resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SMITH] for his strong statement in support of this measure.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. CHABOT], a member of our committee.

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

Mr. CHABOT. Mr. Speaker, I rise in strong support of House Concurrent Resolution 154, congratulating the people of Taiwan for holding the first free and fair democratic elections in Chinese history. And I want to congratulate my good friend from North Carolina, a fellow member of the freshman class, DAVID FUNDERBURK, for his work in bringing the bill to the floor. I also want to thank Chairman GILMAN for his leadership on this issue.

I work closely with the Taiwanese-American community in Cincinnati, and I can tell you what a glorious day it was for those great people on March 23 when, for the first time in 4,000 years of Chinese history, citizens went to the polls to elect a President. I not only want to congratulate those on Taiwan for this historic vote but those of Taiwanese heritage right here in the United States—like my own constituents, Dr. C.T. Lee and Dr. Mark Tsuang—who worked so long and hard to make such a dream a reality.

Mr. Speaker, it is fitting that we pass this resolution during the week of President Lee's inauguration as Taiwan's first democratically elected President. And I again thank Congressman FUNDERBURK and Chairman GILMAN for making the legislation possible.

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Mr. GILMAN. Mr. Speaker, I thank the gentleman for his strong supporting statement.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I do so to give some credit to President Clinton for his strong action in moving battleships into the Strait of Taiwan to ensure that the democratic election would take place without intimidation from mainland China. This is consistent with the very strong continuing support of the White House for this democratic election in Taiwan, which is also consistent with the strong support on the part of the Democrats in this Congress for democracy in Taiwan.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to congratulate the Republic of China on Taiwan on the occasion of its first presidential democratic election. This truly is a historic occasion.

This occasion illustrates that self-will must start with the people. In President Teng-hui's inaugural address he speaks most eloquently: ''Today, most deserving of a salute are the people of the Republic of China. A salute to them for being so resolute and decisive when it came to the future of the country, a salute to them for being so firm and determined when it comes to the defense of democracy.''

I continue holding firm to the belief that democracy is the epitome of respect toward humanity. I believe democracy is the delicate balance between conflict and conviction. Having now chosen a democratic government, I welcome Taiwan into the international world of peace-seeking nations.

I now encourage the people of Taiwan to gravitate toward full economic growth, prosperity, and development, and support them as they rise to meet their new international challenges.

Democracy can offer hope. I hope that through democratic governance the people of Taiwan will seize the opportunity to appreciate their differences, and recognize their similarities. Through free will and determination, democracy can foster tolerance which is requisite in prevailing over turmoil. Further, democracy can foster patience in order to subdue hostilities.

Mr. President, people of Taiwan, on behalf of my constituents of the Seventh District of Chicago in the great State of Illinois, I congratulate you. I wish you well in your pursuit of self-governance.

Mr. KIM. Mr. Speaker, as a cosponsor of House Concurrent Resolution 154, I rise in strong support of this important resolution. This resolution is simple, yet profound in nature by congratulating the people of Taiwan for their courage in electing the first democratic government in Chinese history. For their efforts, I believe it is appropriate for this Congress to express its congratulations for their dedication to the principles of democracy. By electing the first democratic government in Chinese history on March 23, the people of Taiwan have taken a huge step forward.

The people of Taiwan have made tremendous progress over the past few years. The emergence of Taiwan as one of the strongest economies in Asia has propelled them into the spotlight as a model for achievement. As the Seventh largest trading partner of the United States, Taiwan has forced other Asian nations to open their doors and embrace the principles of free trade. Taiwan's peaceful transition from an authoritarian, single-party government to a democratic, multiparty, free-trading giant will serve as the beacon to other Pacific rim nations seeking to following their footsteps. By passing this resolution Congress can send a strong message to people the world over that democracy is a recipe for success.

In that regard, Mr. Speaker, I ask all of my colleagues to support the immediate passage of this evenhanded and supportive resolution.

Mr. ORTIZ. Mr. Speaker, I rise today in support of House Concurrent Resolution 154 to congratulate Taiwan on their recent Presidential election. I was privileged to attend the May 20, 1996, inauguration of Taiwan President Lee Teng-hui as part of the official United States delegation at the request of President Clinton.

It was very moving to watch the first inauguration of a freely elected President in a country which has never seen one before. Since 1949, Taiwan and mainland China have existed as two separate parts of the territory of China. Despite mainland China's military harassment prior to Taiwan's elections, the people of this land proudly cast votes in their first free election. Seeing the faces of people who have embraced democracy and capitalism for the first time, and set the pace for freedom, was poignant beyond imagination.

I have been actively involved with encouraging trade between the Republic of China [Taiwan] and the United States, specifically between Taiwan and south Texas, for a number of years. Therefore, I was enormously proud to have been selected by President Clinton to officially represent the United States at this inauguration of the first democratically elected president of Taiwan and to be part of history in the making.

I believe that the democratic elections in Taiwan represent one of the most dramatic events in Chinese political dynamics this century. As an American, and as a democrat, I am uplifted by the move toward democracy and capitalism by countries which have historically been ruled by an oligarchy. This is a positive change for both the people in Taiwan and the world at large.

As a democracy, it is incumbent upon us to lead by example, showing those countries still ruled by a select group that democracy and capitalism reward the individual and the country at the same time. Taiwan has come to that realization—and they are among the most enthusiastic capitalists on the Pacific rim. This election was an important and impressive step in the direction of democracy and prosperity for the Republic of China.

Mr. UNDERWOOD. Mr. Chairman, I rise today in strong support of House Concurrent Resolution 154, a resolution congratulating the Republic of China on Taiwan on its first democratic election for president.

After a barrage of threats from Beijing and a series of intimidating war games and missile tests, Taiwanese voters elected President Lee Teng-hui as their first directly elected president in March. Since prior presidents were chosen by the legislature, this is truly an historical event and a significant step forward for democracy in Taiwan.

As an original cosponsor of House Concurrent Resolution 154, I believe it is important for this Congress to show our strong support for Taiwan's historic endeavor. What we do on this floor is watched closely in the PRC and Taiwan. Supporting this resolution sends a message of support for the democratic process in Taiwan, but does not veer from our one China policy. It is the right message to send to both Taipei and Beijing.

I also want to note that I am strongly encouraged by President Lee's appeal yesterday to convene a summit between the top leadership of Taiwan and the PRC. We only need recall the tensions between Taiwan and the PRC prior to the election of President Lee to understand the need for such a summit. A new dialog and communication between top leadership of the island and the mainland is essential not only for their relationship, but also for the maintenance of peace, stability and economic growth in the region.

I urge my colleagues to support House Concurrent Resolution 154 and the historic democratic process which Taiwan has undertaken.

Mr. ACKERMAN. Mr. Speaker, I rise in very strong support of this measure, and want to thank Mr. FUNDERBURK for originally introducing it in the Asia and Pacific Subcommittee, and Chairman GILMAN for expediting the legislation to the floor for passage.

Mr. Speaker, the Chinese people on Taiwan have come a long way. Over a 10-year period of time, they have succeeded in instituting many of the democratic principles that we have enjoyed in this country for over 200 years. And they have done this through the hard work, perseverance and vision of one man: President Lee Teng-Hui. President Lee, who is the first native-born Taiwanese to govern Taiwan, has done remarkable things for his country and countrymen in this short span of time.

Therefore, on March 23, 1996, President Lee was the first man in Chinese history to be popularly elected president of Taiwan. That is no small feat, considering Taiwan's recent history, as well as other adversities he had to overcome—in particular, China's bellicose attitude toward Taiwan's impending election. However, those adversities were overcome, and President Lee was elected with a vote of 54 percent—validating his leadership and allowing him to continue forward with his progressive policies.

The American people have stood by Taiwan over the years, and I believe will continue to do so, as they continue to grow and mature into a full-fledged democracy. I have nothing but admiration and applause for President Lee and the people of Taiwan, and I recognize that the friendship between our two countries is a very special one, and should remain as such. I therefore tip my hat to President Lee on his election, and congratulate the Taiwanese people on achieving another great victory in the fight for freedom and democracy.

Mr. MORAN. Mr. Speaker, I have no further requests for time, since we have no objection.

In fact, we strongly support this resolution. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 154, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution to congratulate the Republic of China on Taiwan on the occasion of its first direct and democratic presidential election and the inauguration of its president.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 154.

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

There was no objection.

CONGRATULATING SIERRA LEONE DEMOCRATIC MULTIPARTY ELECTIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 160) congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

The Clerk read as follows:

H. CON. RES. 160

Whereas since 1991 the people of the Republic of Sierra Leone have endured a horrific civil war that has killed thousands of individuals and displaced more than half the population of the country;

Whereas for the first time in almost 30 years, the Republic of Sierra Leone held its first truly democratic multiparty elections to elect a president and parliament and put an end to military rule;

Whereas the elections held on February 26, 1996, and the subsequent runoff election held on March 15, 1996, were deemed by international and domestic observers to be free and fair and legitimate expressions of the will of the people of the Republic of Sierra Leone;

Whereas success of the newly elected democratic government led by President Ahmad Tejan Kabbah could have a positive effect on the West African Neighbors of the Republic of Sierra Leone; and

Whereas the historic event of democratic multiparty elections in the Republic of Sierra Leone should be honored: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the people of the Republic of Sierra Leone for holding their first democratic multiparty presidential and parliamentary elections in nearly 30 years;

(2) encourages all people of the Republic of Sierra Leone to continue to negotiate an end to the civil war and to work together after taking the critical first step of holding democratic elections in that country;

(3) reaffirms the commitment of the United States to help nations move toward freedom and democracy; and

(4) further reaffirms that the United States is committed to encouraging peace, democracy, and economic development on the African continent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, House Concurrent Resolution 160, introduced by our good colleague from New York, a member of our Committee on International Relations, Mr. HOUGHTON, congratulates the people of Sierra Leone on the success of their recent multiparty democratic elections. The people of Sierra Leone have endured 4 years of brutal civil war and have showed great courage earlier this year. Voters stood in line, often for many hours, to participate in the presidential election and the following runoff election. The newly elected government is now negotiating with rebels on the long-term peace agreement.

I do not think it is unreasonable to claim that Sierra Leone is an emerging success story in Africa. It is also a powerful rebuttal to those who believe that the entire developing world is sliding into chaos and humanitarian disaster.

Despite the failures of neighboring Liberia, the people of Sierra Leone have shown they have the courage and determination to bring order to their society. I commend the gentleman from New York [Mr. HOUGHTON] for introducing this resolution, and I urge support for the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. HOUGHTON].

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

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

Mr. Speaker, I thank the gentleman for this opportunity to talk on behalf of Sierra Leone. A lot of us have been concerned about Africa, a lot of us have looked for leadership there, and we really have found it in the magnificent result of the elections in Sierra Leone to which the gentleman from New York [Mr. GILMAN] has referred. I would like to particularly thank, if I could, Bob Van Wicklin, in my office, who has been there, who has helped create the staff work, and has pointed up some of the necessities of our working strongly with that country.

Also I would like to thank, if I could, the 86 cosponsors, particularly the gentleman from North Carolina [Mr. WATT], the gentleman from Ohio [Mr. CHABOT], the gentleman from New York [Mr. ACKERMAN], the gentleman from New Jersey [Mr. PAYNE], the gentleman from Florida [Mr. HASTINGS], the gentleman from New York [Mr. ENGEL], the gentleman from the Virgin Islands, [Mr. FRAZER], and so many others, and also, although I cannot mention the names, several Members of the Senate, ranking about 53 in number.

This bill is not complicated. It is noncontroversial and it is bipartisan. It simply congratulates the people of the West Africa Nation of Sierra Leone, who held their first democratic election this last year, for the first time until over 30 years, an extraordinary turnaround. People used to refer to Sierra Leone as really the pit of Africa. Many never thought there would be any opportunity for it to emerge from the darkness. Now it has.

The new President, President Kabbah, has recently negotiated, for those who are not knowledgeable here, a ceasefire to the civil war in that country with the Revolutionary United Front. Our hope is that not only Sierra Leone will be successful, but also it will be the magnet which attracts democracy to other countries, like Niger, Liberia, Guinea, and Nigeria, countries that are having a great deal of trouble here.

Let me if could just for a moment mention a few things. There really is hope in Africa. For the first time in sub-Sahara Africa in years and years and years the income per person has gone up 1 percent over last year. That does not sound very much, 1 percent, but it is really significant, because it is the first time that the income has increased in years. Usually you are taking a look at a negative figure.

In democracies, that has increased greater than in nondemocracies. In certain nondemocracies, particularly the ones that are total out-and-out dictatorships, that has gone down. So there is a correlation here.

There is a drive towards political freedom, which is more than just the politics of it. It has to do with the well-being of individuals. There have been 30 elections over the last year, over the past 5 years in Africa, and many times this has resulted in greater maturity, openness and integration, not just to themselves and not to just the African market, but the world markets. The flow of capital for the poor countries is four times what it used to be. As a matter of fact, it is about $187 billion per year over the last five years. As it stands now, in terms of the poorer countries of this world, one-third of the world's foreign investment is going into those countries. It is a very helpful sign.

So if Africa and the boom it is experiencing is going to represent some of the finest things we are looking for, we have got to support countries like Sierra Leone. That is what this particular resolution does, and I hope there will be full support of it.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York for his sponsorship of this measure and for his very eloquent statement.

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

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

Mr. Speaker, I rise in very strong support of this resolution, and commend the chairman of the committee for bringing this timely and well-deserved tribute to the people of Sierra Leone before the House. I particularly want to extend my appreciation to the gentleman from New York [Mr. HOUGHTON] for his informative and insightful remarks, and for his very caring attitude on the part of the Third World peoples of Africa.

This spring's elections were deemed free and fair by international observers, and a democratically elected president now does govern Sierra Leone. This election is especially noteworthy in that an African military government held elections and peacefully turned over power. So we want this example to serve as a model for other such nations, and that is why this resolution is particularly important. We hope that will also give impetus to the peace talks that are currently occurring in Sierra Leone. So we urge strong support for this resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank my good friend from Virginia for yielding time for the purposes of debate on this important resolution.

Mr. Speaker, the truth of the matter is that resolutions of this kind tend to have no substantive value, so quite often I just ignore them and keep going. But this time, this resolution was introduced by my good friend from New York [Mr. HOUGHTON], and it started me thinking that while there is no substantive content to the resolution, it does give us an opportunity to do some important things related to democracy, and, aside from the partisanship that quite often exists in this body, it gives us time to debate, in fact discuss, the merits of democracy in this world, and to talk about some of the value that we place in democracy and the value of a democratic election.

It is hard for us to imagine in this country a country that can go 30 years without having a democratic election. We take the ability to stand on this floor and outside this building and say what we want for granted. We take the democratic process and democratic elections for granted sometimes. But the value of democracy should never be assumed. It is captured quite eloquently by the gentleman from New York [Mr. HOUGHTON] in is ''Dear Colleague'' about this resolution, in which he says, ''This is worthy of our consideration and important to the United States' national interest of seeing democracy triumph over tyranny around the world.''

The people of Sierra Leone are eager to follow us down the path of democracy, and we forget that so often we are trying to get people to follow us down that path, because so often we dwell on the negative aspects of our democracy and forget that, as one person said, democracy is the worst form of government that we can have, except all the other forms of government.

There are two other things that I want to cover very quickly, and that is democracy is not easy in other parts of the world, and there are challenges that democracies face around the world. We ought to take every opportunity to encourage and congratulate other countries who are following us down this path. So I want to applaud this resolution for that purpose.

Finally, there are adjoining countries, countries that adjoin Sierra Leone or are in close proximity to them, where democracies are now struggling, the country of Nigeria, the country of Liberia. Both have ongoing struggles that illustrate better than I could ever talk about the challenges that face democracies in this world. So if we can encourage Sierra Leone to expand this concept to those adjoining countries, to those democracies that are facing challenges, then that is an important objective that we ought try to support.

I want to congratulate the gentleman from New York [Mr. HOUGHTON], and encourage my colleagues to support this important resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Ohio [Mr. CHABOT], another member of our Committee on International Relations.

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

Mr. CHABOT. Mr. Speaker, as a member of the Committee on International Relations and the Subcommittee on Africa, I rise in strong support of this resolution congratulating the people of Sierra Leone on the success of the recent democratic multiparty elections.

□ 1515

I want to commend my good friend and colleague, the gentleman from New York, Mr. HOUGHTON, who has introduced this legislation; also, the distinguished chairwoman of the subcommittee itself, the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN. I would also like to extend commendations across the aisle to the gentleman from Virginia, Mr. MORAN, who has shown significant leadership in this area. Many people have worked very hard to bring this forward today.

The March 15 democratic Presidential parliamentary elections marked an historic day in Sierra Leone. After nearly 30 years of one-party rule, civil war and military dictatorships, nearly 75 percent of the Sierra Leone citizenry, at great personal risk, went to the polls to cast their votes. Since that election, a cease-fire has been negotiated to end the fighting that has led to the deaths of more than 10,000 individuals and also left more than 4.5 million homeless. This resolution encourages the people of Sierra Leone to continue those negotiations and to work for a lasting peace.

Mr. Speaker, when a nation, in the face of so much adversity, is able to

take such a giant step forward toward democracy, it should be commended, and I am pleased to be able to join my colleagues in doing so.

Again, I thank the gentleman from New York [Mr. HOUGHTON] for his work on this issue and I urge the adoption of this resolution.

Mr. MORAN. Mr. Speaker, I yield 3 minutes to the very distinguished statesman from New York [Mr. PAYNE], to share with us a small part of his encyclopedic knowledge of the peoples and countries of Africa.

(Mr. PAYNE of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman very much for that kind introduction, and I rise today in support of House Concurrent Resolution 160 sponsored by my good friend, the gentleman from New York [Mr. HOUGHTON].

I also want to congratulate the people of Sierra Leone on their democratic elections held on the 26th and 27th of February of this year, the first time in over 31 years that the people of that country have had free elections.

Sierra Leone gained its independence in 1961 from Britain and since that time it has had a government that showed very little compassion for its people. Relief agencies estimate that half of the country's 4 million people are refugees. The life expectancy is 42 years, and the once diamond trade has virtually dissipated into the hands of the military government.

However, thanks to many concerned individuals, we have seen a successful election. I would like to pay tribute to two individuals, Derhanu Dinka, the United Nations special representative to Sierra Leone who played a key role in this election, and James Jonah, a former senior United Nations official from Sierra Leone who returned back to his country to help save it.

Let me speak of Mr. Jonah's role of bringing country peace to Sierra Leone. Mr. Jonah returned home at the military's invitation to head an electoral commission and surprised the army by keeping his promise to hold honest elections.

Many times Mr. Jonah's determination almost cost him his life when he refused to raise the minimum wage required for Presidential candidates so that it would not discriminate against any other candidates. Many contributions were made by both Mr. Jonah and others who worked so hard.

Others also contributed to the success of the elections. There were groups of international and domestic election monitors who stayed there to be sure that the elections were transparent, open and free.

Despite deadly conflicts between citizens and those seeking to disrupt the elections in Bo and Kenema, the electoral process was largely peaceful and the people refused to allow a group of thugs who came in to disrupt the election to allow that to happen. They came out and said that we want to vote, and they voted, and it was fair and it was free. So I commend the people of Sierra Leone for this tremendous election.

Let me just say in conclusion that there have been successful elections in a number of countries in Africa. We saw the 30-year leader, Kenneth Kuanden in Zambia, who stood for elections, take the defeat and move out to his village. We saw a 35-year President in Malawi, Life President Banda, they called him Life President because he was expected to be there for life, allowed multiparty elections. He lost and he also returned to his village.

We see peace now in Mozambique where we have had recent elections, where the Renamo forces and the government have come together. In Angola, UNITA and the FLMA, President dos Santos' government have come to have a government of unity. Still problems, but they are working on it.

In Namibia, the SWAPO organization have come in and taken hold of the government and those elections and are moving to a true democracy.

South Africa we saw the first nonracial elections held recently, and the Mandela government is moving forth trying to create opportunities.

Ethiopia has ended its long war, and with Mr. Meles Zenawi leading the government. Eritrea, Benin, and I could go on and on. But I want to point to the success of democracy. The world is taking what we have and we should be willing to share it and help with its development.

Ms. ROS-LEHTINEN. Mr. Speaker, as Chair of the Subcommittee on Africa, I am pleased to have this opportunity to address the value of House Congressional Resolution 160—a resolution congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

I would first like to commend our colleague, Mr. HOUGHTON, on his leadership in introducing this resolution, and note that this measure received unanimous support of the members of the Subcommittee on Africa.

The importance of this resolution is twofold. In the strictest sense, it serves to encourage the people of Sierra Leone to continue on the long and arduous journey toward political stabilization and the consolidation of an open, just society, and system of government.

However, its impact extends beyond the boundaries of this West African country.

This resolution serves as an inspiration to emerging and fragile democracies throughout the African continent. It serves to illustrate U.S. commitment to the promotion of democratic principles, as well as American resolve to support and guide emerging democracies through the process of reform and transition.

Normally, the focus tends to be on those African countries who succumb to their tumultuous pasts and choose violence as instruments of political change. This resolution compensates for this trend by focusing on a success and a positive outcome.

The people of Sierra Leone truly deserve our admiration for their commitment and determination to bring peace to their country and create an environment where democratic ideals could flourish as they have done.

For five years, anarchy and civil war have swept through this West African country like a bitter wind, claiming the lives of thousands. Twenty-nine years of dictatorship gradually stripped the country of its potential for growth and prosperity.

But, throughout, the people of Sierra Leone persevered. This year, they exerted their will, overcoming great obstacles in their quest for peace. They suffered in the cause of democracy, enduring beatings and mutilations to press ahead with the second round of Presidential elections of March 15. In the end, they were successful.

For their fantastic courage, the people of Sierra Leone merit our respect. They are at a threshold. The restoration of civilian democratic rule offers the best chance of peace and security in Sierra Leone. Thus, it is imperative that we praise the achievements of the people of Sierra Leone, and send an unequivocal message of support for their ongoing efforts to ensure a future of stability and growth for their country.

Thus, I urge my colleagues in the House to support this resolution.

Mr. HALL of Ohio. Mr. Speaker, I rise today to join my colleagues in praising the people of Sierra Leone for their remarkable determination in the face of extraordinarily difficult circumstances.

By the simple act of voting this spring, they began to wrest their fate from the roving bands of rebel guerrillas that have driven more than half of the people of Sierra Leone out of their homes.

The individual acts of courage in coming to the voting booth—in not one, but two rounds of elections—echo loudly, especially in Africa where democracy too often is an elusive goal.

I believe that it helped both sides of the 5-year-old civil war to agree to a cease-fire, and I hope the leaders of both side of this civil war will follow the lead of their countrymen, and end their brutal conflict peacefully.

When peace comes, I hope that the 320,000 Sierra Leoneans who have taken refuge in Guinea and Liberia—and the 1.5 million who are displaced within their own borders—will return home.

And perhaps the sound of free and fair elections, the sound of peace, will echo into the chaos of Liberia, and throughout Africa.

Nearly 100 years ago, Daytonians were among the first missionaries to Sierra Leone. A Dayton company, Nord Resources, long has operated the Sierra Rutile mine, which is the nation's largest employer. The civil war closed the mine more than a year ago; ending the war would mean jobs once again for more than 2,000 people there.

I traveled to Sierra Leone 7 years ago, and found it to be a beautiful country. With the continued determination of its people—and with the encouragement of the United States—I believe that peace and prosperity is again within reach.

I commend Congressman HOUGHTON for his leadership in bringing the deserving efforts of Sierra Leone's voters to the attention of Congress. And I join him and many others from Dayton and throughout the United States in congratulating the people of Sierra Leone on their efforts to build democracy and peace.

Mr. MORAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 160.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 160.

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

There was no objection.

COMMEMORATING THE 205TH ANNIVERSARY OF POLAND'S FIRST CONSTITUTION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution 165 saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

The Clerk read as follows:

H. CON. RES. 165

Whereas, on May 3, 1996, Polish people around the world, including Americans of Polish descent, will celebrate the 205th anniversary of the adoption of the first Polish constitution;

Whereas American Revolutionary War hero Thaddeus Kosciuszko introduced the concept of constitutional democracy to his native country of Poland;

Whereas the Polish constitution of 1791 was the first liberal constitution in Europe and represented Central-Eastern Europe's first attempt to end the feudal system of government;

Whereas this Polish constitution was designed to protect Poland's sovereignty and national unity and to create a progressive constitutional monarchy;

Whereas this Polish constitution was the first constitution in Central-Eastern Europe to secure individual and religious freedom for all persons in Poland;

Whereas this Polish constitution formed a government composed of distinct legislative, executive, and judicial powers;

Whereas this Polish constitution declared that ''all power in civil society should be derived from the will of the people'';

Whereas this Polish constitution revitalized the parliamentary system by placing preeminent lawmaking power in the House of Deputies, by subjecting the Sejm to majority rule, and by granting the Sejm the power to remove ministers, appoint commissars, and choose magistrates;

Whereas this Polish constitution provided for significant economic, social, and political reforms by removing inequalities between the nobility and the bourgeoisie, by recognizing town residents as ''freemen'' who had judicial autonomy and expanded rights, and by extending the protection of the law to the peasantry who previously had no recourse against the arbitrary actions of feudal lords;

Whereas, although this Polish constitution was in effect for less than 2 years, its principles endured and it became the symbol around which a powerful new national consciousness was born, helping Poland to survive long periods of misfortune over the following 2 centuries; and

Whereas, in only the last 5 years, Poland has realized the promise held in the Polish constitution of 1791, has emerged as an independent nation after its people led the movement that resulted in historic changes in Central-Eastern Europe, and is moving toward full integration with the Euro-Atlantic community of nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the people of the United States salute and congratulate Polish people around the world, including Americans of Polish descent, on the adoption of the first Polish constitution;

(2) the people of the United States recognize Poland's rebirth as a free and independent nation in the spirit of the legacy of the Polish constitution of 1791; and

(3) the Congress authorizes and urges the President of the United States to call upon the Governors of the States, the leaders of local governments, and the people of the United States to join in this recognition with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 165, a resolution noting the 205th anniversary of the adoption of Poland's first Constitution.

Mr. Speaker, the Polish Constitution of 1791 stands as the first liberal Constitution in Europe, creating a constitutional monarchy.

Its adoption by the Polish nation marked an important step away from the feudal system of government that then prevailed throughout Eastern Europe.

Unfortunately, Poland soon fell victim to the imperialism of the Prussian, Russian, and Austrian empires, which divided the territory of Poland and ruled the Polish people for more than a century.

The Polish Constitution of 1791 became a symbol around which the Polish people rallied, however, and today—with the independence they regained earlier in this century and with the end of Communist dictatorship in Poland 7 years ago—the Polish people are now engaged in building a new constitutional democracy.

The Polish nation has undergone times of great difficulty and great destruction since 1791, but it has survived and, as a new democracy in Eastern Europe, appears to be well on its way toward integration into the trans-Atlantic community of democratic States.

I urge my colleagues to support this resolution, not just as a recognition of Poland's historical striving toward democracy, but as a statement about Poland's future as a free, independent, and democratic State.

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

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

Mr. Speaker, I rise in strong support of this resolution and commend the chairman of the committee for bringing it before the House, and the strong supporter of Polish interests, the gentleman from Buffalo, NY, Mr. JACK QUINN; and the other cosponsors, the gentleman from Pennsylvania, Mr. BORSKI, the gentleman from Illinois, Mr. FLANAGAN, the gentleman from Wisconsin, Mr. KLECZKA, and others.

It is appropriate that the House and the people of the United States congratulate the Polish people around the world, including Americans of Polish descent, on the 205th anniversary of the adoption of the first Polish constitution.

The, as now, Poland has been a leader in Europe. In 1989, Poland took the first steps toward breaking up the Warsaw Pact and held the first free elections in Eastern Europe. That led the way on comprehensive economic reform.

Poland is now striving to integrate itself fully into the family of western nations. All of us can take a measure of pride in Poland's achievements, which serve the U.S. interests in peace, security, and prosperity in Europe.

Mr. Speaker, I urge adoption of the resolution, and I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. QUINN], the original sponsor of this measure.

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

Mr. QUINN. Mr. Speaker, I rise today as the proud sponsor of House Concurrent Resolution 165, a resolution honoring an important event in the development of democracy in Central-Eastern Europe and the world; the 205th anniversary of Poland's first Constitution of 1791.

On the third day of May, 1996, Polish people and Americans of Polish descent around the world celebrated the 205th anniversary of Poland's first Constitution.

The Polish Constitution of 1791, which became the first liberal constitution in Europe was preceded only by our own Constitution in 1787.

The 1791 Constitution sought an end to the feudal system of government, where a few monarchs and aristocrats governed Poland's majority.

American Revolutionary War hero Thaddeus Kosciuszko introduced the concept of a constitutional democracy to his native country of Poland, which

like the Constitution of the United States, established three independent branches of government.

The Polish Constitution abolished the feudal system, giving all citizens the right to vote and guaranteed freedom of speech, right to assemble and freedom of religion.

As a result, Poland became Europe's first true democracy.

Thomas Jefferson himself held the Polish Constitution in high regard and was sure to include two copies of the document as part of the original collection in establishing the Library of Congress.

Unfortunately, this first grand experiment in European democracy survived for less than 2 years. This expression of the democratic tradition of Polish political culture, embodying liberty to all people, rule by the majority and religious freedom, became a moral threat to the absolute monarchies of its neighbors Tsarist Russia, Austria and Prussia.

Poland paid dearly for its democratic ideas, with the complete loss of its independence and the abolition of its Constitution, when it was partitioned by its three powerful neighbors in 1793.

Over the next two centuries, Poland and her people suffered many injustices, but the spirit of the Constitution of 1791 continued to live on and forge hope in the hearts of Polish people around the world.

It is only in the last 5 years that Poland again has emerged as an independent nation after her people led the movement that resulted in the fall of the Soviet bloc and the historical changes in Central-Eastern Europe.

Today, Poland has experienced its first ''free'' elections in several generations and the positive economic successes it has experienced are unparalleled in its history.

The eventual democratic goals of Poland include its hopeful inclusion in the North Atlantic Treaty Organization [NATO] and complete inclusion in the Western community.

I am honored to have offered this resolution to honor the Polish Constitution of 1791, something in which all Poles rightfully take pride.

Mr. Speaker, I also want to thank the gentleman from New York, Chairman GILMAN, the ranking member, the gentleman from Indiana [Mr. HAMILTON], and the gentleman from Virginia [Mr. MORAN], and all members of the Committee on International Relations for their support of the resolution.

I want to urge my colleagues to join me in saluting and congratulating the people of Poland and Americans of Polish origin for realizing the fulfillment of the spirit of the May 3d Constitution by supporting House Concurrent Resolution 165.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York [Mr. QUINN] for bringing this important resolution to the floor at this time and for his eloquent remarks in support of this resolution.

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

Mr. MORAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from West Virginia [Mr. WISE].

□ 1530

Mr. WISE. Mr. Speaker, I thank the chairman and the ranking member for the time.

I simply rise in strong support of this resolution. It was in 1787, of course, that our Constitution became a reality; 4 years later, the Polish Constitution. It was a wave of constitutional freedom and democracy sweeping the world at that time. So I think it is important to rise to commemorate this noted event, certainly to Polish peoples across the world, whether in Poland or to the large Polish American population that we have in the United States. It is certainly a moment that deserves recognition and particularly in light of what the Polish people have been through in the last decade, as they have reasserted their desire for constitutional democracy, moving from the heavy hand of communism to once again a constitutional republican system.

So we should rise as we recognize the 205th anniversary. Let us also recognize the pride and achievements that the Polish people have made in just the past decade.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. FLANAGAN.]

Mr. FLANAGAN. Mr. Speaker, as an original cosponsor I rise in support of House Concurrent Resolution 165, saluting and congratulating Polish people around the world as they commemorate this May the 205th anniversary of the adoption of Poland's first Constitution. As the first modern constitution in Europe, this document led the way in the advancement of democracy. Only our own Constitution of 1787 preceded it and the Polish Constitution was modeled upon it.

The Polish Constitution declared that ''all power in civil society should be derived from the will of the people.'' This is the primary principle of our own sacred document. Like our own Constitution, the 1791 Polish Constitution created distinct legislative, executive and judicial branches. It also secured individual and religious freedom for all people in Poland.

Just as Poland led the way for democracy in the 18th century, so too did it do so again in the late 20th century. Poland was the key country in bringing about the recent demise of the totalitarian Communist regime under which Poland had suffered for so long. It became a shinning beacon of light of freedom for other Communist countries in Central-Eastern Europe. Poland was the inspiration for those countries to peacefully overthrow their own Communist dictatorships.

Today, the 205-year-old legacy of the 1791 Polish Constitution continues in Poland's democratic rebirth. Poland is to be congratulated for its commitment to democratic ideals and its rebirth as a free and independent nation. This is the purpose of House Concurrent Resolution 165 and I urge my colleagues to support its passage.

Mr. SMITH of New Jersey. Mr. Speaker, I rise this afternoon to support the passage of House Resolution 165, commemorating the 205th anniversary of Poland's May 3 Constitution. Although only in force for less than 2 years before falling victim to the second partition of Poland by her neighbors, this Constitution stands as an enduring monument to the Polish people's aspiration for democracy.

The May 3 Constitution was the first written constitution in Europe, adopted in 1791 and coming only a few years after the American Constitution. In fact, the American and Polish Constitutions have much in common, both in spirit and in purpose: Each sought to create the foundations of deomcracy and, in particular, to establish limits on the previously unfettered powers of sovereign rule.

Mr. Speaker, the Polish Constitution of 1791 may have been short-lived as a legislative edict, but it survived nearly two centuries of partition, foreign occupation, Fascist domination and Communist totalitarianism as a symbol of what Poles had once achieved—and would again achieve.

Today, the people of Ploland continue their successful efforts to build a free and democratic society, a free-market economy, and a country in which human rights and fundamental freedoms will not only be guaranteed on paper, but ensured in practice. As Chairman of the Helsinki Commission, I have been especially heartened by the extraordinary progress Poland has made in this regard, and Poland is rightly lauded as a leader—perhaps the leader—of democratic reform in central and eastern Europe. I was also espedially gratified to learn recently from President Kwasniwski's office that an overhaul of the Polish penal code will probably drop provisions which criminalize defamation of state organs—one of the last remaining vestiges of the old Communist order.

I am honored today to join my colleagues in commemorating the Polish Constitution of 1791, which continues to inspire the people of Poland during a period of profound and positive political transformation; I welcome the passage of House Resolution 165.

Mr. HAMILTON. Mr. Speaker, I am pleased that the House of Representatives is taking up this important resolution today. The Congress, and the people of the United States, should congratulate Poland on its many accomplishments on behalf of the development of democracy and the furtherance of human freedom.

It is fitting today that we congratulate Polish people around the world, including Americans of Polish descent, on the 205th anniversary of the adoption of the first Polish Constitution. That 1791 Constitution both drew from the example of the American Constitution and set a standard for all of Europe to match.

Not only in the 18th century but in the 20th century Poland has been a leader in Europe. In the heady days of 1989, Poland took landmark steps to break up the Warsaw Pact. It held the first free elections seen in Eastern Europe since before communist rule. Poland led the way on both economic and political reform.

For the past 7 years—indeed for the past several generations—Poland has been working mightily to integrate itself into the family of

western nations. All of us can take a full measure of satisfaction in Poland's many accomplishments. I look forward to the continuing close work between the United States and Poland on behalf of our many shared interests. Together we can further peace and prosperity in Europe.

I urge adoption of the resolution.

Mr. LIPINSKI. Mr. Speaker, I rise today to commemorate with the Polish people the 205th anniversary of the adoption of Poland's first Constitution. As the first liberal Constitution in Europe in 1791, it was preceded only by our own Constitution in 1787. This Polish document established a constitutional monarch and recognized the peasants for the first time as members of the nation. Mirroring our constitution, it too established three independent branches of government. It also carries the honor of being the first constitution established through a peaceful revolution.

Unfortunately, this expression of liberty to all, by rule by majority, and religious freedom survived for less than 2 years as it became a moral threat to the neighboring absolute monarchies. Poland lost its independence that year when it was partitioned by Imperial Russia and Prussia. Only in the last 5 years has Poland again emerged as an independent nation through the fall of communism.

Currently, free Poland enjoys open elections and economic success. The return of democratic principles to this nation has elevated its hopes for inclusion in the North American Treaty Organization [NATO] and full incorporation into the European Union.

With Chicago the largest Polish city next to Warsaw, and with many of her immigrants residing in my district, I am pleased to support this resolution which honors the advancement of democracy in a country close to my heart and the hearts of my constituents.

Mr. BORSKI. Mr. Speaker, I rise in support of House Concurrent Resolution 165, which congratulates the Polish people around the world as they commemorate the 205th anniversary of Poland's first Constitution. I am proud to join Representatives QUINN, KLECZKA, FLANAGAN, and HOKE as an original cosponsor of this resolution.

Inspired by our landmark Constitution, the people of Poland in 1791 adopted a constitution with guarantees of individual and religious freedoms, and the creation of distinct legislative, executive, and judicial powers. The concepts of constitutional democracy that were embodied in the Polish Constitution were introduced to Poland by American Revolutionary War hero Thaddeus Kosciuszko. Designed to create a progressive constitutional monarchy, the 1791 Constitution was the first liberal constitution in Europe and represented Central Europe's first attempt to end feudal government.

Unfortunately, this historic and ground breaking Constitution survived for less than 2 years. In 1793, Russia and Prussia partitioned Poland, and Poland's Constitution was abolished. This loss, however, did not diminish the Polish people's will for achieving the freedoms embodied in the Constitution. For two centuries, the principles of the 1791 Constitution endured and inspired a powerful new national consciousness. Poland suffered greatly under imperial and communist rule, but its people never lost sight of the freedoms and rights embodied in the Constitution.

Today, Poland is enjoying its new-found freedoms, pursuing the principles first drafted in the 1791 Constitution. Poland has emerged from an oppressive Communist state to a vigorous, free-market democracy. Poland is pursuing complete inclusion in the institutions of the western community, including the North Atlantic Treaty Organization. The United States Congress must continue to express its support of Poland as it takes these bold steps into the 21st century.

This month marks the 205th anniversary of the historic Polish Constitution. House Concurrent Resolution 165 demonstrates to the people of Poland, and Polish people around the world, that the United States recognizes Poland's rebirth as a free and independent nation, and will continue its commitment to foster democracy throughout central Europe. This resolution salutes Poland for its patience in realizing the long-awaited principles of the 1791 Constitution, and expresses support for Poland's challenges in the future.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution. The Polish people will be grateful to know that the United States House of Representatives stands shoulder-to-shoulder with them as they enjoy the freedoms that were so eloquently declared in the 1791 Polish Constitution.

Mrs. KENNELLY. Mr. Speaker, I rise in support of House Concurrent Resolution 165 commemorating the 205th anniversary of the Polish Constitution.

In the two centuries that have passed since this Constitution was adopted. Poland and its people have endured great tragedy and turmoil. But through these years—from the partition of Poland at the end of the 18th century, to the Napoleonic Wars, which resulted in the disappearance of the country until the end of World War I, the tragedies of World War II, and over 40 years of Communist rule, the love of the Polish people for freedom and democracy has never diminished.

It is fitting that the nation with the first liberal constitution in Europe, and the first modern constitution established through a peaceful revolution, was also the first nation to break free from the Soviet empire and establish the first of the new democracies in Europe.

As Poland was a leader more than 200 years ago, so it is a leader now. Its example of a successful transition to democracy in 1989 is a beacon of hope not only for other nations of Eastern Europe but for nations around the world. I congratulate the Polish people on the 205th anniversary of their Constitution and share their confidence that its successful democracy will continue to flourish into the 21st century.

Mr. MORAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 165.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 165, concurrent resolution just agreed to.

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

There was no objection.

10TH ANNIVERSARY OF CHORNOBYL NUCLEAR DISASTER

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 167) recognizing the 10th anniversary of the Chornobyl nuclear disaster, and supporting the closing of the Chornobyl nuclear powerplant.

The clerk read as follows:

H. CON. RES. 167

Whereas April 26, 1996, marks the tenth anniversary of the Chornobyl nuclear disaster;

Whereas United Nations General Assembly resolution 50/134 declares April 26, 1996, as the International Day Commemorating the Tenth Anniversary of the Chornobyl Nuclear Power Plant Accident and encourages member states to commemorate this tragic event;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas over 3,500,000 inhabitants of the affected areas, including over 1,000,000 children, were exposed to dangerously high levels of radiation;

Whereas the populations of the affected areas, especially children, have experienced significant increases in thyroid cancer, immune deficiency diseases, birth defects, and other conditions, and these trends have accelerated over the 10 years since the disaster;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the ongoing effects of the Chornobyl accident;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community have committed to overcome the extensive consequences of the Chornobyl disaster;

Whereas the United States has sought to help the people of Ukraine through various forms of assistance;

Whereas humanitarian assistance and public health research into Chornobyl's consequences will be needed in the coming decades when the greatest number of latent health effects is expected to emerge;

Whereas on December 20, 1995, the Ukrainian Government, the governments of the G–7 countries, and the Commission of the European Communities signed a memorandum of understanding to support the decision of Ukraine to close the Chornobyl nuclear power plant by the year 2000 with adequate support from the G–7 countries and international financial institutions;

Whereas the United States strongly supports the closing of the Chornobyl nuclear

power plant and improving nuclear safety in Ukraine; and

Whereas representatives of Ukraine, the G–7 countries, and international financial institutions will meet at lease annually to monitor implementation of the program to close Chornobyl: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes April 26, 1996, as the tenth anniversary of the Chornobyl nuclear power plant disaster;

(2) urges the Government of Ukraine to continue its negotiations with the G–7 countries to implement the December 20, 1995, memorandum of understanding which calls for all nuclear reactors at Chornobyl to be shut down in a safe and expeditious manner; and

(3) calls upon the President—

(A) to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia, and other nations most heavily afflicted by Chornobyl's aftermath;

(B) to encourage national and international health organizations to expand the scope of research into the public health consequences of Chornobyl, so that the global community can benefit from the findings of such research;

(C) to support the process of closing the Chornobyl nuclear power plant in an expeditious manner as envisioned by the December 20, 1995, memorandum of understanding; and

(D) to support the broadening of Ukraine's regional energy sources which will reduce its dependence on any individual country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 167, a resolution noting the 10th anniversary of the Chernobyl nuclear reactor explosion.

At 1:23 a.m. on April 26, 1986, a test conducted on reactor No. 4 at the nuclear facility at Chernobyl, Ukraine, resulted kin catastrophe. An explosion in the reactor core destroyed a large part of the reactor building.

Since the entire facility had been built without any containment dome, there was no way for the reactor personnel to prevent the release into the atmosphere—and into the wind—of huge amounts of radioactive materials. The total amount of radiation released in the course of this terrible incident is estimated by many to exceed that released by the atomic bomb blast at Hiroshima, Japan in 1945.

Mr. Speaker, as we note the passage of the 10th anniversary of this catastrophe, I would like to provide my colleagues with some estimates of the damage caused over the last 10 years in the countries of Ukraine, Belarus, and Russia by the catastrophe of April 26, 1986:

Millions of residents of the countries of Ukraine, Belarus, and Russia live on lands contaminated by radiation;

Thyroid cancers have risen dramatically among children of the surrounding region; and

Radiation continues to work its way into the food chain, and the danger of the further spread of radiation from the site of the destroyed reactor is growing—even now, the concrete sarcophagus surrounding the destroyed reactor is believed to be in danger of collapse.

Meanwhile, energy-starved Ukraine continues to operate two remaining reactors at the site, dependent on their electrical output to make it through the difficult time of economic transformation through which that country is now going.

The danger at Chernobyl continues, however. As recently as November of last year, a serious radiation leak occurred when a nuclear fuel rod split open during refueling of reactor No. 1.

Mr. Speaker, this is a grave situation, and one that requires the world's attention and concern.

I am, therefore, pleased to support and cosponsor this resolution, which not only notes the 10th anniversary of the Chernobyl reactor explosion, but reminds us that the problem of unsafe reactors remains with us today at Chernobyl and at other sites across the former Soviet Union.

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

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

We rise in strong support of this resolution and commend the chairman for bringing it before the House. We want to commend the humanitarian relief organizations and the individuals who have cared for the victims of the Chernobyl disaster. Their work has been supported by U.S., European and other international assistance.

Over the last 4 years, the United States has sent $100 million worth of humanitarian and medical assistance to Ukraine. U.S. assistance has also helped provide Ukraine with alternative energy sources that would facilitate the closing of nuclear power stations.

On this anniversary, the United States also garnered private donations for a combined government-private package of humanitarian and medical assistance for the region's victims. The international community, including G–7, obligated $3 billion in grants and loans for power sector restructuring, least-cost energy investments, nuclear safety and a plan addressing the social impact of Chernobyl's closure.

We are also pleased with the Government of Ukraine's commitment to closing the Chernobyl power station in a safe manner by the year 2000. Ukraine faces tremendous concerns with regard to finding energy sources. Yet, achieving nuclear safety is key for Ukraine. It is also one of the most important goals for its European neighbors and the United States.

Mr. Speaker, the chairman mentioned that the destructive power of Chernobyl was greater than Hiroshima. I understand it was 400 times as large and that nuclear radiation has actually gone up into the atmosphere and may very well be affecting all of us. So this is a very important resolution.

Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I rise today in support of the resolution commemorating the 10th anniversary of the Chernobyl explosion. Although one decade has passed since this deadly explosion, the aftermath and the truth remain very clouded. The 7.6 tons of 200 different radioactive substances released into the atmosphere over Ukraine and neighboring nations continue to cause sickness and misery.

I am especially concerned about the state of the millions of children who suffered and continue to suffer from the long-term effects of radiation. The highly toxic heavy metals have caused an increase in children's thyroid gland cancer, children's diabetes and anemia. The medical effects still plague the affected regions which include parts of Ukraine, Belarus, and Russia. Scientists discovered inherited genetic damage in victims exposed to Chernobyl's radiation spillage. In fact a study in the Nature journal states that children born in Belarus in 1994 to parents who lived in the area during the meltdown suffered from twice the normal rate of a specific type of mutation.

I should say, Mr. Speaker, particularly the point about Chernobyl and, as the gentleman from Virginia [Mr. MORAN] mentioned the fact, that there has been so much support and humanitarian relief provided to the countries effected by private citizens, really mostly here in the United States, was brought home to me very vividly a few years ago when in my own district, that has a large Ukraine and Belarussian population, there was a fund raiser, basically a relief fund raiser to help the victims of Chernobyl.

I had been to some of those efforts that have been held in my district, again by private citizens and organizations over the last 5 or 6 years. I was particularly impressed with the efforts on the part of some of the Belarussian organizations in my district. My wife happens to be of Belarussian descent. She also has been very concerned to make sure that we continue to help those victims of Chernobyl.

In addition to the medical effects, the impact of the environmental damage is still felt today. The 1986 meltdown contaminated 100,000 square miles of once arable lands in Belarus. That is about 20 percent of the agricultural land; in Ukraine, 8 percent; and even within the Russian Federation, 1 percent. This irradiated soil poses seemingly endless problems for these countries' agrarian communities.

On April 26, 1991, the fifth anniversary of the meltdown, I introduced a

resolution in the House urging the Soviet Government to take steps to evacuate people still living in the affected areas to decontaminate the Kiev reservoir, cease the planning, construction, and operation of other nuclear facilities in the Ukraine and asked for international supervision of existing facilities.

In an effort to build cooperation between the United States and Ukraine, I believe our country should provide technical and medical expertise to assist the people who continue to suffer while working with all of the newly independent states of the former USSR to make sure that a disaster on the order of Chernobyl never happens again.

As world leaders, we must continue to urge the United States to lead international efforts to prevent future disasters. Last year our Government joined with Ukraine and several other G–7 nations in a memorandum of understanding to close the Chernobyl plant by the year 2000.

I just want to say that this action in the memorandum will not only close the nuclear plant but it will assist Ukraine in developing a safer, more vibrant self-sustaining energy sector. I think it is very important to help Ukraine in trying to find alternatives to nuclear power and to eventually close the Chernobyl plant.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the original sponsor of this measure, who is also the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the chairman of our full Committee on International Relations of yielding time to me and for expeditiously moving this legislation through our full committee and bringing it to the floor today.

House Concurrent Resolution 167 is an important and timely resolution which recognizes the 10th anniversary of the Chernobyl nuclear disaster, the worst in recorded history, and supports the closing of the remaining reactors in that plant.

Several weeks ago, Mr. Speaker, on April 23, I chaired a Helsinki Commission hearing that examined the devastating consequences of the Chernobyl disaster. Four experts on the subject of Chernobyl, including the ambassadors of Ukraine and Belarus, the two countries most gravely affected by the disaster, gave sobering accounts of the profound medical, environmental, economic, and political consequences of the disaster.

Mr. Speaker, as I think most Members know, in the early morning of April 26, 1986 10 years ago, reactor No. 4 at the Chernobyl nuclear power plant exploded, releasing massive quantities of radioactive substances into the atmosphere. As a matter of fact, some of the experts who have looked at this carefully have suggested that as much as 200 times the amount of radiation released at both Hiroshima and Nagasaki combined was released as a result of that explosion.

□ 1515

The highest level of radioactive fallout was registered in the vicinity immediately surrounding Chernobyl, near the Ukrainian-Belorussian border.

This expression of Congress draws attention to the ongoing tragedy. Ten years ago, Mr. Speaker, millions of people, including about 1 million children, were exposed to dangerously high levels of radiation. Since then children, in particular, have experienced alarming increases in thyroid cancer and other conditions, including early childhood diabetes, anemia, and illnesses associated with general fatigue. One World Health Organization expert recently forecast that the total number of thyroid cancers among children in the contaminated zones may ultimately reach 10,000. These trends have accelerated since the disaster and are expected to increase well into the future.

One of the witnesses at our hearing talked about the fact that many of the people who moved out of the affected areas who used to have farms there have grown impatient and have moved back to farm. Many are not eating the produce and selling some of it in Kiev putting some at risk of contamination. Indeed, stomach cancers are now beginning to manifest themselves among the people in these affected areas.

Mr. Speaker, given these devastating consequences, House Concurrent Resolution 167 calls upon the President to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning and hospital development for the Ukraine, Belarus, and Russia and encourages national and international health organizations to expand the scope of research into the public health consequences of Chernobyl.

Let me just remind Members as well that there are still scattered throughout Russia some 15 different sites where Chernobyl-type reactors are today in operation. So the prospects and the specter of this kind of thing happening not just on the Chernobyl side itself, where the reactors continued to be used, but also throughout Russia, leading to what I would consider to be a unmitigated disaster should this happen again.

So we need, I think, to be encouraging the closure of those as well and upgrading if they need nuclear power, doing it in a way that is environmentally sound and safe.

Mr. Speaker, one of the most important components of this resolution is that it does indeed urge the Ukraine to continue its negotiations with the G–7 to implement the December 20, 1995, memorandum of understanding which calls for all nuclear reactors at Chernobyl to be shut down in a safe and expeditious manner by the year 2000. The resolution calls upon the President to support the process of closing Chernobyl, as envisioned by the MOU, recognizing, of course, the tremendous costs involved and its impact on the country that is undergoing a transition from a Communist state to a market oriented economy. They do have energy needs. We need to take that into consideration and assist them in every way we can.

Among the most important components of the MOU is the G–7 financial commitment, mostly in loans, as well as some grants, to help Ukrainians impose market discipline on that country's very inefficient energy sector and make it more rational and self-sustaining.

Finally, the resolution supports the broadening of Ukraine's regional energy resources, which will reduce its dependence on an individual country.

Mr. Speaker, the international community, including the U.S. Government and many nongovernmental organizations, are indeed responding to the consequences of Chernobyl, but more needs to be done, especially as Ukraine and the Belarus, the countries again that bore the brunt of Chernobyl, are undergoing this transitional period.

Mr. Speaker, I ask Members to support this measure and then, when we get down to appropriate humanitarian aid later on in the year, to support the kind of resources that will help make the mitigation of this crisis a reality.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey [Mr. SMITH] for his sponsorship of this measure and his eloquent remarks in support of the resolution.

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

Mr. MORAN. Mr. Speaker, I yield 5 minutes to the distinguished chief Democratic whip of the House, the gentleman from Michigan [Mr. BONIOR], who is also a very strong supporter of the resolution commemorating the 205th anniversary of the adoption of Poland's first constitution.

Mr. BONIOR. Mr. Speaker, I thank my friend from Virginia, Mr. MORAN, for yielding me the time and for his concern of the peoples of Eastern Europe.

Mr. Speaker, I rise in strong support of this resolution and commend my colleague from New Jersey, Mr. SMITH, for bringing it to the floor of the House of Representatives.

Many of us joined in commemorations of this anniversary over the past month in churches and town halls in our communities and at a very special event at the White House.

Mr. Speaker, the Chornobyl nuclear disaster was a silent killer, and people will continue to feel its direct effects well into the next millennium.

Millions of lives have been unalterably changed by it.

Sickness, death and dispossession arrived, stayed, and have yet to leave.

On April 26, 1986, reactor No. 4 at the Chernobyl atomic energy station ignited, causing an explosion, fire, and partial meltdown of the reactor core.

Ten years have now passed since that terrible day.

Today, the ghosts of history's worst nuclear disaster cannot be avoided in the pines and the farmland, now overgrown, that surround Chernobyl.

The city of Pripyat, once home to 40,000, sits empty.

Dozens of villages have been abandoned.

The 134,000 people who were evacuated from the area won't be returning to their homes.

An area the size of Rhode Island is now a dead zone.

The health effects are equally astonishing.

Sadly, cancer among children has tripled.

Ukraine now has the highest rate of infertility in the world.

Birth defects have nearly doubled.

Mr. Speaker, our government, many charitable organizations and individuals have contributed to efforts to recover from the disaster.

We must continue those efforts, and we must enhance them for the people of Ukraine.

Ukraine faces many challenges, not the least of which are the human and economic costs of coping with the effects of Chernobyl.

Today we must pause to remember those who lost their lives and those whose lives were changed forever.

We learned many lessons from that tragedy ten years ago, and now we must move forward and help our friends in Ukraine prepare for the future.

That is why supporting this resolution is so important.

We remember the past and learn from the past.

But we also look forward to a future in which Ukraine and the United States will enjoy even closer ties, and the people of Ukraine will be able to build a new future.

Mr. Speaker, I urge all my colleagues to join us in passing this resolution today.

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

Mr. Speaker, in closing, I want to take a moment to recognize the outstanding humanitarian work that has been done over the last few years by a group of high school students in my district in New York.

The Ramapo High School Children of Chernobyl fund has provided $12 million in medicines and other contributions to children in Belarus who were affected by exposure to the Chornobyl radiation.

I am so pleased to note for my colleagues such thoughtful, charitable young people.

I am certain those children in Belarus who have benefitted from these students' humanitarian efforts would want this Congress to know of their helping hand and hearts.

Mr. MORAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 167.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all members have five legislative days within which to revise and extend their remarks on House Concurrent Resolution 67, the measure just considered.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3415, REPEAL OF 4.3-CENT INCREASE IN TRANSPORTATION FUEL TAXES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3415) to amend to Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury. All points of order against the bill and against its consideration are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

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

Mr. DREIER. Mr. Speaker, this rule provides for consideration of H.R. 3415, legislation to repeal the 4.3 cent increase in the motor fuel excise tax that was instituted back in 1993. This is closed rule providing for 1 hour of debate divided equally between the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against the bill and its consideration.

The rule provides for adoption of the amendment printed in the Committee on Rules report. The amendment which was crafted by the chairman of the Committee on Commerce is intended to ensure that the revenue loss from the repeal of the Clinton gas tax is fully offset.

Finally, the rule provides for one motion to recommit with or without instructions.

Now, Mr. Speaker, Bill Clinton has had a somewhat spotty and inconsistent record of aligning words with deeds, particularly when it comes to the issues of both taxes and balancing the budget. It began with promises that he made during that 1992 presidential campaign. He promised to provide middle-income families with a tax cut as well as balance the Federal budget. Upon election, his tax cut proposal changed as fast as the calendar turned. The budget deal he struck with the Democrat-controlled Congress in 1993 raised taxes by $275 billion over 5 years. It was clearly the largest tax increase in history. Incredibly, it also allowed Federal spending to increase by $300 billion. His so-called deficit reduction was projected to add $1 trillion to the national debt.

Now, Mr. Speaker, there was no tax cut for middle-income families in the President's 1993 budget.

□ 1600

That budget was a tax increase, plain and simple. It was a $275 billion tax increase needed for two reasons: so the President could spend money on new Federal programs and cut less waste from old Federal programs.

In light of the President's promise of a middle-class tax cut, the most egregious tax increase in the President's 1993 tax increase bill was a 4.3 cent a gallon increase in the Federal motor fuel excise tax. President Clinton enacted, without a single vote from Republicans in the Congress, the first increase in the gas tax that was not directly tied to spending on highways and bridges. Let me repeat that. It was the first time ever that a gasoline tax increase was imposed that was not tied directly towards spending on highways and bridges.

Mr. Speaker, this tax increase targeted middle-income working families, placing a bull's-eye on the wallet of every American that drives to work, goes to the mall, or packs the family into the car to take a vacation.

I can distinctly remember 3 years ago when, in our Committee on Rules, we heard testimony on the President's 1993 budget and tax proposal. Members of Congress from both sides of the aisle, Democrats and Republicans alike, came before our Committee on Rules to request the ability to offer amendments to strike the tax increases on middle-income families. On top of the list of the bipartisan requests was to be able to vote on the Clinton gas tax separately. Needless to say, the Congress was not given an opportunity to vote on the Clinton gas tax increase. I suspect the liberal leadership knew that it would have been soundly defeated.

Mr. Speaker, it is time for Congress to get that opportunity. It is long overdue. We want a vote, up or down, on President Clinton's gas tax. It is an unfair tax that targets middle-income suburban and rural families, largely exempting those who live in cities and have a chance to take advantage of mass transit that is so often subsidized by the taxes of suburban and rural families. It also falls much harder on large families with children, who tend to drive larger cars that are not quite as fuel efficient as the smaller ones. Four-point-three cents a gallon may not sound like much, and people have constantly said it will work out to only $25 or $35 a year for people, but when market forces push gas prices above $2 a gallon, as they have in some of the cities that I represent in California, the added burden imposed by the Federal Government hurts.

As gas prices have risen over the past few months, government taxation of motor fuel, both at the State and Federal level, has come under increasing scrutiny. The California Assembly recently voted to eliminate the State's double taxation of gasoline, dropping the State's sales tax that was applied to the portion of gas prices accounted for by State and Federal excise taxes. This tax cut should shave off 3 cents a gallon in California, Washington can do its part in reducing prices at the pump by enacting the 4.3-cent reduction proposed by three California Members, the gentlewoman from Shell Beach, CA, ANDREA SEASTRAND, the gentleman from Windsor, CA, ED ROYCE, as well as the gentleman from new Jersey, DICK ZIMMER.

Mr. Speaker, there have been some who have made the absurd argument that reducing the Federal gas tax will not lower gas prices. In response, I would simply recall that there was no question from the Congressional Budget Office or the Joint Committee on Taxation back in 1993 regarding the impact of President Clinton's 4.3-cent a gallon gas tax increase. The money was unquestionably going to come out of the pockets of families and businesses buying gas. The projected tax tables showed that the consumers were the intended target, not the oil companies. Likewise, there is no question today that regarding the benefits of cutting the gas tax, the free market, something liberals neither appreciate nor understand, will ensure that gas prices will be lower after a tax cut than they would be if taxes were not cut.

Two of California's largest oil refining companies, Atlantic Richfield Co. and Chevron, have announced this specific point: The reduction in the Federal tax will be passed along to consumers at gas stations they own. The wholesale price of the gasoline they sell to independent dealers will also be reduced.

Mr. Speaker, I will place in the RECORD at this point the announcements from both Arco and Chevron regarding their policy on gas tax reductions.

The material referred to is as follows:

TEXACO RESPONDS TO GASOLINE TAX REDUCTION PRICE INQUIRIES

WHITE PLAINS, N.Y., May 9.—Texaco stated today the actions it would take in the event Congress repeals the 1993 federal gasoline tax of 4.3 cents per gallon.

There are approximately 13,600 Texaco-branded service stations throughout the United States. For the approximately 1,000 company owned and operated service stations where the company sets the pump prices, Texaco would reduce the gasoline prices it charges to customers, all things being equal, by the amount of the tax decrease. In addition, Texaco would reduce the level of tax it collects from its independent wholesalers by the amount of the tax decrease.

However, at the approximately 12,600 Texaco-branded service stations which are owned or operated by independent business people, Texaco is precluded by law from setting pump prices at these locations.

All of the gasoline inventory held in storage in bulk plants and service stations on the effective date of any tax repeal will have already incurred the full pre-repeal tax of 4.3 cents per gallon. Unless a refund system is put into place, prices consumers pay at the pump could remain at pre-repeal levels until that higher-cost inventory gasoline is sold.

Many factors, including the competitive environment in which a station conducts business, influence the price of gasoline at a service station, thereby making it impossible to predict gasoline prices at any time in the future.

The repeal of the 1993 4.3 cents per gallon federal gasoline tax would reduce the average nationwide state and federal tax on gasoline from 42.4 cents to 38.1 cents per gallon. In the competitive market in which the industry operates, lower taxes will result in lower prices.

CHEVRON RESPONDS TO FEDERAL GASOLINE TAX ISSUE

SAN FRANCISCO, May 8.—In response to many comments in the press and from customers concerning possible oil company actions in the event of a decrease in the federal gasoline tax, Chevron released the following statement:

Any decrease in the federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-operated stations in the U.S. through reductions which, on average, would equal the amount of the tax decrease. We also separately collect these taxes from our thousands of Chevron dealers and jobbers throughout the U.S., and we would immediately reduce our collections from these dealers and jobbers by the amount of the tax decrease. However, these Chevron dealers and jobbers are independent businessmen and women who independently set their own pump prices at the more than 7,000 Chevron stations they operate.

Many factors influence gasoline prices, which are set by competition in the marketplace. It is impossible to predict where gasoline prices may stand in absolute terms at any time in the future. However, if these taxes are reduced, it is logical in a free market economy that overall prices will in the future be lower for our customers than they otherwise would have been by the amount of the tax decrease.

ARCO WILL IMMEDIATELY REDUCE TOTAL GASOLINE PRICE IF 4.3-CENT FEDERAL GASOLINE TAX IS ELIMINATED

LOS ANGELES.—ARCO Chairman and CEO Mike R. Bowlin said today that "if the federal government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents per gallon."

The ARCO chairman said in an interview on ABC's "Nightline" broadcast on May 7, that he had "simply been cautioning that ARCO is not able to accurately predict industry behavior, cannot legally control its dealers' pricing, and that other factors may influence changes in overall market prices. All other things being equal, we would expect the price of gasoline to fall 4.3 cents per gallon."

An ARCO spokesman said that ARCO has a proud tradition of acting responsibly in its gasoline pricing decisions in times of national upsets. He noted that during the Gulf War crisis in 1990, ARCO had been a leader in announcing that it would freeze gasoline prices. Eventually, that led to a situation where ARCO was unable to meet demand for its gasoline and was forced to raise prices in line with market conditions in order to prevent its dealers from running out of gasoline.

The ARCO spokesman said that "gasoline prices have increased some 20 to 30 cents per gallon over the last few months. Obviously no one can promise that even though the marginal cost of gasoline is reduced by a 4.3 cents per gallon tax reduction on a given day, some other factors may not simultaneously influence the market price of gasoline."

ARCO chairman Bowlin said: "What we can say is that ARCO will immediately reduce the total price of gasoline at our company-operated stations and to our dealers by 4.3 cents per gallon. I can also tell you that our internal forecasts suggest that gasoline prices are headed lower. We believe that the vast majority of responsible economists would say that a reduction in excise taxes would be passed through about penny-per-penny at the pump."

Mr. Speaker, I strongly suspect that major refiners around the country will pursue this same policy. The market will dictate that consumers benefit as to this tax cut to the same degree that they suffered from the original tax increase. Arguments to the contrary are nothing but a smokescreen to avoid cutting taxes.

Mr. Speaker, the time has come to give Congress the straight up-or-down vote on the Clinton gas tax that was requested and denied back in 1993. The time has come to begin to pare back the largest tax increase in American history, starting with hardworking middle-income families. Remember, this is just the beginning of our attempt to pare this back. I am one who supports a 15-percent across-the-board

personal income tax cut, which would go a long way toward repealing the Clinton tax increase of 1993, and I hope that this will begin our step down that road of trying to bring about a modicum of responsibility.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and present the American people with a clean up-or-down-vote on a proposal to have the Federal Government stop taxing motor fuel quite so much, letting families keep a little bit more of the money they earn.

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

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

Mr. Speaker, we strongly oppose this closed rule for H.R. 3415, the bill providing for a temporary repeal of the 4.3-cent gas tax.

The rule shuts out all amendments, including those that were offered to ensure that the gas tax repeal goes to consumers, and not to the oil companies. No matter whether one supports the temporary reduction of 4.3 cents or whether one thinks it is an irresponsible action—both fiscally and environmentally—surely everyone expects that the savings will be returned to our constituents in the form of lower prices at the pump when they purchase their gasoline.

Mr. Speaker, we are being required to vote on legislation without being given the chance to consider reasonable alternatives that would, in fact, protect consumers. We think that is completely unjustified and, at the appropriate time, we shall urge our colleagues to defeat the previous question so those amendments can be made in order.

Many of us think the bill itself is an irresponsible political reaction to temporary fluctuations in the market price of oil, and are therefore, also strongly opposed to the legislation. What we are doing today is voting on repealing the 4.3-cents gas tax that was part of the 1993 deficit-reduction package that many Members fought so hard for, without a single Republican vote. Democratic Members took a great deal of criticism at that time and thereafter, at election time, but the fact is, that legislation was a success. This year's deficit will be down to about $155 billion, less than half its 1992 level of $290 billion. Frankly, if Democrats had not made that very difficult decision in 1993 and voted for unpopular deficit-reduction measures, including the additional 4.3-cents gas tax, none of us would even be in the position of talking about the possibility of balancing the budget 6 years from now, in the year 2002.

Proponents of this $2.9 billion gas tax suspension argue that it will not affect the deficit because it is paid for by offsets. But what they don't say is that every tax cut, and every spending increase affects the deficit. Offsets that pay for tax cuts like this one, or for spending increases, consume the increasingly scarce means available to reduce budget deficits, making the task of reaching a balanced budget that much harder.

Furthermore, repeal will not be the great boon to Americans that proponents claim. It will save the typical middle-income family only about $27 a year.

The fact is, even with the 4.3-cents per gallon Congress added in 1993, the Federal and State tax on gasoline is much lower in the United States of course, as Members know, than in European countries and much of the rest of the world where taxes run between $1 and $3 a gallon. Part of the reason we are vulnerable to the kind of sudden surge in gasoline prices that we have seen recently is because we refuse to tax ourselves at a level that will discourage consumption.

Our many years of low gasoline prices have lulled Americans into thinking that we will have cheap gasoline forever. Our expectation of low gas prices has had many harmful effects:

It has lessened the already very minor incentive that exists to conserve energy and reduce our Nation's dependence on imported oil.

It has continued to encourage intensive residential development further and further away from central urban areas; It has provided an incentive for the purchase of larger, heavier vehicles, leading to increased oil consumption and contributing to the ever-rising costs of road repair; It has contributed to air pollution—and the costs of fighting it, which in California is responsible for 5 to 15 cents of the recent gas price increase.

We could slow these trends by letting market forces work and retaining the existing gas tax. Raising the gasoline tax, which I realize is out of the question, but which would be the most sensible move, would obviously lead to even more progress.

For all these reasons, this legislation repealing the 4.3-cent gas tax is a not a wise step for us to take. It would, rather, serve the best interests of our Nation and protect hard-won deficit reductions if this legislation was defeated.

In any event, Mr. Speaker, our Republican colleagues seem determined to make sure this bill will not result in savings for American consumers anywhere near 4.3 cents a gallon.

For that reason, I urge my colleagues to join me in opposing the previous question so we can give this tax cut to our constituents—to American drivers—not to big oil companies.

If the previous question is defeated, I shall offer an amendment to the rule to make in order three consumer protection amendments to guarantee these savings are passed on to the American people. Every single one of these consumer protection amendments was rejected by the majority in the Rules Committee last week, but we feel strongly that the House should have the opportunity to determine who this gas tax repeal is to benefit.

Mr. Speaker, to summarize, we oppose this rule and, at the proper time, we shall urge defeat of the previous question.

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

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

Mr. Speaker, I would respond to my friend by saying that we have the best consumer protection vehicle, and that happens to be the free market. I said in my statement that I have press releases which I have entered into the RECORD that have come from two of the so-called big oil companies based in my State of California.

I am not here as an apologist for the oil companies, but the fact of the matter is that on ABC's Nightline, Mike Bowlin, the chairman and chief executive of the Atlantic Richfield Co., said ''If the Federal Government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents a gallon.'' Chevron says, ''Any decrease in the Federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-owned stations in the United States.''

My colleagues on the other side of the aisle insist on mandating this, mandating it. My friend, the gentleman from San Diego, during 1-minutes today, kept saying we have to impose a mandate to make sure that this goes on. We happen to believe in the free market. I happen to take these people from these companies at their word. I know it is politically popular to bash the hell out of big oil, but the fact of the matter is they have stepped up to the plate and said that it is going to be passed on to the consumer. Before we pass another law imposing constraints on them, I think we should maybe try the free market.

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

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Claremont, CA, who is vice chairman of the Committee on Rules, for yielding time to me, and for leading off this debate on one of the most important issues that will come before this body this week, that is for sure.

Mr. Speaker, for those members who may be back in their offices, I know this is the first day back today, but I guess if we really want to point out the differences here, my good friend, the gentleman from California, TONY BEILENSON, who will be retiring this year from the Congress and who came here, I think, in 1976, so he has been here a long time, but to point out the differences, my good friend, the gentleman from California, would like to,

I think I have heard him say on a number of different occasions, increase the gasoline tax by 50 cents.

In my district, which is about 250 or 260 or 270 miles long, depending on which road you take, 10,000 square miles, it is mostly rural, but we do not have buses and trains and subways. We certainly do not have any subsidized buses and trains and subways. People have to pay their own way. This 5 cent tax already cost them about $40 or $50 more per year. Imagine what a 50-cent increase in the tax would cost them on what it already costs them, if they pay $1.30, $1.40 or $1.50 per gallon to drive back and forth to work. So think about that, because that is the difference between their argument and ours.

Mr. Speaker, this bill does repeal one of President Clinton's most burdensome taxes on the middle class, on working Americans, his 4½ cent increase in the transportation motor fuel excise tax in 1993. Perhaps the only one more onerous than that perhaps was the increase in the Social Security tax during that same bill, which was the biggest tax increase in history.

Mr. Speaker, since gas prices have soared in recent months, there have been some attempts at revisionist history of how the gas tax came about. Let us review the painful legislative history of that. In early 1993, when the Democrats controlled Congress and the White House, that meant they controlled everything, it seemed at the time there was no tax that the Clinton administration did not like. Let me tell the Members, they loaded up that bill. That is how we got the biggest tax increase in history, including this one.

When the 1993 budget reconciliation bill passed the House by a vote of 219 to 213 without a single Republican vote, it contained an excessive energy tax. I think they called it, what did they call it, the Btu tax, I think it was.

□ 1615

Most people never heard of it until it was brought up on the floor that day. I think it was a British thermal unit tax, is what it was, in which an excise tax is levied on all forms of energy based on the thermal or heat content of a fuel. That is how ridiculous that tax was.

When the bill emerged from the conference, it contained a permanent 4.3 or 4½ cent increase in gas taxes. That legislation, if Members recall, passed by just two votes. The American people got saddled with it because of two people who did not switch their vote.

Mr. Speaker, I wish we had time to undo all the damage contained in that 1993 tax package, which was of course, as I have said, the biggest increased in taxes in the history of this Congress.

Mr. Speaker, as Chairman ARCHER of the Committee on Ways and Means testified before the Committee on Rules, the Nation is experiencing a spike in gas prices this year. It is estimated that average national regular gasoline prices have increased from $1.09 per gallon on January 8, 1996, to $1.28 per gallon on May 7, 1996. In some areas, prices are even higher.

I know in the district that I represent, which I have just described, in upstate New York gas is as high as $1.33 per gallon for regular gas today, and that is really a tremendous increase. In Mr. DREIER's State, I think he just mentioned, certainly Mrs. SEASTRAND sitting across the way here, prices in some parts of their States are now over $2 per gallon.

For my constituents who reside in the mid-Hudson Valley in a district that is 270 miles long, this is a severe economic crunch brought about by President Clinton's tax package. Many citizens in my district drive 100 miles a day round trip. That amounts to 25,000 miles per year or more. Any kind of a relief from these exorbitant gas taxes for these people who drive so far on a daily basis is sorely needed, Mr. Speaker.

Mr. Speaker, the severe winter, the Mideast politics and other market forces certainly have contributed to the sharp increases in the price of gasoline. However, no one can deny that the long-term impact of the President's tax increase which has hit consumers directly at the gas pumps.

For those who drive up to 100 miles a day to get to work in the morning and get home at night, any kind of tax relief is greatly appreciated, and this repeal of the 4.3 cent gasoline tax increase is only a minor component of a larger program to provide tax relief to all Americans. But this repeal is a huge step in the direction of beginning to repeal taxes around here instead of incessantly increasing them. Let us stop this, and let us enact this bill.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank my friend and colleague from California, Mr. BEILENSON, for yielding me the time.

Mr. Speaker, one cannot believe that the American consumer will not see through this. Why would the majority not agree to an amendment to ensure that the 4.3 cents goes to the consumer? What is wrong with that? We quote some of the executives of oil companies that say they will do it. If that is the case, it would not hurt them. Why not build that into the law?

Now the reality is that gas prices are gong to drop. The fact is that gas prices are going to drop substantially in the very near future. We just got an agreement that Iraq will be able to sell 2 billion barrels of oil, so we know gas prices are going to drop dramatically.

But this will ensure that we will lose $3 billion of revenue this year if we build it into the budget resolution. We have been talking about $30 billion over the long term, but if it is just 1 year, it is $3 billion that the consumer has to pay for. It increases their deficit, it reduces revenue that they will get from spectrum auctions or whatever else. It does not need to be done. It should not be done.

The fact is that 6 months ago oil prices were at the lowest level in 50 years in terms of real dollars, and that oil prices dropped after the 4.3 gas tax was put in, so this spike in gas prices has nothing to do with this 4.3 cent tax. It has everything to do with a calculated decision on the part of the oil companies. Even knowing that we had experienced a very harsh winter, that demand for oil was going to go way up, they deliberately depleted their supplies, and it worked.

If we look at the first quarter profits for oil companies, they have been up over 40 percent in the first 3 months of the year, and of course the executives that run those oil companies made out beautifully. Consider that the average salaries and expenses for the top six oil companies was $1.5 million per executive. But in addition, just in March and April alone, the value of their stock options rose by $32.8 million as a direct result of this policy. It worked.

Now we hear about the free market system. What free market system? If it was really a free market system, we would see some oil companies coming in and trying to seize a larger share of the market because clearly they do not need to charge this much.

If we look at California, where gasoline prices have jumped more than 30 cents a gallon since mid February, the Los Angeles Times reported that the refiners' profit margin per gallon of gasoline sold at retail has more than doubled since December. The profit margin more than doubled from 21 cents per gallon to 46 cents per gallon. That is where the money is going. The money is not gong to purchase the oil. The money if going into the profit of the oil companies, a calculated decision.

Now we are going to come around and add $3 billion to the taxpayers' debt to reduce their gas taxes? It does not need to be done. We know that gas prices are going to drop because of Iraq selling more oil on the market. This kind of thing is a sham. It is political pandering. It ought not be done. We ought to protect the consumer's interest. We should at least allow an amendment to ensure that the money goes to the consumer.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to my very good friend from Shell Beach, CA, Mrs. SEASTRAND, who represents the Santa Barbara County area. Mr. Speaker, let me just say that she is the lead author of this legislation which calls for the repeal of the 4.3 cent a gallon gas tax.

Mrs. SEASTRAND. Mr. Speaker, I rise in strong support of the rule to H.R. 3415, legislation I introduced to temporarily repeal the 4.3-cent gas tax which was part of the President's and the 103d Congress' $268 billion tax increase package.

It is important that this legislation be considered as expeditiously as possible to provide relief from the recent

surge in gasoline prices, particularly before the Memorial Day holiday as the demand and price of gasoline increase as we approach summer and Americans significantly increase their amount of driving.

In my congressional district located on California's central coast, the price of gas has risen sharply since April. In some parts of my district the price of gasoline has actually increased to over $2 for a gallon of 93 octane gasoline.

There are a number of variables that contributed to the gasoline price surge. There has been a reduction in the supply of gasoline due to the extremely harsh winter we just experienced causing oil companies to convert petroleum into heating oil rather than gasoline. Another reason for the surge of gasoline prices in my State is related to recently instituted regulations mandating the refining of cleaner burning gasoline; these new regulations will significantly reduce air pollution in California; however, they do have their price, which is about a dime a gallon of gas.

By repealing the 4.3-cent gas tax by one-third as proposed in my bill, Californians will see a savings of over $225 million in 1996. It is important to bear in mind that the gas tax we are considering today is unlike all other Federal taxes American consumers pay. The revenues generated by this gas tax devised by President Clinton and the 103d Congress, do not go to the highway trust fund to repair and build roads across America. The money go directly to the U.S. Treasury to be spent on miscellaneous Government expenses. Repeal of this law for the remainder of 1996 would reduce taxes for American consumers at the gas pump by over $2½ billion and would reduce the costs for many other goods and services that are currently inflated due to the high price of gasoline. Furthermore, it would reestablish the 8,000 jobs in California and the 69,000 total jobs lost in this country when the tax was enacted in 1993.

This tax repeal is a break the American consumer deserves, is long overdue, and keeps us on target toward balancing the Nation's Federal budget by the year 2002. Mr. BLILEY's amendment to the legislation assures us that the repeal will be paid for by auctioning 35 megahertz of the electromagnetic spectrum. This legislation coupled with reductions of wasteful spending at the Department of Energy provide the necessary offsets to ease the pocketbooks of American consumers.

Again, Mr. Speaker, I urge my colleagues to support the rule and the subsequent legislation that will be considered to repeal the 1993 gas tax.

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

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, it seems that every debate we have around here, it centers on the President's package of 1993. I would just like to remind the gentleman, I do not know about this district, in my district the package we passed in 1993 with all Democratic votes, 55,000 of my constituents had a tax cut because of the earned income tax credits; 1,100 people had a tax increase.

Now we talk about repealing the 4.3 percent gasoline tax, which I would like to vote for if I could be assured that when my mothers and fathers and aunts and people taking the kids to Little League and going to Disney World, when they drive up to the pump, they are going to get a 4.3 percent decrease in their gas tax.

You say that you believe in the free market, but you do not believe in democracy. You do not believe in giving us a chance to vote on some assurance that the consumer is going to get the benefit of this 4.3 cents a gallon. You are going to trust the oil companies that are in the business of the bottom line, the profits. To me this just does not make any sense.

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

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

Mr. DREIER. Mr. Speaker, if I could respond very briefly by stating that it is very, very clear that when we brought this issue up in 1993, we tried to get a straight up-or-down vote on this tax increase that was a part of the Clinton overall tax increase legislation, and unfortunately we were denied that.

What we are saying now is we do not support mandates. We do not support the constant imposition of constraints from the Federal Government onto the private sector. We have statements that have come from those in the private sector, that they will pass on to your relatives and your constituents who are driving to Disney World or wherever else they want to go this summer, that they will have a 4.3-cents-a-gallon reduction in the tax they have to pay. Now, why we have to proceed with having the Federal Government impose a mandate on us is preposterous to me.

□ 1630

Mr. HEFNER. Mr. Speaker, let me just make a couple of points. You talk about wanting to give some tax relief to the working Americans, but in your budget that you passed here last week, you cut earned income tax credit, which is going to be a tax increase to working Americans. It seems to me if you wanted to make sure that the consumers get the 4.3 cents benefit from the repeal of the tax cut, that it should be mandated that it be passed on.

You have two letters. I do not know how many oil companies there are in the United States, but that is not even 1 percent of the oil companies in the United States. And if it is such a great idea, why do you not make it permanent? Why did you not go back and pick up the 10 cent a gallon tax that your Presidential candidate helped put on several years ago, and make it like 15 cents? Repeal the whole 15 cents and give the consumer a real break on gasoline prices. This is something that just does not make a lot of sense to me, unless you can mandate the consumer gets the benefit of the tax cut.

Mr. DREIER. Mr. Speaker, I will say I totally concur with my friend. I want to see the consumer benefit from this tax cut.

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

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I am fascinated. I keep hearing about President Clinton's gas tax that was passed in 1993. That was actually part of a much larger bill. I never hear about other parts of that bill. How about President Clinton's tax cut, the tax cut that went to 100,000 working West Virginians making under $26,000 a year, that more than offset any increase they saw in the gas tax? How about President Clinton's deficit reduction plan, that has brought the deficit down far more than anybody thought, from around $290 billion to $135 billion, more than half in 3 years? How about President Clinton's tax cut plan, that actually dropped taxes for large numbers of West Virginians? So the result is that today, we have an economy that has actually been growing when Members of the other side, Mr. Speaker, said it would be retracting.

But my main concern on this is how do you protect the consumer. I am offered two press releases from oil companies, large oil companies, that say trust us, do not worry, we will pass the 4.3 cents along.

I tried that out yesterday, Mr. Speaker, at a gas station in West Virginia, as I was paying $1.32 I believe for regular. I tried that out. They said, ''Bob, how are we going to guarantee the consumer is protected?'' When I said ''That is OK, it is going to be the marketplace,'' they all broke out laughing. They know the 4.3 cents is not coming back.

Yes, you may see the price drop off the tag on the marquee for a day or two, but when it goes back up again, you will say ''You did not pass it along.'' They will say ''Daggone, you know the futures market. It is terrible today.'' That is what concerns a lot of us, Mr. Speaker. Why can your party not simply permit us a vote that says the consumer definitely gets the benefit of this?

I hear a lot about the free markets. The free market works best when the consumer actually gets what they paid for. So if the consumer is to get the benefit of the 4.3 cents, let us offer an amendment. But you will not do it, Mr. Speaker. You will not let us offer an

amendment to guarantee the consumer gets the benefit of this.

You instead take the money you save from spectrum sales and cutting $800 million from the Energy Department. That is interesting. The reason we are in this pickle is because we are 50 percent dependent at least on foreign oil producers for our energy, and yet we are going to cut the agency that tries to make us energy independent.

But at any rate, you say there is $3 billion to be found. If there is $3 billion to be found someplace else, could we use that for deficit reduction too? Could we use that, instead of ultimately having to cut education, having to cut highway construction, having to cut infrastructure, and could we use that instead of having to cut the programs that help our economy to grow?

Oil company profits, Mr. Speaker, went up 40 percent in the first quarter of 1996 over the first quarter of 1995. Certainly it seems to me that couple of press releases are not sufficient, and if the consumer is to be guaranteed he or she will get that 4.3 cent a gallon cut, that we ought to be guaranteed something more than two press releases and ''Gosh, we hope so.'' I think it requires legislation.

Please, let us offer the amendment that safeguards the consumer and make sure that this cut in the gasoline tax goes to them. If you are not going to do that, let us not play this game.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Speaker, I rise today in opposition to the closed rule on H.R. 3415. Let me say from the outset that I find it a little surprising and a little ironic it has taken the Republicans 18 months to decide to repeal this tax. Why was it not in the Contract With America?

I had hoped to have the opportunity today to offer an amendment to repeal this 4.3-cent gas tax for the remainder of the year, and offset that cost with the repeal and immediate elimination of the ethanol subsidy. However, my colleagues on the Committee on Rules, the majority of my colleagues on the Committee on Rules, would not allow such a vote. Instead, the Republicans have once again asked this Congress to consider important legislation without full and open debate, and perhaps worse, without the full assurance that this will not add to the deficit.

In fact, not one member of the authorizing committee for spectrum sales testified in favor of such spectrum sales or spectrum auctions. No hearings have been held. We do not know whether it will pay the tab.

Furthermore, Mr. Speaker, the American people deserve common sense legislation to provide relief for soaring gas prices. My approach would have repealed the gas tax and provided immediate relief to American consumers, but it would have achieved this goal in a way that is fiscally responsible, environmentally sensitive, and truly responsive.

According to the Joint Tax Committee, a repeal of the gas tax through the end of the year would cost $2.9 billion. Repealing the 54-cent ethanol subsidy would reap $2.6 billion over 5 years and almost $10 billion over 10 years. The ethanol subsidy has proved to be one of the biggest boondoggles in the history of the Congress. According to the Treasury Department, it costs $5.3 billion in the last 10 years. The ethanol subsidy also costs the highway trust fund $850 million per year.

I might add that 50 Members of the House on both sides of the aisle have introduced legislation to repeal this. In fact, a majority of the House voted to repeal the ethanol subsidy last fall, only to see it stripped by the majority in the Senate.

Finally, my amendment would have allowed an alternative to the controversial funding offset of spectrum auctions which the bill proposes. Frankly, as I said, no member of the authorizing committee testified in favor of this spectrum auction before the Committee on Rules, underscoring its dubious fiscal estimates.

We should cut the gas tax, but we should do so responsibly. Unfortunately, this Congress will not have that opportunity today. The Members of this House cannot be trusted with this responsibility according to seven members of the Committee on Rules.

I urge my colleagues as a result of that to defeat this rule, to defeat the previous question, and open this up and let democracy be part of this House.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I rise in opposition to this rule. There are no amendments allowed. It is a closed rule. There were amendments proposed to ensure that the tax cuts would be passed on to the consumers, to make it permanent, to ensure that it would cure the defects in this bill, the No. 1 defect being the fact it is not paid for. My former colleague just explained an amendment which would have paid for this. None of these amendments will be allowed. This bill will increase the deficit.

Now, I opposed the gas tax increase in 1993. I felt that it was unfair for people in the West to pay more for deficit reduction than those in the East who had access to mass transit. But the repeal should be permanent and should be paid for, not just election year politics in search of votes. The gas tax will go up right after the election.

This bill is not paid for. The spectrum auction last year was included in last year's budget, by the way, as a method to pay for deficit reduction. Now it is being ponied out to pay for gas tax repeal.

This bill also uses sleight of hand by attempting to decrease future authorizations to pay for this bill, not budget authority. Even the CBO says that will not work and will not pay for the bill.

On the Committee on the Budget last year, there were safeguards put into the budget to ensure that we would not get into the easy route of cutting taxes without balancing the budget and without paying for those tax cuts. There was a mechanism placed in there to prevent that. That was left out of this budget, and I attempted to put it back in last week when we debated the balanced budget that was proposed here. They refused to put it back in.

Why? Because apparently they want to come forward with additional cuts in taxes that are not paid for, that are not part of a balanced budget. The chairman of the Committee on the Budget said, ''Trust me. I will not allow bills to come before this floor which increase the deficit, which cut taxes, and which are not part of a balanced budget proposal.''

Here we are, one week later, also being told by the gas companies, trust them, they will pass it on to the consumers.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the policy committee.

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

Mr. DINGELL. Mr. Speaker, I rise in opposition to this outrageous gag rule, and I urge my colleagues to vote down the previous question. When historians write the results of today's discussions, they are going to write that in a shameful and a shameless fashion, this Congress tried to gull the American people into a belief that some way or another they are going to get 4.3 cents a gallon back on gasoline.

Nothing is further from the truth. The big oil companies are already rubbing their hands and licking their chops, because they are going to get that 4.3 cents per gallon, and it ain't ever going to get to the people of the United States. And if you go home and tell your people so, you are not going to be telling the truth.

Now, beyond that, I wanted to point out that this is a gag rule. Now, I love my dear friend, Mr. SOLOMON. He is a fine gentleman and a fine Member of this body. But I call him ''Closed-rule-SOLOMON'' and have done so for some time. I know it is offensive to him in the supreme to have to offer rules which make it possible for Members like me to have a decent opportunity to amend the legislation such as we have before us.

What this bill does is it is going to give 4.3 cents per gallon to the big oil companies, and they are going to enjoy it mightily. That comes down, my dear friends and colleagues, to $4 billion that you are giving to oil companies, that really do not need it. Their balance sheets are healthy in the extreme and their stock is going up daily.

Members in this body, because of this closed rule, will have no opportunity to vote on amendments that will put this 4.3 cents per gallon gas tax into the pockets of their consumers. The only thing that is going to happen is the oil companies are going to get that money, and the deficit is going to go up by $4 billion.

Fiscal responsibility? No. Oil companies would say so, yes, but the average citizen will say so, no. Indeed, oil prices are going to go down because the Iraqis are now entering the world markets because of the understandings in the U.N. the other day.

Now, there is simply no mechanism in this legislation whatsoever for ensuring that the tax reduction actually reaches the consumer at the pump. In short, this bill and this rule will do nothing for the typical American consumer. That is why I urge a no vote on the rule, and why I urge a no vote on the previous question.

If you have read the papers, you have seen that time after time, spokesmen for everybody, including the big oil companies and economists and government people, have said this money is going to the oil companies, it is not going to the ordinary citizen. Beyond that, when our committee had hearings a couple weeks ago, Dr. Phillip Verleger, a respected energy expert at Charles River Associates and a witness selected by the Republicans, was quoted widely in the press as saying consumers will not see any of this repeal reflected in the pump prices.

Mr. Charles DiBona, an old and respected and valuable friend of mine, a fine and honorable gentleman, who heads the American Petroleum Institute, had a little more optimism on it. He thought consumers might see some of this money back, but he never said when. I asked Mr. DiBona whether he thought the oil industry would support an amendment that would ensure that consumers would get this 4.3 cents per gallon back. He demurred, because he understood full well that his clients and his people and the American Petroleum Institute were going to fatten themselves to the tune of $4 billion at a 4.3 cent per gallon clip at the expense of the American consumers.

We are giving by this legislation and by this closed rule $4 billion to the oil companies. Nothing, nothing, nothing of this is coming back to the American people.

I asked the Committee on Rules, chaired by my dear friend, ''Closed-rule-SOLOMON,'' to make it in order to ensure amendments offered by myself, the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Florida [Mr. GIBBONS], to assure that the money would come back to the consumers.

That was not permitted by the Committee on Rules, which was doing its proper work, because it is taking care not only of Republican policy, but of their good friends amongst the oil companies, by seeing to it that the oil companies get the money, and not the consumers.

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

Mr. Speaker, I would like to say we have had many more open rules, and to call my friend JERRY SOLOMON ''Closed-rule-SOLOMON'' is clearly a misnomer. We in this Congress have seen a dramatic improvement in the free flow of debate, as has taken place on the floor of the Congress here, and the numbers actually prove that.

Mr. Speaker, I yield 2½ minutes to the gentleman from Louisiana [Mr. TAUZIN], a member of the Committee on Commerce.

□ 1645

Mr. TAUZIN. Mr. Speaker, I thank my friend from California for the time.

Mr. Speaker, there are many things that may be uncertain about the marketplace, but let us talk about a few things that are certain. The administration, when it passed this 4.3-cent gas tax told us it would not really cost the consumer anything, and now, when we are about to repeal it, they say it will not really save the consumer anything. Let me be clear. Gasoline prices cost 4.3 cents more than they should because of the 4.3-cent a gallon tax.

In 1981, the combined State, local and Federal taxes on gasoline was 13 cents. Today, the average in America is 39 cents. That is 26 cents more than it should be costing because of taxation. When we reduce taxes, we make gasoline cost less. When we raise taxes we make gasoline cost more. What could make more common sense?

But if we really want to look at the price of gasoline, look at the fact today we are more dependent on foreign producers and refiners than ever before. We have not built a refinery in America for 20 years. And those who complain about gasoline prices should think about their votes to create moratoriums against drilling; think about their votes to prevent the production of hydrocarbons and refined products in America; think about the fact that today we are more dependent on Saddam Hussein and Iraq than we were yesterday; think about the fact that the price at the pump includes all of the cost, including our taxes, and includes the cost of escorting ships from the Persian Gulf, includes the cost of the Persian Gulf war, includes the lives of young Americans and the health of young Americans who had to go fight for somebody else's oil because we would not produce it in America.

Yes, we should vote for this rule. We should, indeed, repeal this tax and make gasoline cost just a little less for Americans who depend too much on foreign produced oil.

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

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

Mr. DREIER. Mr. Speaker, I want to ask the gentleman if I am correct in assuming that my friend left the other side of the aisle and came over here because of his understanding of the free market process?

Mr. TAUZIN. Mr. Speaker, I would respond to the gentleman that that was certainly part of it.

Free markets make sense in America. We applaud them. We are pleased with them. My liberal friends who like gasoline taxes believe that the price of gasoline should be really high so Americans will not use it any more. That is their theory. So they keep adding taxes on it.

Those of us who believe in the free markets know that if we produce more at home, if we produce more at home and not depend upon foreigners all the time, then we can really get prices we can depend upon. When we depend on somebody else to make our products, they set the prices and we may not like them. When we raise taxes on a product, we raise the prices to consumers. It is that simple.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

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

Mr. FOGLIETTA. Mr. Speaker, with this closed rule, we have run out of gas on gag rules.

It was clear from day one that there would not be opportunity to be heard on this election year gimmick. There is no guarantee that the repeal of this tax will trickle down to our constituents—and thus this is just another Gingrich gift for corporate America and fat cat contributors.

The one way to guarantee that working people will feel any benefit from our action on the gas tax would be through the compromise I wanted to offer today.

I start with the premise that repealing this tax is wrong. In 1993, Democrats, alone, had the courage to pass the largest deficit reduction effort in history and it is working. We have cut the deficit in half, and just today the estimate of the deficit was lowered by another $15 billion. We should not go back.

My compromise recognizes the political reality—it is going to pass. My amendment would repeal half of it. The rest—2.1 cents of it—would be directed toward underfunded mass transportation infrastructure.

If we are really serious about helping working people get to work—cheaply, reliably, and environmentally friendly—than helping mass transit stay alive is where we should invest. Mass transit is also one of the tools for genuine welfare reform.

But mass transit is grinding to a halt—in cities, in the suburbs, and in rural areas: service cuts in Casper, WY, 50-cent fare increases in Montgomery, AL, 22-percent fare increases in suburban Harrisburg, PA, and near bankruptcy for transit system in my district, SEPTA—hurt so badly by the retreat by the Federal and State Governments. Thus, this is not a big city

issue. It affects anyone who rides the road, the rails, the buses, senior vans, or subways.

We could really help our constituents get to work—the people who depend on transit, and drivers who depend on transit to avoid the traffic gridlock we face in the next century—by investing some of those gas tax dollars in transit. Let's send this rule back to the Rules Committee so we can have a fair debate.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Fullerton, CA, Mr. ROYCE, one of the coauthors of this legislation.

Mr. ROYCE. Mr. Speaker, I rise in strong support of the rule for this bill, of which I am an original coauthor, to repeal the 4.3 cent per gallon Federal gas tax imposed by the Clinton budget in 1993.

At a time when we in Congress are trying to put money back in the pockets of American families and recharge the Nation's economy, gasoline excise taxes are at an all-time high. In the last 10 years, the Federal gasoline tax more than doubled, from 9 cents to 18.3 cents per gallon. Now, in California, the total gasoline tax has increased to 47.4 cents per gallon.

We are to believe that government can continually increase taxes like this without it affecting the price at the pump? Economists tell us that that is not so. Economists tell us if we increase taxes, and increase taxes, and continue to increase that tax, we will see that reflected in the pump price.

Now, the prior Congress did increase this tax and we want to repeal it. This tax burden takes $422 out of the average American family's household budget per year, and that is a significant amount of money for hardworking American families trying to make ends meet.

When President Bill Clinton pushed through the 4.3-cent-per-gallon hike in the Federal gas tax in August of 1993, as part of the largest tax increase in peacetime history, he assured his colleagues that the tax increase would only affect the rich. In reality, the gas tax increase has had a significant day-to-day impact on middle and lower income American families. These are the folks that are feeling the pinch at the pump, it is not the rich.

And to add insult to injury, none of the 1993 increase goes toward improving our Nation's roads or bridges or highways, which would be of some benefit to the user that is paying that tax. So the recent painful increase in the price of gas at the pump gives us an excellent opportunity to repeal a tax that never should have been imposed.

Cutting the Department of Energy to pay for the fuel tax repeal makes sense. Like the first bill I introduced 3 weeks ago, this legislation recognizes the tremendous inefficiencies of an outdated, overgrown bureaucracy that has long outlived its purpose.

Created by President Jimmy Carter in 1976 to solve the energy crisis, the DOE has grown into a massive $17.5 billion bureaucracy with multiple missions and questionable priorities. It has been plagued with controversy and management problems. In a February 1995 report, the General Accounting Office criticized the Department of Energy, and concluded that the ''DOE is not an effective or successful cabinet department.''

But this is only part of the story. I urge my colleagues to read my editorial printed in the Washington Times this morning, where I go into much more detail on the inadequacies and failures of a Department that has simply outlived its purpose.

The bottom line is that energy is no different from any other commodity in the marketplace. Energy production and distribution is better directed by market forces than by government planners and bureaucrats. As is the case with so much of our government today, the DOE represents an outdated response to a brief period of crisis and is basically irrelevant today.

While this legislation we are debating today does not go as far as the earlier legislation I introduced, it does focus attention on the blatant mismanagement and abuse of taxpayer funds that plague this Department and reduces its budget.

Again, I urge my colleagues to support this bill. We should repeal the 1993 gas tax, cut the Department of Energy budget, and give the money back to motorists. That's more than the Department has done.

CUTTING THE GAS TAX AND REINVENTING GOVERNMENT

(By U.S. Rep. Ed Royce)

In 1992, when he was running for president, Bill Clinton promised he would not raise federal gasoline taxes. But just one year after he was elected, in August 1993, he pushed through the Congress a budget proposal with over $265 billion in tax increases, including a 4.3 cent per gallon hike in the federal gas tax.

At the time, Clinton assured his colleagues that the 1993 tax increases would only affect the ''rich.'' In reality, the gas tax increase has had a significant day-to-day impact on American families, especially those who are middle and lower-income. These are the folks that are feeling the ''pinch at the pump,'' not the ''rich.'' To add insult to injury, none of the 1993 increase goes toward improving our nation's roads, bridges or highways, which would be of some benefit to the user. This is a perfect case study of how the democrat philosophy of redistribution of income can backfire.

Two years after the ill-fated tax increase, Clinton apologized before a group of Democratic party donors, admitting that he ''probably raised taxes too much.'' But is he sorry enough to do something about it?

If so, he now has a perfect opportunity to partially right his wrong and kick-start his effort to ''reinvent government.'' Two weeks ago I introduced a bill in the House of Representatives to repeal the 4.3 cent gasoline tax increase, paid for by downsizing the Department of Energy (DOE). It is that bill which provided the basis for the proposals now moving through the House and the Senate.

The painful increase in the price at the pump gives us an excellent opportunity to repeal a tax that never should have been imposed, while at the same time helping taxpayers keep more of their hard-earned money. Why offset the cost of the repeal by downsizing the DOE? Admittedly, it's an easy target—the Department is plagued with controversy and management problems. But that's only part of the story. The DOE simply has outlived its purpose, and like any obsolete entity or industry, its got to go.

To put the situation in perspective, in the wake of the Arab oil embargo in 1976, Jimmy Carter campaigned for President on a platform of energy independence. The following year, he created the DOE and charged it to solve the problem. Since then, the DOE has grown into a massive $17.5 billion bureaucracy with multiple missions and questionable priorities. Needless to say, it has not solved the problem.

For example, the department embarked on a massive and expensive program to develop synthetic fuels. Predictably, it failed. After billions of dollars, a half dozen years, and a notorious scandal, the department abandoned its ''synfuels'' program, and concentrated on overseeing nuclear energy programs. Meanwhile, the market took care of the petroleum shortages and the price of oil dropped from a high of $40 per barrel to $20.

Much of DOE's budget is directed at nuclear weapon or nuclear cleanup activities. These environmental and defense undertakings are best managed by environmental and/or defense agencies, not energy departments. Turning the weapons-related programming over to the requisite agencies makes sense, and helps protect against bureaucratic ''mission creep'' as was the case at the old Atomic Energy Commission. Additionally, in the case of the Department of Defense, merging the weapons producers with the weapons customers helps ensure coordination of national strategy.

President Clinton has already proposed that we denationalize the DOE's Power Marketing Administration's (PMA), and turn the Bonneville Power Administration into a public corporation because the premises on which they were established is no longer applicable. He's got that right. More than 98 percent of America is already wired for power and there is no cause whatsoever to believe that private companies would somehow ''pull the plug'' on electrified regions. Governments around the world are privatizing government operated power systems, including Poland, Hungary, Spain, Italy, and Peru. The U.S. should listen to the advice it gives to the former Soviet bloc and denationalize its own ''means of production.

We should also sell the Strategic Petroleum Reserves (SPR), and the Naval Petroleum Reserves (NPR). The NPR were originally set aside to ensure the Navy a supply of oil as it converted its fleet from coal to oil before WWI. The SPR was created during the energy crises of the 1970's, when Congress decided the government should produce oil and gas at these fields and sell them on the commercial market. The problem is that the SPR, no matter how large, cannot insulate the American economy from international energy markets. Even if we were to import no foreign oil whatsoever, international supply disruptions would cause price increases just as high here as they would be in a nation that imports all of its oil.

Additionally, much of the SPR is high-sulfur crude that would be amply available in any OPEC-induced crisis. It's low-sulfur crude that the U.S. imports from the Persian Gulf and high-Sulfur crude cannot easily be substituted for low-sulfur crude without a great deal of cost.

Finally, concern over the inability to secure needed oil during a supply disruption has decreased significantly. The number of oil-exporting nations has increased, and the large oil companies have worked to diversify their sources of oil. As Daniel Yergen, President of the Cambridge Energy Research associates and author of The Prize explained, ''There is a much more secure base to the world's energy economy than was the case in 1973 . . .''

The bottom line is that energy is no different from any other commodity in the

marketplace. Energy production and distribution is better directed by market forces than by government planners and bureaucrats. As is the case with so much of our government today, the DOE represents an outdated response to a brief period of crisis and is basically irrelevant today.

For these reasons, it only makes good sense to terminate unnecessary programs, consolidate others, transfer those serving a valid purpose, and privatize programs that could be better performed outside of the government. The DOE was a government-imposed solution to a world market problem. And it hasn't worked.

We should repeal the 1993 gas tax, cut the Department of Energy budget, and give the money back to motorists. That's more than the Department has done.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I rise in strong opposition to this closed rule and ask the House to defeat the rule and to defeat the bill.

Did the 4.3-cent gasoline tax of 1993 cause the 20-cent, 30-cent, 40-cent increase at the pump in 1996? That is what the Republicans and the oil companies would have us believe.

The truth is that the oil industry dropped its overall inventory by 100 million barrels a day since last June, in a bet, a bet that Saddam Hussein would be allowed to sell more oil on the world market. And when that bet did not pay off, who had to pay? The American consumer had to pay because it is an inelastic gasoline marketplace in the United States. We cannot shift over to coal or to natural gas or to solar for our automobiles. We must pay whatever the market will bear. Because the companies did not have the inventory, we must pay. The consumer must pay.

Now, the oil industry wants a tax break, 4 cents a gallon. The Republicans set up their bill so that the tax break goes to the oil refiners. Not to the consumers, to the refiners. The Democrats, the gentleman from Michigan [Mr. DINGELL], the gentleman from Florida [Mr. GIBBONS], and I, we sought to ensure that the money would go into the pockets of the consumers, but we are not allowed to make an amendment to do that.

I wanted to have it written right into the Tax Code that owners of an automobile get back 30 bucks, which is the average tax on an automobile driver each year. Thirty bucks. An individual would get it back immediately. But no, the Republicans say we are giving the whole break to the oil refiners, who have already seen an increase of $90, $100, $120, $150 more this year that they are going to take out of the average automobile driver's pocket.

Now, what happened? The oil industry drove right past a world awash in oil, all of 1995 and 1996, and did not put any stock in their inventory, betting on Saddam Hussein. After we had sent 500,000 men and women to that country in 1991, they had the temerity then to treat themselves as if they were any other industry and keep stocks at historic lows.

So what happens? As the gentleman from Michigan [Mr. DINGELL] said, we have witnesses before our committee, economists that the Republicans have sent to us, that say that maybe the taxpayer will get back $15, total, if we give the break to the oil refiners, but many others said they are not going to get back any at all because the oil companies will pocket the $15 for themselves.

Well, what they wind up with is $120 or $130, an increased price at the pump, the tax break that went to the oil refiners rather than to the consumer, and the oil companies walk away with $120 or $150 out of every person's pocket in this country.

This is a closed rule. It is wrong. Candidate DOLE is not going to say anything about the oil companies. Candidate DOLE is not going to fight for the consumer at the gas pump. We will not hear him say a word about the oil companies, Candidate DOLE. We are just going to hear him pointing back to a 4-cent gasoline tax in 1993. Well, what about the other $150 for the consumer? All he is concerned about is the $15, and he has not even got a mechanism put together that will get it back into the pockets of the consumers in this country.

So the issue is very clear, ladies and gentlemen. If we believe that the consumer should get a tax break, we must vote against this rule; and then we must vote against this bill because it in no way assures under any circumstance that the consumer is going to see this at the pump. And by the way, the American consumer that pulls up to the gas pump knows this. It is not the guy there with the hose putting it into your tank; it is the refiner, the big boss, big oil that controls who gets this tax break, and Members know they are not giving it to the American consumer.

Mr. DREIER. Mr. Speaker, it is fascinating how my liberal colleagues can come up with excuse after excuse and a smokescreen to avoid cutting taxes.

Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Marysville, CA [Mr. HERGER], one of those rural areas that in fact does not benefit from all of the Federal subsidization of transit that we heard about from my friend from Pennsylvania.

Mr. HERGER. Mr. Speaker, I rise in strong support of repealing President Clinton's 4.3-cent-a-gallon gas tax increase.

When the first Federal tax on gasoline was enacted in 1932, the tax was only one penny per gallon. Today, in certain areas of California, total Federal, State, and local gas taxes cost drivers 44 cents per gallon. This tax has a crushing impact on rural areas such as northern California where citizens are required to drive longer distances daily. Of all the Clinton tax increases, this was the most obvious Washington tax and spend money grab. This tax alone cost Americans $14 billion. And, contrary to popular belief, this $14 billion was not spent on building roads and bridges. Rather, it was diverted to pay for more big government Washington spending. I urge my colleagues to repeal this wrong-headed tax.

□ 1700

Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time and, in the process, I urge a no vote on the previous question.

If the previous question is defeated, I shall offer an amendment to the rule that will make in order three consumer protection amendments that were offered in the Rules Committee last week. All three of these very important amendments were voted down by the Republican majority of the Rules Committee.

The first amendment, offered by Mr. GIBBONS, would guarantee that the gas tax cuts go directly to the consumer. It would reimpose the tax on the seller if the tax reduction is not passed through to the consumer.

The second amendment, offered by Mr. DINGELL, would delay the effective date until the Nation's largest refiners and importers have certified to the Secretary of the Treasury that the savings will be passed on to the consumer.

The third amendment, offered by Mr. MARKEY, provides that if the Secretary of the Treasury is unable to certify that all the benefits of the tax reduction will be passed on to the consumer, there will be a $30 tax credit provided each motorist. This amount represents the average annual savings that would be realized by each motorist if the 4.3 cent tax is repealed.

Mr. Speaker, the bill before us contains absolutely no guarantee that any of this tax cut will be passed on to the consumer. The amendments I have just discussed would do that.

I urge my colleagues to vote ''no'' on the previous question and give the House the opportunity to consider these very workable and necessary amendments.

Mr. Speaker, I include the text of the amendment and accompanying documents for the RECORD at this point.

At the end of the resolution add the following new section:

''SEC. . Notwithstanding any other provision of this resolution, it shall be in order to consider, without intervention of any point of order, an amendment to be offered by Representative Gibbons, or his designee; an amendment to be offered by Representative Dingell, or his designee; and an amendment to be offered by Representative Markey, or his designee. The amendments are printed in section of this resolution.

SEC. . The text of the amendment are as follows:

AMENDMENT TO H.R. 3415, AS REPORTED
OFFERED BY MR. GIBBONS

Strike section 5 of the bill and insert the following new section:

SEC. 5. GAS TAX REDUCTION MUST BE PASSED THROUGH TO CONSUMERS.

(a) GAS TAX REDUCTION ONLY TO BENEFIT CONSUMERS.—It shall be unlawful for any person selling or importing any taxable fuel to fail to fully pass on (through a reduction

in the price that would otherwise be charged) the reduction in tax on such fuel under this Act.

(b) RESPONSIBILITIES OF PERSONS LIABLE FOR TAX.—

(c) IN GENERAL.—Every person liable for the payment of Federal excise taxes on any taxable fuel—

(A) shall fully pass on, as required by subsection (a), the reduction in tax on such fuel under this Act, and

(B) if the taxable event is not a sale to the ultimate consumer, shall take such steps as may be reasonably necessary to ensure that such reduction is fully passed on, as required by subsection (a), to subsequent purchasers of the taxable fuel.

(2) ENFORCEMENT.—Any person who fails to meet the requirements of paragraph (1) with respect to any fuel shall be liable for Federal excise taxes on such fuel as if this Act had not been enacted.

(3) WAIVER.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the additional taxes imposed by paragraph (2) to the extent that payment of such taxes would be excessive relative to the failure involved.

(c) DEFINITIONS.—For purposes of this section—

(1) TAXABLE FUEL.—The term ''taxable fuel'' has the meaning given such term by section 4083(a) of such code.

(2) SECRETARY.— The term ''Secretary'' means the Secretary of the Treasury or his delegate.

(d) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation Act of 1993 to determine whether there has been a passthrough of such repeal.

(2) REPORT.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under paragraph (1). An interim report on such results shall be submitted to such committees not later than November 1, 1996.

AMENDMENT TO H.R. 3415, AS REPORTED
OFFERED BY MR. DINGELL OF MICHIGAN

Strike subsection (b) of section 2 and insert the following:

(b) EFFECTIVE DATE.—Except as provided in subsection (c), the amendment made by this section shall take effect on the date of the enactment of this Act.

(c) TAX REDUCTION NOT TO APPLY TO FUEL PRODUCED OR IMPORTED BY LARGE REFINERS UNLESS TAX REDUCTION PASSED THROUGH TO CONSUMERS.—

(1) In general.—The amendment made by this section shall not take effect with respect to any taxable fuel produced or imported by any large refiner unless such refiner provides to the Secretary of the Treasury a certification that the tax reduction provided under such amendment will be passed through to the ultimate consumers as a price reduction.

(2) DEFINITIONS.—For purposes of this section—

(A) LARGE REFINER.—

(i) IN GENERAL.—The term ''large refiner'' means, with respect to a calendar year, any person which refined or imported 500,000,000 gallons or more of taxable fuel during the preceding calendar year.

(ii) RELATED PERSONS.—All persons treated as a single employer under section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person for purposes of this section.

(b) TAXABLE FUEL.—The term ''taxable fuel'' has the meaning given such term by section 4083(a) of such Code.

AMENDMENT TO H.R. 3425, AS REPORTED
OFFERED BY MR. MARKEY OF MASSACHUSETTS

At the end of the bill, add the following:

SEC. 8. $80 REFUNDABLE CREDIT FOR HIGHWAY VEHICLES OWNED DURING TAXABLE YEARS BEGINNING IN 1996.

(a) DETERMINATION OF PASS THROUGH TO CONSUMERS.—Notwithstanding section 2(b), if the Secretary of the Treasury certifies to the Congress before the 6th day after the date of the enactment of this Act that it is impossible to guarantee that the benefit of the 4.3-cent tax reduction under section 2 of this Act will be passed through to the consumer, then subsection (b), (c), and (d) of this section shall take effect in lieu of section 2, 3, 4, and 5 of this Act.

(b) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after section 35 the following new section:

''SEC. 36. HIGHWAY VEHICLES OWNED DURING TAXABLE YEARS BEGINNING IN 1996.

''(a) IN GENERAL.—In the case of a person who is the registered owner of an eligible highway vehicle at any time during the first taxable year of the taxpayer beginning after December 31, 1995, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to the sum of $30 for each such vehicle.

''(b) ELIGIBLE HIGHWAY VEHICLE.—A vehicle is an eligible highway vehicle for the purposes of subsection 9a) only if all of the fuel consumed by such vehicle during the taxable year is subject to tax imposed by section 4041 or 4081.

''(c) PARTIAL YEARS.—In the case that a person is the registered owner of an eligible highway vehicle for less than the full taxable year, the credit under subsection (a) shall be reduced to reflect only that portion of the taxable year for which the vehicle was registered to such person.

''(d) TREATMENT OF LESSEES.—For the purposes of this section, the lessee on a lease for an eligible highway vehicle shall be treated as the registered owner of such vehicle during the period of the lease.''

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by adding after the item relating to section 35 of the following new item:

''Sec. 36. Highway vehicles owned during taxable years beginning in 1996.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues:

Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California [Mr. DREIER] has 3½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Sanibel, FL [Mr. GOSS], my dear friend and chairman of the Subcommittee on Legislative and Budget process.

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

Mr. GOSS. Mr. Speaker, I thank my friend from the Greater Claremont-San Dimas metropolitan corridor in California, Mr. DREIER, for yielding this time, and I rise in strong support of this rule.

This is a customary rule when we do ways and means bills, a closed rule, a reasonable precaution when dealing with the Tax Code. Of course, we have preserved the right of the minority, as they well know, to offer a motion to recommit the bill with or without instructions, so I think the process is in order.

This is a very important debate for every American because everyone who drives a car, takes a bus, or flies on an airplane has been hit by the President's 1993 gas tax hikes which scraped through this House by one vote.

All told, this tax increase costs the people in my State of Florida almost $263 million a year. That is a quarter of a billion, according to one study we have. I think it is right.

Another distressing aspect of the gas tax increase is those who are hit hardest by this are those who are least able to afford it. In my case, it is seniors on fixed incomes and people at the lower end of the wage scale.

In fact, this debate highlights yet again the folly of attempting to solve our Government's financial problems through taxes and more taxes. Six years ago the Democrats in Congress passed a luxury tax on boats in order to make the rich pay their fair share. This supposedly targeted tax provision not only failed to raise the projected income but the Treasury actually lost money trying to collect it.

More importantly, thousands of boat builders, skilled American workers, many in my district, lost their jobs because the boat people went out of business. It was several years before we were able to repeal that foolish tax and the damage is still being felt in Florida and elsewhere.

Mr. Speaker, we are moving to repeal the gas tax. It is what the Americans want us to do, at least for the remainder of 1996. I am especially pleased that this measure is not going to hinder our progress toward balancing the budget because we have fully paid for our relief.

I think it is important to say the oil companies have come out, and I quote, A decrease in the Federal gas tax will be immediately reflected in the prices that Chevron charges to motorists at our pumps at our stations through reductions.

Same statement from ARCO: We will immediately reduce its total price. So forth. Texaco and so on. These have been entered into the RECORD. Big oil understands. This is gas tax. We are repealing it.

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

The SPEAKER pro tempore. The gentleman from California, [Mr. DREIER] is recognized for 1½ minutes.

Mr. DREIER. Mr. Speaker, this has been a fascinating debate, but all it is is simply our attempt to do what we were denied by the former majority back in 1993. We simply want an up or down vote on whether or not we should impose or continue to maintain a 4.3-cent a gallon gasoline tax on those drivers in this country.

This is a small amount of money. I will acknowledge that it is not hundreds of thousands of dollars but it is indicative of what the largest tax increase in American history was. It was imposed on middle income working Americans, and this is a small step but it is a first step towards rectifying that.

Frankly, it is interesting to see my liberal friends who imposed this tax will do anything they possibly can to avoid cutting taxes. This rule that we have here today is the exact same rule that was applied to cutting the tax as we had for increasing the tax back in 1993.

There was no question back in 1993 that the consumers would be paying the increase in the tax. No question whatsoever. Why should there be a question today as to whether or not the consumers will benefit? The consumers are going to benefit from that.

We have press releases, statements that have been made from those ogres in big oil stating that it will be passed on to the consumers. That is what is going to happen.

We do not want to see another mandate imposed by the liberals on the private sector. We have confidence in it. We believe that we can move ahead and take that small step towards enhancing the quality of life for those middle income wage earners.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

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

The vote was taken by electronic device, and there were—yeas 221, nays 181, not voting 31, as follows:

[Roll No. 180]

YEAS—221

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

NAYS—181

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Luther
Manton
Markey
Mascara
Matsui
McCarthy
McHale
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose

Roybal-Allard	Stark	Velazquez
Rush	Stenholm	Vento
Sabo	Stokes	Visclosky
Sanders	Studds	Volkmer
Sawyer	Stupak	Ward
Schroeder	Tanner	Waters
Schumer	Taylor (MS)	Watt (NC)
Scott	Tejeda	Waxman
Serrano	Thompson	Williams
Sisisky	Thornton	Wilson
Skaggs	Thurman	Wise
Skelton	Torricelli	Woolsey
Slaughter	Towns	Wynn
Spratt	Traficant	Yates

NOT VOTING—31

Baesler	Hostettler	Molinari
Browder	Kingston	Oberstar
Bunn	Klink	Ortiz
Clinger	Largent	Peterson (FL)
Coburn	Lowey	Portman
Durbin	Lucas	Rohrabacher
Frisa	Maloney	Smith (MI)
Furse	McDermott	Torres
Gallegly	McIntosh	Watts (OK)
Gutierrez	McNulty	
Harman	Moakley	

□ 1726

The Clerk announced the following pairs:

On this vote:

Mr. McIntosh for, with Mr. Oberstar against.

Mr. Kingston for, with Ms. Harman against.

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. FURSE. Mr. Speaker, on rollcall 180, I was delayed by my plane being delayed by weather. Had I been present I would have voted ''nay.''

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LOWEY. Mr. Speaker, because of the thunderstorm earlier this evening, I was unavoidably detained on rollcall vote 180. Had I been present, I would have voted ''nay.''

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

□ 1730

REPEAL OF 4.3-CENT INCREASE IN TRANSPORTATION FUELS TAXES

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 436, I call up the bill, H.R. 3415 to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 436, the amendment printed in House Report 104–580 is adopted.

The text of H.R. 3415, as amended by the amendment printed in House Report 104–580, is as follows:

H.R. 3415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

SEC. 2. REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

''(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer, and

(2) the term ''tax repeal date'' means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE AND DIESEL FUEL.—The terms ''gasoline'' and ''diesel fuel'' have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term ''aviation fuel'' has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by

any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. BENEFITS OF TAX REPEAL SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the repeal of the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect the repeal of such tax increase, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation of 1993 to determine whether there has been a passthrough of such repeal.

(B) REPORT.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''APPROPRIATIONS''; and

(2) by adding at the end the following:

''(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

''(1) $104,000,000 for fiscal year 1997;

''(2) $104,000,000 for fiscal year 1998;

''(3) $100,000,000 for fiscal year 1999;

''(4) $90,000,000 for fiscal year 2000;

''(5) $90,000,000 for fiscal year 2001; and

''(6) $90,000,000 for fiscal year 2002.''.

SEC. 7. SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 35 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) PERMANENT AUCTION AUTHORITY.—Paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is repealed.

The SPEAKER pro tempore. Under the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 3415.

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

There was no objection.

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

Mr. Speaker, today marks a very important moment for this House of Representatives, a place that has often been referred to as the people's House. Today, Mr. Speaker, we have a chance to remember who put us here, and to honor the hardworking men and women of the United States who simply want to keep a little bit more of the money they earn.

For too long, Congress treated the public's money as if it were Congress' own. For too long, Congress raised taxes and spent the money on an ever-growing Federal Government. The hard work and labor of our people was turned into big government largess by the spendthrift habits of the politicians in Washington.

Breadwinners, awakening each day to hard work and returning home each night to their loved ones, were told by Congress that the fruits of their labor did not belong just to them. The Federal Government, Congress said, had first rights to their efforts and first dibs on their taxes.

That explains why Congress, at least until last year, turned to the people's pocketbooks when it came time to solve problems. Instead of entrusting people with more responsibility and more control over their lives, Congress picked their pockets and raided their wallets.

Flash back to 1993, if you will, when Congress debated a major bill about taxing and spending. Faced with a choice between shrinking the size of Government by cutting spending or raising taxes to spend more money, the then-Democrat Congress and President Clinton unfortunately chose the latter. The gas tax was hiked, a $4.8 billion annual increase that hit middle- and lower-income Americans the hardest.

Mr. Speaker, today the House of Representatives has the chance to rollback this tax hike, a tax that never should have been raised in the first place, and our roll back is completely paid for. That is, it does not increase the deficit. Today, the people's House has the chance to show that we know where the money in this great Nation comes from. It comes from the people who made it, the working men and women of the United States. It is only right they get to keep it, because they are the ones who earned it.

A 4.3 cents a gallon decrease may not sound like much to many people in this town, but to the American working

people it means a lot. It is a lot because it belongs to them, not us. It is theirs, not ours. The people made it, they earned it, they should keep it. We should return it. Roll back the gas tax. Vote ''yes.'' Show the American people Congress knows where the money comes from.

Mr. Speaker, I include the following correspondence for the RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1996.

Hon. JOHN R. KASICH,
Chairman, Committee on the Budget,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, the Congressional Budget Office has reviewed the budgetary effects of the spectrum provisions in H.R. 3415, as modified by the amendment to be offered by Mr. Bliley.

The spectrum provisions of H.R. 3415, as reported, would require the Federal Communications Commission (FCC) to use competitive bidding to assign licenses for 25 megahertz (MHz) of spectrum located below 3 gigahertz (GHz) and currently not designated for auction by the FCC or identified by previous law as spectrum available for transfer from federal to nonfederal use. The amendment would increase that amount from 25 MHz to 35 MHz. Under current law the FCC's authority to assign licenses by competitive bidding is set to expire on September 30, 1998. The amendment to H.R. 3415 would repeal this provision, thereby extending the FCC's authority to use auctions indefinitely.

CBO estimates that the 35 MHz of spectrum to be auctioned under the bill as amended would raise about $2.9 billion in 1998. The receipts from the 35 MHz of spectrum could vary depending upon the types of licenses that the FCC decides to auction. CBO assumes, however, that the FCC would seek to promote the most efficient use of the spectrum, as specified by the bill, and allocate the 35 MHz to the highest value use. Under the authority provided by Mr. Bliley's amendment, CBO also would expect the FCC to auction additional parcels of spectrum over the 1999–2002 period, resulting in estimated receipts of about $5 billion.

In total, CBO estimates that the spectrum provisions in H.R. 3415 as amended would raise about $7.9 billion over the 1998–2002 period. By comparison, we estimated spectrum receipts of $2.1 billion for the version of H.R. 3415 that was ordered reported by the House Committee on Ways and Means on May 9, 1996. Hence, the proposed amendment would increase the estimated spectrum receipts by $5.8 billion over the 1998–2002 period. The following table summarizes the estimated effects of the spectrum provisions of H.R. 3415, as modified by the proposed amendment.

[By fiscal year, in millions of dollars]

	Direct spending						
	1996	1997	1998	1999	2000	2001	2002
Offsetting receipts under current law							
Estimated budget authority	−4,900	−11,600	−2,800	−100	.....	.....	.....
Estimated outlays	−4,900	−11,600	−2,800	−100	.....	.....	.....
Proposed changes							
Estimated budget authority	.....	.....	−2,900	−800	−1,400	−1,400	−1,400
Estimated outlays	.....	.....	−2,900	−800	−1,400	−1,400	−1,400
Offsetting receipts under proposal							
Estimated budget authority	−4,900	−11,600	−5,700	−900	−1,400	−1,400	−1,400
Estimated outlays	−4,900	−11,600	−5,700	−900	−1,400	−1,400	−1,400

The budgetary impact of this bill falls within budget function 950.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Forward and David Moore.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director)

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, May 15, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On May 8, 1996, Representative Seastrand introduced H.R. 3415, ''a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.'' The measure was referred to the Committee on Ways and Means and to the Committee on Commerce. The Committee on Ways and Means ordered H.R. 3415 reported on May 9, 1996.

The bill contains two provisions within the jurisdiction of the Commerce Committee. Those provisions are Section 6, ''Authorization of Appropriations for Expenses of Administration of the Department of Energy,'' and Section 7, ''Spectrum Auctions.'' Section 6 of the measure delineates certain funding authorizations for the Department of Energy through Fiscal Year 2002, and Section 7 provides for the auction of additional spectrum.

Recognizing the need to bring this legislation expeditiously before the House, the Commerce Committee will not act on its sequential referral of H.R. 3415 based on the following agreement: (1) regarding Section 6, it is my understanding that the words ''departmental administration and other activities'' encompass travel, training, human resources, support services, and other administrative activities; and (2) regarding Section 7, it is my understanding that you would not object to the deletion of Section 7(b) of H.R. 3415 entitled, ''Federal Communications Commission may not treat this Section as Congressional action for certain purposes.''

By agreeing not to act on our referral, the Commerce Committee does not waive its jurisdiction over these provisions. Furthermore, the Commerce Committee reserves its authority to seek equal conferees on these and any other provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

I want to thank you and your staff for your assistance in providing the Commerce Committee with an opportunity to evaluate the provisions in H.R. 3415 within our jurisdiction. I would appreciate your including this letter as a part of the Ways and Means Committee's report on H.R. 3415, and as part of the record during consideration of this bill by the House.

Sincerely,

THOMAS J. BLILEY, Jr., *Chairman.*

HOUSE OF REPRESENATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 15, 1996.

Hon. THOMAS J. BLILEY, Jr.
Chairman, House Committee on Commerce,
Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for your letter today concerning the jurisdictional interest of the Committee on Commerce in sections 6 and 7 of H.R. 3415, a bill to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates.

I wish to acknowledge the Committee on Commerce's jurisdiction over sections 6 and 7 of the bill, dealing with the authorization of appropriations for expenses of administration of the Department of Energy, and spectrum auctions. Accordingly, those provisions were not considered by the Committee on Ways and Means during its markup on May 9. I have no objection to the additional clarifications you are seeking to make on these items, over which the Committee on Ways and Means does not have an interest.

As you requested, I have included a copy of your letter in the Committee report, and will insert a copy of it in the Record during consideration of this bill by the House. Thank you again for your assistance and cooperation in expediting floor consideration of this important legislation. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

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

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

Mr. Speaker, this is another case of Republican mismanagement. Here we are at the end of a 5-day holiday in Congress. I have more people who want to speak against this crazy piece of legislation than I can possibly accommodate. We are gagged again. We cannot say anything.

We do not need this. We are only here because Mr. DOLE is running for President, he is way the heck behind in the polls and he has to do something to jump start his campaign, and he has chosen this. It is ridiculous. It is pandering at its worst. I think the American people recognize it. Mr. Speaker, they realize that our highways and our transportation system are in shambles. This money ought to be going in the highway system and in our transportation system, not to pander to a few voters so they can take a vacation a little cheaper.

In America we have the cheapest gas prices in the world, the cheapest gas prices in the industrialized world. We have the lowest gasoline tax in the industrialized world. There is very little chance that any of this money will ever get back to the consumers.

The oil companies will keep it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. Speaker, for me this vote is one of keeping faith with the constituents and voters who sent me here to Washington in the first place. In 1993 I voted against the imposition of the increased gas tax. That was unconscionable then. It made a costly gesture towards the consumers of our country, towards the voters, toward our constituents. Now here today we are on the verge of being able to correct an error made by the Congress and the administration.

I vote to correct the record. I vote to repeal the gas tax. It was a monumental nuisance tax back in 1993, added to the greatest tax increase known to mankind. We can try to set the record straight here today by showing we were against big taxes then and for the repeal of this tax now.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, this bill is a sham. None of this is going to get to the consumer. Every bit of it is going to go to the big oil companies. The proof of it is that when our colleagues and our people go to the pumps the day after this passed, the money is not going to be there. The average citizen is going to get 52 cents a week, two pennies, two quarters. That is all he is going to get our of this. The oil company is going to get $4 billion a year. That seems to me unfair.

Nobody who has appeared before us and nobody on that side of the aisle, where my Republican colleagues have been holding forth the virtue of this, has been able to point where the money is going to go. The money is going to go to the oil companies. That is where it is going to go. No witness on behalf of the oil companies or anybody else who came to the committee could tell us anything else than that the money was going to go to the big oil companies.

If my colleagues really want to do something for the people of this country, and I think it would probably be suitable, we can give the average citizen $40, $40 a week in differences, by simply doing something that really is going to help the ordinary citizens; that is, by passing the minimum wage legislation that we have been trying to get. I do not want to leave this around here too long because my Republican colleagues, when they see money that belongs to ordinary people, want to take it away from them and give it to the oil companies.

But having said that, just make note, this money that we are giving back is going to go only one place. It is going to go to the oil companies, and they are going to thank you for it. It is going to show up in their annual statements, it is going to show up in their quarterly reports, it is going to show up in their 10-Ks and 10-Qs. They are going to enjoy it immensely, and they are going to thank the Republicans for it.

The people that are being deceived today are not going to thank the Republicans, because all they are going to get is 52 cents a week, but the oil companies are going to get $4 billion a year. That is quite a noteworthy difference. It is something which reflects poorly on this House, both as to its integrity and as to its intelligence.

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

Mr. Speaker, I would simply respond to the gentleman from Michigan [Mr. DINGELL] that once again Democrats go, cloaking and obscuring the fact that they do not want to give a tax reduction to anybody. This tax is a retail sales tax on gasoline. It is collected at the terminal rack in order to eliminate fraud and abuse. The refinery gets none of it. The gentleman from Michigan and his colleagues who talk about the refiners being able to pocket this do not understand how the tax is even collected. The refiners cannot benefit because the tax is added onto their price at the terminal rack.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN], the respected chairman of the Committee on International Relations.

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

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

Mr. Speaker, I want to commend the distinguished chairman of the Committee on Ways and Means for bringing this measure to the floor.

Mr. Speaker, I rise in strong support for H.R. 3415, legislation to repeal the 4.3 cents gas tax. I do so in an effort to express my deep concern over the current rise in gasoline prices.

The current debate over the 4.3 cents gas tax can be attributed to the recent spike in gas prices. In fact the last week of April and first week in May saw a five cent increase in the average price of a gallon of gas. Furthermore, it has been reported that gas prices have increased by more than 10 percent, well above inflation.

During times of continued corporate downsizing mixed with slow economic growth, and the rising cost of living, it is imperative that Congress do all it can to protect our constituents pocketbooks.

Though many will argue that the repeal in the gas tax will not be passed along to the consumer but rather kept by wealthy oil companies, I believe it is imperative that my colleagues support this measure to send a message to these companies informing them of the congressional outrage to the current gas price increases. By supporting this measure I am hopeful that the threat of congressional retaliation against oil companies will be sufficient in motivating those firms to pass along the savings to the consumer.

Accordingly, I urge my colleagues to support this measure and I look forward to working with my colleagues in finding solutions to prevent such practices from happening in the future.

□ 1745

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

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

Mr. RANGEL. Mr. Speaker, my dear friend from New York, BEN GILMAN, has the right idea about this. We have got to tell these oil companies that we mean business, that this is not supposed to be just a windfall thing. Why, it took the gentleman from Kansas a long time to come up with this one, took the President a shorter time, of course, to adopt it, but this is that time of the year.

But I think my Republican friend is saying that it is time to let the oil companies know that in the House of Representatives we put the consumer first. That is why I am going to give you an opportunity, when we have a motion to recommit, to vote and make certain that these oil barons pass on this 4.3-cent tax cut to the consumer. If they do not do it, then of course we will make certain that they pay back the 4.3.

The last thing I know my friends on the other side of the aisle would want is that this 4.3-cent tax, which in 7 years really can come to $30 billion, not end up in the pockets of the oil people or the refineries. What we want to do is to make certain that each and every voter, or to put it another way, each and every motorist remembers us in November that we reduced the price for them by 4.3 cents.

So I hope that some of my colleagues that are a little skeptical about these oil people or those who know best might join with me at the end of this bill to make certain that we are talking about consumer protection. I want to thank the gentleman for his good feeling about this.

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

Mr. Speaker, I simply respond to the gentleman from New York that this is another effort on the part of the Democrats at price fixing, which they said was going to keep people from having to pay higher prices back in the 1970's at the gasoline pump. But it was only after President Reagan removed price controls that the price of gasoline went down.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], a member of the Committee on Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, my good friend and colleague from Michigan, Mr. DINGELL, a member of the Committee on Commerce, asked the question, Where is the money going to go? With all due respect, that is the wrong question. The question is, Where is the money going to come from?

The money has been coming out of the pockets of the American taxpayers,

who have about given all they can give. This bill repeals the 4.3-cent gasoline tax and allows the taxpayers to keep some of what they have been giving.

My pockets are dirty and they are empty, I want the RECORD to clearly show that.

This 4.3-cent gasoline tax repeal leaves money in the taxpayers' pockets. It also repeals a tax that most American citizens thought was going to build highways. However, this tax increase actually went into the general revenue fund to increase social spending.

There is a section, section 6 of this bill, that does direct the Committee on Appropriations to reduce the appropriation accounts for departmental administration at the Department of Energy by $542 million over 5 years. The Secretary of Energy has been traveling extensively until this year, in fact, so much so that they have had to transfer funds from a defense program in the Department of Energy to offset some of the increased travel expenditures. In the President's budget they requested a 38-percent increase for departmental administration. This bill would rescind that increase and cut the administration budget for the Department of Energy to offset some of the lost revenue.

So I rise in very strong support of the bill and would congratulate the Committee on Ways and Means for bringing it forward.

Mr. GIBBONS. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, the gentleman from Texas says we are asking the wrong question. It is whose pockets it goes into. Good question. Answer: Wholesale prices going down, I tell the gentleman from Texas, retail prices going up. Going up.

I do not know anybody that believes that this is going to be passed directly along to them, and I am surprised the Republicans did not allow us to ensure the fact that it would go in the consumer's pocket, so in fact the pockets of the gentleman from Texas, Mr. BARTON, would have a little more in them and all of our folk's pockets would have a little more in them.

This is one of the most patently political pandering proposals I have seen on this floor, period. The gentleman from Texas voted for a constitutional amendment to balance the budget, but he does not want to balance it in any way other than cutting out school lunches, or cutting out student loans, or cutting out health care, apparently. Let us get real.

Not one of you can show in any demonstrable way that this tax had anything to do with raising the gasoline prices, because in fact after we adopted it, guess what? Guess what? Gasoline prices went down, not up.

But guess what did go down? Something did go down: The deficit, ladies and gentlemen, as a result of the 1993 bill, will go down for the fourth year in a row. Never before in this century, I tell the chairman of the Committee on Ways and Means, has this been accomplished, not once.

Under the economic program that everybody on the Republican side of the aisle not only opposed, but they said if we adopted it the economy would go essentially south in a hand basket, they said it would drop off the end of the world, that it would be an utter failure, in fact, exactly the opposite has happened. Inflation down, employment up, unemployment down, the stock market up. The economy is doing very well, thank you.

Let us not retreat, which is why the Concord Coalition, one of the most responsible bodies in this country on reducing the deficit, says vote ''no'' on this sham.

I rise to oppose this measure that helps neither consumers nor the future of our Nation.

Despite all the rhetoric of recent days, enactment of this legislation would not reduce the price that all of us pay for gasoline.

Disguised as a pro-consumer measure, this bill is simply an excuse for big oil companies to keep more of their profits.

I regret that the Republican leadership is refusing to allow consideration of provisions that would guarantee that the gas tax repeal goes into the pockets of consumers.

Recent experience confirms that the retail prices that you and I pay are not directly linked to wholesale costs—so this bill is little more than an excuse for big business to keep an additional 4.3-cents per gallon.

I would hope that my Republican friends shared my excitement over this morning's reports that, thanks to President Clinton's leadership, the 1996 deficit will be even less than expected and will be our fourth consecutive year of deficit reduction.

Before they took over the leadership of the Congress, my Republican friends talked a lot about deficit reduction.

But now they have brought to the floor a bill that would cost $3 billion this year and reduce revenue by $34 billion over 7 years.

They say they have paid for the reduction but in fact those savings should be used for additional deficit reduction.

As a supporter of the balanced budget amendment to the constitution, I believe we should not waiver from our course. The bill before us is a first step towards unraveling the 1993 economic plan that has now produced four consecutive years of deficit reduction.

The U.S. Gas tax is not unreasonable. In fact, it is substantially less than that of France, Japan, Britain, Spain, Italy, the Netherlands, and Canada.

The Concord Coalition has cautioned against this step backwards. In a May 7 letter they stated:

> It is a sad commentary on the depth of commitment to balancing the budget that after a year of hard work, a balanced budget plan still has not been adopted, while after scarcely a week, a bipartisan stampede to pander to motorists is being allowed to undermine deficit reduction efforts.

We should reject this legislation and 'stay the course' towards elimination of the deficit.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS], the respected chairman of the Subcommittee on Health of the Committee on Ways and Means.

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

Mr. Speaker, it just seems to me sometimes we get carried away in our speeches, because we try to get people to believe that the real world does not work the way the real world works. You have heard a number of my colleagues, the most recent one on this side of the aisle, say it is not going to be passed on to the consumers.

How many of you have driven by a gas station at any time in your life when there were two stations on the same corner and there was a nickel difference between the two? The answer is never. All you have to do is have one enterprising station owner decide as a gimmick to sell more gasoline to say, ''I am lowering my price by 4.3 cents and I am passing the savings on to you,'' and how long does he stand alone? What happens is the guy on the next corner says, ''We are passing it along, too.''

What happens, as in any market situation in a highly competitive product, is that once somebody gets the idea that they can get the consumer to come to them rather than someone else by offering something.

And the headlines are going to be, finally we have repealed a tax that never should have been imposed in the first place, and it is going to be passed on to consumers because somebody out there, an entrepreneur is going to be bright enough to say, ''I am lowering the price, you get the tax benefit,'' and it will not be able to be contained to that one bright entrepreneur.

The idea that you have to have government tell people they have got to pass it on is a classic example of the difference between a party that believes in market-oriented entrepreneurs and the government having to tell you how you are supposed to run a competitive market-based structure. All you have to do is to vote here and you will see it out there tomorrow, unless of course you do not have any confidence at all in the American system.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I have to say that this debate is kind of interesting, because about 3 months ago when we first talked about the repeal of the 4.3-cent gas tax, the Republicans came in like an elephant, and now that this debate has ensued and now we are near the end of the day, they are walking out like mice.

The reason for it is because the Republicans have put to all of you, the American public, a great, great deception. I do not think anyone knows this, but the fact of the matter is, this great debate is going to result in a 4.3-cent tax cut of the gas tax for 7 months. It expires on December 31, 1996, so we got a 7-month gas tax repeal.

So we are going to get big headlines in the newspaper tomorrow. It is going to be on national TV tonight. You can understand why they tried to do it earlier in the day. But the fact of the matter is they want to get through the election, the election in November of this year. They are going to say, ''We passed a gas tax repeal, 4.3 cents,'' but the reality, on January 1, 1997 that gas tax is going to go up 4.3 cents again.

So I want to congratulate the Republicans because they tricked people. They tricked them over the last 3 months, thinking that you were doing something really great for the American people, but they are walking out like mice.

Let me make one other observation. The gentleman said that the consumers will get this 4.3 cents. Why is it then that the oil refineries, why is it then that the auto dealers or the gas station owners want this cut? Because they know they are going to get a piece of the action. They know it is not going to go to the consumers. We all know that.

In fact, the gentleman from New York [Mr. RANGEL] offered an amendment in the committee, and he was turned down by the Republicans on that issue, to pass this cost on to the consumer.

Mr. Speaker, this is a fraud. Vote ''no'' on this bill.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND], the sponsor of this legislation.

Mrs. SEASTRAND. Mr. Speaker, I am always amazed as a freshman coming to this House to do what my constituents have sent me, to change this place and to work against the bureaucracy. I am amazed to hear some of my colleagues on the other side of the aisle. They have never met a tax that they do not like, and they just are holding on to the gas tax, even though we are talking about a temporary repeal of the 4.3-cent gas tax which was enacted by President Clinton and the old 103d Congress, who believed in increasing taxes every time there was a problem.

I just would urge my colleagues to let us do this quickly so that we can provide the relief from the recent surge in gas prices, especially before we go into the summer driving and we see Americans increase their driving, and we also see perhaps an increase in the demand for fuel and increased prices.

Now, I know it is hard for many of the people here that live on Capitol Hill to understand what it is like 3,000 miles away on the central coast of California and how my constituents have to depend on that automobile, that truck, to get them to and from school, to and from work, to and from the supermarket, getting the children where they have to go, so we drive a lot on the central coast.

□ 1800

My agriculture industry, which is driving the produce to the markets for all of the people across America, knows what it is about, the extra increase in prices of gasoline, because it is going to be shown in that head of lettuce that people are going to buy at the supermarket.

Well, in California, in the district of Santa Barbara, there was one station, a couple of stations that had gasoline at over $2 a gallon. So what we want to do is give some quick relief.

We all know there is a number of reasons why. It has been stated on the floor here, the harsh winter and we are producing heating oil instead of gasoline. Another reason I would like my colleagues to know in California is there were regulations implemented to get cleaner gasoline so that we can have cleaner air. What does that mean? It means we are going to have to pay for that, in this case about a dime a gallon.

So I would just say, let us give it to the consumer, and let us give them some tax relief.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, fact: Yes, the gas tax was raised 4.3 cents in 1993, among great pain. The reason this happened was the deficit had got out of control, $290 billion. Three years later it came down to maybe $140 billion, possibly even $125 billion.

Fact: This bill is going to pass. Fact: The 4.3 cents is not going to go back to the consumers. The gentleman from California gets incensed. Why do we not believe in the free market? The reason is we have experience. December 31, 1995, just a short time ago, the noncommercial jet fuel tax went down from 21.8 cents to 4.3 cents, four times what we are talking about tonight, down 17.5 cents per gallon. Have we seen any of that? We have not seen 1 penny of reduction.

Mr. Speaker, it is a fact that this gas tax is going to be repealed for 7 months. It is a fact that the deficit maybe will not go down as much as it should. It is also a fact that the candidate for President, Mr. DOLE, should not use any more of these ideas at this point in time. We should get back to work and be doing what we should be doing, not appealing to the electorate of the Presidential race when we are supposed to be doing congressional work.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to respond.

We have a case example of what happens when a tax is removed. Earlier this year, we saw how well competition drives the prices charged to consumers. On January 1, the 10-percent airline ticket tax expired. That same day, most of the motor carriers reduced their air fares by a corresponding 10 percent and within 24 hours the pressures of competition drove another major air carrier to drop its fares by 10 percent.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROYCE], another sponsor of this legislation.

Mr. ROYCE. Mr. Speaker, in 1992, when he was running for President, President Bill Clinton promised he would not raise Federal gasoline taxes. But just 1 year after he was elected, in August 1993, he pushed through the Congress a budget proposal with over $265 billion in tax increases, including a 4.3 cents per gallon hike in the Federal gas tax.

At the time the President assured his colleagues that the 1993 tax increase would only affect the rich. In reality the gas tax increase has had a significant day-to-day impact on American families, especially those who are middle and lower income.

These are the folks that are feeling the pinch at the pump, not the rich. To add insult to injury, none of the 1993 increase goes toward improving our Nation's roads, bridges or highways, which would be of some benefit to the user.

This is a perfect case study of how the philosophy of redistribution of income can backfire. The painful increase in the price at the pump gives us an excellent opportunity to repeal the tax that never should have been imposed, while at the same time helping taxpayers keep more of their hard-earned money.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, oil prices are up, profit for oil companies are soaring, oil company executives are recording record increases in their stock options. But crude oil prices are coming down, and oil companies are telling the New York Times it will take maybe to the rest of the year for us to figure out how to get that passed on to the consumer at the pump.

This tax break, however, goes not to the consumer, but to the oil company refiners. And the Republicans say, well, that is the way to do it. Give it to the refiners. Do not you trust the refiners?

Trusting the oil companies is like trusting in the tooth fairy. There is absolutely no guarantee that the oil companies are going to pass this on to the consumer. They have been ratcheting up prices over the last several months. Saddam Hussein yesterday was given the opportunity to sell oil on the world market. What happened? Oil prices continued to rise in this country.

The marketplace which is presumed by the Republicans is not the marketplace observed by consumers at the gasoline pump. They want this tax break. The Democrats wanted an opportunity to give it to the taxpayer in their tax forms next year. The Republicans give the entire tax break to the oil refiners and ask them, pretty please, pass it on to the consumer at the pump.

Well, we will wait for the rest of this year, and maybe, just maybe, some of it will trickle down to the consumer. But the consumer has been trickled on

by Republican economic theories for the last 16 years, and they know very well after this last 5 months with the oil companies that there is very little likelihood that it is going to be passed on this year, and in fact what will happen is that not only the $130 they made out of each consumer in price rises, but the tax break itself will wind up in the oil company pockets.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to respond to the gentleman. His rhetoric runs very deep and heavy in an election year. The reality is, and I have said this already twice today, but he does not seem to understand how the tax is collected.

The refiners do not have anything to do with the tax. The refiners will not get a rebate of the tax. They do not charge the tax. In fact, his own colleague, the gentleman from Maryland [Mr. HOYER], just showed that the wholesale price of gasoline, which is what the refiner gets for gasoline, is going down. The refiner is not at all involved in this. The gentleman should go back and learn the basics of how this tax is collected.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. NUSSLE], a respected member of the Committee on Ways and Means.

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

Mr. Speaker, listening to the last speaker, he said how the Democrats want to give it to the American people. They sure want to give it to the American people, the way they did in 1993 when they raised the taxes, the largest in American history.

I would like to go back and talk a little bit about why they raised the tax. You would think that they raised the tax in order to repair roads, or to fix potholes, or for mass transit, or for senior transportation, or to make sure that our bridges were in repair. Is that the reason?

Absolutely not. And now we have the ranking member running into the House today saying it went for deficit reduction.

But you did not, And it did not go to roads, it did not go to bridges, it did not go to potholes. It went for deficit reduction, they say.

But did it work? Absolutely not. Absolutely not. In fact, it went for wasteful Washington spending, so that you could tell the folks back home what kind of great job you were doing in your districts and what kind of great job you were doing on deficit reduction, when in fact all you did was take more money out of their pocket, bring it out here to your pocket, because you believe you spend the money better than they do.

Let me tell you a little bit about gas taxes and how it all works. I have a friend of mine, Don Gentz, who runs Don Gentz Standard in Manchester, IA. He tells me the folks in Manchester do not even realize the price of a gallon of gas.

Do you realize gas prices back in 1965 were only 20 cents? Do you realize in 1975 it was only 45 cents? In 1985, it was only 98 cents? And today, it is only about 80 or 90 cents?

Why are you paying so much money when you pump, stick that nozzle in your tank? Why do you pay $1.20 or $1.30 or $1.40 or $1.50. Why are you not paying what the oil refineries have as their cost? Why do you not pay what Don Gentz pays to put that gas into his tank in the ground? Why do you consumers not pay that?

Because the Democrats believe that they spend your money better than you do. So they raised gas prices through the gas tax. And now, in 1995, instead of paying just 80 cents, you added another 40 cents on.

We just want to take a small part away. The reason is very simple, and this is the whole crux of the debate. Who do you think spends your money better? Do you believe the wasteful Washington bureaucrats and Representatives and Senators in Washington do it, or do you think the people back home, who pump their gas every single day so they can get to work and drive their kids to day care and make sure they get some money in their pocket at the end of the day, that they do a better job of spending that money?

I happen to believe in Don Gentz. I happen to believe in the people that are driving to day care. I believe we ought to reduce this gas tax.

Mr. GIBBONS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman in the well who just made these protestations that we are not spending this money on roads and highways, when I made a motion in committee a couple of weeks ago, as I recall, the gentleman is in the well now and can correct me, you voted against my motion to put this money in the Highway Trust Fund.

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

Mr. GIBBONS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Why did it take the gentleman so long? Is that a revelation that just kind of came to him?

Mr. GIBBONS. I tried to get the gentleman to yield when he was down there talking. He would not yield to me.

Mr. NUSSLE. Is it a revelation? ''Let us put it in the Highway Trust Fund?''

Mr. GIBBONS. I gave the gentleman an opportunity to put it in the trust fund, and he said no.

Mr. NUSSLE. Why did the gentleman not take the opportunity in 1993?

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I would like to pick up on the comments of the gentleman from Florida [Mr. GIBBONS]. In 1990, in the summit agreement, there was an increase in the gas tax. Half of that went for deficit reduction, not for roads. Who voted for it? A lot of Republicans in this House, and the majority leader in the Senate, or the former majority leader, Mr. DOLE. So we hear all of these rhetorical flourishes, when a lot of Republicans did the same thing in 1990. What credibility is there?

If there is such a passionate belief, why is it temporary? Why is it temporary? We in the committee suggested it be, at least some of us, on a permanent basis. Almost every Republican, including I think the Member who just spoke, voted ''no.''

You have tried extremism. You gorged yourself on it, it does not work. Now you are trying manipulation, no matter how transparent.

Let me say a word about the market. Here is what a very conservative economist said at our hearing. These were his words in the press earlier.

''The Republican-sponsored solution to the current fuel problem is nothing more and nothing less than a refiners' benefit bill. It will transfer upwards of $3 billion from the U.S. treasury to the pockets of refiners and gasoline marketers.''

When we in the committee, Democrats, proposed a solution so it would go directly to the consumer, almost every Republican voted ''no.''

I finish with this: We just debated the budget resolution. There were lots of speeches about the deficit. Now, just a few days later, here we come with a fix, 7 months only, that will increase the deficit and not help the consumer at all, or very much at all.

Mr. Speaker, this is bad policy, and the worst kind of politics. We should vote ''no.''

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Speaker, I thank the chairman for bringing this bill to the floor.

Mr. Speaker, I rise in support of this bill to repeal the President's unfair and unwise gas tax.

This is an amazing debate, do you not think? On this side of the aisle, there is not a tax that they do not love. They are trying every way they can to hang on to more taxes on the American family, and they claim ''we did it for deficit reduction.''

One of the reasons that maybe some of the Republicans voted for the gas tax back in 1990, I did not, but they wanted that tax to go to roads.

□ 1815

It is more of a user fee. What the Democrats did and what the President did in 1993 is take an honored tax, that usually goes for roads, a user fee, and put it into deficit reduction so that they could spend more money.

Let us not be under any illusion about this legislation. It probably will not have a profound impact on the price of gas at the pump. It will lead to slightly lower gas prices, but in the marketplace the laws of supply and demand still play the biggest role in the price of gasoline.

There is, however, a bigger story behind this gas tax repeal. Three years

ago, without one single Republican vote, President Clinton and the Democrats raised the largest tax increase in history on the American people. Today, we are saying that those tax increases were wrong. This gas tax repeal is the start, only the start, of a process, an ongoing process, of reversing the President's tax increases.

Now, some of my colleagues on the other side of the aisle will come down here, and we have seen it in speech after speech, and they will argue against this repeal of the gas tax. They will say that the Government should keep this nickel in revenue, it is only a nickel, to pay for more social welfare programs. Well, my friends, I say for 40 years the Congress has been nickel-and-diming the American family to death.

Today, the Government takes over 50 percent, 50 percent, of the average family's paycheck. Today, both parents are forced to work, one to support their family and the other to pay for the Government, and they want to hold on to that money because they can spend it better. The American family can spend it better.

We need to lower the cost of government. We need to lower the levels of taxation and lower the strains on the family and get the country on the right track again. This gas tax repeal is a start in that process, and for that reason I support it and urge my colleagues to support it.

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

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

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

It is interesting that the proponents are talking about everything but the merits of the particular bill that is before us. My constituents understand this is election year politics and it is very expensive.

Let me, if I might, quote from a letter I received from Henry Rosenberg, who happens to be the chairman and CEO of Crown Central Petroleum Corp., a producer and refiner of gasoline.

Mr. Rosenberg states:

I am writing to express opposition to the current proposal to reduce the Federal gasoline tax. The 4.3-cents-per-gallon tax, included in the 1993 budget, should remain as a deficit cutting measure. Long-term damage to U.S. economy, caused by repeal of the tax, would far outweigh any short-term gain to the consuming public.

The rationale advanced by the sponsors of this legislation is that the motoring public needs help because of the recent increases in gasoline prices. Well, there are two problems with that. First, as has already been pointed out, the gasoline tax has nothing to do with the recent increase in gasoline prices. In fact, we have seen in recent years a decline in gasoline prices.

The second problem is that the consumer will not get the benefit of the 4.3-cent gasoline tax cut. Economists before the Committee on Ways and Means indicated that it will not be passed through. This is only a 7-month repeal. It comes right back after the elections. The $2 a month a typical family will save will evaporate; will not even be there.

Mr. Speaker, I hope that my colleagues will do the right thing on this proposal. I want to quote from one more letter that was written in the Baltimore Sun by Mr. Jack Kinstlinger, who called the proposal to repeal the gasoline tax foolish and counterproductive.

Let us understand what we are doing. Mr. Rosenberg of Crown Central said, and I want to just quote this, ''Congress should have the courage to support what is right, and that is to be fiscally responsible.''

I urge my colleagues to do that and to defeat this bill.

Mr. Speaker, the letters referred to earlier follow:

CROWN CENTRAL
PETROLEUM CORP.,
Baltimore, MD, May 8, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express opposition to the current proposals to reduce the federal gasoline tax. The 4.3 cents per gallon tax, included in the 1993 budget, should remain as a deficit cutting measure. Long-term damage to U.S. economy, caused by repeal of the tax, would far outweigh any short-term gain for the consuming public.

Crown does not traditionally support increased gasoline taxes, especially when the revenue generated is not used directly for the building of highway infrastructure. In this case, however, the roughly $4.5 billion generated by this tax each year is essential to our efforts to reduce the deficit. Putting our economy back in balance is of far greater importance to both our industry and the country than returning a few dollars to motorists.

We currently bequeath to our children a trillion dollars of debt every four years. It is our duty to change this situation, not to make matters worse. A knee-jerk political reaction to the temporary problem of higher gasoline prices is not an appropriate action for Congress. The market, when left to take its course, will correct any imbalances and will put the price of gasoline where it should be. In the meantime, Congress should have the courage to support what is right, and that is to be fiscally responsible.

Sincerely,

HENRY A. ROSENBERG, Jr.

GAS TAX NEEDED TO REBUILD ROADS

Republican proposals to roll back the 4.3-cent federal gasoline tax enacted as part of President Clinton's 1993 deficit reduction package are foolish and counter-productive. The current surge in fuel prices is due to pricing decisions of the petroleum industry, not tax levels.

Rather, what is needed is for the receipts to be deposited into the Federal Highway Trust Fund, which finances the rebuilding of America's deteriorated roads and substandard bridges. Forty percent of bridges in the U.S. are substandard, and 30 percent of interstate highway pavements are deteriorated.

We would need to double our investment in transportation just to maintain current levels of service and safety, according to government studies. The United States invests about two percent of its gross domestic product in infrastructure renewal, one-third the ratio of European nations or Japan.

With that dismal record of capital reconstruction, how much longer can we maintain our world leadership position?

JACK KINSTLINGER.

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

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, this bill that is before us to cut the gas tax is not about putting more gasoline in the tanks of the American consumers' automobiles, this is about putting fuel in BOB DOLE's campaign for the Presidency that was stalled and out of gas on the side of the road.

Mr. DOLE decided he would give up efforts at deficit reduction and he would try to curry favor with the American public by reducing the gas tax for 7 months or 6 months by maybe 4.3 cents, and we do not even know whether or not that will be passed on. This is about Presidential politics and a failed campaign to try to use the gas tax to jump-start that campaign.

In California, the State I come from, the wholesale price of gasoline has dropped 15 cents since May 6, but at the pump it has only dropped 2 cents. If we take this tax and cut it again, it does not mean that the consumer is going to get the benefit. The refiners now have the ability to hold the price up because there is 4 cents give.

So the refiners, I would say to the gentleman from Texas, can benefit from this because they force it on to the service station owner. They have every ability to do that, or the service station owner simply will not pass it on, as they are not doing currently, as they are not doing currently under the rather dramatic drop in the wholesale price of gasoline in the California market.

What has happened here was this tax was put on because the country said they were tried of the red ink of the deficit. This was part of President Clinton's plan to reduce the deficit, the most successful deficit reduction plan in the last 25 or 30 years. He did not do what the Republicans were doing through the 1980's, talking about balanced budgets, talking about reducing the deficit. He, in fact, reduced the deficit. In fact, he has cut it by more than half, and it has continued to go down and people have continued to receive the benefits of low-interest rates as they have been able to refinance their houses and other things. So the Presidential meant it for real. Now the Republicans want to give up on deficit reduction with this ploy.

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

I do not know how often I have to say it. This bill does not increase the deficit. And why is the deficit down since 1993? Not because of the taxes that are taken out of the pockets of people for gasoline.

It is down because, yes, we did not have to bail out any more insurance on depositors of savings and loans.

That was taken off as a spending item because of the courage of President Bush in taking on that responsibility. But that was no longer there. It declined and went away.

And because of the reduction in defense spending, which was already on the books when President Bush left office, and the down building of the Defense Department.

And then, what I believe was a very, very unwise thing, to convert more long-term debt to short-term debt because temporarily interest rates were lower on short-term debt. So the cost of interest went down.

Those were the major factors that reduced the deficit. But the democrats do not to talk about that.

Let us get back to the focus on this tax increase. They want the American people to believe we can tax people and tax people and tax people and nothing ever happens. They do not pay more. And if we cut taxes, then, of course, the people will not benefit from it. Taxes are an imaginery item in their economic view of things, and so just keep loading them on.

We want to, at least during the time of this unexpected increase in gas prices, which, hopefully, will go away by the end of this year, take away some of this burden on the pocketbook of working Americans.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, first of all, I want to point out to my colleagues, since I was preceded by one of my colleagues from California, that according to economists, motorists in California, Texas, Florida, Ohio, and Pennsylvania bear the brunt of the Clinton Democratic gas tax increase. The total cost of the Clinton Democratic gas tax increase to Californians is nearly $550 million a year.

I think it also bears mentioning that when the 1993 Clinton Democratic budget and tax plan first came out of this House, it contained an even broader energy tax, the so-called Btu tax increase, on every single American motorist and household. So if Members are going to stand up and talk about the gas tax repeal, they should at least take a stand on principle; say that they support the tax increase they imposed on the American people.

They should stand by the principle today and not try to waffle all over the place and equivocate and say, well, I might vote against it because I am not sure that the repeal is actually going to be passed on to the American motorist.

Mr. Speaker, I want to introduce into the RECORD letters, actually they are press releases, from the big three oil companies, Chevron, Texaco and Arco, all indicating that they intend to pass the gas tax repeal directly through to the consumer.

Arco's headline: Arco will immediately reduce total gasoline price if 4.3 Federal gas tax is eliminated. Texaco says the same thing. Chevron says, and I quote, any decrease in the Federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-operated stations in the United States through reductions, which, on average, would equal the amount of the tax decrease.

So let us be honest here, folks, in this debate. I know that some are caught between a rock and a hard spot, I know they are trying to justify and defend the largest tax increase in American history, which included the 4.3 cent gas tax increase they imposeds on the American people, and I know those revenues never went to highway spending; instead, they went for just more Washington spending and more Washington bureaucracy.

Mr. Speaker, the letters referred to earlier follow:

CHEVRON RESPONDS TO FEDERAL GASOLINE TAX ISSUE

(San Francisco, May 8)

In response to many comments in the press and from customers concerning possible oil company actions in the event of a decrease in the federal gasoline tax, Chevron released the following statement:

Any decrease in the federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-operated stations in the U.S. through reductions which, on average, would equal the amount of the tax decrease. We also separately collect these taxes from our thousands of Chevron dealers and jobbers throughout the U.S., and we would immediately reduce our collections from these dealers and jobbers by the amount of the tax decrease. However, these Chevron dealers and jobbers are independent businessmen and women who independently set their own pump prices at the more than 7,000 Chevron stations they operate.

Many factors influence gasoline prices, which are set by competition in the marketplace. it is impossible to predict where gasoline prices may stand in absolute terms at any time in the future. However, if these taxes are reduced, it is logical in a free market economy that overall prices will in the future be lower for our customers than they otherwise would have been by the amount of the tax decrease.

TEXACO RESPONDS TO GASOLINE TAX REDUCTION PRICE INQUIRIES

WHITE PLAINS, NY, May 9.—Texaco stated today the actions it would take in the event Congress repeals the 1993 federal gasoline tax of 4.3 cents per gallon.

There are approximately 13,600 Texaco-branded service stations throughout the United States. For the approximately 1,000 company owned and operated service stations where the company sets the pump prices, Texaco would reduce the gasoline prices it charges to customers, all things being equal, by the amount of the tax decrease. In addition, Texaco would reduce the level of tax it collects from its independent wholesalers by the amount of the tax decrease.

However, at the approximately 12,600 Texaco-branded service stations which are owned or operated by independent business people, Texaco is precluded by law from setting pump prices at these locations.

All of the gasoline inventory held in storage in bulk plants and service stations on the effective date of any tax repeal will have already incurred the full pre-repeal tax of 4.3 cents per gallon. Unless a refund system is put into place, prices consumers pay at the pump could remain at pre-repeal levels until that higher-cost inventory gasoline is sold.

Many factors, including the competitive environment in which a station conducts business, influence the price of gasoline at a service station, thereby making it impossible to predict gasoline prices at any time in the future.

The repeal of the 1993 4.3 cents per gallon federal gasoline tax would reduce the average nationwide state and federal tax on gasoline from 42.4 cents to 38.1 cents per gallon. In the competitive market in which the industry operates, lower taxes will result in lower prices.

ARCO WILL IMMEDIATELY REDUCE TOTAL GASOLINE PRICE IF 4.3-CENT FEDERAL GASOLINE TAX IS ELIMINATED

LOS ANGELES.—ARCO Chairman and CEO Mike R. Bowlin said today that ''if the federal government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents per gallon.''

The ARCO chairman said in an interview on ABC's ''Nightline'' broadcast on May 7, that he had ''simply been cautioning that ARCO is not able to accurately predict industry behavior, cannot legally control its dealers' pricing, and that other factors may influence changes in overall market prices. All other things being equal, we would expect the price of gasoline to fall 4.3 cents per gallon.

An ARCO spokesman said that ARCO has a proud tradition of acting responsibly in its gasoline pricing decision in times of national upsets. He noted that during the Gulf War crisis in 1990, ARCO had been a leader in announcing that it would freeze gasoline prices. Eventually, that led to a situation where ARCO was unable to meet demand for its gasoline and was forced to raise prices in line with market conditions in order to prevent its dealers from running out of gasoline.

The ARCO spokesman said that ''gasoline prices have increased some 20 to 30 cents per gallon over the last few months. Obviously no one can promise that even though the marginal cost of gasoline is reduced by a 4.3 cents per gallon tax reduction on a given day, some other factors may not simultaneously influence the market price of gasoline.''

ARCO chairman Bowlin said: ''What we can say is that ARCO will immediately reduce the total price of gasoline at our company-operated stations and to our dealers by 4.3 cents per gallon. I can also tell you that our internal forecasts suggest that gasoline prices are headed lower. We believe that the vast majority of responsible economists would say that a reduction in excise taxes would be passed through about penny-per-penny at the pump.''

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise against this election-year gimmick; 4.3 cents has nothing to do with the price of gasoline and everything to do with trying to buy an election, but the American people will not be fooled.

Not one voter, but not one voter from the Fifth Congressional District of Georgia has contacted me in support of this ill-conceived idea. Every letter, every phone call I have received has a simple message: Vote ''no''. Do not play games. Do not sacrifice common sense for nonsense.

The Concord Coalition, economists and deficit hawks all agree this is a bad bill. It is a silly bill. It is downright silly.

We must stand for something, my colleagues, or we will fall for anything. We cannot just pay lipservice to deficit reduction, we must vote for it. I urge my colleagues, all of us, to vote no.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

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

Mr. RAHALL. Mr. Speaker, I rise not on behalf of the political ploy that is being perpetrated on the American public by this legislation but on behalf of the Nation's crumbling highway infrastructure.

I would say to my colleagues that the American public recognizes a political sham when it sees one, and that is what this bill represents, nothing but a sham, a pure political sham.

I would suggest as well that if anybody really believes the action we are going to take here today by repealing the 4.3 cents gas tax is going to lead to lower prices at the pump, then I would say if one really believes that, welcome to La-La-Land. Welcome to La-La-Land.

□ 1830

Nothing we do here today is going to lower the price of the gas at the pump. We can argue, and we can argue, and we can argue about the reasons why the prices have gone up, whether it be the new sporty vehicles, whether it be the repeal of the national speed limit that this Congress did or whether it be the weather conditions or crude oil stock supplies, whatever. We can argue about the true reasons for this price increase.

The fact is the American people want this money going to improving our infrastructure. That is where we ought to be spending this money without increasing taxes.

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

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, this is bad budget policy. It is going to make it $30 billion-plus harder to balance the budget over the next 6 years. It is bad consumer policy, unlikely that our citizens are going to see very much of this reflected at the pump. It is lousy energy policy.

We ought to be focused on conservation and efficiency. This goes in exactly the wrong direction. It is lousy national security policy because it aggravates our dependence on foreign imported oil and all that goes with that, and it is really lousy politics. It gives pandering a bad name.

Does anyone here remember the budget deficit?

Today, the House will vote on a bill to temporarily repeal the 4.3 cent gas tax increase that was a part of the landmark 1993 deficit reduction package.

That deficit reduction bill was a big step toward getting the budget under control. Because of what we did in 1993, we've had 4 straight years of deficit reduction for the first time in decades. Since then, the deficit has been cut in half.

So, why are we rushing to take up a bill to repeal the 4.3 cent gas tax that is dedicated to deficit reduction?

The answer is that the Republican leadership thinks that there is election-year mileage to be had from pandering to what they think will be popular; and others among us are experiencing some panic about being caught on the wrong side of the issue.

Pandering and panic—that's a potent election-year mix, but a toxic one in terms of good public policy.

If anyone wonders whether the gas tax repeal is election year pandering, you only need to look at the effective dates in the bill—the temporary gas tax cut would last from June until January, just long enough to take us through the election.

Of course, that won't be the end of the story—we're told that the legislation implementing the budget resolution will include a permanent repeal. Permanent repeal of the part of the gas tax that goes to deficit reduction would add $33.9 billion to deficit by 2002. That would increase the deficit by several billion more than it was reduced by all the cuts in the appropriations bills for this year—cuts that the Republican leadership have called the ''down payment'' on a balanced budget.

But that will come later. Today, we have the temporary repeal. The rationale for today's bill supposedly is the recent increase in prices at the gasoline pump. But will this bill reduce prices at the pump? Will it be passed on to the consumer?

Not likely. The benefits of this bill will go directly to the oil refiners and there are many steps between the refiners and the pump. A reduction in gas taxes doesn't necessarily mean a reduction in gas prices.

Energy expert Philip K. Verleger, Jr., an economist at Charles River Associates, has said, ''The Republican sponsored solution to the current fuels problem * * * is nothing more and nothing less than a refiners' benefit bill. It will transfer upward of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.''

Even the conservative economist William Niskanen, president of the conservative Cato Institute, says, ''I don't think there is anything the Republicans can credibly do to guarantee that the tax reduction gets passed through to the consumer.''

A gas tax cut also won't do anything to address the serious economic, environmental and security issues that flow from our country's dependency on non-renewable sources of energy, especially imported oil.

In poll after poll, when people are asked what the highest priority should be for energy policies, the majority support research and development for energy efficiency and renewable energy. So, what are the priorities of the new majority here in the House? Their budget resolution cuts funding for energy efficiency and renewable energy. As shown in this bill, political posturing about the price of gas.

This bill is also bad policy because it sends exactly the wrong signal about conserving energy. We need to do more, not less, to encourage more efficient use of energy. Because gasoline has again become relatively cheap, and because national policy has stopped stressing the importance of fuel efficiency, we've been seeing the return of gas-guzzling cars, especially the increasingly popular sport utility vehicles. This bill would not do anything to counter this trend.

We also need to continue development of technology for efficient, cost-effective use of solar and renewable energy sources. Petroleum is not a renewable resource, and passing this mistaken bill will only tend to discourage progress regarding better energy sources.

Petroleum is also primarily an imported fuel. Efforts to encourage its use only add to our dependence on foreign sources, and complicate our national security interests and foreign policies.

This bill should not be on our agenda. It won't help the consumer, but it will hurt the country. It's an oil bill all right—political snake oil. It's cheap politics, but with a high price of misplaced priorities and bad public policy.

We should not be carried away by election-year panic. We should reject this bill.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me offer to the American public that unfortunately this is putting a toothless tiger in your tank. This should really be a bipartisan effort. I offered H.R. 3457 to repeal the gas tax and to have an enforcement provision that would in fact ensure tracking the Committee on Ways and Means the fact that it would get back to the consumer.

Mr. Speaker, I am saddened to say that the bill we have on the floor today gives a sense of Congress's position. I think that is nice for me to be able to say I want it repealed. It has no enforcement provision whatsoever. It says that we want the General Accounting Office to do a study.

Well, Mr. Speaker, there are 121,000 households in the 18th Congressional District of Texas making under $25,000. They do not want me to study the issue. They need the repeal at the pump today, right now. I am going to hope that our body and the other body will come together and get a real repeal that comes to those who need it and that we will be able to vote on a gas tax that the American public can be pleased with and benefit from.

Mr. Speaker, I rise to express some serious concerns over H.R. 3415, which would temporarily repeal 4.3 cents of the 18.3 cents per gallon Federal excise tax on gasoline.

First of all, I am concerned that this bill is being considered under a closed rule. Several

members submitted amendments to the Rules Committee that would have made this bill a better bill. Unfortunately, on a bill of such major importance to our country, the Rules Committee rejected all amendments.

While I believe that gas prices should be reduced, I am disappointed that this bill does not ensure that the repeal of 4.3 cents of the Federal excise tax on gasoline is passed through to customers.

I introduced a bill, H.R. 3457, to temporarily repeal the 4.3 cents gas tax by requiring the business firms to certify to the Treasury Department that the savings from such repeal would be passed through to consumers or the gas tax would be reimposed on those firms that did not do so.

H.R. 3415 does not contain any such enforcement provision. H.R. 3415 only includes a sense of the Congress provision that consumers receive the benefit and that fuel producers take actions to reduce the fuel price. It also requires the General Accounting Office to conduct a study to determine whether there was a pass through of the repeal to consumers.

There is no question that gas prices have increased by 20 cents since February of this year and that we need to find a way to give consumers and business firms some relief. I know first-hand that the 210,000 workers in the 18th Congressional District of Texas who drive everyday to work or participate in carpools need immediate relief.

If we decide to approve a repeal, we must make up the lost revenue in the amount of $2.9 billion to the Federal Government by reducing spending on other programs.

This bill restores lost revenue by proposing cuts in salaries and other administrative expenses at the Department of Energy in the amount $800 million over the next 6 years. Of this amount, $104 million would be cut in fiscal year 1997. The Energy Department, which has the resources to help the energy industry expand its domestic energy production should not be subject of such major cuts. As we carefully consider whether to pass this bill, let us commit ourselves to expanding our domestic energy production so that we can lessen our need for oil from other countries.

The other source of revenue to pay for the repeal is generated from giving the FCC permanent authority to award licenses for the use of radio broadcast spectrum. In 1998, $2.9 billion would be generated form these auctions.

In the alternative, my bill, H.R. 3457, would have offset the lost revenue by cutting the Department of Defense procurement budget, which is already significantly above the Defense Department's request.

Mr. Speaker, this is an important vote, I urge my colleagues to carefully weigh the facts and consider whether this bill will accomplish what it intends to do. American consumers are watching and waiting.

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

Mr. CUNNINGHAM. Mr. Speaker, the gentleman form Georgia, [Mr. LEWIS] said that the tax did not have any effect on the price of gas. It does, $550 million in California, it affects our taxpayers. Yes, the 1993 Clinton tax package, we took away the increase on Social Security for seniors of the tax. So I assume that that does not affect anything either.

We decreased the luxury tax that we had that cost many, many thousands of jobs. I suppose that does not have any effect. And the gas price, a 1-cent change in gas cost airlines millions of dollars.

Mr. Speaker, I would have us take a look at what the President has said that his deficit reduction package is so good. If it is so good, why did the President have to offer us four different budgets that increased the deficit by $200 billion every year for the next 7 years? When he was forced to present a budget that was scored, 90 percent of those cuts took place in the years 6 and 7, because he does not want it.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, there are many writers and pundits around Washington who wonder why Americans are cynical about politics. This is the day to understand why Americans are cynical about politics. What do we have here, 6½ months before the Presidential and congressional elections? We have an attempt, and a successful attempt unfortunately, to repeal a gas tax for 7 months. Then it does back on.

The people who are voting for this, the President, Senator DOLE, must think that the American people do not understand. They must think they do not understand cynical politics, because that is exactly what this is. If the people on this side of the aisle did not want this repealed, they would have introduced it a year and a half ago. They would have made it permanent. But that is not what is going on here. What is going on here is the crass political demonstration for the elections. That is all it is. Any American with an IQ over 80 will understand that.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I support a repeal of the 4.3-cent gas tax, but I am disappointed in how the issue was approached. I had hoped that we would not only cut this tax but that we would assure the American people that any change in the tax would ensure that the people of this Nation would have more change in their pockets.

Unfortunately, the Republican leadership stood firm in their support of big oil. They missed their golden opportunities. First, in committee last week and on the floor today the leadership refused a Democratic amendment to guarantee that consumers and not the oil companies would benefit from the repeal. Second, the tax should have been paid for by reforming corporate welfare and eliminating programs like the alcohol fuel credit and the percentage of depletion for oil producers.

Finally, the Republican leadership should have promised the American people that they would hold hearings, that the oil companies may have engaged in price gouging. Without these assurances, the end result is unclear.

I support this because it is important for families in this country to receive a break.

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

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, this is a difficult bill to vote against. It is popular, but I think we can all see it for what it is. It is a cynical, cheap, political, election-year maneuver. My Republican colleagues must think that the American public is stupid. Everyone can see through the bill and understand what it is.

Mr. Speaker, if they were so concerned about deficit reduction as they say they are, they would be acting differently. The deficit has been cut in half, less than half, under the President and with the Democratic Congresses. There was not one Republican that voted for it. So when push comes to shove, they really do not care that much about the deficit to play it straight.

Why would the Republican leadership not allow us a vote on this floor to guarantee that the savings would be passed on to the American consumers? I think that the fact that they will not allow us a vote to ensure that the American consumers will benefit from this is again a cynical move. So again they talk a good game. They talk deficit reduction, but in reality, it is only election year politics. Business as usual. Politics as usual.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

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

I might say, this is in a political mode but let me say, I believe this is one of the most mindless things we could possibly do. I did not support the gas tax increase when it was adopted. I would not reduce the deficit by raising taxes. I would reduce the deficit and do reduce it by cutting spending. But this is a tax already in existence. This is a tax now that is reducing the deficit. And while repealing it may be good politics, it is bad Government.

There is no assurance whatsoever that the consumer will get any benefit if this legislation passes. I imagine they will not even get a chance to notice it because as everyone knows, Iraq recently entered into an agreement with the United Nations to put about 700 million barrels of oil a day on the market which is going to drive the price down with increased supply. It is coming down anyway.

I might add, today in this country motor fuel costs are at a historic all-time low. We have more fuel efficient cars. The cost of gasoline is down. It seems to me that this is something that will simply undermine the deficit reduction that is going on. The offset is to sell assets, and anybody knows that this is not the way to run a railroad or a government.

I believe that this legislation simply represents politics I personally want no part of it. I intend to vote ''no.''

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Florida [Mr. GIBBONS] has 3 minutes remaining.

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

Mr. Speaker, this is political pandering if I have ever seen it, and I have seen a lot of political pandering in my life. But this is about as bad as I have ever seen. Mr. DOLE needed something to jump start his campaign so he poured a little gasoline on it.

Give everybody a tax cut for the user fee that they pay for using the highways of this country. Some of this money does not go into the user fee. I made a motion in the Committee on Ways and Means to put it all in the user fee, and all the Republicans turned it down, Mr. Speaker. So if anybody thinks our highway and transportation infrastructure is in great shape, it is because you have not tried to use it recently. I did this last weekend. It is a mess.

It is overcrowded. It is wearing out. Most families, when they are traveling, will pick out the filling stations that have the best rest rooms to stop and buy their gasoline because the prices are so close to each other. They are very cynical. They do not think that the oil companies are going to let them see any of this gasoline tax repeal. I am cynical like that, too, Mr. Speaker.

I think this is political pandering at its worst. We ought to vote no.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] has 4 minutes remaining.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time, and I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I just wanted to point out again, so as to not deliberately mislead our colleagues and the American people, following this debate, this 4.3 cents per gallon gas tax increase imposed by the President and congressional Democrats does not go into the Federal highway trust fund, does not pay to maintain our Nation's highway transportation infrastructure or for our mass transit programs.

What I was going to ask the gentleman, I very much appreciate the distinguished chairman yielding to me, if you cannot cut taxes, the repeal of this gas tax increase amounts to a $48 average savings to the American family. If you cannot cut taxes by at least $48 on average for the American family, then you are obviously not going to support any form of tax relief for working American families.

Mr. ARCHER. Mr. Speaker, I have listened to all of the rhetoric today. I must say the gentleman from Florida now says he wants this money to go into the trust fund. I have wanted all gasoline taxes to go into the trust fund and to build highways and bridges so that those who pay the tax will benefit by being able to use the infrastructure paid for by those taxes. Unfortunately, that was not permitted in 1993.

For the first time the compact with the American vehicle users on the highways was abrogated, the compact that existed all the way back to Eisenhower's presidency of this country.

I would hope that if this tax is permitted to continue after January 1, that the gentleman from Florida will join with me to assure that it does go into the highway trust fund where it belongs as a legitimate user fee. Unfortunately, the gentleman will be retiring and will not be here at that time.

There is so much misinformation that has been presented about this legislation. Yes, it is a temporary repeal. Yes, hopefully this will be a temporary spike in the price of gasoline so that we can give some degree of help to working Americans to let them keep more of their weekly paycheck.

□ 1845

And if the price of gasoline is down overall at the end of this year, we will have done our job.

It is interesting that a columnist in the Boston Globe wrote an article, and I quote. This is from the 6th of May:

A group of moguls and powerbrokers gather in their splendid headquarters. As aides and flunkies scurry about, the barons are coming to an agreement on the price of gasoline. Should they raise it? Lower it? Leave it alone? Whatever they decide, drivers everywhere will bear the consequences, for he moguls' influence reaches every gas pump in America.

It doesn't take long. These powerful men and women know what they want. They are hungry for more money. And so, from their elegant chambers, the order goes forth: Raise gasoline prices. Across the land, every filing station satisfy complies. There is nothing customers can do about it. Those who wish to buy gasoline must pay the surcharge the maguls have deserved.

Fiction? Not at all. This scenario actually happened Collaboration did take place. The price of gasoline was artifically hiked. The people who hiked it were motivated by a hunger for more money.

Who were these collaborators? A group of profit-swollen oil industry plutocrats? A handful of Persian Gulf petro-sheiks? A criminal consortium plotting to wreck the domestic oil market?

No. The powerful cabal that deliberately jacked up the price of gasoline, forcing Americans to pay billions of dollars more than the market value, was—the Congress of the United States.

Mr. Speaker, they were reaching an 18.3-cent-a-gallon tax on gasoline. I include the rest of this article for the RECORD.

The article referred to is as follows:

[From the Boston Globe, May 6, 1996]

WHO REALLY DROVE UP PRICE OF GAS?

(By Jeff Jacoby)

In May 1993, the federal gasoline tax was raised to 18.3 cents a gallon. That vote marked the third time in just over a decade that Congress had increased the tax. Since December 1962, the federal levy on gasoline has exploded 357 percent—even as the price of gasoline has trended steadily downward.

Of course, for the last few weeks, as every driver knows, prices at the pump have been a dime or two higher than usual. There's no mystery about why: Inventories were down because of the unusually long winter, a fire in California closed a Shell Oil refinery, and Saddam Hussein's obduracy is keeping 500,000 barrels a day of Iraqi crude off the international market.

No reputable economic or oil expert in the world would attribute the current surge in gasoline prices to anything but the normal interplay of supply and demand.

Politicians, however, are a different story.

Sniffing a chance to turn motorists ire to political advantage, U.S. Rep. Edward Markey, D-Mass, pandered to the TV cameras last week. Tossing around criminal accusations of ''price-fixing, collusion, or deliberate efforts to limit supply,'' he called for the Energy and Justice departments to investigate the oil industry. ''Naked greed!'' he hissed. ''Oil company overcharges!''

Even for Markey, who excels at anti-business cheap shots, this was egregious. It was grandstanding of the trashiest sort, and if it wasn't libel, it came awfully close. Nobody believes that price-fixing is behind the latest price spike. ''We think it's unlikely that there's collusion or anything illegal going on here,'' Markey's own aide admitted on Friday—even as his boss was making exactly those charges.

And just who is Markey to talk about gouging? Nothing is more responsible for inflating the price of gasoline than politicians like him. It isn't the cost of crude oil that accounts for the lion's share of gas prices. It isn't refining. It isn't marketing or distribution. All of those cost considerably less today (in real terms) than they did 15 years ago.

It's taxes.

In 1981, federal and state taxes made up just 12 percent of the retail price of gasoline. Last year, they accounted for 35 percent. The typical driver now pays 42 cents a gallon in taxes—in some states, far more. Rhode Island and California drivers pay 47 cents in taxes for each gallon they buy. Connecticut drivers, a whopping 53 cents. ''The average U.S. consumer,'' reports the Wall Street Journal, ''is paying 72 percent more in gas taxes than a decade ago.'' Talk about colluding to squeeze more money out of American drivers! It's Congress and the statehouses, not the oil companies, that have been ripping off motorists unmercifully.

Which is why Senate Majority Leader Bob Dole and House Speaker Newt Gingrich are absolutely right to call for rolling back the 1993 increases in the federal gasoline tax. The pity is that they didn't call for it 18 months ago, when their party won control of Congress. The only reason the ''Clinton gas tax'' is being targeted now is because Republicans want to show that they, too, can ''do something'' about higher gasoline prices.

But the reason to repeal the gas tax increase is not to undo a temporary jolt at the pump. It is that the increase should never have been passed in the first place. And the reason it should never have been passed is that taxes in America are already far too high. Wasn't that why Republicans unanimously opposed the '93 tax package in the first place?

Markey can demagogue about price-fixing; the Justice and Energy departments can probe for collusion. It's pretty clear who's been gouging U.S. drivers, When the federal gasoline tax was hiked in 1983, Markey voted yes. When it was hiked in 1990, he voted yes. When it was hiked in 1993, he voted yes. If it weren't for the Ed Markeys of this country gasoline would be 30 percent cheaper. Think about that the next time you fill up.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to H.R. 3415, the Temporary Gasoline Tax Repeal Act. In taking this position, let

me first make it clear that I have consistently supported efforts for real tax relief for our Nation's working citizens and their families. However, I cannot and will not support this so-called tax relief package that will, in fact, result in a significant, undeserved windfall for our Nation's oil companies.

It would be irresponsible to transfer nearly $2.9 billion to some of the most profitable companies in America with no appreciable benefits for consumers. This shortsighted and politically motivated legislation before us will also hurt our efforts to reduce the deficit.

The stated purpose of H.R. 3415 is to temporarily repeal the 4.3 cent-per-gallon increase in the Federal transportation fuels tax that was enacted as part of the 1993 Budget Reconciliation Act. Furthermore, the measure would only be effective until January 1, 1997, when the tax would be reinstated. In order to offset the lost $2.9 billion in revenue generated by the tax the bill cuts funding from the Energy Department and auctions off new radio frequencies now owned by the Federal Government.

It is important to note that the 4.3 cent-per-gallon gas tax is not actually imposed at the pump. Instead, it is levied on oil companies at an earlier point in the chain of sale and then passed on to the service station and the consumer. In the absence of a provision in H.R. 3415 to ensure that any savings are passed on to consumers the total $2.9 billion savings from the bill will end up benefiting big oil companies.

In an attempt to ensure that consumers would be protected, my Democratic colleagues sought a rule that would have allowed an amendment to H.R. 3415. Had this amendment been made in order, it would have required that the $2.9 billion tax cut was directed to the American public. Unfortunately, the Rules Committee prohibited any such consumer protection amendment.

Mr. Speaker, because of the exclusion of any savings to consumers, H.R. 3415 represents one of the majority's most audacious attempts to transfer Federal funds to wealthy corporations. It is cynical and repugnant to me that this bill, under the guise of providing tax relief to Americans, will simply be increasing the profit margins of oil companies.

While I applaud all Americans who have been able to enrich themselves through hard work, innovation, and creativity, I cannot support a tax relief package that so unevenly benefits a specific industry to the detriment of the American public. In addition to providing tax breaks to America's richest oil companies, this bill also hurts our efforts to achieve meaningful deficit reduction. While the Republican controlled Congress has claimed that they support meaningful efforts to reduce the deficit, this bill makes that goal much more difficult. H.R. 3415 directs over $2.9 billion that cold have been used for deficit reduction to big oil companies as a giveaway. The fact is, under current law, the deficit fighting characteristics of the gas tax have played a key role in President Clinton's 3 year historic effort to control deficit spending.

In addition to the harm this legislation will cause to our Nation's fight to reduce the national deficit, H.R. 3415 misdirects Federal resources away from programs that could help our Nation's citizens. The $2.9 billion that this bill uses to line the pockets of rich oil company executives could have been used to provide housing to the poor, food to the hungry, job opportunities to the jobless, and better education for America's children.

Mr. Speaker, it is my belief that H.R. 3415 and the circumstances under which it is presented in this House is an attempt to mislead the American people to believe that this so-called tax cut will help citizens and businesses hurt by rising fuel prices. Nothing could be further from the truth. This legislation unfairly and unjustifiably expands the gap between rich oil companies and the rest of America. The American people elected us to act in their best interest, not compromise their welfare because the new Republican majority wants to satisfy campaign promises and grant tax breaks to the wealthy. I strongly urge my colleagues to vote against this bill.

Mr. BORSKI. Mr. Speaker, I rise to oppose H.R. 3415, the temporary gas tax repeal, election year opportunism that will do virtually nothing to help the taxpayers of our country.

H.R. 3415 is simply politics—it has nothing to do with good government or good policy. There is no guarantee that any of the 4.3 cents per gallon that is being repealed will end up in the pockets of taxpayers. The money is more likely to find its way to the coffers of the big oil companies.

This Congress should be finding constructive ways of helping the people of our Nation's working class. H.R. 3415 is a political gimmick that will end up helping big corporations and not the people who need the help.

At a time when serious Democrats and serious Republicans are doing everything they can to reduce the budget deficit, H.R. 3415 would add $1.7 billion to the fiscal year 1996 deficit. This bill only makes sense if the money will end up in the taxpayers' pockets and if sensible, reasonable offsets in spending are found. So far, this bill falls short on both counts.

As a member of the Transportation and Infrastructure Committee, I believe that the Federal gas tax should be dedicated to maintaining and improving our transit and highway systems. Since 1956, the gas tax has provided support through the highway trust fund for highway and transit programs. We should maintain the principle of using the gas tax money for infrastructure programs.

The alternative proposed by H.R. 3415 is that instead of using a 4.3 cent per gallon gas tax to reduce the deficit, we should allow it to go back to the big oil companies. If H.R. 3415 is passed, I fear that all chance of directing that 4.3 cents per gallon into badly needed infrastructure improvements will be lost.

My colleague, Representative RAHALL, has introduced H.R. 3372, which I have cosponsored, to recapture the 4.3 cents per gallon for the highway trust fund to be used for the highway and transit programs. With tremendous needs for future investment just to maintain our roads, bridges and transit systems at their current level, the additional $5 billion a year would mean more jobs and more productivity growth.

I have proposed combining this common sense approach with the kind of innovative financing that is needed to meet our vast infrastructure needs. Last week, I introduced H.R. 3469 which would create an infrastructure reinvestment fund.

This fund would use the 4.3 cent per gallon gas tax as leverage to issue bonds for the transit and highway program. This future stream of revenue could produce as much as $50 billion in the first year for needed infrastructure improvements.

It is estimated that investment of each $1 billion in infrastructure will create 50,000 new jobs. The infrastructure reinvestment fund would be a huge boost for our economy, both in the short-term and long-term.

The U.S. Department of Transportation found that an annual investment of $50 billion will be needed during the next 20 years just to maintain our highways in their current condition. An annual investment of $7.9 billion will be needed to maintain our transit systems in their current condition.

True national leadership is needed to find the money for our highway and transit systems. Instead, we are faced with H.R. 3415, politics at its worst with no thought for our nation's economic future, no thought for our Nation's consumers and no thought for the budget deficit.

Only if H.R. 3415 contained an assurance that consumers would receive some benefit from the repealed gas tax would it be worth considering. Instead, this bill benefits the big oil companies at the expense of our nation's long-term economic interests.

I urge the defeat of H.R. 3415.

Mr. FAZIO of California. Mr. Speaker, I rise today in support of H.R. 3415.

Gas prices have hit $1.54 where I live in West Sacramento, and they are on the rise. Davis and Woodland range from $1.52 to $1.56. Further north in our congressional district, prices are similar—$1.58 in Yuba City, $1.55 in Red Bluff.

That's just too high, and I support this bill to cut gas prices by temporarily repealing 4.3 cents in Federal gas taxes.

At the same time, we need to make sure we're not just rolling windfall profits down the freeway to big oil companies.

The point of reducing gas taxes is to reduce gas prices at the pump for consumers. I also hope it will contribute to a greater trend—keeping gas prices down permanently. Recent activity on the commodities futures market indicates that gas prices could begin to drop later this summer.

But the problem is urgent, and we need to do something now so that Californians can get to work without leaving their wallets at the gas pump, and so that farmers and others in fuel-intensive businesses have long-term confidence that their costs won't skyrocket. California is finally in economic recovery, and we need to keep it moving.

To solve the problem, we have to determine the cause. Some have made the point that a 4.3 cent gas tax, passed as part of the 1993 deficit reduction package, is the primary culprit for the sharp rise in gasoline prices throughout the country.

That flies in the face of the evidence. After the imposition of the tax in 1993, gas prices remained unchanged. In some cases, prices went even lower. In fact, the Department of Energy says that in 1994 gas prices hit a 45-year low in real dollars. They have stayed low for more than 2 years until the precipitous rise of the last few weeks.

What are the real reasons why gas prices have spiked up? Simply put, supply is down and demand is up—that means higher prices.

A nationwide, long brutal winter with higher demand for oil reserves has contributed. But that doesn't tell the whole story. Oil companies

reduced their production in anticipation of Iraq reentering the world oil market. Those low inventories contributed to a short supply of oil. When talks between the Iraqis and the United Nations broke down, oil companies are left waiting by the side of the road with empty gas cans.

In California, special factors have come into play as well. New regulations issued by Governor Wilson and the California Air Resources Board [CARB] call for cleaner burning gasoline. Because California is essentially a self-contained gas producer, the transition to a cleaner, reformulated gasoline has further reduced the supply of gas. It's exerted enough extra pressure in our region that California gas prices lead the nation.

Finally, let's face it. American driving habits play a major part of supply and demand. Speed limits have been raised. Americans are buying sports utility vehicles in record numbers. People are simply driving faster and using more gas.

However, even industry representatives have stated in hearings that all of these circumstances still do not account for the total price increase. That's why some Members of this body have asked Attorney General Janet Reno to investigate all possible reasons behind high gas prices. President Clinton has since ordered her to do so.

So, it is clear that factors other than the gas tax are responsible for the recent increase in gas prices.

Does that mean we shouldn't cut gas taxes?

No, cutting gas taxes is a great idea if it results in lower gas prices. The trick is to make sure prices actually go down and that consumers, not the oil companies, are the beneficiaries. That may be a tall order. In 1994, New Mexico repealed their State gas tax. Consumers saw gas prices drop—for nearly a week. But almost immediately, gas prices rose to previous levels.

Further, our progress in reducing the deficit should not be compromised. Repealing the 4.3 cent gas tax sets us back some $2.9 billion over the next 7 months. While I am pleased that the Republican leadership chose not to slash education to pay for this offset, I am dismayed that the Republican leadership will not incorporate provisions of a committee amendment that would have guaranteed the savings from the gas tax on to the American people.

It's never a bad idea to rethink previous actions by Congress. Certainly, Democrats have supported efforts to take a comprehensive look at the tax burden of working Americans and the steps we might take to put more money in their pockets through a fairer tax structure, by raising the minimum wage, or by providing tax credits to families for education.

I'm for lower gas prices, and the sooner the better. Support H.R. 3415 and let's deliver lower prices to American consumers.

Mr. COSTELLO. Mr. Speaker, I rise in opposition to H.R. 3415, and I would like to submit for the RECORD a recent op-ed I wrote regarding the gas tax.

ELECTION-YEAR POLITICS ON GAS TAX WILL END UP COSTING US IN THE END

Frustration over rising gasoline prices unrelated to federal transportation or energy policy has resulted in a typical election-year tactic: how to use an unfortunate situation to partisan advantage. Sen. Dole and President Clinton are currently engaged in a battle over who can most equitably ease the pain on gasoline consumers, but efforts to repeal the 4.3-cent per gallon addition to the federal gas tax will only end up hurting those same consumers.

The 4.3-cent per gallon tax was part of the 1993 Deficit Reduction Act, proposed by President Clinton and opposed by every Republican in Congress. I supported this legislation, because deficit reduction is one of my major goals as a Member of Congress. I support a Constitutional Amendment to balance the federal budget, and I supported the 1993 Deficit Reduction Act because of its balance in spreading the pain of deficit reduction. It raised income taxes only on the very wealthy, cut spending, and asked all consumers to pay a little more at the pump to reduce the deficit.

It's also been a success. For three straight years, for the first time since Harry Truman was President, the deficit has gone down. Compared to the growth in the economy, the deficit is now at its lowest level since 1979. And, as I noted when I voted last week for an additional $23 billion in spending cuts as part of the 1996 federal budget, we are continuing on a path toward a zero deficit in the year 2002.

That is, unless Congress begins to roll back this progress by repealing the balanced package we passed in 1993. ''Partisan panic'' has set in throughout Washington, D.C., and I predict in the days to come we will see a variety of competing packages on which party can move most quickly to try and lower gasoline prices. It's wrongheaded for these reasons:

Cutting the gas tax is no guarantee for lower gas prices. Because gasoline prices are market-driven and unrelated to federal policy, if we repeal the 4.3-cent gas tax, I predict that gas prices will remain the same, with no windfall for the consumer.

Repealing a few cents at the pump will certainly increase the deficit. By rolling back 4.3 cents per gallon, we instantly add $5 billion to the federal deficit this year, and if we extend the repeal beyond 1997, we could add $35 billion to the deficit by the turn of the century, making our task of balancing the budget by 2002 that much more difficult.

Gas prices should fall without any intervention. According to industry experts, gasoline prices will fall on their own during the summer. By the time Congress passes legislation to try and reduce gasoline prices, they may already be lower than our targeted goal.

It's a bad precedent. If we begin to unravel the progress on the 1993 budget agreement, picking it apart, what's next? Will Congress move to repeal the tax on the wealthy? After all, wasn't the goal of the ''Contract with America'' a balanced budget by 2002?

In the end, middle-income consumers will pay more. Repealing the gas tax adds to the deficit, putting more debt (and interest on that debt) on the backs of tomorrow's generation. Who will pay that tab? We already know—the young people of tomorrow, and families of today.

Believe me, I don't like high gasoline prices. If Congress is going to pass any legislation, it should first examine whether there has been any price gouging at the pump and take action to force oil producers to reduce their prices. But for years, we have became accustomed to gasoline prices that have made it affordable to buy larger, less fuel-efficient cars. We need to keep in mind that in the U.S. we pay substantially lower prices for our gasoline than other modern countries.

Finally, the American people need to get out their hypocrisy meters when they watch this debate unfold. If Sen. Dole is proposing repealing the 4.3-cent per gallon gasoline tax passed in 1993, why not repeal the 10-cent federal gas tax he proposed which was signed into law under President Reagan and Bush? Isn't the ''Dole Dime'' as important to deficit reduction as the ''Clinton Nickel?'' Of course it is, which is why we should repeal neither.

Mr. CONYERS. Mr. Speaker, I rise today in opposition to the temporary repeal of the 4.3-cent-per-gallon gas tax. This misdirected legislation will do very little to help our constituents who have been paying more at the pump.

The problem with this legislation is that there is no guarantee the consumer would see any of the savings created by the repeal of the tax, which generates nearly $4 billion per year for the Treasury. Any gas tax repeal would create a huge windfall for the oil companies, not the motorist.

Because the gas tax is levied on the oil companies, the tax is not actually imposed at the pump. Instead, it is imposed at an earlier point in the sale, then passed on to the service station and the motorist. Contrary to the arguments from our friends on the other side of the aisle, repealing the gas tax will not automatically reduce the prices at the pump.

We cannot afford to wait and hope that, if we eliminate this tax, consumers will get a discount at the pump. There is no mechanism in this bill to assure that gas prices will fall, that the savings will go to the motorist.

All we need to do is look to see what the oil companies have done to prices in the last month. Wholesale gasoline prices have dropped nearly a nickel since President Clinton's decision to release Government oil reserves—but the nationwide retail prices rose 0.2 cents per gallon. In California, the gap is more extreme: Wholesale prices have fallen an incredible 31 cents per gallon—but retail prices have shown no decrease. Oil companies are keeping the difference, padding their balance sheets and wallets.

Even if the average motorist saw a 4.3-cent discount at the pump, it would only save that motorist $15 per year. Is this the Republican idea of a middle class tax cut?

It is quite clear that this bill is just another Republican give-away to their favorite corporate friends. Republicans issued a closed rule to assure that the oil companies would get to keep every penny of the tax repeal. The average American motorist will never see a decrease at the pump because of this repeal. We're giving oil companies another $4 billion per year if we pass this bill.

Mr. ALLARD. Mr. Speaker, I support this legislation to rollback the 1993 4.3 cent per gallon tax hike. I voted against this tax hike 3 years ago, and I support its repeal today.

The average American family now pays 38 percent of its income in Federal, State, and local taxes. This is more than families spend on food, clothing and shelter combined.

The Federal tax on a gallon of gas is now 18.3 cents and the average State tax is another 20 cents. The tax now constitutes nearly one-third of the price of gasoline. This hurts the poor and the middle-class particularly hard since gasoline constitutes a significant portion of their consumption. I think it is time for relief.

Traditionally, the gas tax went into the Highway Trust fund in order to construct and repair highways. This is not the case with the 1993 increase, it is undedicated revenue sent to Washington for more spending.

Some argue that we should not cut the gas tax if it would increase the deficit. I agree, that is why I will insist that any tax repeal be offset with a reduction in Government spending or

subsidies. Unlike past Congresses, this Congress is willing to reduce spending. In 1995 and 1996 over $40 billion was trimmed from the appropriations bills that Congress controls.

I have always felt that the budget should be balanced through spending reduction, not tax increases. Higher taxes simply permit Congress to continue the growth in Federal spending.

It is time we downsize the Federal Government, and a reduction in the gas tax is a small but important step in that direction. Our next step should be to make this repeal permanent.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to the Gingrich-Armey Republican proposal to reduce a Federal tax on gasoline by 4.3 cents. This is just another political move that sounds good on the evening news, but doesn't play out at the gas pump.

No rebate would be passed on to the American people and the big oil companies would get to pocket the windfall. With all their corporate tax breaks they would probably even not pay taxes on the tax rebate.

Because the Gingrich Republicans will not accept any provisions in the bill to guarantee that any repeal of the 4.3-cent Federal tax could or would be passed on the American people as a reduction in the price of a gallon of gas, I will vote against this cynical election-year stunt.

This is the latest effort by the Republicans to play politics with the American people's pocketbook. Recently Mr. ARMEY was credited with a prediction that the Gingrich-Armey proposed gasoline tax repeal might make Americans happy because it would save the average motorist about $27.00 a year. They evidently think that the American voter can be bought for $27.00 a year.

If the authors of this legislation would just do a little math on comparing the proposed gasoline tax repeal with a raise in the minimum wage, they would see that the average American minimum wage earner would benefit to the tune of about $36.00 per week by an increase from $4.15 to $5.25 per hour. that's $1,872 a year. Now I ask you, would any hardworking American prefer $27.00 a year to $1,872.00 a year? As the young people say these days, ''I don't think so!''

In fact, the proposed rebate by repeal of $27.00 per year wouldn't even be a drop in the bucket to most Republicans, pocket change to those who usually avoid any comparison with the average American unless it is an election year. But, even as an election year ploy, the Gingrich-Armey Republicans ought to be able to do better than $27.00 a year.

Once again, the Gingrich-Armey Republicans have shown that they are completely out of touch with the American people. Because there is no assurance nor expectation that the American people would ever see an extra penny in their pocket as a result of this windfall to the oil companies, I urge my colleagues to vote against this bill.

Mr. KIM. Mr. Speaker, I rise today in support of H.R. 3415, legislation that would repeal the 1993 Clinton gas tax hike.

As my colleagues are aware, the coming Memorial Day weekend is one of the biggest driving holidays of the year. All over the country, Americans will be getting in their cars and driving—to family picnics, to the mountains, to the beach, to visit relatives. Of course, this driving has a cost. In order to do all of this driving, Americans will have to buy gas—over 60 million gallons of gas, in fact.

This year, American families are in for a nasty shock when they fill up for the holiday: Exorbitant gas prices. Gas prices that are approaching $2 dollars a gallon. That's $30 just to fill up an average car. Suddenly, that family trip to the beach just got a great deal more expensive.

Not surprisingly, much of the political rhetoric in this town has been focused on assigning blame for this gas price crisis. Politicians blame the oil companies, the oil companies blame mother nature, others blame our dependence on foreign oil.

To me, this blame game seems like a waste of time. Assigning blame may feel good, but it doesn't change the facts: Americans are paying more at the pump than at any time in recent memory. Instead of arguing about who is to blame, I believe that we should do something concrete that will actually help consumers cope with the skyrocketing price of gas.

That's why we are here today. The bill we are considering, H.R. 3415, would give American consumers relief from the recent escalation of gas prices. It would do so by repealing the 4.3 cents-per-gallon gas tax increase that was passed as part of the 1993 Clinton budget. For the record, this 4.3 cent Clinton tax hike does not go to rebuilding our infrastructure—as the rest of the Federal gas tax does. Instead, it was implemented solely to fund additional social programs. This bill would take this 4.3 cents and return it to the taxpayers.

Now, 4.3 cents may not sound like much, but it adds up. In fact, by repealing the Clinton tax increase, this legislation will put $1.7 billion dollars back in to the pocketbooks of American consumers between now and the end of the year. That's $1.7 billion dollars that can be used for family trips—or for more basic items like food, clothing and education. And, by cutting wasteful government bureaucracy, this bill gives Americans this needed tax relief without adding to the deficit.

In short, this legislation represents a unique opportunity to help working folks cope with the escalating price of gas. By supporting the repeal of the Clinton gas tax hike, we can give the American people a Memorial Day present: Lower gas prices and more money to spend on their own families.

For these reasons, I urge my colleagues to support H.R. 3415. It's time to repeal the Clinton gas tax increase and let working folks keep more of the money they have earned.

Mr. STENHOLM. Mr. Speaker, the Congress stands poised to vote on a bill to repeal the 4.3 cents-per-gallon gasoline tax increase which was included in the 1993 deficit reduction bill. What we actually have here is the Election Year Seven Month Temporary 4.3 Cents Tax Repeal Bill, and it is a textbook example of poor public policy being driven by election year politics.

Let me say for the record that my opposition to this gasoline tax increase was one of several reasons I voted against the 1993 budget on final passage. But here we are, 3 years later, still racking up annual budget deficits to pass on to our children and grandchildren, and we are nitpicking about a 7-month break from paying this 4.3-cent tax.

Last year, the House and Senate leadership included language to prohibit tax cuts until the Congressional Budget Office certified that Congress has sufficiently reduced spending to pay for tax cuts and balance the budget. Unfortunately, that language was removed from the budget just approved by the House. It appears Congress still hasn't learned the lessons of the early 1980's, when we passed the popular tax cuts before the harder spending cuts, and ended up adding $4 trillion to the deficit.

Before we cut any taxes, we should set aside partisan differences and work out an agreement to achieve the $700 billion of spending cuts needed to being the budget into balance. The simple fact is that, until we balance the budget, any tax cut is really done with borrowed money. I cannot justify putting more debt on the backs of our children and grandchildren though a temporary tax cut designed to gain short term political gain.

I was encouraged by the bipartisanship that was evident in the most recent vote on the Coalition budget. But instead of working toward a balanced budget plan, the Majority leadership has squandered a historic opportunity to set aside partisan differences that could result in result in real deficit reduction in the overall context of the budget.

I find it interesting that some of the strongest advocates of the 7-months temporary gas tax repeal are usually such vocal opponents of intervention in the marketplace. When it comes to agriculture policy, many of my colleagues are only too willing to take away the price supports and subsidies that have helped our own producers compete against our heavily subsidized trading partners. They say we should let the market place work, but when gasoline prices temporarily increase 21 cents over a 4-month period, all of a sudden it is time for the Federal Government to come in and save the day—at least for 7 months.

There is no mystery about the market forces that increased gasoline prices. The coldest winter in years drove up demand, which production failed to meet. The high demand for heating oil delayed gasoline production. Market speculation about Iraqi oil caused uncertainties within the marketplace. The bottom line is this: the 4.3-cent gasoline tax enacted 3 years ago did not increase pump prices this year; a reduction in this tax will not necessarily be passed on to the consumer; and reducing the gas tax is not the solution to current market conditions, or the budget deficit. In fact, the majority's short-sighted decision to terminate Federal support of fossil fuels research and development will leave us even more vulnerable to future disruptions in the energy market.

There is no question the U.S. Tax Code needs reform to bring about tax relief and incentives to invest in our country's future. But let the American consumer be forewarned; the 4.3-cent gasoline tax repeal, as supported by the majority and the President, will last through December 31, 1996, less than 2 months after the November election. On January 1, 1997, all the rhetoric heard about tax relief will be worth just about as much as the noisemakers used to bring in the New Year.

Mr. BUNNING of Kentucky. Mr. Speaker, I rise today in strong support of the repeal of the Clinton gasoline tax. It was a mistake when the Democratic Congress imposed this tax and today is our opportunity to correct it.

Historically, motor fuel taxes have been dedicated to the upkeep and improvement of our Nation's highways and other transportation infrastructure. The Clinton gas tax was not.

While it was passed under the rubric of deficit reduction, the Clinton tax on gasoline was

simply used to fund more spending by a bloated Federal Government that already spends too much. In this Kentuckian's view, the way to cut the deficit is not by raising taxes but by changing Washington's bad spending habits.

Fortunately, the Republican majority understands that we are spending money earned by working people, not magically pulled out of the air. And, this Congress has made great strides in restraining the Federal leviathan.

We have fully covered the revenue change from the gas tax cut by cutting overhead spending at the Department of Energy and selling part of the broadcoast spectrum. We are not just raising another tax to offset this cut.

This repeal of the gasoline tax represents one more example of the difference between the way things used to work in Washington and the way they work under the Republican majority. We believe that the people should get to keep more of what they earn.

For some, this is a novel concept. But for most of us it is a bedrock principle that the American people do a better job of spending their money than bureaucrats in Washington do.

Mr. Clinton has said that he raised taxes too much in 1993. I agree with him; and, now I encourage my colleagues to pass this gasoline tax repeal and give Mr. Clinton the chance to show us that, for once, his actions will match his words.

Ms. MOLINARI. Mr. Speaker, I would first like to thank Mr. ARCHER, the distinguished chairman of the Ways and Means Committee for introducing this bill and giving us the opportunity to give back to the taxpayers what should not have been taken from them in the first place.

No one would argue that the President's 4.3-cent increase in the gas tax enacted by the Omnibus Budget Reconciliation Act of 1993 isn't being felt at every gas station across the Nation and that relief is quickly needed. The gas tax increase cost Americans more than $4.8 billion at the pump. Further, the revenue generated from this increase for the first time, was dedicated to deficit reduction rather than from transportation projects. This is a sneaky maneuver to tax Americans for deficit reduction and leaving them to believe nothing is being directly taken from their paychecks. Rather than reforming inefficient Government programs to reduce the deficit, the administration decided to tax the public once more.

Rolling back the gas tax would not affect any of the motor fuels excise taxes that are already set aside for the Highway Trust Fund, nor would it effect the Federal budget. However, this bill would save Americans almost $5.5 billion annually and recoup the approximately 6,000 jobs New Yorkers alone have lost.

I would also like to thank those national chains which have already agreed to lower their prices the second we pass this law. I hope our local distributors will do the same.

Finally, this bill also requires that all fuel taxes collected be deposited in transportation trust funds rather than the Treasury's general fund. Our streets and bridges are falling apart, our air traffic control systems need upgrading, and our ferry terminals are in dire need of repair. This bill ensures the revenue will be used only for those programs for which it is intended.

Congress can be proud to relieve Americans of this burdensome tax and let them keep more of what they earn knowing that the Government will not guzzle their hard-earned dollar at the pump.

Mr. BLILEY. Mr. Speaker, I rise in support of the rule for H.R. 3415, a bill to repeal the 4.3-cent increase in the transportation motor fuels excise tax. Two provisions—section 6, which deals with authorizations for the Department of Energy, and section 7, which deals with spectrum auctions—are within the jurisdiction of the Committee on Commerce.

Section 6 of H.R. 3415 would authorize an average of $96 million per year for ''departmental administration and other activities'' during fiscal years 1997 through 2002, compared to an appropriations level of $226 million in fiscal year 1996. According to the Congressional Budget Office, assuming appropriation of the authorized amounts, section 6 would reduce outlays by $542 million during fiscal years 1997 through 2002. This provision is necessary to address serious concerns regarding Secretary O'Leary's extensive and costly travel, very large expenditures by the Secretary on public relations, and a serious lack of controls over spending on training. Problems in these and other areas have arisen as a result of an investigation being conducted by the Subcommittee on Oversight and Investigations of the Committee on Commerce.

As modified by my amendment incorporated in this rule, section 7 will require the Federal Communications Commission to identify and auction 35 megahertz of radio spectrum under the 3 gigahertz band. It promotes efficient spectrum use by having the marketplace determine the highest and best use of the spectrum. In identifying such spectrum, the Commission is required to take into account the needs of public safety services.

The provision is consistent with the sound public policy initiatives previously established by Congress. In 1993, the FCC was authorized, through enactment of the Omnibus Budget Reconciliation Act, to auction portions of spectrum for commercial licenses. Congress determined at that time that the FCC's current methods of distributing spectrum—by lottery and comparative hearings—were problematic because they robbed the American taxpayers of compensation for the use of a scarce public resource and led to subjective judgments by a Government agency, respectively.

The overwhelming financial success of auctions for the U.S. Treasury, coupled with the soundness of auctions from a public policy prospective, led the Commerce Committee to extend the auction authority in the last budget cycle. My amendment is wholly consistent with the spectrum policy established in last year's legislation. The committee has held two hearings this Congress which confirmed the wisdom of this policy. Additionally, my amendment will not affect or apply to the spectrum identified for the transition to digital television. Finally, in recognition of the success of the auction process my amendment makes the FCC auction authority permanent.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 436, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, I am.

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

The Clerk read as follows:

Mr. RANGEL moves to recommit H.R. 3415 to the Committee on Ways and Means with instructions to report the bill back forthwith with an amendment striking all after the enacting clause and inserting the following:

SECTION 1. PURPOSE.

The purpose of this Act is to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

SEC. 2. REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

''(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer, and

(2) the term ''tax repeal date'' means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE AND DIESEL FUEL.—The terms ''gasoline'' and ''diesel fuel'' have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term ''aviation fuel'' has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. GAS TAX REDUCTION MUST BE PASSED THROUGH TO CONSUMERS.

(a) GAS TAX REDUCTION ONLY TO BENEFIT CONSUMERS.—It shall be unlawful for any person selling or importing any taxable fuel to fail to fully pass on (through a reduction in the price that would otherwise be charged) the reduction in tax on such fuel under this Act.

(b) RESPONSIBILITIES OF PERSONS LIABLE FOR TAX.—

(1) IN GENERAL.—Every person liable for the payment of Federal excise taxes on any taxable fuel—

(A) shall fully pass on, as required by subsection (a), the reduction in tax on such fuel under this Act, and

(B) if the taxable event is not a sale to the ultimate consumer, shall take such steps as may be reasonably necessary to ensure that such reduction is fully passed on, as required by subsection (a), to subsequent purchasers of the taxable fuel.

(2) ENFORCEMENT.—Any person who fails to meet the requirements of paragraph (1) with respect to any fuel shall be liable for Federal excise taxes on such fuel as if this Act had not been enacted.

(3) WAIVER.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the additional taxes imposed by paragraph (2) to the extent that payment of such taxes would be excessive relative to the failure involved.

(c) DEFINITIONS.—For purposes of this section—

(1) TAXABLE FUEL.—The term ''taxable fuel'' has the meaning given such term by section 4083(a) of such Code.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or his delegate.

(d) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation Act of 1993 to determine whether there has been a passthrough of such repeal.

(2) REPORT.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under paragraph (1). An interim report on such results shall be submitted to such committees not later than November 1, 1996.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''APPROPRIATIONS''; and

(2) by adding at the end the following:

''(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

''(1) $104,000,000 for fiscal year 1997;

''(2) $104,000,000 for fiscal year 1998;

''(3) $100,000,000 for fiscal year 1999;

''(4) $90,000,000 for fiscal year 2000;

''(5) $90,000,000 for fiscal year 2001; and

''(6) $90,000,000 for fiscal year 2002.''.

SEC. 7. SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 25 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) FEDERAL COMMUNICATIONS COMMISSION MAY NOT TREAT THIS SECTION AS CONGRESSIONAL ACTION FOR CERTAIN PURPOSES.—The Federal Communications Commission may not treat the enactment of this Act or the inclusion of this section in this Act as an expression of the intent of Congress with respect to the award of initial licenses of construction permits for Advanced Television Services, as described by the Commission in its letter of February 1, 1996, to the Chairman of the Senate Committee on Commerce, Science, and Transportation.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. RANGEL] is recognized for 5 minutes in support of his motion to recommit.

Mr. RANGEL. Mr. Speaker, I do know that election time causes us to do a lot of strange things, and certainly if anyone is serious about taking off 4.3 cents from the Federal gasoline tax on a permanent basis, then we are talking about some $31 billion.

Now, it may be true that we have just learned about balancing the budget, but certainly for those of my colleagues that have been advocating this for so long, what a heck of a time to be thinking about balancing the budget and cutting back revenue.

Now, when I was on the committee trying to make certain that this bad idea, at least that it would be the consumer that would be the beneficiary, the protectors of the oil companies said, ''No, if you are trying to pass this through to the consumer, then you're manipulating the marketplace. What you have to do is to trust the oil people. They'll do the right thing. They'll pass it through to the consumer.''

And so my motion to recommit merely says that we should make it mandatory, requiring the oil companies to pass the full tax savings on to the consumer and reimposing a tax if the company violates this requirement.

So I want people to listen very carefully to those people who advocate this reduction in taxes.

Please, do not tell me that it cannot be done because the whole idea is not to give the benefit to the oil companies. Even if our cousin Jake does have a gas pump, he should be getting the break to pass through to the people who come by his gasoline station.

Now, if my colleagues are going to tell me that it is too complicated to do or that they do not understand the free market system or that we cannot find out where the 4.3 cents is going to go, then why do we not quit the sham and get on with something else? If it cannot go to the consumer and my colleagues do not know how it is going to get to them, then let us leave this thing alone and try to find something else for the campaign. God knows we got a couple of months left.

But if my colleagues want to help the consumer, then all they have to do is say this: We mandate that the 4.3 between now and election passes on to the consumer. And everybody has to say on the penalty of having the tax reimposed that they would pass it on to the consumer, and that should not be a very complicated thing for our colleagues to figure out. But just in case there is a problem, our colleagues have in their bill a method in which they have a General Office of Accounting finding.

We will mandate that there be a General Office of Accounting report on November 1 before the election to see whether or not the Republican tax removal is passed on to the American people.

Mr. Speaker, I yield to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much for yielding.

The reason that the gentleman from New York [Mr. RANGEL] has framed this recommittal motion is that the American consumer has seen in the last 3 or 4 months an increase of 20 cents to 40 cents at the gas pump for the price of gasoline. Now, that means that oil companies are taking from $100 to $200 more this year out of the pockets of consumers for gasoline than they did last year. The Republican motion says that the 4 cent gasoline tax from 1993, which is their idea of relief for the consumer who is losing 100 to 200 bucks, they are going to get this 4 cent break, which is about 15 or 20 bucks, should go to the oil refinery level. That is where the bulk of their tax break goes. They give it to the oil refiners, largely, and they ask them to pass it on to the consumer.

The gentleman from New York says, well, if that is how they are going to do it, we need that to be certified, we need to have some evidence that the large oil companies pass that tax break on down to the consumer.

Now, we had alternatives to give the money right to the consumer, but the Republicans will not put those amendments in order.

So the gentleman from New York's recommittal motion is quite simple. If my colleagues want to guarantee that the large oil companies pass that 4 cent gasoline tax break, 15 or 20 or 30 bucks, on to the consumer, then they must vote for this recommittal motion, or else the oil companies will gobble it up like a nice tasty snack.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. ARCHER. Mr. Speaker, the motion to recommit attempts to regulate the market price of motor fuels with the threat of monetary penalties for failure to pass on the motor fuels tax reduction to customers. The mechanics of the motion offered by Mr. RANGEL are flawed. More importantly the motion lacks a fundamental confidence in our free market system which has served us so well. Instead the motion smacks of price controls and the long-hand of gargantuan government.

Even before I speak to the bad economics of this motion, let me explain why the provisions before us do not work. First, Federal taxes on gasoline are paid well before the customer pulls into the gas station.

These taxes are paid at some 1,700 bulk storage terminals. From there, some 15,000 wholesale dealers or jobbers buy the product which then is delivered to retail service stations which total over 195,000 nationwide and sell nearly 200 brands of gasoline.

Keeping this universe in mind, the Rangel motion would essentially make 600 taxpayers, those at the terminal facilities, pay penalties equal to all or part of the tax reduction which does not flow to customers. Very simply, the terminal taxpayers will pay dearly if even one of the nearly 210,000 wholesale dealers and gas station operators fail to pass-through the tax reduction. The motion raises basic fairness questions since taxpayers are held responsible for another person's inability to account for a tax reduction.

Furthermore, the motion begs the question over how the already strained resources of the IRS will monitor and audit some 210,000 persons who buy and sell some 200 brands of gasoline.

Putting aside the unworkable machinery, it is essential that my colleagues focus on the real message behind this motion. Its proponents will make the deceptively attractive claim that the motion will put the tax reduction into the pockets of consumers instead of the oil industry. But if proponents really mean what they say then what is before us is yet another attempt, albeit flawed, to control the profit margins of every individual who buys and sells gasoline and diesel. The motion discards the fact that petroleum prices respond to the basic economics of supply and demand and are set by the world's most competitive marketplace.

Earlier this year we witnessed just how well competition drives the prices charge to consumers. On January 1, the 10-percent airline ticket tax expired. That same day, most of the major carriers reduced air fares by a corresponding 10 percent. Within 24 hours, the

pressures of competition drove another major air carrier to drop its air fares by 10 percent.

Interestingly enough, the penalties for failure to pass through the tax reduction do not apply to aviation jet fuels and special motor fuels.

But, market forces are not limited to the airlines. They are known to all segments of America's industries for the simple reason that business, in order to survive, they must bear the scrutiny of the America consumer.

Make no mistake, the motion offered by Mr. RANGEL is a poorly constructed and dangerous attempt to control the laws of economics, all in the name of feel-good politics. The motion should be rejected.

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. RANGEL. 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 183, nays 225, not voting 25, as follows:

[Roll No. 181]

YEAS—183

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

NAYS—225

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

NOT VOTING—25

Baesler
Bunn
Clinger
Coburn
Durbin
Frisa
Gallegly
Gutierrez
Harman
Kingston
Klink
Largent
Lucas
Maloney
McDermott
McNulty
Molinari
Oberstar
Ortiz
Peterson (FL)
Rohrabacher
Smith (MI)
Taylor (NC)
Torres
Watts (OK)

□ 1915

Ms. PRYCE and Mrs. SEASTRAND changed their vote from ''yea'' to ''nay.''

Mr. CUMMINGS and Mr. GEJDEBSON changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. WALKER. Mr. Speaker, I ask unanimous consent on the suspension vote to follow final passage on the bill that it be reduced to 5 minutes.

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

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. ARCHER. 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 301, nays 108, not voting 24, as follows:

[Roll No. 182]

YEAS—301

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss

Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mink
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanders
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—108

Barrett (WI)
Becerra
Beilenson
Berman
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Dellums
Dicks
Dingell
Dixon
Doggett
Ehlers
Fattah
Flake
Foglietta
Ford
Frank (MA)
Gibbons
Hastings (FL)
Hilliard
Hoekstra
Houghton
Hoyer
Jackson (IL)
Jacobs
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Lantos
Leach
Levin
Lewis (GA)
Luther
Markey
Matsui
McCarthy
McHale
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Neumann
Owens
Payne (VA)
Pelosi
Pickett
Porter
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanford
Sawyer
Schroeder
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (WA)
Souder
Stark
Stenholm
Stokes
Studds
Thompson
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Yates

NOT VOTING—24

Baesler
Bunn
Clinger
Coburn
Durbin
Frisa
Gallegly
Gutierrez
Harman
Kingston
Klink
Largent
Lucas
Maloney
McDermott
McNulty
Molinari
Oberstar
Ortiz
Peterson (FL)
Rohrabacher
Smith (MI)
Torres
Watts (OK)

□ 1935

The Clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Ms. Harman against.
Mr. Clinger for, Mr. Klink against.
Mr. Kingston for, Mr. Oberstar against.

Ms. LOFGREN changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TENTH ANNIVERSARY OF CHORNOBYL NUCLEAR DISASTER

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 167.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN], that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 167, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 183]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
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
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
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
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
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 (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
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
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (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
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Baesler	Klink	Rogers
Callahan	Maloney	Rohrabacher
Clinger	McDermott	Scarborough
Durbin	McNulty	Smith (MI)
Frank (MA)	Molinari	Torres
Frisa	Oberstar	Watts (OK)
Gallegly	Ortiz	Weldon (PA)
Gibbons	Oxley	Williams
Harman	Peterson (FL)	Wilson
Kingston	Petri	

□ 1944

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, due to my plane being grounded as a result of stormy weather, I was detained for more than 3 hours. Unfortunately I missed the vote on H.R. 3415, a bill repealing the 4.3 cent increase in transportation motor fuels excise tax. Had I been present, I would have voted ''aye'' on rollcall vote No. 182, ''aye'' on rollcall vote No. 180, and ''no'' on rollcall vote No. 181. I also would have voted ''aye'' on rollcall vote No. 183, a bill recognizing the 10th anniversary of the Chernobyl nuclear disaster.

Mr. KINGSTON. Mr. Speaker, because of inclement weather, I was unavoidably absent for votes today. If the plane could have landed at the scheduled time, I would have been present to vote ''yes'' on ordering the previous question on H.R. 3415, ''no'' on the motion to recommit on H.R. 3415, ''yes'' on final passage on H.R. 3415, and ''yes'' on House Concurrent Resolution 167.

□ 1945

PROVIDING FOR CONSIDERATION OF H.R. 3259, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 437

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. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f), 308(a), or 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. The first section and each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, clause 5(b) of rule XXI, or section 302(f) or 401(a) of the Congressional Budget Act of 1974 are waived. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. 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. The Chairman of the Committee of the Whole may reduce to not less than five 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 fifteen minutes. 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

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

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

Mr. GOSS. Mr. Speaker House Resolution 437 is a modified open rule that provides for the consideration of H.R. 3259, the Intelligence Authorization Act for fiscal year 1997. The rule waives sections 302(f), 308(a) and 401(a) of the budget act against consideration of the bill. These waivers pertain to: An excess above a committee's allocation of new entitlement authority; the necessary cost-estimate paperwork on this new entitlement authority; and contract authority not previously subject to appropriation. The waivers are needed because of provisions in two sections of H.R. 3259. Section 402 of the bill repeals the surcharge associated with CIA employees who receive a voluntary separation incentive payment in fiscal year 1998 and fiscal year 1999, correcting a situation in which CIA was forced to make double-payments. Section 401 of the bill makes clear legislative authority for the CIA to enter into multiyear leases of not more than 15 years. These provisions are not considered controversial nor do they cause serious budget problems, according to CBO. The rule provides for 1 hour of general debate and makes in order the amendment in the nature of a substitute now printed in the bill as the base text for amendment under the five-minute rule. The bill shall be considered by title and shall be considered as read. The rule waives section 302(f) and section 401(a) of the budget act against the committee substitute, for the reasons I have already described. The rule also waives clause 7 of rule XVI, the so-called germaneness rule, and clause 5(b) of rule XXI, which prohibits consideration of legislation containing revenue provisions if not considered by the Ways and Means Committee. The germaneness waiver is necessary because the committee amendment in the nature of a substitute is broader in scope than the original bill, including provisions to improve our intelligence systems in light of lessons learned from the Aldrich Ames case and to ensure proper congressional oversight over the expenditure of funds for personnel reforms. These are important additions to the annual intelligence authorization process that deserve Members' careful review and support. The ways and means waiver is necessary because of a technical 1-year extension in the bill of the application of sanctions laws to intelligence activities.

Mr. Speaker: this rule is basically an open rule, meaning that all germane amendments that pass muster under the standing rules of the House may be offered. We have included a pre-printing requirement, however, at the request of the Intelligence Committee because of the sensitive nature of this legislation and a very real concern about protecting classified information. I'd like to respond briefly to a discussion we had in the Rules Committee with the distinguished ranking member of the Intelligence Committee, Mr. DICKS, about the timing of floor consideration of this bill. I share Mr. DICKS interest in ensuring that Members who wish to have the opportunity to review the classified annex to this bill, and we have done what we can to provide that opportunity. Mr. DICKS should be pleased to note that there was a proforma schedule in the House yesterday and Members may file amendments in today's CONGRESSIONAL RECORD as well. We have attempted to accommodate all Members in this process, while adhering to a very tight legislative schedule we must keep if we are to conclude all of our business before our target adjournment in early October. Finally, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce to 5 minutes a vote on a

postponed question if the vote follows a 15-minute vote. It also provides for the traditional motion to recommit with or without instructions.

Mr. Speaker, as a member of the House Permanent Select Committee on Intelligence, I am proud to bring this bill to the House and I would like to commend Chairman COMBEST for his leadership and his thorough efforts to provide us with detailed commentary about the bill. Developing a blueprint for our Nation's intelligence capabilities is an extraordinarily difficult task. Having assisted in two separate, extensive reviews of this subject matter in the past 2 years, and having spent a chunk of my life working within the intelligence community, I am keenly aware of the complexity and the breadth of issues that confront us as we look to the next century and evaluate our intelligence capabilities and needs. H.R. 3259 provides a responsible balance of adequate resources and careful congressional oversight to ensure that our national decisionmakers have accurate, timely and objective information with which to assess threats and opportunities in this ever-changing world. An inherent problem with the intelligence field is that public information which could serve to build a constituency for its missions is generally skewed. Americans hear most about things that go wrong in the intelligence world. In fact, one of the characteristics of successes in this arena is that you generally don't hear about them, because a success usually means we were able to prevent something bad from happening in the first place. I know Americans—who have an instinctive appreciation for openness and sunshine and I come from the Sunshine State where, indeed, we do have the sunshine law. Americans sometimes find it frustrating to hear about classified briefings and secret missions. But the world is a dangerous place, and the fact is that we rely on information and data that can't always be gathered in an overt way. It is the task of our intelligence services—and each member of Congress—to convince Americans that we are earning the trust that we ask them to place in us. Once again I commend Chairman COMBEST for his work in pursuing that important goal. I think H.R. 3259 deserves the support of this House.

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

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume, and I thank my friend, the gentleman from Florida [Mr. GOSS], for yielding the customary half-hour of debate time to me.

Mr. Speaker, may I say at the outset that I subscribe wholeheartedly to the wise words that my colleague from Florida just uttered. Let me also take a moment at the outset to compliment the gentleman from Florida for his very able work not only on the Committee on Rules but also as a member of the Permanent Select Committee on Intelligence, where it is, indeed, fortunate, I would tell my colleagues, to have someone with Mr. GOSS' hands-on experience in intelligence activities serving on the committee that oversees the intelligence community.

Mr. Speaker, we support this modified open rule for H.R. 3259, the Intelligence Authorization Act for fiscal year 1997.

Our only concern about the rule, and it's only a modest concern, is the preprinting requirement, which we are not convinced is needed. The chairman of the committee, the gentleman from Texas, [Mr. COMBEST], testified before the Committee on Rules that he felt it was necessary to review amendments before they were debated in order to avoid the possibility of having to deal with sensitive matters without adequate notice.

We were especially concerned, may I say, that the requirement left an inadequate amount of time for Members to study the bill, and that it might have precluded the offering of some amendments—and might have meant that others were drafted hastily and improperly to meet the deadline.

The bill was reported May 16, the same day the Rules Committee heard testimony on it. Members may recall that, in previous years, we have had more time following the committee's report of the legislation to study the classified annex as well as the nonclassified portion of the legislation. Last year, in fact, the legislation was available for over 2 months compared to the 3 legislative days this year's bill was available to Members before floor action.

Nonetheless, the requirement is in the rule and since nearly a dozen amendments have been filed, we assume that Members have been able to adjust to its requirements.

Mr. Speaker, the rule does provide several waivers of House rules against the bill and against its consideration, as the gentleman from Florida mentioned. The ranking minority member of the Intelligence Committee, the gentleman from Washington [Mr. DICKS] did not object to the waivers. They are reasonable waivers, and we do not oppose them.

We are concerned about several provisions in the bill, which were outlined in the minority's dissenting views, including those dealing with funding levels.

Funding levels in the bill exceed by about 4, 5, and 6.5 percent, respectively, the amounts requested by the President, authorized, and appropriated in fiscal year 1996.

At the level recommended by the bill, the intelligence authorization for fiscal year 1997 would be only about 1.4 percent less than was authorized for fiscal year 1991, the last year this Member had the privilege of chairing the Intelligence Committee. When the fiscal year 1991 bill was drafted, however, American troops were being deployed by the hundreds of thousands in the Persian Gulf, and the Soviet Union was still very much in existence.

There may be compelling reasons why funding for intelligence programs has declined only marginally since the end of the cold war. We look forward to hearing them during general debate.

In fairness, however, I would note that reservations expressed by Democrats in the committee report have to do primarily with the ways in which funds are allocated in the bill, rather than the total amount authorized. I simply think that we want to be sure that intelligence programs and activities are being subjected to the same level of scrutiny as are other functions of the Federal Government.

Obviously, spending for markedly different purposes does not always invite meaningful comparisons but it is important, given the budgetary constraints we face, that we insist that national security programs be sized to respond to real, rather than imaginary threats.

□ 2000

Only in that way can we assure ourselves and our constituents that we are being uniformly vigorous in reviewing all of the budgets submitted to us.

The bill does provide funding, although not so much as the President requested, for the Environmental Intelligence and Applications Program, the so-called EIAP, which, among other things, evaluates data collected by national technical means for their utility for the scientific study of the environment.

Mr. Speaker, the EIAP has been strongly supported by the U.S. Navy and in many ways is a model for the kinds of nontraditional use to which classified as well as declassified intelligence data can be put.

Among the amendments which may be offered to the bill is one which would strengthen the existing policy against the use of journalists as intelligence agents. This is an issue which deserves to be carefully considered by the Congress in an effort to determine whether a blanket prohibition better serves the national interest than some variation of the current CIA regulations which do not permit the use of journalists as agents except in extraordinary circumstances when the director of central intelligence determines that national security so requires.

Mr. Speaker, to repeat, we support this open rule. We urge our colleagues to approve it so that we may proceed tomorrow with consideration of the intelligence authorization legislation.

Mr. Speaker, having no further requests for time, I reserve the balance of my time.

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

I will advise the gentleman from California that I do not think we have any speakers. Before the gentleman takes the floor again, may I just thank him for his very kind remarks and return them. I think those newcomers to

this institution this year perhaps may not know the gentleman's distinguished record as a member and chairman of the House Permanent Select Committee on Intelligence and the extraordinary service he has rendered this country, to say nothing of his extraordinary capacity on the Committee on Rules and his contributions to the proceedings in both the majority and minority roles which he does so well.

Mr. Speaker, with regard to the remarks that have been made about the debates, we are going to have some interesting debate. In fact, better than a dozen amendments have been filed under the preprinting rule. And while I agree, I am not sure I am totally enamored of the preprinting rule, it does give us that little extra measure, if there is a security problem, at least to vet it and try to get the debate in the appropriate aura.

Mr. Speaker, I also need to point out that, while I agree that we have to be sure we spend our tax dollars well, I am told that, since about 1990, that in terms of real spending, intelligence is down about 14 percent. I think that we have seen some significant cuts.

It is hard for me to say specifically what they are; because we all know we are not supposed to talk about the specifics, but we also know that part of the debate will be, should we talk about certain of the specifics.

I think as we go along in this process we are going to have a very good debate this year. I totally agree with the gentleman that we want to focus on the real threats, because there are more than enough real threats for national security interest, and weed out the imaginary ones. I will join him in that effort, of course.

Mr. Speaker, I include for the RECORD the following information:

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

[As of May 21, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified Open[2]	46	44	69	59
Modified Closed[3]	49	47	30	26
Closed[4]	9	9	18	15
Total	104	100	117	100

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

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

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

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

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 21, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 21, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal $4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	

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

Mr. BEILENSON. Mr. Speaker, I thank the gentleman for his kind comments, and I yield back the balance of my time.

Mr. GOSS. 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.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). 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.

REMEMBERING CHARLIE HILLARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. PETE GEREN, is recognized for 5 minutes.

Mr. PETE GEREN of Texas. Mr. Speaker, on April 16, Forth Worth, TX, lost one of our most beloved and admired citizens and the world of aviation lost one of its heroes.

Charlie R. Hillard, a world-renowned aerobatic pilot and longtime business and civic leader, died at the age of 58, in an aviation accident in Lakeland, FL.

Charlie Hillard loved to fly. When he was only 10 years old, he cleaned cars at his father's automobile dealership for $10 a week, saving enough money to begin taking flying lessons by the time he turned 15. During his freshman year at Georgia Tech, Charlie, purchased his first airplane, and the rest, as they say, is history.

From his youngest days, he seemed more at home in the air than on the ground. Charlie took up skydiving at age 18 and soon earned a place on the U.S. Skydiving Team. In 1958 he placed second at the famed Coupe du Monde in Paris. That same year, he became the first person in the United States to pass a baton to another person in freefall.

But precision flying was his passion and where Charlie made his mark on the world. He gave up skydiving to devote his energies to flying and he soared. During his career he not only won the U.S. National Championship but also represented the United States in four world championships. In 1972, he became the first American ever to win the world aerobatic title. Charlie won four gold medals in the Olympics of the Air, received the International Council of Air Shows Award of Excellence, was a member of the International Aerobatic Hall of Fame and the Fort Worth Aviation Hall of Fame. In his prime, he was the best in the world—the best in the world.

And, he loved everything about flying. He worked as an aircraft designer, test pilot, exhibition pilot, movie stunt pilot, and leader of the world famous Eagle Aerobatic Team, flying with Tom Poberenzy and Gene Soucy. The Eagles flew more than 1,000 exhibitions worldwide over 25 years. Charlie himself performed in over 180 different aircraft over four decades.

Charlie had only recently began a career as a solo aerobatic pilot. At the time of his death, he was flying the Lone Star Fury, a high-performance World War II fixed-wing monoplane. The Fury saw most of its wartime action in Korea, and was the first airplane to shoot down a Russian MiG–15 jet.

Charlie gave much to aviation, but he also contributed significantly to the automotive industry as an innovative

businessman. He expanded his family automobile dealership from a single Ford franchise to one of the most successful auto parks in the country. The Hillard dealerships have won nearly every customer satisfaction award in the industry for each of the franchises they represent.

He also was a community leader, lending his considerable energy and talent to numerous civic causes.

But to recall only his lifetime of public accomplishments misses a huge part of Charlie. He was loved by so many friends and family, and gave love generously in return. He was a devoted husband and father, leaving behind his wife Doreen and four children. We join them in celebrating the life of a truly remarkable man and mourning his untimely death.

To Doreen and all the children, we say thank you for sharing his life with us. We are all better for having known Charlie R. As race car legend Johnny Rutherford said at the funeral, he left a special footprint on the hearts of us all.

Charlie R. soared.

DEFENSE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, while the cold war may be over, U.S. security interests endure. Unfortunately, many Americans do not fully appreciate this new dynamic. Indeed it is difficult to understand how emerging threats, may challenge future U.S. global interests.

Some examples are very clear: China's rise to power is increasingly marked by military posturing and coercive diplomacy in the Pacific rim. An unstable and fragmented Russia turns to aggressive nationalism to hold itself together. Economic ruin, ethnic violence, terrorism, and the proliferation of weapons of mass destruction pose serious threats to international stability.

We have asked our soldiers, sailors, airmen, and Marines to protect our country and its vital national security interests, in this evolving international environment. Our military is our first, and often our last line of defense and we must be prepared to provide it with the technological edge to defeat any enemy on any battlefield.

I must remind my colleagues that the battlefield of the future has little resemblance to the battlefield of the past. Information warfare, wide availability of commercial off-the-shelf technology, and the proliferation of highly capable weapons systems, all contribute to a rapid evolution, in military tactics and doctrine.

Understanding how these new conflicts and demands are burdening our services is difficult to do from an arms length distance here in Washington.

So last Friday I went down to my district and spent time at Camp Lejeune. It was an opportunity to see how the tremendous efforts our men and women in the Marine Corps can and will be increased with the support of adequate defense dollars.

Just last week, the House made a step in the right direction by passing H.R. 3230, the Defense Authorization Act for fiscal year 1997. The bill stems the tide of the administration cuts that would have weakened our national security, and placed our men and women in uniform at increased risk. I would like to commend Chairman SPENCE for carefully crafting a bipartisan bill that achieves four fundamental goals:

First, we promised to improve the quality of life for our military personnel and their families. A number of critically important provisions in this bill such as the 3 percent pay raise, the increase in military housing allowance by 50 percent over the President's budget, the funding of troop barracks and child care centers, goes a long way to maintain a decent quality of life, for our all-volunteer military.

Second, we promised to sustain short and long-term readiness. Despite funds added by Congress last year to maintain minimum readiness levels, and the high pace of ongoing military operations around the world, the President suggested reductions in a variety of readiness accounts, below current spending levels. Despite the administration's proposed cuts, H.R. 3230 has recommended an increase of $1.6 billion in key readiness accounts to ensure U.S. military preparedness.

Third, the National Security Authorization Act for fiscal year 1997 addresses the growing modernization shortfalls that have resulted from a decade-long, 80 percent decline in real dollars in procurement spending. The President's fiscal year 1997 procurement budget is the lowest in 50 years, and is a frightening $5 billion lower than the Pentagon planned just one year ago. This bill therefore devotes the bulk of the spending increases recommended in H.R. 3230 to procurement. This will shore-up a dramatically downsized industrial base, by adding funds to a number of under- and unfunded programs.

And fourth, we have continued our efforts to create a more agile and competitive defense management structure, by continuing to reorganize and reduce our defense bureaucracy.

Mr. Speaker, this bill is consistent with the Contract With America. It is consistent with our goals of achieving a balanced budget by 2002; and we can do it the right way—not on the backs of the men and women who serve in our military.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. WICKER] is recognized for 5 minutes.

[Mr. WICKER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] is recognized for 5 minutes.

[Mr. ROMERO-BARCELÓ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO ADMIRAL MIKE BOORDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BATEMAN] is recognized for 5 minutes.

Mr. BATEMAN. Mr. Speaker, earlier today we said a sad farewell to one of the best our Nation has to offer. I know Mike Boorda was a friend, a very special friend. Last Thursday our colleague from Mississippi, General MONTGOMERY, spoke of him as a brother. I too regarded Mike Boorda as a brother. No one outside my immediate family has touched my life more than he.

When I first met Mike Boorda, he was newly assigned as chief of naval personnel, and I was the ranking member of the military personnel subcommittee of the House Armed Services Committee. I came to know firsthand the depth of his commitment to the Navy and his abiding devotion to the people who make our Navy the greatest Navy in the world.

Much has been and will be written about Mike Boorda and the tragedy his death represents. I cannot begin to understand the totality of what was involved in producing this tragedy. There are some things I do know, however, because it was my privilege to know Mike Boorda. As a frank, honest, straightforward witness and as an advocate for a better life for the people who make up our armed forces, the most respected segment of our society, he was superb.

From personal experience I know him to care enough to find time in an incredibly busy schedule to focus on individual personnel problems. He did so to insure that fairness was done to a member of the Navy family whom he believed had not been dealt with justly.

Much has been said about the V insignia he wore for a time in his decorations he pinned on his chest. I claim no expertise on the subject of military decorations and insignia. The only decoration I am sure I received after my service in the Air Force during the Korean conflict was a Good Conduct Medal. What I do know is that Mike Boorda would never, never seek to dissemble or pose as that which he was not. I not only do not know, I am not interested in pursuing, the arcane

question of was he or was he not technically entitled to wear a V on his ribbons under the terms of military regulations in effect at some point in time.

Also I am not interested in whether a former chief of naval operations was officially empowered to authorize the wearing of a V for all Navy personnel involved in combat operations during the Vietnam war.

What I do know, because I knew Mike Boorda, is that he would not have knowingly put on his chest anything to which he was not entitled to put there. The Mike Boorda I knew did not dissemble. He was truthful, so respectful of doing what was right, that the idea that he could falsely proclaim himself a hero is unthinkable.

Last Thursday, one of the most miserable days of my life, I could not come to the floor of the House and talk about the tragic end of Mike Boorda. At that time, and based on the information available, I just could not accept that my friend Mike Boorda, so full of energy and confidence, so sensitive to making life better for the sailors of the United States Navy, could have taken his life.

Dear Mike, a great poet spoke of one who loved greatly but not wisely. You were so wise, so devoted, so consumed with duty, honoring country, that in your sense of duty and propriety you took extreme measures that were not wise or even reasonable, but it was all out of your love for the Navy.

From those of us that knew you and knew your passion for protecting the interest of the people who make up our armed services, you would never have had to fear that we would not have defended your honor. My confidence in you and trust in your dedication to duty, honoring country, make it so difficult to either accept or understand the tragedy that took you from us.

God bless you, Mike Boorda, and your loving family.

Mr. Speaker, I would like now to read the brief remarks of Jim Kincaid, news anchor of WVEC–TV in Hampton, VA, concerning Mike Boorda and the tragedy of his death. His words have great meaning, and I quote them now.

''When a person of great value leaves our midst, particularly voluntarily . . . we usually search for reasons . . . and we hardly ever find any that are really satisfactory.

''Admiral, Mike Boorda didn't need to take his own life . . . according to what we know of him.

''Those of us who did know about him, and his career, would not have thought any the less of him if questions had been raised about one or two of his military decorations. Particularly those of us who know the difference.

''Whether he was entitled, technically, to wear a decoration for valor, his record plainly shows that he was a valorous man, as brave as any of us, and far braver than most.

''But, in a world where we seem to feel that our heroes must be flawless, and where a certain sort among us hunts for flaws like a bounty hunter after a bank robber, some flaws will surface, even among the best of us. And Mike Boorda was one of the best of us.

''He was, through and through, a military man, a follower of the military code of duty, honor, country.

''Such men have, down through the ages, chosen to fall on their swords rather than dishonor their comrades. Today, the technology may have changed, but the passion remains.

''We don't know what brought him to yesterday's terrible decision.

''We can be sure that it was generated, at least in part, by our society's appetite for gossip, and scandal.

''And, like any appetite that is indulged to excess, it can have very unhealthy results, and very costly ones.

''The death of this fine sailor is just such a case.''

Mr. Speaker, I now ask leave to have printed in the RECORD an editorial from the Wall Street Journal of today and an op-ed piece written by former Secretary of the Navy, John Lehman, respecting our dear and departed friend Mike Boorda.

The articles referred to are as follows:

[From the Wall Street Journal, Tuesday, May 21, 1996]

THE NAVY'S ENEMIES

(By John Lehman)

In 1981 Capt. Jeremy ''Mike'' Boorda was my acting assistant secretary for manpower. He was so effective and such an advocate for sailors and their families that I pressed him to stay permanently on my staff. But the fleet was his life, and he pressed for orders back to sea. One of his many creative solutions in that period was a program of special bonuses for aviators, who had been leaving the Navy in droves during the Carter years of naval decline. Mike was their advocate, we adopted his idea, and it worked. He was first a sailor; he only came ashore to champion the sailors against the bureaucrats. He had ''come up through the hawse pipe,'' the first enlisted sailor ever to become chief of naval operations. How such a great human being could be brought to the point of ending his life is a question of national magnitude.

THE TAILHOOK FIRESTORM

No one gives credence to the trivial issue of ribbons, which his Vietnam superior, Adm. Elmo Zumwalt, says he earned in any case. They may have been the final straw, but they were not the cause. With eerie parallels to the death of former Navy Secretary James Forrestal 47 years ago, Adm. Boorda was driven to his death by a relentless lynch mob that has hounded the U.S. Navy, especially for the past five years.

The triggering event was of course the Tailhook convention of 1991. The reported sexual harassment was a shameful aberration by some, perhaps dozens of individuals. But even the usual excesses of an annual party which began at a time when hundreds of Tailhook members a year were being killed in Vietnam, had become incompatible with a peacetime Navy struggling to include women aviators. What should have been at most a week's story instead ignited a firestorm that has been consuming the Navy ever since.

The Navy employs more than a million people, who perform their jobs all over the world around the clock. Naturally, this group reflects some of the failings of the population at large. There will always be a few bad actors and a lot of mistakes. Yet the rates of crime, cheating, drug abuse and other misconduct are far lower in the Navy than in civilian institutions, as one has a right to expect. And the endless media exposes have revealed nothing that has not happened in the other services in other times.

Why then has the Navy continued to be the center of the investigative media? Because it is payback time. The Navy, its carriers and its aviators did indeed have a very high profile in the Reagan years, and as the movie ''Top Gun'' illustrated, naval aviators are not known for great humility. Many outsiders resented their bonuses, their glamour and their publicity and were glad to see Tailhook cut them down a few pegs. When the story broke in the middle of a presidential campaign in which the gender gap was already an issue, it was sure to ignite.

It was sure also to have faded after the election but for the fact that the new president, who in his younger days said proudly that he ''loathed'' the military, brought in an administration staffed by former war protesters who largely shared the prejudices of those in the anti-Navy lynch mob. Thus instead of dying out, the firestorm grew, fanned and encouraged at the highest level. The White House commissars of political correctness began enforcing standards for military promotion. Attendance at Tailhook, regardless of behavior, became sufficient to deny promotion. The Senate Armed Services Committee and especially its staff, full of Navy grudges and personal scores to settle, joined in the persecution. Add to these factions the more extreme wings of the feminist and gay movements. They piled on because the Navy has epitomized to them what they see as the homophobic, macho culture of the military, and they see a great opportunity to bring it down.

Henry Kissinger used to say that even paranoids have some real enemies. This adage aptly describes the Navy. There are important interest groups that wish to pull the Navy down. Take the organization that was sifting through Adm. Boorda's records, the National Security News Service, part of the left-wing archipelago of tax-exempt think tanks. The talking heads from these antidefense lobbies who are now attacking the character of Navy leaders were the very same talking heads who spent the 1980s extolling the Soviet economy, blaming America for the Cold War, and attacking the Reagan naval buildup.

Throughout those years Newsweek, the journal pursuing the recent story on Adm. Boorda, was ever a willing conduit for their bogus studies and mean-spirited attacks. It is not coincidental that the magazine published one phony expose after another—alleging that Tomahawk missiles wouldn't work, that Aegis cruisers would tip over, that aircraft carriers couldn't survive; anything and everything that would discredit the U.S. Navy. Newsweek's entire editorial crusade of the 1980s has been discredited by events. All those Navy programs did work, the Cold War was won, and Iraq was kicked out of Kuwait. Now Newsweek's editors seem bent on impugning the character of the Navy's leaders. They are sore losers indeed.

Add to the Navy begrudgers certain entrenched bureaucrats in the Defense Department. Their anti-Navy bias has permeated the Pentagon since before the Reagan era. They have been a steady source of tips to witch-hunting journalists. They have also used this period of Navy weakness to cancel most of the modernization programs for naval aviation: the A–12, the A6F, new engines for the F–14, and many others. Little wonder the aircraft accident rate has sharply increased.

As a result of this onslaught, 14 admirals have now been cashiered and more than 300 naval aviators have had their careers ended, all without even a semblance of due process. Thousands more are leaving the service in disgust. Fifty-three percent of postcommand aviator commanders resigned last year. These are the best of the best and won't be replaceable for a generation, yet the inquisition continues. Yes, terrible things happened

in Tailhook, and certainly those kinds of abuses have to be rooted out. But it is despicable to abandon due process, the chain of command and any sensible approach to fairness, ruining so many careers in the process.

The Stan Arthur case is a classic example, repealed hundreds of times at lesser and less visible grades. He flew more than 300 combat missions in Vietnam and led the Navy forces in Desert Storm. An impeccable career. A leader who really inspired young kids in the service. He was asked as vice chief to review a decision denying a female helicopter pilot her designation. He came to the conclusion that she could not meet the qualifications. For that he was cashiered, because everybody was afraid—afraid of Pat Schroeder and her McCarthyite slurs, afraid of the White House commissars, afraid of the media.

A DANGEROUS CALLING

The Navy is not just another bureaucracy in the government. Naval service is a dangerous calling that requires the highest professional standards to defend the U.S. and its interests. What an outrage that we are cashiering and promoting people based on reasons that have nothing to do with their readiness to fight the conflicts of this country.

Fifteen years ago and after, I came in for my share of abuse. But as a presidential appointee I was supposed to be politically accountable. Generally my successors and I give as good as we get: I for instance can afford libel lawyers. The new and ugly phase of recent years, however, has brought career officers into the line of fire for the first time—and a viciously personal fire it is. Career professionals are not prepared or trained for it, they lack the means to defend against it, and they don't deserve it. We can only hope that Mike Boorda's tragic death will awaken some basic decency in our leadership and the crusade will end before it does irreparable damage to our nation's defense.

[From the Wall Street Journal, Tuesday, May 21, 1996]

MIKE BOORDA, RIP

We say ''nuts'' to the medals teapot; we're going to remember Admiral Boorda for what he did to the Serbs' jets.

Before he was called back to the Navy's CNO, Admiral Boorda was the commander of NATO forces in southern Europe, which is to say the top U.S. commander involved in the conflict in Bosnia. One day he found himself in authority, perhaps through some oversight at the U.N., just as Serbian jets were flouting the U.N.'s ban on their flights. So he ordered them shot down, just as they were starting bombing runs on population centers.

Similarly, when Cuban MiGs shot down American-owned planes over international waters, his first reaction, according to a good source, was: where are my Tomahawk shooters. In the end, of course, the U.S. did not launch Tomahawk cruise missiles at Cuban airfields, nor did the Boorda airstrike end the war in Bosnia. But shooting down four Serbian jets was the most vigorous action anyone at NATO or the U.N. took against a particularly disgusting aggressor.

Mike Boorda, in short, had more than the usual ration of political courage, which makes his suicide all the more perplexing and mysterious. By the weekend, the media had pretty much exhausted the tempest over the medals and got around to the main issue: Tailhook, and the pressures still radiating through the Navy under Commander in Chief Bill Clinton.

Good military officers don't shift blame for breakdowns on their watch, and Admiral Boorda bore the brunt for what the political furies of Tailhook did to the careers of Admiral Stanley Arthur, Commander Robert Stumpf and many others less prominent. The legendary Admiral Arthur's promotion to the Pacific Command fell through on Admiral Boorda's watch. In an interview after he had agreed to pull the plug on the promotion, the CNO said: ''Certainly Stan Arthur is paying a penalty. And the country's paying a penalty. He's not serving in a job where he would have been superb.''

That incident is being revisited in the suicide's aftermath. The Navy command withdrew the nomination after Senator Dave Durenberger, of all people, made Admiral Arthur the target of feminists for supporting an instructor's decision that a female pilot was below standard and should not fly. In fact, the decision to wreck Admiral Arthur's career was assented to by the Secretary of Defense, the Secretary of the Navy, the Chairman of the Joints Chiefs and the Chairman of the Senate Armed Services Committee.

This is the same Armed Services Committee, under Sam Nunn, that held a secret session to waive through the nomination of John Dalton to be Secretary of Navy amid questions raised about Mr. Dalton's dealings during the 1980s in the Texas S&L industry. Mr. Dalton, who later worked for Stephens Inc. of Arkansas, vehemently denies any wrongdoing, and the solons of the Senate get red-faced at the suggestion that they gave Mr. Dalton special treatment. And indeed it's not a widely known story. But ask the next Naval officer you meet if he knows about it.

This year, with Tailhook's eternal bonfire still burning, Secretary Dalton withdrew the promotion of Commander Robert Stumpf, even after his own investigation had cleared the commander of any Tailhook taint. Admiral Boorda was on the bridge for that one, too. Earlier in the process, Admiral Boorda tried to help Commander Stumpf, but he couldn't. Instead he was directed to withdraw Commander Stumpf's nomination. When asked this Sunday morning about his department's handling of these personnel matters, Navy Secretary Dalton said, ''I feel good about the decisions we've made.

The attitude within the Navy is no doubt captured by former Navy Secretary John Lehman in his article nearby. James Webb, another former Secretary, delivered a searing speech at the Naval Academy last month, speaking of ''the destruction of the careers of some of the finest aviators in the Navy based on hearsay and unsubstantiated allegations.'' He wondered ''what admiral has had the courage to risk his own career by putting his stars on the table, and defending the integrity of the process and of his people?''

For some reason, this country does not have a tradition of honorable resignation on principle, as exists elsewhere. America's government is a huge and hugely powerful force, and its high officials, even as they disagree bitterly, tend to let it sweep them forward. It might be healthier for all if on occasion they said what they truthfully felt, and quit.

Admiral Boorda left behind a single-page note addressed to ''the sailors.'' The Pentagon's story is that releasing this note is a decision for the family, and sympathy for their tragedy is appropriate. The fact remains that the Navy as an institution has been rocked to its foundations, and if Mike Boorda had something to say about that, everyone serving in the Navy should be entitled to read it.

Today there will be a memorial service for Admiral Boorda, and President Bill Clinton will deliver the eulogy over his career and life.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

[Mr. MICA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

EDUCATION CAUCUS OF THE U.S. CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes as the designee of the minority leader.

Mr. FIELDS of Louisiana. Mr. Speaker, Members of the House, tonight I rise to talk about an issue that every person in America, every person in this Congress, has a great interest in, and that is the issue of education.

We often talk about the need to provide a college education to our children across this country, and Members of this Congress, about 72 in number, decided to come together to form something called an Education Caucus. Members of the House, as well as Members of the Senate, decided that for the first time in this Congress, we needed to concentrate our efforts on a group of people who believe that we should push education forward in this country, should meet as a caucus, and organize as a caucus, and push legislation and appropriations as relates to education in both the House and the Senate.

I am very pleased that so many Members of this Congress have decided to participate in this caucus and to move it forward, and tonight, I am just making a simple plea to all Members of the Congress on both sides of the aisle to take an interest and to join a caucus that we consider to be one of the caucuses of the future of this Congress, a caucus that believes in bipartisanship because education is an issue that both Democrats and Republicans can agree on.

I would like to mention that Senator WELLSTONE will be chairing the caucus, co-chairing the caucus with myself. Senator WELLSTONE has been working very diligently in the caucus on the Senate side, and we have now organized such that we have even a whip operation in the caucus, and tonight I want to talk about some of those national organizations who are concerned about

education, who met at our very first meeting, and who talked about the concerns of education in this country.

We are very pleased, Mr. Speaker, Members of the House, that on the 16th of May several education groups embarked upon this Capitol to talk about the children and to talk about how we prepare for their future and to talk about how we, as Members of Congress, could make an impact on their future by improving the quality of education in this country, elementary on up to higher education.

We have caucuses in this Congress for almost everything. We have a Sun Belt Caucus, we have a caucus for peanuts, a caucus for cotton, a caucus for almost every issue that you can imagine. But I thought it was somewhat strange that we did not have a caucus for education, and these individuals for the first time in years had the opportunity to sit and express their concerns before a group of people, lawmakers, about how they felt about education.

One individual, Mr. Speaker, was Ms. Scarlet Kelly who was the executive director of the National Community Education Association. She was able to come to that meeting and give us some insight in terms of what we should be doing as lawmakers to improve the quality of education, because all too often one of the things we fail to do is to get the input from teachers and from parents and from students themselves as relates to education. We often walk into the Halls of Congress and the halls of State legislatures, quite frankly, speaking across this country, and make very, very crucial decisions that affect education, and many times we fail to consult enough educators and enough parents and enough students and fail to involve them, in a real sense, in the process, and many times those decisions are not the best decisions because of lack of information.

Ms. Kelly was able to bring to the table some community aspect of education and how we can improve education by networking with the community. I am going to enter her testimony into the RECORD because I do think that people should know some of the things that we can do to improve education, and it should not always come from politicians and from lawmakers. It should come many times from people who do it on a day-to-day basis.

We also heard testimony from Mr. Joel Packard who has the senior professional association and governmental relations division for the National Education Association, the NEA. The NEA, as most of you know, has been very, very strong advocates of education in this country. They were pleased at the fact that Members on both sides of the aisle, both Democrats and Republicans, were coming together to talk about education, and he shared some very good information to each of us.

One of the things he wanted to make emphatically clear is that in order for this caucus to be effective, we had to pull from both sides of the aisle, and he talked about how people should be able to rally around the issue of education.

I do not think there is a Member of this Congress who does not believe in education. I do not think there is a Member who is elected to public life, to be quite honest with you, who does not advocate a strong educational system and building educational systems, be it in a State through a State legislature or through a board of education, a State board of education, or be it in the U.S. Congress.

But we do differ, quite frankly, speaking in terms of how we meet that goal. We all have the same motive. We all, every Member of this Congress, I do not care if you are a Democrat, I do not care if you are a Republican, I do not care if you are from California or from New York; every Member of this institution believes that we need to provide kids with a quality education.

□ 2030

We all have the same motive. But many times we have different methods. I think one of the reasons why our methods are somewhat different is, and many times we find ourselves fighting on the floor of the House, is because we do not network enough. This caucus will provide an avenue for us to network and talk about some of our differences in terms of how we move education forward.

Joel Packer said it best. In order for us to get education moving, we cannot do it by bickering on the floor of the House. We have to do it by showing real leadership, because the individuals who are looking to us for leadership are the born and the yet-unborn who are in public schools and in private schools, and those who plan to attend colleges and universities across this country and who are dependent on many of our decisions in terms of how they finance their education, for example.

There are many students who want to go to college who do not have the money, and who do not necessarily want a grant. Some students have no problem with taking out a student loan, but those student loans ought to be available to those individuals who wish to seek a higher education. His testimony, Mr. Speaker, will be entered into the RECORD tonight as well.

We also heard from Ricki Rafel, who was a board member from the National Parent and Teachers Association. One of the great things about this caucus is we are going to include many groups from the outside. At the next caucus meeting we are going to talk to business people, because we know that business and education work hand in hand. No longer can businesses in this country not get involved in education, because it affects their business. There are too many businesses in this country who have to train workers, even after they finish college, in order to prepare them to do a day's work. So business realizes that there is a necessity to have a strong and quality educational system in each State and across this country.

Ms. Rafel talked about parental involvement. I am cognizant of the fact, Mr. Speaker, that it is not government's responsibility to raise children. It is the parents' responsibility to raise children. We should, in order to make education work, we should have a relationship between parents and teachers.

When I was growing up, my teacher knew my mother and my mother knew my teacher, and I as a student knew that the two knew each other. There is something different that takes place in the classrooms when parents and teachers know each other, and the student is cognizant of that fact. We need to bring about better parent and teacher relationships. We cannot do that through legislation. We cannot pass legislation and mandate that parents and teachers sign a covenant, but we can do it by including parents in the decisionmaking process, to make them a part of the process.

In this caucus meeting we had an opportunity to hear the parental side in terms of what parents think, what is going through the parents' minds, how can we improve the quality of education in this country, how can we make our schools safer, how can we give parents some sense of ease when they walk into their job and they have their loved one, their little child, their little 7-, 8-, 9-, 10-year-old in a school, how can we give them some comfort, to know that that child is not sitting next to a person who may have a gun?

So the parental aspect is so important. She had the opportunity to talk about how teachers and parents need to create a better marriage, because when we have a marriage between the two, then we can really get student involvement. We felt that her testimony was quite informative, and we certainly want to thank them for all the work that they are doing across the country.

The other organization we heard from, Mr. Speaker, was the National Head Start Association. Ms. Angelica Santacruz, who is the associate director of governmental affairs, she talked about the need for Head Start. I know Members of this Congress may have different opinions about the Head Start program, but this caucus will provide an opportunity for us to talk about it before we walk on the floor and vigorously oppose each other, be it appropriations or just be it philosophical, for philosophical reasons. I personally feel that Head Start is a very good thing. But we want more Members of this Congress to join the caucus so we can talk about it.

If there are real problems with full funding of Head Start, let us talk about them, because each of us are committed to improving education in this country, and in order to do that we ought to have dialogue. That dialogue should not begin and end only on the floor of the House of Representatives. It ought to be that we ought to take the time to talk about it in other places, as well.

We also heard from Mr. Jerry Lewis, the director of TRIO. He also works at the University of Maryland with the National Council on Educational Opportunity Association. The TRIO program is a very worthwhile program, and we had the opportunity to hear success stories from this gentleman, because often we walk to the floor and we talk about TRIO funding, needing funding and not needing funding, but it gives you a different perspective when you actually have the opportunity to witness a person who teaches in a TRIO program, who teaches students in a TRIO program, and who has vast experiences and success stories.

I take a moment of personal privilege when we talk about TRIO, because I am a product of the TRIO program. I know what the TRIO program did for me. I know what it is doing for students all across this country and will do for students who have yet to enter the program. I personally feel it is a program that is much needed.

Oftentimes young people who are in high school look at college as a fear. There is a big fear factor in the minds of many young people. Before they take that step and enter a college campus, they need sometimes a little push. Many people are the first to graduate or to go to college. Many households, many kids come from large households and they may be the first person to enter college. The TRIO program takes away that fear, to a large degree.

I take myself as an example. I was afraid of college. I made very good grades when I was in high school, but I did not have a lot of people who lived next door to me who graduated from college, quite frankly speaking, so I did not know if college was the right thing or the wrong thing. I did not know if I could make it without a college education or not. I wanted to be a lawyer, but I did not have a lot of people who I could talk to about college.

I was afraid of college. To walk on a college campus with 10,000 people, leaving a high school with 600 was a big shift for me. But TRIO took me out of the high school on the weekends and put me in a college setting. I had an opportunity to be a college student as a high school student, so I was not fearful of college. I had an opportunity to learn about college while I was in high school, so I could not wait to graduate from high school so that I could enter college. It was no longer a fear factor for me.

Those real stories, those stories are not told on the floor of the House of Representatives, many times because we are under time restraints. For example, most of us, when we speak on major legislation, we have 1 minute, 30 seconds, 2 minutes. You cannot bring out those kinds of success stories, but we can do it in a caucus, and we can do it when Republicans and Democrats sit around a table and talk about programs, and not just look at it in terms of the bottom line in terms of numbers, but the bottom lines in terms of success: what impact these programs are having.

We also heard testimony from Edward Kealy, who is a director of the Committee for Educational Funding. He also spoke of the need for the caucus to be bipartisan, how we need to bring Members from both sides of the aisle together to talk about education, because if there is one issue that we all agree on in terms of whether or not we should have a good system, it is education. I am happy that we have a number of Republicans and Democrats who have joined the caucus and encouraged them to continue to participate.

Mr. John Forkenbrock, who is the executive director of the National Association of Federally-Impacted Schools, shared a lot of economic information, talked about how Federal funds are needed for many of the schools. Many times we look at it from a bottom line perspective in terms of dollars, and in terms of how we balance budgets and how we can make everything add up, but he actually gave some real meaning to the need for the Federal Government to be involved in the education of his children.

Lastly, Mr. Speaker, we heard from Marilyn Aklin, executive director of the National Coalition of Title I—Chapter 1 Parents, a program that many of us have debated quite profusely on the floor of this Congress. She was able to talk about the needs for the program and how we can in fact improve the program.

Members would be amazed at many of these individuals who came before the caucus on Thursday of last week, and how they were not individuals who walked into the caucus begging for more Federal funds, but in fact they were folk who wanted to really improve the quality of education for our children. That was very refreshing.

When we deliberate appropriations, this caucus may not have the kind of impact it should have on the 1997 budget appropriations for education, but budget is not the only thing. I do think there are many other things we can do to improve education other than money: teacher-parent relationships. That is a very good start.

To many of the members of the caucus, one of the things we will do is attend schools within our respective districts and try to do it on a weekly basis, or at least on a monthly basis, where we can walk into classrooms and actually talk to kids and talk to them about how we feel about education, and also talk about how individuals can in fact improve their own lives through education.

Mr. Speaker, we have established this caucus. I urge Members of this Congress to join the caucus. If there are Members who wish to be a member, wish to talk to our office a little bit more about the caucus, we will be happy to do that, and we certainly feel it is a worthwhile cause.

I see that I have been joined by two members of the caucus, the gentlewoman from Texas, Ms. JACKSON-LEE, Texas is my neighbor State, and the gentleman from New York, Mr. OWENS.

Mr. Speaker, I am happy to yield to the gentlewoman from Texas, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I certainly would like to thank the gentleman from Louisiana [Mr. FIELDS]. I want to emphasize his continued leadership on this question of education, and am gratified at the formation of the Education Caucus and delighted to join him in its membership, in being a member of that caucus.

Mr. Speaker, the gentleman made a very interesting point as I joined him. I could not help but here the very focused words that he offered about the priorities that this country has. He offered, first of all, to say that we recognize that money is not the answer always to education; that it includes a community partnership, not only with those that have children in the school system, particularly the public school system, but the broader community, the business community. It certainly involves the parents and a system that supports them in their efforts to support their children. There is something special about a parent asking a child about their homework. The child may think it is not very special, but it is important for that involvement to occur.

As I was listening to the gentleman further, he mentioned the responsibility, but also the importance of teachers and the recognition of their value by increased compensation, so that our young people who are in college can readily choose education as a career, a lifestyle, because in fact they, too, would be able in the long run to support their families.

I am disturbed, however, that education has not received the bipartisan attention that it deserves. We are finding out that even in the proposed 1997 budget, we have a cut by our Republican Congress of some 25 percent for education and training programs. Just this past week, I joined my school superintendent from one of the school districts that I represent, the Houston Independent School District, just this past Monday at a school in our district. We were there to speak about the need for school lunches and school breakfasts.

It was interesting to talk to second- and third-graders who were eating heartily. I asked the question as to whether or not a good meal helps them learn, and the broad smile and the brightness of their eyes indicated such; that with these supplemental lunch and breakfast programs, for which many children that is the only meal they get, it provided for a better opportunity and atmosphere for them to learn.

□ 2045

They even said, and they joined me in my comments, that we were determining that some of the school

lunches, because of absenteeism, were not utilized, and the youngsters said, ''Well, we can give this food to the poor people,'' which this school district will now be considering. So we do not waste taxpayers' dollars, and we provide opportunities for those foods that are given for school lunch that may not be used, as I said, because of absenteeism, and they are to be used that day and cannot be held over for another day, to work with the private sector to make sure those foods get to hungry families.

So education partnerships can be constructive. But at the same time those children were coming up with those very creative ideas, they could not tell me how to stop the leaking roofs, the paint that was pealing, the lead-based paints, the overcrowding that was occurring. They clearly needed the participation not only of the local community—of which we will have a bond election in our community on May 28, that is the local community's participation in Houston—but it is what you have said over the years, Congressman FIELDS, about how we have abandoned the physical plants of our schools throughout the Nation.

We can account for the fact that our children are unable to perform because they have a poor physical plant, poor access to recreational facilities, small classrooms, unattractive classrooms, as I said, faulty equipment. All of this bears upon how we focus on our children.

We see, as the children grow, that we have determined that over 2.5 million students in this new budget, 1,000 post-secondary educational institutions, will be suffering with the elimination of the Direct Student Loan Program.

Goals 2000, which many gathered together in harmony to support, including President Bush, through this new budget Republicans would deny 5 million students in 8,500 schools the funding that they currently receive to raise their academic achievement. We are determined, according to this budget by Republicans, to deny campus-based low-interest loans to 150,000 post-secondary students.

We were concerned in our community about the attack on bilingual education. I had a youngster come to me and say that even she noted the need for improvement in bilingual education, so that we can provide an equal playing field for those youngsters and families who have come to this Nation to seek a better opportunity.

Why should we abandon them, throw them to the wolves, if you will, for other fears and apprehensions that we may have? Why not at least give the children the best education we can give them? The bilingual education allows them to be proficient in English and certainly to be bilingual, which we have determined is equally important.

Needless to say, our libraries in our school—I was also in the library of the school I attended, and by the way, it was Atherton Elementary in the fifth ward, the school that both Congressperson Mickey Leland and Congressperson Barbara Jordan attended in Houston. Clearly in its instruction it has the potential to raise up great leaders of this Nation.

But if we continue to undermine the educational system with more cuts and more cuts and more cuts, and more leaking roofs and smaller recreational fields and no funding for athletics, we are going to begin to say to those youngsters not ''Yes, I can,'' but ''No, you cannot.'' I would simply say that it is high time for us to really put our money where our minds say they are, and to ensure that there is an opportunity for youngsters to learn.

I might, if I could, Mr. FIELDS, ask of you, because I know that you have worked not only inside the classroom in terms of your support for the tools that are needed to educate our children, but you in fact have developed sort of a congressional classroom that has helped to educate our children about Government. I imagine that that is a partnership that you have endeavored to participate in, and not calling on Federal funds, but you have helped to expand the horizons of young children.

I have in my district over 125,000 households that have incomes of less than $25,000. With that in mind, my question to you—because I looked at the demographics of my district, and certainly we are very gratified to have some 1,608 households making over $150,000. I am always encouraged when we can find folk having the ability to improve their condition.

But I have at least 120,000, I said 125,000, let me be more accurate and say I have about 121,000 households with families making under $25,000. And let me say to you that I have households of families making under $5,000, 26,000 households in the 18th District of Texas.

What I would say to you is with those kinds of numbers, you would find it and I would find it extremely difficult for those families to participate in the private school system, which is a very good system. I am trying to grapple with whether we have had any direction, as you can see it, where this Congress clearly goes on record to support the public school system with the kind of funding and partnership programs that would ensure that those in households like those that I represent can continue to be assured that their children will have the best education.

I am not sure in your research whether you have discovered whether we are on the right track to protect the least of those who are trying to do the best by their children.

Mr. FIELDS of Louisiana. I can only say to the gentlewoman that as Members of Congress, as you know, we should view education across the board, irrespective of what kind of household an individual actually comes from, what income level they come from.

The national security risk that we have in this country is to not educate our children. That is the biggest threat that this country is faced with, not Russia, but to actually have thousands upon thousands of kids who are not literate, that is a national security threat in my mind. Because who will take on the jobs of tomorrow if we do not educate our children? Who will serve in the military, in fact, if we do not educate our children?

I think this Congress is going to get there. Tonight I am working for bipartisanship. I want to pull Members from both sides of the aisle to just sit down and talk about education before we walk to the floor of the Congress, and work out our differences to the extent that we can, because there is not a Member of this Congress who does not believe that a child should not get a quality education.

Now many say, well, education should be a local issue. We should send money to locals, and the locals should basically make those decisions in terms of how they run their educational systems. I differ with that. That is not to say that I am absolutely right.

I just feel that education should be a partnership. I think it should be a partnership between local, State, and Federal Government. I just think the three of us ought to have a role in education. If we have a role, if the city, if the local, the State, and the Federal Government can play a role in putting people in jail and building prisons, then we ought to have a role in building schools and educating our children.

I just feel very strongly about that, and I think there are enough Members of this Congress, because when each of us runs for office, let us face it, there is not a Member of this House who does not run for Congress and use education as an issue, not one. You can poll any district in America, and you will find that education is an issue, among other issues, but never will people say education is not an issue. Every citizen in this country is concerned about education.

Now, the gentlewoman mentioned the congressional classroom and you also mentioned, as I stated earlier, that money is not everything. The solution to education is not necessarily money. I do not think this caucus, I do not want to scare people away from this caucus, to think that this is a caucus only to do budget pushing for education. This is a caucus to really improve the quality of education for all Americans.

Mr. Speaker, I want to thank the gentlewoman for starting the same kind of program. We started congressional classroom in Louisiana. I noticed at town hall meetings, I saw parents, I did not see kids. Every town hall meeting I had when I was first elected to Congress, the adults were there. Mom or grandmother, they were there, dad, granddad, they were there, but very seldom would you see son or daughter.

So I decided I wanted to get young people involved, and we started a congressional classroom. I tell you, since the development of that group, it grew from 250 to now over 3,000 kids, and their interest level is so high because they feel that somebody really cares about education.

We challenge them. We tell them, ''Listen, you come to class. We have classes on weekends. In order to come to class, you have to behave yourself. You have to respect people. You have to do well in school.'' We take time with them.

We have had people like Vice President AL GORE to walk into a classroom, to their classroom, the Vice President of the United States of America, and say ''Listen, you better not do drugs, and you better stay in school.'' These kids, I mean chills running down their spine to say the Vice President of the United States of America cared enough about me to come to this little classroom and say, ''Stay away from drugs, and I care about you.''

Even today, in classroom settings, in classroom meetings, members of the classroom: ''How is the Vice President? You tell him I am doing well.'' Janet Reno, the Attorney General, met with these kids. Tomorrow, General Colin Powell, former chairman of the Joint Chiefs of Staff, flying to Baton Rouge, LA to meet with 3,000 kids and challenge them that they can be any and everything that they want to be if they believe in themselves.

Mr. Speaker, that is not government. General Powell is retired. That is personal involvement. We were preparing for this program this weekend. For 2 months, these kids, they were practicing their speeches, they are so excited about meeting General Powell.

That is going to have an everlasting impact. That is not a piece of legislation, but it is going to have an everlasting impact on those kids when they hear somebody who they have had an opportunity to see on TV, but now in person tell them, ''Listen, education is important. Let me tell you my story. I did not become Chairman of the Joint Chiefs of Staff by dropping out, by doing drugs, by not working hard.'' It makes these kids say, ''Well, golly, I can do that.''

So everything is not government, and if each Member of this Congress, like the gentlewoman starting the same kind of program, the gentleman from Illinois [Mr. JACKSON] is starting the same kind of program, the gentleman from your State, Mr. GREEN, is starting this same kind of program. People from all over the Congress are starting those kinds of programs, and we are committing to spend at least a day a month in a classroom in our respective districts.

We need to bring parents and teachers together. I now have town hall meetings with parents and teachers where parents can meet teachers and teachers can meet parents, town hall meetings on education.

When they walk into that room, they do not just talk about, well, we need better funding. They talk about how we can improve the quality of education. ''How can I get involved, Congressman, as a parent? I want to be more involved in the education of my child and the future of my child. I want to work with my child's teacher.'' It is amazing things that happen in town hall meetings. This caucus will bring those things to the forefront.

So I want to urge Members on both sides of the aisle, let us talk about it. We talk about peanuts. We talk about cotton. We caucus for gas and oil. We caucus for almost every issue in this country. Let us caucus for education.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. FIELDS of Louisiana. I will be happy to yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. The gentleman has captured, has given me a response that hopefully will be heeded to by the bipartisan nature of this Congress and certainly for years past. I think it is extremely important that we raise education to the level that every child has an opportunity to access this door opener, this key to opportunity.

I applaud the concept of having a caucus that talks about policy issues that are not necessarily budget-driven and can, for example, emphasize the fact that public schools have a very viable role because they educate those children who would least have an opportunity.

□ 2100

Also I would mention to you that you are right when it comes to working on issues that help education. We find many aspects of our legislation that are not education-directed having educational impact. The telecommunications bill that was passed I am gratified to say to you as a member of that conference committee, there was an insistence that this new superhighway have direct direction into our schools and our libraries. The Education Caucus can certainly be part of directing or discussing how best to insure that all of our schools have access to the superhighway and all of our libraries and all of our youngsters have that kind of access.

Also questions about how we do public-private partnerships, such as the program that you have, where the focus is to tell a child that they, too, can succeed and to engage them in the political process, can be a byproduct of the education caucus.

The overall byproduct, in addition to these questions of policy, I hope will be even a bipartisan effort as to what a budget really should look like, that says that we together believe education is important, as you have said, and I certainly have seen, among many of our colleagues. It would allow that kind of discussion before the heat of the discussion of an appropriations period and authorization period or the final act of the budget.

So I am looking forward to the further progress that will engender ideas from Members of Congress, will encourage further debate on how to utilize the educational system to help all of our citizens.

I think job retraining is a part of this whole education question. I think the training of those who we are encouraging to go from welfare to work is part of this education. Education is, again, the door opener, the even playing field.

If I might throw in an aspect of education, we will need to discuss in a bipartisan manner with our colleagues just how we deal with the access to institutions of higher learning, where we do not have attacks on the opportunities for institutions of higher learning to seek to diversify their student body under the guise of an affirmative action program that seeks to bring in students from all walks of life, which we should applaud, because that is giving or providing education for all of our children. Even with that very, if you will, spirited aspect of this Congress, this question of affirmative action, even that I think can be discussed in a bipartisan manner as relates to education and insuring that the doors of opportunity are open to our youngsters all over this country.

So I applaud the gentleman from Louisiana again. I cited statistics from my districts. There is no doubt that the 18th Congressional District desires to be in the forefront of educational reform, educational bipartisanship, with the direction of uplifting our children. I would hope as we do that, we would find the appropriate funding line that would make sure that we do speak with strength, to ensure we are able to provide that opportunity for our children.

Mr. FIELDS of Louisiana. Again I want to thank the gentlewoman for joining me tonight in this special order. I will simply close by saying we have had a lot of finger pointing on issues, issue like education. I think it is high time for us to stop pointing fingers and start working together to try to bring a solution to a real problem, because there is a problem. There is a problem in a country when you find yourself spending more money on jails than you do schools. There is a problem when you have kids who walk into classrooms and walk down the street or drive down the highway and find their schoolhouse is in worse condition than the jailhouse. There is a problem when the jail is in better condition than the school. There is a problem in the country when the air conditioner at the school does not work, but the air conditioner at the jail works. There is a problem when the jail ceilings never leak, and the school ceiling leaks every time it rains. There is a serious problem in America, I submit to you, Mr. Speaker, and there always be a problem, as long as we look at education as only a local issue, and not sit around the table and talk about how we can improve it.

Let me close finally by just giving you some of the benefits of education.

If you really want to do something about welfare in this country and getting people off the welfare roll, then we really ought to do a better job at educating people. If you want to decrease crime in this country, and you really want to decrease crime, then we have got to do something about educating people. If you want to get people to work and get them off the unemployment rolls, then you have to do something to educate people.

Everybody wins when we educate our kids. We lose when we do not. Over 80 percent of the people, Mr. Speaker, who are in jail are high school dropouts. There is a nexus and relationship between education and incarceration. We spend almost $30,000, $25,000 to $30,000, to incarcerate a child, and only about $5,000 or $6,000 a year to educate them. Welfare rolls, most of the people on welfare are high school dropouts. So if we really want to improve the conditions of our country, then we must invest in education.

I want to thank the Speaker for being so patient tonight. I want to thank the gentlewoman from Texas, and I want to thank the gentlewoman from Oregon, Ms. FURSE, who has worked so hard on the issue of education and who is one of the whips of this caucus. I also want to thank the gentlewoman from California Ms. PELOSI, who has been working hard on the issue of education. Finally I want to thank the cochair of this caucus, Senator WELLSTONE, who has been a very strong champion of education for our children in this country.

Mr. Speaker, I include the following materials for the RECORD.

EDUCATION CAUCUS MEMBERSHIP

Rep. Mike Bilirakis, Rep. David Bonior, Sen. John Breaux, Rep. George Brown, Rep. James Clyburn, Rep. Robert Cramer, Rep. Peter DeFazio, Sen. Christopher Dodd, Rep. Anna Eshoo, Rep. Eni Faleomavaega, Rep. Chaka Fattah,* Rep. Vic Fazio, Rep. Cleo Fields,** Rep. Victor Frazier, Rep. Martin Frost, Rep. Elizabeth Furse, Rep. Sam Gejdenson, Rep. Sam Gibbons, Rep. Gene Green,* Rep. Maurice Hinchey, Sen. Bennett Johnston, Rep. Bernice Johnson, Rep. Tim Johnson, Rep. Joe Kennedy, Rep. Patrick Kennedy, Rep. Bill Luther, Rep. Carrie Meek, Sen. Moseley-Braun, Rep. L.F. Payne, Rep. Nancy Pelosi, Rep. Lynn Rivers, Rep. Bernard Sanders, Rep. Tom Sawyer,* Rep. José Serrano, Rep. Louise Slaughter, Rep. John Spratt, Rep. Bennie Thompson, Rep. Bob Torrecelli, Rep. Edolphus Towns, Rep. Robert Underwood, Rep. Nydia Velázquez, Rep. Maxine Waters, Rep. Curt Weldon, Sen. Paul Wellstone,** and Rep. Albert Wynn.

*Indicates membership on the Economic and Educational Opportunities Committee.

**Indicates Co-Chair of Education Caucus.

TESTIMONY OF STARLA JEWELL-KELLY, EXECUTIVE DIRECTOR OF THE NATIONAL COMMUNITY EDUCATION ASSOCIATION BEFORE THE EDUCATION CAUCUS, MAY 16, 1996, PANEL DISCUSSION

Senator Wellstone, Representative Fields and Members of the Education Caucus: Thank you for this opportunity to present testimony regarding the state of education in our country. I am delighted that the caucus was formed and has such a diverse membership.

I am Starla Jewell-Kelly, Executive Director of the National Community Education Association. The invitation from Rep. Fields asked that I provide the Caucus with some of my thoughts on the systemic deficiencies contributing to the education crisis in this country. The task we face today is formidable. The world has changed, and children have changed. If you have any doubt of that, walk through most any high school in this country, and you will definitely feel like you have entered another world.

If we are serious about systemic change in education, then I believe what we follow the old adage. The main thing to remember is to remember the main thing—children—not the teachers, not the unions, not the administrators, the business community, or the politicians, but, the children. We let children know that they are valued. We do not practice a double standard wherein some children get the very best and others are left to make-do with the left-overs.

Education has always been rooted deeply in the spirit and in the community of this nation. Every morning, 40 million children get out of bed and hurry off to 83,000 schools from Bangor, Maine to Hawaii. An absolutely stunning achievement, according to the Ernest Boyer, which we all too often take for granted. This was not accomplished by a Washington directive, but by local citizens who have committed themselves to the audacious dream of the common school for the common good.

The truth is, dreams can be fulfilled only when they have been defined, and if during the decade of the 90's quality education would become a mandate of the nation, then I am convinced that all of the other goals of our country would in large measure be fulfilled.

We start by making sure that our children are fed, healthy, cared-for, guided and loved. We make sure that they do not have to walk through flying bullets, step over dead bodies, broken glass, drug paraphernalia and boarded up and decaying buildings to get to school. We let them know that they do count by putting them in school buildings that are warm and safe, not deteriorating, not rat-infested. We give them books that are current and high-tech equipment that is in good repair.

We let them know that they are expected to achieve high levels. We do not ''dumb down'' the curriculum. We expect our teachers to be dedicated and supportive of all students. We let the teachers know that their task is one of the most important in this world. We support teachers in their efforts to help every child reach his or her potential. We also expect accountability from all school personnel as well as from parents. We do this at the local level, building by building. We stop experimenting with school reform models that work in one place and not another. We expect each community to design its own reform efforts and to do so with input from families, teachers, students and other community members. We expect entire communities to be responsible for their children. not just the schools. And, we do not ''write-off'' the kids who are in trouble or considered at-risk.

We start as this committee has started—by sitting down around a table and asking, ''What can we do to help our children?'' We let go of turf issues, our own agendas, and look for a way to bring together all of our resources in order to provide for our children the start in life and education that they and this country so desperately need. Secretary of Education Riley has made the first steps toward this effort with his Family Involvement Initiative. He has convened school, business, religious and community representatives in order to find ways in which we can all work together to support and nurture our children.

We are inclusive, not exclusive. We view the school as a delivery site for all educational, social, and health services. These services are delivered by the social and health professionals. We do not expect classroom teachers to do those tasks for which they are not trained. We keep the school building open after school for child care so the 30–50% of our children who now go home to empty houses do not need to. And we open the school early in the morning for before school child care. We protect our children from neighborhoods that would destroy the scant amount of hope they may have.

We provide lifelong learning for the families of our children so they are prepared to work in today's working environment and be flexible enough in their training that they can adapt to the changes occurring so rapidly. By guaranteeing the quality of our work force, we also guarantee a level of economic security for our families. I don't believe that as a nation we can afford to do any less. Every institution and community has an ethical and educational obligation to commit itself to create a safety net for children. Schools cannot do the job alone.

If we expect all children to be well prepared for school, we simply must have families and communities that first give love then support to their children. We must prepare our parents for parenting. We must teach them how to nurture their young and how to raise healthy, contributing members of a community.

Does this sound impossible? It is not. We have schools and communities such as these all across our 50 states. They are called community schools and they have been functioning for the past 50 years. In New York they are also called Beacon Schools. They are learning communities that spread their influence community-wide. Do they work? Yes. Do they cure all the problems. No. But, through local decision-making and collaboration, they go a long way towards addressing community needs. They make a difference in the quality of life of their local communities and in their schools.

We can do this if only we remember the main thing—and that is to remember the main thing—Children and their future, for it is really our future as well. I appreciate the opportunity to speak to you today, and would be pleased to respond to any questions the caucus may have.

REMARKS OF JOEL PACKER, SENIOR LOBBYIST, NATIONAL EDUCATION ASSOCIATION, MAY 16, 1996

Thank you for the opportunity to address the historic first session of the Congressional Education Caucus, which we hope will help to restore the tradition of bipartisan leadership on Capitol Hill for children and education. Coordination and cooperation across party lines are essential to strengthening public education in America and providing every child with an excellent opportunity to learn. Those goals are central to the mission of the National Education Association, and I know they are shared by everybody in this room. I want to offer a few thoughts on how this caucus can work effectively to strengthen education, and briefly outline NEA's education agenda.

First, let me tell you about the NEA. We represent over 2.2 million educators, including both elementary and secondary public school teachers, higher education faculty, and education support personnel ranging from school bus drivers to cafeteria workers to custodians. In addition, we have both student members and retired members. NEA conducts research on school finance, sponsors the National Foundation for the Improvement of Education, which is dedicated

to improving student performance, works to improve teaching and learning through many projects including Learning Laboratories, Mastery in Learning program, Teacher Education Initiative, and Keys to Excellence for Your Schools; maintains a Professional Library for educators, and actively promotes quality public schools at both the Federal and state level through our 13,000 local affiliates.

It is important to put today's challenges in historical perspective. Over the past few decades, most of the landmark education legislation was passed by strong bipartisan majorities. Many of these bills were championed by Republican leaders in the House and Senate, and many were signed into law by Republican presidents.

To cite a few examples, over twenty years ago, in the summer of 1975, the Congress passed legislation guaranteeing a free appropriate public education to children with disabilities. The bill passed the Senate 63–10, while the House margin was 375–44. Even this year, in the Senate the IDEA reauthorization is a true bipartisan effort, with legislation sponsored by Sen. Harkin (D–IA) reported unanimously by the Senate Labor and Human Resources Committee.

The Elementary/Secondary Education Act was reauthorized in 1987 by a vote of 401–1. This bill included Title I, as well as bilingual education. The Senate vote that year was 97–1. Vocational Education, was reauthorized in 1989, with the House bill passing 402–3, and the Senate acting by a unanimous 96–0. The following year, Head Start was extended by a 404–14 House vote. Higher education programs have also enjoyed this broad bipartisan consensus. The Higher Education Act was reauthorized in 1992, by a 419–7 vote in the House and a 93–1 vote in the Senate.

And just a few weeks ago, many Republicans joined Democrats in restoring over $3 billion in education funds that had earlier been cut from the FY 1996 appropriations legislation. So there is ample precedent for the bipartisan work of this Caucus.

As all of the public opinion polls have shown this year, the American people have put education at or near the top of their priority list of issues. Indeed, voters also recognize the importance of the Federal role in education, with upwards of 90% of Americans opposing cutting Federal aid to education. And their focus on education crosses party lines. In a USA Today poll this January, for example, education led voter concerns and vied closely with deficit reduction as a concern among Republican voters. Senator D'Amato was right on target when he recently commented that American voters ''did not vote to cut education.''

I want to make it clear to this group that NEA's goal for the coming years is to build a bipartisan pro-education majority and to work with leaders from both parties who want to strengthen public education. We are very grateful for the hard work of Democratic leaders on our agenda this year, but we also thank mainstream Republicans who courageously stood up for education and we hope and expect that more will join your ranks in the coming years.

A bipartisan education caucus could play an important role through a variety of activities ranging from sponsoring briefings for Members and staff, preparing objective reports on education issues, providing analysis of proposed education legislation, and serving to advocate the needs of children and education through testimony, floor speeches, introduction of legislation, and sponsoring of floor amendments.

Let me briefly outline our legislative agenda for the balance of 1996.

Ensuring adequate funding for children and education. While the deep cuts advocated by many in the House leadership were largely rejected in the final FY 96 appropriations bill, education programs were still cut by $450 million. This is on top of over $600 million in cuts that passed as part of the FY 95 recession bill. Thus, since the beginning of 1995, over $1 billion has been slashed from education. Both the FY 97 House and Senate budget resolutions fail to invest in children and education, since they provide no growth to compensate for inflation, 20% enrollment increases at the K-12 level, or rising college costs. Indeed, the House budget would slice over $1 billion from the FY 96 levels, and again attempt to eliminate Goals 2000 education reform, bilingual and immigrant education, Perkins Student Loans, State Student Incentive Grants, and many other important programs. Indeed, even a freeze over six years results in cuts of at least 17% from FY 96 levels.

Extending and Strengthening the Individuals With Disabilities Education Act. NEA strongly supports reauthorization of IDEA, with provisions to increase local flexibility for schools to properly discipline seriously disruptive students, strengthen professional development, and provide adequate resources to ensure that appropriate services are provided to children with disabilities.

Opposing back door block grants under the Local Flexibility and Empowerment Act. While NEA supports increased flexibility for local schools to administer Federal education programs, we believe that legislation now pending in Congress (HR 2086/S 88) would undermine Federal education programs, allowing for education dollars to be siphoned off for other purposes, and weaken or remove accountability and important standards for program quality and access for disadvantaged children.

Stopping efforts to punish immigrant children. NEA strongly opposes the so-called Gallegly amendment, which passed the House as a part of the immigration bill (H.R. 2202), that would allow states to deny public education to illegal immigrant children. Not only would this proposal unfairly punish children for actions of their parents, it would create significant paperwork and administrative burdens on both local schools and parents of all children, who would have to document and prove the immigration or citizenship status of their children.

Preventing expansion of Federal courts control over local schools. Under legislation advocated by the Christian Coalition, known as the Parental Rights and Responsibilities Act (H.R. 1946/S 984) parents would be granted unlimited right to sue schools in federal court over virtually any decision of their local school. Discipline policies, selection of textbooks, curricula content, and other local decisions would all be subject to litigation by parents, with Federal courts deciding local educational policies. Not only would this bill gut the authority of locally elected school boards, it would also lead to teachers' efforts to report possible cases of child abuse and neglect being deemed an interference with parental rights.

In addition to these issues, NEA is fighting to ensure that secondary and postsecondary students continue to receive needed vocational education services, to oppose the imposition of private school vouchers, to protect the school lunch program from block grants, and to protect needed health care services for children through Medicaid.

Looking beyond 1996, we are planning to work with the new Congress that takes office in 1997 on new initiatives for education. Like many of our coalition partners, we have several pro-active strategies we are now discussing and developing to address such pressing issues as school infrastructure and technology needs. Our vision for all children is a vision of safe schools, active learning, advanced technology, and modern classrooms. Our vision includes keeping the things that are working well in schools and scrapping those that are not. Our vision includes a public education system where every person in the community has a voice and a role, in ensuring that tomorrow's schools serve tomorrow's students.

We plan to bring this group into that collaboration. The next four years will bring us to the year 2000—a major benchmark for American education. We look forward to working with you to make this a very productive and forward-looking time for education in the United States Congress.

TESTIMONY OF ANGELICA SANTACRUZ, NATIONAL HEADSTART ASSOCIATION, EDUCATION CAUCUS, HEARING ON MAY 16, 1996

Congressman Cleo Fields, and members of the Education Caucus. I want to thank you for giving me the opportunity to testify today about the Head Start program and the National Head Start's Association's (NHSA) vision for including all eligible children in Head Start.

I would like to applaud Congressman Fields for forming a bipartisan Congressional Education Caucus to address the issues confronting the current education system. It is time to meet the challenge together and include early childhood programs in the process. In terms of providing children in poverty with a fair chance to start equally in school, Head Start has proven it works over 30 years. However, there are issues that must be addressed: increasing funding to service all eligible children who need Head Start; providing services that meet the needs of today's families; and providing leadership to build a more coordinated and effective system of services for children and families through collaboration and research.

HEAD START

Since 1965, Head Start has provided comprehensive services including health, education, social services and parent involvement to more than 14 million children and their families. Today, Head Start serves over 750,000 children in approximately 1,433 grantees, reaching low-income children in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, and the Pacific territories.

Head Start serves children ages zero to five, with four-year-olds comprising 62 percent of its population. More than 13% of Head Start enrollment consists of children with disabilities.

The basic goal of Head Start is to bring about a greater degree of social competence in children of low income families. The Head Start program is a developmental approach to helping children achieve social competence. To the accomplishment of this goal, Head Start objectives and performance standards provide for: The improvement of the child's health and physical abilities; the encouragement of self-confidence and self-discipline; the enhancement of the child's mental processes and skills with particular attention to conceptual and communication skills; the establishment of patterns and expectations of success for the child; an increase in the ability of the child and family to relate to each other and to others; and the enhancement of the sense of dignity and self-worth within the child and his family.

Head Start works! Research shows that Head Start has had an important impact on program participants. Positive impacts include: Improving cognitive test scores, including reading; reducing placement in special education; increasing self-confidence and improving social behavior; improving health, including better eating habits, decreasing anemia and increasing immunizations received; improving parent awareness;

and enhancing parent's employment and educational status.

ISSUES

Head Start's record of achievements and experience in providing comprehensive services to low-income children and their families, makes it the perfect program to address these new challenges and to help build a competitive and strong country. Head Start has the potential to serve as a model of comprehensive services, to reach large numbers of children and families, to respond to a diversity of needs, and to provide leadership in collaboration and research for the entire early childhood field. Yet today, funding for Head Start falls short and limits the program's ability to meet its full potential.

Three conditions exist in Head Start that must be addressed. First, to be effective in the future, the program must continue to provide good early childhood services. However, Head Start faces threats to program quality.

Second, in the upcoming years, Head Start must be expanded to serve all eligible children and must be flexible enough to meet the diverse needs of children and families, particularly demands for full-day centers. Presently, Head Start serves 20 percent of zero to five-year-olds. The demand for Head Start is still tremendous.

Third, as the largest early childhood program, Head Start must provide leadership to the entire early childhood field. It must help develop a coordinated delivery system, ensure adequate community services for low-income families, encourage the continuation of comprehensive services as children move on to the public schools and develop new knowledge to improve practice and policy. There is increasing concern that the progress made by children in the Head Start program may be lost when there is not continuation of comprehensive services in the school. At the federal and local levels, there has been a lack of collaboration between Head Start and federal programs serving low-income families.

The Administration of Children, Youth and Families (ACYF) has put considerable effort into improving the transition of children as they move to kindergarten through the Transition Project. Although these efforts have been useful to the initial adjustment of children as they enter school, there is a need for schools to become much more involved with families.

Despite the challenges, Head Start has accomplished major early childhood services. The following are some of Head Start's ultimate highlights: The Child Development Associate (CDA) programs; Home-based services; Bilingual-multicultural approaches; Indian and Migrant Head Start Programs; Resource Access Projects provide training and technical assistance to programs; Early Start provides services to zero-to-three year-olds; Performance Standards; and Quality Improvement.

Congress and the Clinton Administration must remember that Head Start is an investment. President Clinton has proposed for Head Start for fiscal year 1997 $3.981 billion. The National Head Start Association urges Congress to consider an appropriations bill that moves toward the goals of both the Bush and Clinton Administrations to expand Head Start to guarantee services to all eligible children by the year 2000.

TESTIMONY OF JERRY LEWIS, J.D., BEFORE THE CONGRESSIONAL EDUCATION CAUCUS, MAY 16, 1996

Senator Wellstone, Congressman Fields, Members of the Education Caucus, I very much appreciate the opportunity to testify before you today. My name is Jerry Lewis and I am the Director of Intensive Educational Development at the University of Maryland-College Park. In that capacity I am responsible for two of the Federal TRIO Programs sponsored by the University. These include the Ronald E. McNair Post-baccalaureate Achievement Program and the Student Support Services Program. I am testifying today on behalf of the National Council of Educational Opportunity Associations (NCEOA).

Before sharing my brief remarks on post-secondary educational opportunity as it relates to low-income students in America, I want to take a moment to applaud your efforts in establishing this Caucus. The federal role in assuring educational opportunity has become increasingly questioned in recent years. Moreover, even those who articulate support for education often do not back their words with dollars. Your active advocacy for education is deeply appreciated.

POST-SECONDARY EDUCATION OPPORTUNITY IS DECLINING

There is presently extensive evidence on the growing gaps in educational attainment between children from upper-income families and children from low-income families. As reported in Business Week, utilizing Census data, Thomas Mortenson demonstrates that a child from a family in the bottom income quarter (family income below $22,000) has only an 8% chance of graduating from college with a Baccalaureate by the time he is 24. In contrast, a child from a family in the top income quarter (income above $68,000 per year) has a 79% chance of attaining the Baccalaureate at this juncture. Thus individuals from upper-income families are more than ten times as likely to graduate frown college by the time they are 24 than are individuals from low-income families.

At the same time, the ability of any worker to adequately support his or her family without a college education is declining. Today, median family income in households headed by an individual with a college degree is $73,000 per year, an increase in real dollar terms of 14% since 1973. At the same time, households headed by individuals with only a high school diploma have a median income of $41,000, a decrease of 20% in the same time period. Households headed by families without a high school diploma have a median income of only $28,000. Real median income for households headed by the least educated individuals has fallen over 37% since 1973.

ADDRESSING THIS CRITICAL ISSUE

The Federal government has historically utilized a multi-pronged strategy to support post-secondary educational opportunity. Student financial assistance—grants, loans and work—are made available to low and middle-income students so that lack of financial resources does not prevent them from enrolling and succeeding in college. Unfortunately, as the following chart demonstrates, student aid has not kept pace with inflation. While in the Mid-1970's the principal Federal grant program—Pell—covered nearly 80% of the cost of attending a public, four-year college, today it covers less than 40% of that cost.

While student financial aid helps students overcome financial barriers to higher education. TRIO programs help students overcome class, social and cultural barriers to college. Over 1,200 colleges, universities and agencies now sponsor TRIO programs which enroll nearly 700,000 low-income students who aspire to attend or are currently enrolled in college.

As mandated by Congress, two-thirds of the students served in TRIO must come from families with incomes under $24,000, where neither parent graduated from college. Over 1,750 TRIO Programs currently serve nearly 700,000 low-income Americans between the ages of 11 and 27. Many programs serve students in grade six through twelve. Forty-two percent (42%) of TRIO students are White, 35% are African American, 15% are Hispanic, 4% are Native American, and 4% are Asian. Sixteen thousand (16,000) TRIO students are disabled and 7,000 are military veterans.

TRIO is made up of five programs. Three assist young people and adults in learning about and preparing for college: Talent Search, Upward Bound, Educational Opportunity Centers. Congressman Fields is himself a product of one of the programs—Upward Bound at Southern University—and he has often voiced strong support for TRIO.

In addition to their pre-college efforts, there are two programs—Student Support Services and Ronald E. McNair Post-baccalaureate Achievement Program—which serve undergraduates. At the University of Maryland, for example, each year Student Support Services provides counseling, tutoring, and other support to over 350 students. These services are made possible by over $350,000 in institutional funds and $245,000 in TRIO funds. And this investment has made a difference. For example, it has raised the graduation rates of those minority students enrolled in Student Support Services by over 70% over graduation rates of minority students not assisted by Student Support Services.

EVIDENCE OF ACHIEVEMENT

I could speak much more than my allotted time, providing evidence on TRIO's behalf. It is noteworthy, for example, that:

Students in the Upward Bound program are four times more likely to earn an undergraduate degree than students from similar backgrounds who did not participate in TRIO.

Nearly 20% of all Black and Hispanic freshman who entered college in 1981 received assistance through the TRIO Talent Search or EOC programs.

Students in the TRIO Student Support Services program are more than twice as likely to remain in college than those students from similar backgrounds who did not participate in the program.

TRIO Programs are very effective and many students from low-income families depend on these programs to succeed academically in high school and college. In fact, since 1965 an estimated two million students have graduated from college with the special assistance and support of our nation's TRIO Programs.

I am more comfortable, however, citing individuals than statistics. One has only to look at Congressman Fields—and his three colleagues in the House who were also TRIO participants—to learn of TRIO's merits. (Congressman Bonilla, Congressman Watts, and Congressman Wynn were also TRIO graduates.) One can turn to the nineteen freshmen in Student Support Services' freshman class at the University of Maryland who have grade point averages above 3.0 as a measure of TRIO's achievement. One can look at our recent graduates who came from D.C. Public Schools and single parent homes and are now enrolled in doctoral programs in mathematics and computer science to learn of TRIO's achievement. I am confident each of you has also visited with TRIO students and TRIO graduates and knows of TRIO's accomplishments.

I very much appreciate the opportunity to testify today and would be pleased to answer any questions you might have.

REPUBLICANS' SNEAK ATTACK ON AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 6 minutes.

Mr. OWENS. Mr. Speaker, there is a move afoot to pass labor legislation in this half of the 104th Congress through a kind of guerrilla warfare process, antilabor legislation, I should say antiunion labor legislation, antiworker legislation.

We had a very interesting development take place as the Republican majority assumed control of the 104th Congress. We had what might be called a sneak attack on American workers. I say it is a sneak attack because there was a Contract With America which laid out in great detail what the Republican majority would do once they took control, and it spelled out the issues, and that is the basis on which they went to the American people and were able to win the majority of that small number of people who came out to vote. They won a majority of the 39 percent of the people who came out to vote, and they had a clear bill of particulars, a clear agenda, and it was felt that whether you agreed with that agenda or not, it would be that agenda that the 104th Congress would operate on.

It is to their credit that they have moved forward on their Contract With America. But what has been surprising, what has been shocking, is the fact that there were items that were not in the agenda that have been pursued with great hostility, with great vengeance. The attack on the American workers and the working families of America was unexpected, totally.

It was not expected that the Republican majority would attempt to wipe out the Davis-Bacon Act. The Davis-Bacon Act protects workers who for the most part are middle income workers, middle class workers, or they used to be when their wages were held at a decent level. As wages have been depressed and gone down, more and more construction workers who happen to be fortunate enough to be under the Davis-Bacon Act protections, are quite poor, as I will point out in a few minutes.

Nobody expected the Republican majority to assault Davis-Bacon, or any other programs that are protecting workers. They never said that they would go after OSHA. OSHA, which protects the safety of all workers, those in unions and those not in unions. As you know, unfortunately, in America right now a great majority of workers are not in unions. That is unfortunate, because that is part of the reason that the wage level is going down for all workers, because there are not enough unionized workers. Unions are good for workers and good for America, but they are now every much on the defensive in terms of their numbers. They are decreasing. It will not help to have the Republican Party clearly out to destroy that basic underpinnings or protection for workers.

Nobody ever said when they developed the Contract with America that they would go after, over time, the Fair Labor Standards Act and the provisions in the Fair Labor Standards Act that provide for overtime. They now want your overtime. They are coming for your overtime.

Nobody ever said they would go after the very heart of the collective bargaining process by coming up with a thing called the TEAM Act. The TEAM is a way to officially and formally recognize company unions and to move in such a way that eventually you would destroy all existing unions and have the unions tied to the management.

So nobody ever said that in the Contract With America. They never stated that that was what they were going to do. Yes, certainly they were developing secret contracts on the side, obviously. There were contracts that were not contracts with America, but they were contracts with somebody. They were contracts with the bosses, contracts with unscrupulous management. There is a whole lot of businesses and corporations in America that accept the fact that we have some very civil laws which help protect workers, and by protecting workers, the corporations are better off. The businesses are better off. Not all bosses, not all businesses, are ready to make war against worker protections, but the Republican majority had this as a secret agenda.

We know they made some contracts on the side, because they have told us, they confessed, one Member, a chairman of the Subcommittee on Workforce Protections of the Committee on Economic and Educational Opportunities, the chairman of that subcommittee was quite honest and forthright. He was forthright in his discussion with the Washington Post reporter about the fact that although they did not put it in the Contract With America, on the side they made deals with business people. They made dealings with certain corporations, certain corporate entities and certain business people which said in essence if you contribute to our campaign we will go after OSHA, we will go after Davis-Bacon, we will wipe out certain aspects of the Fair Labor Standards Act.

This was in the Washington Post. It was a direct quote of the subcommittee chairman. He did not deny it. He was honest enough to say it and honest enough not to deny it. There was a figure of $65,000 mentioned in his State alone, $65,000 was collected as part of the secret contract to go after labor.

So what you had was, much to the surprise of the American people, what you had was what happened at Pearl Harbor. The Speaker has often compared politics to war. We do not like the comparison, but that is sort of the language of the 104th Congress. So politics are compared to war; politics is war, without blood. In this case it was not stretching the imagination at all to say that what we had was a Pearl Harbor sneak attack. A massive attack. They threw everything they could at us at Pearl Harbor. A massive attack, but it was a sneak attack. There was nothing that said ahead of time that the probability was that the Japanese would attack America at Pearl Harbor. In fact, the admiral who headed the Japanese Navy was a Japanese who had been educated at Harvard, Admiral Yamamoto. Admiral Yamamoto was educated at Harvard and known as a great card player at Harvard. He had lots of friends. You talk about deception made intimate, deception on a one-on-one basis, the fact that Admiral Yamamoto commanded the Japanese Navy in the attack on Pearl Harbor, the most humiliating defeat our Nation has ever suffered was instructive.

□ 2115

We should look at that. That is a good instruction as to what has happened here, because what has happened here is that the Republican majority have staged a sneak attack on the American workers, a sneak attack of great force. They are moving across the board attacking everything at once. The Davis-Bacon Act must be repealed. Nobody ever said that in the contract, but now they are saying the Davis-Bacon Act must be repealed.

They are saying that they want your overtime. We do not want overtime. We want to have compensatory time instead. Substitute compensatory time for overtime and make that part of a Fair Labor Standards Act, changing the requirement that overtime must be paid after working a certain number of hours.

They wanted to go after the National Labor Relations Board, which makes it possible to organize workers, and they wanted to put the National Labor Relations Board in a straitjacket fiscally. They moved and cut it by one-third, proposed to cut it by one-third, but that did not prevail.

They are moving again to put pressure on the National Labor Relations Board, Some of the Members are writing letters to the National Labor Relations Board. One member of the Committee on Appropriations said your appropriation will be coming from me, and I am going to get you. In so many words he was saying that he would stop the National Labor Relations Board from functioning because it rendered some decisions that he did not like. That was one member, but the spirit of the entire Republican majority has been that kind of spirit, to bring to a halt those parts of the American Government, laws that exist that have been built up over the years which help to protect working people.

Mr. Speaker, Pearl Harbor was a massive attack. I say it was because it was launched at the beginning of the 104th Congress, and it did not succeed. So to replace the Pearl Harbor sneak attack, Admiral Yamamoto was defeated. Now they are resorting to the guerrilla warfare. Some members of

labor assume that, since they did not prevail in the first half of the 104th Congress, that the Republicans will now break off the attack and leave labor alone, that the scorched earth policies that started the session will no longer be pursued. That is not the case. It is guerrilla warfare now. They are waging the same, have the same objectives, but they are waging the war in a different way.

But it is instructive, and I hope that labor leaders, union members, workers in general will understand how the sneak attack was promulgated. The sneak attack was forced upon us by a group that pretended to be friendly to labor. A lot of labor legislation in the last 10 years, certainly since I have been here in this Congress, has been bipartisan legislation. Even when the legislation was not bipartisan, after the legislation was passed without Republican votes, throughout the country Republicans have snuggled up to labor leaders and pretended that they cared about working people. They have pretended in the back-slapping kind of manner, in the one-on-one friendships, they pretended to be friends of labor.

It is Admiral Yamamoto, the spirit of Admiral Yamamoto has been there and wooing labor into an ambush. That is what Pearl Harbor was. They ambushed our forces on a Sunday morning. Admiral Yamamoto had gone to Harvard. He knew the habits of Americans. So he knew very well that a Sunday morning attack, when Americans like to sleep late and they enjoy Saturday night, et cetera, he knew the habits.

So we have a group of leaders in the Republican majority who have been very friendly with labor in the past. They knew the habits. They wooed labor. Even Members who belong to unions voted uncharacteristically in large numbers for Members of the Republican party.

Mr. Speaker, the shift over the years has been away from working class people voting almost 90 percent or 85 percent Democratic to a gradual shift led by Ronald Reagan where working class people have voted in much larger numbers for Members of the Republican majority. They have wooed the working class vote very well, but now the sneak attack has come. In an overwhelming force it has come down for the first half of the 104th Congress and we have beat it back. We have stopped them on Davis-Bacon. They have not yet succeeded in repealing Davis-Bacon although a bill was introduced very early to repeal Davis-Bacon, just repeal it outright, wipe it out. No reform of Davis-Bacon, no adjustment of Davis-Bacon, wipe it out; that was the cry, wipe out Davis-Bacon.

The same legislation called for wiping out the national service contract. The service contract is a companion bill, companion act to Davis-Bacon, which came along late which protects workers in Federal installations, the actual people who do the janitorial work, and the cleaning ladies. Various people at the very lowest rungs are protected by also applying the principle of paying the prevailing wage to those people as well as paying prevailing wages to the people who work on construction on Federal contracts.

Mr. Speaker, it was quite surprising, but an all-out attack has happened. The friends of Davis-Bacon, both on the workers side, the labor side, as well as on the business side, and there are thousands of contractors who support Davis-Bacon as a reasonable, rational piece of Federal legislation, Federal protection. It protects not only workers. It protects the quality of life and the standard of living in certain areas. It protects contractors from the assault that they are constantly under from unscrupulous contractors who do not want to pay their workers decent wages, unscrupulous contractors who do not want to pay fringe benefits, unscrupulous contractors who will cut corners and do shoddy work in order to do the job cheaper, employ workers who did not do the job with the same kind of skills and place at risk the entire job. They are constantly fighting against those. So there are people on the management side, the contractors, the owners of construction industries who support Davis-Bacon as well as the construction workers themselves who support Davis-Bacon.

So the attack is on them, too. Admiral Yamamoto has attacked not only the workers, he has attacked businessmen who have been doing a good job of carrying out the process of constructing Federal buildings, at the same time providing decent wages for their workers.

Mr. Speaker, let us take a look at the history of Davis-Bacon. It is far from being a radical piece of liberal legislation, concocted by wild-eyed radicals, not at all. Davis-Bacon is a piece of legislation which was designed to protect the wages and the standard of living of middle class workers. Probably most of them were Republicans that they were protecting. But certainly the originators of the Davis-Bacon Act were Republicans. Who was Davis, who was Bacon? Representative Robert Bacon was a Republican from New York. New York, my home State, is always associated with radicals and liberals, and nothing for the middle class, nothing for the working population comes out of New York, if you accept the kind of stereotype that has been painted of New York by certain people. But out of New York came a bill to protect construction workers.

Robert Bacon, Representative Robert Bacon of New York was a Republican. Senator James Davis of Pennsylvania, another east coast State, not with a radical reputation like New York, but it is on the east coast, and you might say that that is where the liberals live, that is where progressives live. That is where the people who gave us the New Deal and the Great Society, all came from the east coast. No, Senator James Davis was a Republican from Pennsylvania, and Representative Robert Bacon was a Republican from New York.

Senator James Davis had served as Secretary of Labor in the Cabinets of Presidents Harding, Coolidge, and Hoover. Listen, Senator James Davis had been Secretary of Labor in the Cabinets of Presidents Harding, Coolidge, and Hoover. The act was adopted, the Davis-Bacon Act was adopted in 1931 at the urging of Herbert Hoover.

Let me repeat that. Two Republicans, Representative Robert Bacon of New York and Senator James Davis of Pennsylvania, two Republicans, created, authored the Davis-Bacon Act. The act was adopted in the Hoover administration, Herbert Hoover was President, in 1931. This Davis-Bacon Act requires that Federal construction contracts specify the minimum wage rates to be paid to the various classes of laborers working under those contracts. Minimum wages are defined as those rates of pay found by the Secretary of Labor to be prevailing, prevailing in the locality of the project, prevailing for similar crafts and skills on comparable construction work.

It does not say that they must pay union wages that have been negotiated in a collective bargaining process. It does not. It says whatever the wages are, the prevailing wages, if the area has low prevailing wages. As we will see later on in the discussion, it can sometimes drag down the prevailing wage. Prevailing wages are very close to minimum wages in some instances because the prevailing wage in the Davis-Bacon wage is very close to minimum wage because that is the prevailing wage in the area.

Mr. Speaker, the act does not require that collectively bargained union wages be paid unless such wages happen to be prevailing in the locality where the work takes place. It is most unfortunate; I wish the act had required that collective bargaining rates have some role in guiding the level of the Davis-Bacon wages, but they do not.

So Davis-Bacon is under attack. The Republican created Davis-Bacon Act, the Davis-Bacon Act signed by President Herbert Hoover, a Republican President, under attack. And even later, the Republicans showed their support for Davis-Bacon under the most popular Republican President probably in history, save since Abraham Lincoln: Ronald Reagan. Under Ronald Reagan Davis-Bacon was reinforced. Ronald Reagan said he did not want the Davis-Bacon Act tampered with.

He wrote a letter in September 1981 to Mr. Robert Georgine, President of Building and Construction Trades Department of the AFL–CIO. Ronald Reagan wrote a letter which says:

> Dear Bob, I want to acknowledge the Building and Construction Trades Department letter of September 11 concerning efforts to repeal the Davis-Bacon Act. I have

asked the Secretary of Labor to respond directly, but I want to assure you and your general president that I will continue to support my campaign pledge to not seek repeal of the act. With best wishes, very sincerely, Ronald Reagan.

So here we have a history, not ancient history, but recent history, and Ronald Reagan is in support of Davis-Bacon. If you look at the records of the House of Representatives, you will find the last time a vote was taken on Davis-Bacon on the floor of the House it was bipartisan. There were democrats and Republicans voting for it, and Democrats and Republicans voted against it. Always bipartisan. So why did we wake up following the victory of the Republican majority and have Admiral Yamamoto-style Pearl Harbor secret attack on working people in general and Davis-Bacon in particular? Why?

Mr. Speaker, the attack now has become very well orchestrated. As I said before, Pearl Harbor was an open onslaught. Pearl Harbor was not guerilla warfare. That was direct attack. They threw everything they had from the air on Pearl Harbor. They did not succeed in winning the war in the Pacific. They did not succeed in winning the war. Warfare of that kind is seldom now. From that point on, after World War II, with the defeat of Nazi Germany and the defeat of the Japanese, very seldom has anybody contemplated, except the Soviet Union, an all-out war directly being waged on the United States of America. But we have suffered greatly in guerilla warfare type actions. Vietnam was guerilla warfare, not a direct onslaught. They did not come out and face American military power head on but guerilla warfare.

Now we have the guerilla warfare against Davis-Bacon and other workplace protection legislation. The guerilla warfare is deadly. It is poisonous. Most of all, it takes advantage of the fact that now there is an atmosphere of optimism, of an optimism that is not justified. There is an atmosphere of optimism which is seeping over the progressive Democrat friendly to labor forces in this Congress.

□ 2130

All too early we have declared that the Republicans have lost and the American people understand clearly what is at issue here and that the Democrats are going to roll to victory, working people need not fear, the legislation will not be wiped out, they will be saved. It is a premature declaration of victory because now that the Yamamoto Pearl Harbor-style attack, only it was not a sneak attack, it was still a direct attack, has failed, they are pursuing guerrilla warfare, and the guerrilla warfare means that in every possible way they will be attacking labor from behind the lines, from the side, from underneath.

We had a housing bill on the floor a little more than 2 weeks ago, and in the bill which dealt with public housing, the part of the bill that dealt with public housing, the construction of public housing with Federal funds, there was a clause written in there which said that Davis-Bacon would not apply to housing units, to housing, which has less than 12 units. If you had a certain number of units, below that number you did not have to apply Davis-Bacon.

That was just sneaked into the legislation and caught everybody by surprise. It was a guerrilla warfare tactic, and by the time the forces that want to see Davis-Bacon continue recovered, I am afraid they were too dizzy, too shaken, to really reason straight because there was a compromise made, and that is part of the law now. Public housing units; I think 10 or 12 or 20, I do not remember exactly; if it is below that number of units, then Davis-Bacon does not apply. We do not know what dollar figure is related. For constructing public housing in certain parts of the country, you may be talking about $5 million or $6 million for that number of units. We do not know how that translates. We do not know whether when you start talking about units in public housing, later on it is going to be other kinds of units applying to office buildings that are being constructed by Federal money by construction workers.

It is a guerrilla warfare tactic that paid off, in my opinion. There is some that think it is not difficult, did not do that much damage, but it is indicative of the kind of guerrilla warfare tactics that are being waged, the kind of tactic that we are going to see take place on the floor of the House this week where they are proposing to put the minimum-wage law, an increase in the minimum wage, will be placed on the floor some time this week, and that increase in the minimum wage which is proposed by the Democrats to be 90 cents over a 2-year period, it may be more or less as the Republicans put it on the floor, but that increase that they are proposing will be tied to another guerrilla warfare attack on workers.

The Team Act is going to be part of it, or it may have the Team Act and the Porter Act. What is the Porter Act. It is a small matter relating to the requirement that when you are asked by your employer to take care of a vehicle overnight, and you may take it home with you, whatever, it is necessary to take care of it, you do that, and you may be required to do some other things like check or take it by the station to check the oil, various other things, or you may be required instead of going home to make a stop on the way. Instead of coming straight from the home to the job, you may be required to drive an extra amount of miles to some other location. Whenever there is that extra requirement which means that you are doing labor for your employer, you have to be paid for it under the law.

But now they are proposing a change which would require that that never apply. If you are taking it overnight, the employer can dictate the terms and not pay for your extra work and your extra time and the extra travel miles that you may put in. That may be attached to the minimum wage. You may have two items, two attacks guerrilla warfare-style, on workers in the minimum wage bill.

Puts everybody on the spot. You all want a minimum wage increase. The fact it is coming on the bill means that the Republican majority is finally not treating the American public with contempt. They are finally going to bow to the wisdom and bow to the common sense of the American people.

You know more than 74 percent of the American people say that we need to raise the minimum wage at this point, that nobody can live on $8,400 a year. Even if you put in all of those 40 hours every week for 52 weeks, that is all you get, $8,400 a year. Now, know by Republican standards we have heard certain spokesmen, spokespersons, on the floor who are Republicans who talked about, you know, middle class starts at $100,000, so they have lost their sense of perspective as to what people need to live on, and they just do not believe that it is true that there are people out there who only make $8,400 a year under the minimum wage. Minimum wage is $4.25 an hour; that is what it comes out to. Well, it is not going to be more than about a thousand dollars more once you get the 90 cent increase that the Democrats are proposing, but at least it is going forward.

A family that is very poor can certainly use another thousand dollars to buy some groceries, some shoes for the kids, and a thousand dollars goes a long way when you are poor.

I will have you know that my father was very skilled in the furniture making business, in the mill department, highly praised by his foremen and his bosses when they brought in new machinery and he figured out how to make it work, and only he could make it work and not have the boards burning. And they, one time they got angry with him for some reason, they laid him off, and so many boards were burning in the mill department until they came to get him a few days later so that he could get the assembly line started again and stop the boards from burning. There was a little trick that he had that he told me about, about how you slap a little glue on the end of the boards as they are going out, and it keeps the boards from burning, that he never told them about.

But at any rate, with all that kind of basic, fundamental skill in what was called an entry-level, nonskilled job, but really required some skill and some know-how and some common sense, he never made more than the minimum wage. They never paid the workers at the Memphis Furniture Factory more than the minimum wage, and only when the minimum wage went up did he get an increase.

So there are jobs in this country still like that where you do not get more

than the minimum wage in certain parts of the country, so the fact that there are large numbers of workers who make above the minimum wage, there are a great percentage of workers in America who make above the minimum wage, does not mean that the 20 million or more out are on minimum wage cannot use an increase.

So I applaud the wisdom, the common sense, of American people who in the polls keep saying you need to give a minimum wage increase. I applaud that. We are going to have it on the floor because the Republican majority has finally bowed to the wisdom of the American people.

But in that package there will be a guerrilla war poison pill. There will be a land mine, a couple of land mines maybe, but at least one. They are going to wage that kind of guerrilla war fare, and Davis-Bacon, of course, is one of the victims.

One of the things that have decided to do is to go after Davis-Bacon by undermining the basic concept in terms of it is an effort to keep the level of wages in a given community at the level of the wages in that community by not having a Federal project come in and pay less and undermine that wage structure. Instead, the Federal project is governed by what is prevailing already, and unfortunately I would like to see Federal projects raise the level of wages but unfortunately they do not do that. What they do is merely seek not to undermine the level of wages.

So Davis-Bacon is not going to be allowed to do that if the Republic guerrilla tactics could work. What they are saying is first is costs the American people too much; second, and I will not go into all of the particular guerrilla warfare attaches that are being staged at this point, we will just talk about one today and maybe we will pick up on some of the others later.

Today I would like to talk about the charge that Davis-Bacon is racist. Now, stop for a moment and consider the fact that the Republican majority of this 104th Congress is now waging a guerrilla attack on Davis-Bacon, and its tactic, one of its tactics, is to accuse the Davis-Bacon Act of being a racist act, the Davis-Bacon program of being a racist program. All of a sudden, you know, all of a sudden, we have a great concern about racism being manifested from the Republican majority side of the aisle. All of a sudden there is a concern with racism.

We have suffered from the Republican majority's attacks on affirmative action all year long, ever since they came to power in the 104th Congress, November of 1994, one attack after another on affirmative action. on set-asides, on the Voting Rights Act. You name it, anything related to trying to give some relief from the horror of racism, from the disadvantages of racism, from the long history of racism, from the effects of 232 years of slavery and a hundred years of de facto oppression that went on in certain parts of the country, the rampant discrimination that prevailed throughout the Nation.

You know, no relief will the majority, Republican majority, allow. They want to roll back all of the laws and all of the provisions that have been made which proposed to give relief to people who have suffered from racism, particularly the African-American community, and I say ''particularly'' because the African-American community is a special community among the minority groups. The African-American community is unique because the African-American community is made up of the descendants of slaves. The descendants of slaves are people who were brought here, not as immigrants; they did not come voluntarily. They were brought against their will. The descendants of people who were brought against their will here, the descendants of slaves, were made to suffer for 232 years.

Immigrants come, and they have difficult, hard times for a couple of generations, maybe. But nobody else in the fabric of American life has been made, no other group has been made, to suffer 232 years of legal slavery, legal enslavement, and then, after that, all kinds of forms of subslavery and oppression. So we are unique.

The Republican majority has refused to provide any relief. They have offered nothing new, and they have attacked everything that exists that was generated by the New Deal, the Great Society, the civil rights movement. Everything is under attack related to discrimination and racist relief from discrimination and relief from racism. But the same people who placed it under attack are now saying that they do not like Davis-Bacon, they want Davis-Bacon to be repealed, destroyed, because it is racist.

How great can the degree of hypocrisy become? You cannot surpass that in terms of the hypocrisy. That is unabashed, blatant: ''Davis-Bacon is bad because it is racist.''

Even if it were true, one could just dismiss the Republican majority's utilization of that as a ploy because they cannot be about relieving anybody from the scourges of racism. But it is not true. It is a big lie that is being generated, and they are going to try to use the big lie technique, like Herman Goebbels under Hitler: If you say it often enough and keep saying it, then people begin to believe it is true. So over and over again you hear that Davis-Bacon is racist, Davis-Bacon is racist.

What is the germ of truth there that they are utilizing? One germ of truth there is that when Mr. Davis and Mr. Bacon, Senator Davis and Representative Bacon, two Republicans, when they developed the Davis-Bacon Act, they were trying to protect local workers in neighborhoods throughout the country, mainly those neighborhoods in the Northeast that has higher standards of living than other parts of the country. And what was happening is that unscrupulous contractors, people who have the same mentality as the plantation owners, were taking advantage of the fact that was 1931, a period where people were desperate for work; all over the country workers were desperate for work.

□ 2145

If they were desperate for work all over the country, you can imagine that poor workers who were black, African-Americans in the South, or who happened to be of Hispanic origin in the West or Southwest, those were the workers who were most desperate. So these most desperate workers were being picked up in trucks and carted about all over the country. If you think the conditions for immigrants on farms are bad, you should take a look at the kinds of conditions these people had to live under.

These people did not have open fields, at least, to compensate for some of their suffering, to relieve themselves of the kinds of horrors of being crowded into trucks. They could at least, if they were farm workers, get out and go for long walks and have the joys of countryside. But when they were carted into big cities, they were forced to sleep in cramped quarters, and they were just there, Davis-Bacon utilized as chattel in the making of big profits by a few unscrupulous contractors, the people who never get enough.

There are people who just never get enough. They do not want to make profits. They want to make a killing on every deal. They want to make the maximum on every job. They want to rob the Federal Government of every penny. They were not getting less from the government, they were paying workers less. They were increasing their profits by paying the workers less. They could bid a little lower on the job and undercut the local contractors because they were paying the workers, who were like chattel, semislaves. They were paying them so much less that they could undercut and win the job, and throw out of kilter the whole work force of a given area as a result of bringing in large numbers of desperate workers.

Among those desperate workers, and they were not the majority, among those desperate workers were workers who were black, workers of African descent, so there is a grain of truth that in the case of Mr. Davis and Mr. Bacon, they were protecting local workers from outside workers. Some of those workers were black. So they have twisted that to mean Davis and Bacon were trying to preserve jobs for white construction workers against the needs of black workers, or to undercut the provision of jobs to black workers who were being brought in from all over the country under terrible conditions, and being forced to work for the very cheapest possible labor, in many cases just food and shelter.

There is a grain of truth there, but that is all it is, a grain of truth. What has happened in the construction industry is that there has been a history of discrimination. It is one of those difficult industries for blacks to get into. African-Americans have had a long struggle with the construction industry, but Davis-Bacon has not made it worse. In fact, Davis-Bacon has made it better.

The one instrument, the one weapon to fight discrimination that has been effective in the construction industry has been Davis-Bacon. Past and present history demonstrates that Davis-Bacon benefits minority workers by seeking to ensure the equal and fair treatment of all employees, and that regardless of race or color, each workers will be paid at least the locally prevailing wage.

As Dr. John T. Dunlop, the former Secretary of Labor under a Republican President named Ford, Gerald Ford, Dr. Dunlop said, ''By protections flowing from the Davis-Bacon Act, in part, the lot of minorities has been approved dramatically.''

Mr. Speaker, the Davis-Bacon Act requires that workers on federally funded construction projects be paid the wages and benefits that prevail in their communities. This requirement plays a critical role in bringing minorities into the middle class. Small and minority contractors have also been found to benefit from the Davis-Bacon Act.

Smaller Federal construction jobs, because of the quality of the bidding opportunity provided by Davis-Bacon, serves as entry for small contractors into the construction industry. Small and minority contractors may compete with large contractors. Because of the control on the wages and because of the greater concentration of minority contractors in the ranks of these smaller contractors, the entry of minority contractors into the construction industry will be severely curtailed if the Davis-Bacon provisions are lifted from smaller Federal jobs.

We will hurt a lot of small and minority contractors if we take away the Davis-Bacon Act protections, because the Davis-Bacon Act does keep wages at an even keel, and the small contractors know exactly what that is. They can make their bids. They will not be undercut by contractors who could be unscrupulous in their methods, and it stabilizes the situation so even the minority contractors benefit, let alone the minority construction workers.

Even with the Davis-Bacon Act in place, exploitation of minority workers goes on today by dishonest contractors, the same kinds of contractors who caused Mr. Davis and Mr. Bacon to develop the Davis-Bacon Act. They still exist. This is an issue that the repeal forces, the guerrilla attack forces of the Republican majority, have refused to address.

As a matter of fact, the zeal of the Republican majority does more to honor fanaticism in this respect. As you know, in fighting guerrilla warfare in Vietnam or any other place in the world, fanatics are at a great advantage in guerrilla warfare. Fanaticism, of course, is part of what drives it. It make it very hard to defeat.

We have some fanaticism at work here, people who refuse to see the facts and refuse to admit to the logic of the situation. Testimony submitted by a Department of Labor official to the Senate Subcommittee on Labor contains a vivid description of just how Davis-Bacon violations can have a particularly harsh effect on minority workers. I will quote from the testimony. I will cite the testimony.

One Arkansas contractor, for example, was found owing $7,000 in back wages to employees. The payroll was falsified to show compliance. The employees were all black, in this case. This was a case where Davis-Bacon existed, but the fact that the contractor was cheating and not complying with Davis-Bacon was to the distinct disadvantage of the workers who were minority, black. The employees were all black, and yet this is another example of how they can be exploited by an unscrupulous employer.

In another case, many forms of cheating employees were used. The firm took the easy route of employing primarily undocumented workers. This is under a contract where they should have been following Davis-Bacon requirements. They employed undocumented workers. These workers will not complain, of course. They are on the spot. They are in a situation where they are guilty, so they would never expose what the contractors are doing. They present an ideal work force for those who would exploit labor in government jobs.

This subcontract was for the fabrication, transportation, and installation of a bridge railing on a bridge across the Potomac River. The company employed undocumented workers at rates of $10 per day, plus food and lodging, for workdays of 7 to 10 hours daily, 60 and 7 days a week. It should be noted that this contractor was transporting many undocumented aliens from the south Texas area, where wage rates are lower, to the Washington, DC area, which pays prevailing higher rates. Here is another example where even today we have a situation which is as bad as the situation that Representative Bacon and Senator Davis were trying to combat in 1931.

Violations continue to mount as corrupt and unethical contractors come on the scene and old contractors take more chances or become more inventive in their efforts to evade the requirements of the act. Outright falsification and concealment is still found in many cases.

Let me just dispel yet another myth. That is the myth that Davis-Bacon necessarily increases the cost of public construction, and that it is difficult to administer and is obsolete. What Davis-Bacon does is prevent unfair competition from low-wage, fly-by-night contractors. It provides essential protection of workers. It encourages higher quality of workmanship and saves dollars on Federal construction projects. Davis-Bacon has been a stabilizing influence upon the construction industry and has enjoyed strong bipartisan support. Even former President Ronald Reagan, the most revered of all Republicans, as I said before, said that he would not repeal Davis-Bacon.

Mr. Speaker, additionally, it is important to note that while the Republican majority of the 104th Congress who have fought affirmative action, who are against set-asides, who have attacked voting rights, who have never done anything to try to combat discrimination, they are saying Davis-Bacon is racist; but on the other hand, many representatives of the African-American community have supported and are supporting Davis-Bacon because of its role in protecting minority workers.

Norman Hill, the President of the A. Phillip Randolph Institute, has acknowledged the importance of Davis-Bacon: ''In preventing exploitation of minority construction workers, Davis-Bacon is very important.'' Moreover, leading organizations that represent minorities and women support Davis-Bacon: the NAACP, the National Women's Political Caucus, the Navajo Tribal Council, the Mexican-American Unity Council, and the National Alliance for Fair Contracting, which represents more than 21,000 construction contractors, have expressly endorsed the Davis-Bacon Act.

If the protections of the Davis-Bacon Act were removed, many more minority workers would face exploitation. All construction workers, including minority workers, will be forced to accept lower wages at reduced or no benefits when working on Federal construction projects. To claim that reducing the wages and benefits of minority workers is somehow in their best interest is ludicrous, inane, and smacks of the worst kind of racism and paternalism.

Those who are claiming that Davis-Bacon should be repealed and destroyed because it is racist are contemptuously misusing the race issue and the people protected by the Davis-Bacon, the minority workers protected by the Davis-Bacon Act.

The misnomer is that Davis-Bacon and union coverage are equal is also not true. The charge that Davis-Bacon hampers union apprenticeship is nothing more than transparent ploys of the conservative Republican right. The conservative Republican right ignores the simple facts that Davis-Bacon protects all workers, regardless of whether they have affiliations to organized labor.

Further, data from the Department of Labor's Bureau of Apprenticeship and Training Programs shows that minority participation in union apprenticeship programs is consistently higher than minority participation in non-union programs. The same data reveals

that the drop-out rate of minorities from apprenticeship programs is much lower in union programs than it is in nonunion programs.

Why am I talking about union programs? Because where Davis-Bacon does exit, always there are unions, and unions and management work together under Davis-Bacon programs to provide apprenticeship programs and training programs, and Davis-Bacon has thus become a weapon, an instrument, a tool for ending some of the historic discrimination in the construction industry.

Historically, the construction industry has to face up to the fact that it has not been a wide open field for minorities. In fact, when I was a member of the Brooklyn Congress of Racial Equality, one of the biggest projects we had was a program to try to integrate a construction job in the building of the Downstate Medical Center. We had 800 people arrested in that process of integrating the construction force working on that huge medical complex at Downstate Medical Center. That was about 25 years ago.

Apprenticeship programs and training programs of the kind that are now being offered under the combined efforts of the contractors, and the unions who are under the Davis-Bacon program did not exist then, and now, of course, they exist in great numbers.

The protections provided by the Davis-Bacon Act, the wages and benefits, are especially important to minority employees. As former Secretary of Labor Ray Marshall has observed, ''The workers most often victimized by unscrupulous contracts are the minority workers, whether he or she is black, Hispanic, native American, or an undocumented worker, Davis-Bacon is an integral part of ensuring a decent life for the hardworking men and women of the construction industry.

I think, without a doubt, we can note that the people who care about discrimination, people who care about being victimized by racism, people who have led the fight against discrimination in industry, even in the construction industry, are saying that Davis-Bacon is not the problem, Davis-Bacon is part of the solution.

Let me just close by stating that we have numerous examples of the ways in which the Davis-Bacon Act has helped the situation with respect to employment of minorities. We have more than 21,000 contractors who are a strong voice in the construction industry, and they are urging that we support Davis-Bacon reform. H.R. 2472 and S. 1183 are both bills to reform Davis-Bacon and not to destroy the Davis-Bacon Act. Those two measures would be an ample substitute for the Republican majority's attempt to outright repeal Davis-Bacon.

□ 2200

As I said before, the repeal effort has not been successful in a direct onslaught, so now we are faced with more guerrilla warfare. The Admiral Yamamoto surprise attack, the Pearl Harbor attack on workers in America which is across the border, Davis-Bacon is just one of the targets. Davis-Bacon is the target they went at in the first half of the 104th Congress.

They have failed. They have not succeeded in achieving a single one of their war objectives in fighting workers and worker protection. They have failed.

In the process of failing, however, they have decided not to give up the fight. They have not been defeated yet. We have premature judgments on the fact that things have changed. They might not yet have been defeated. They will regroup. They have regrouped. We are facing a situation now with guerrilla warfare.

There was an item that appeared in the Roll Call Monday, May 20, an advertisement which says at the top: ''Is Davis-Bacon Racist? Some Members of Congress and their special interest allies are peddling the argument that Davis-Bacon is racist and harmful to minorities. But the following groups, representing millions of Americans throughout the Nation, strongly support the act.''

Mr. Speaker, I will not read the advertisement totally, but I include this item, ''Is Davis-Bacon Racist?'' which appeared in Roll Call on Monday, May 20th in its entirety.

Mr. Speaker, I also include the letter from President Ronald Reagan to Mr. Robert Georgine on September 29, 1981, in its entirety.

Finally, Mr. Speaker, I include a document which is addressed to all Members of Congress from the National Alliance for Fair Contracting, in its entirely.

In this document, it states and points out the fact that in nine States that have repealed the prevailing wage statutes, minority representation and participation in skilled training programs has fallen almost 50 percent. In the States that had prevailing wage statutes for the State, when they repealed them, the minority representation in training programs went down. Now it has fallen almost 50 percent in the nine States that repealed the prevailing wage statutes.

In States without prevailing wage laws, the ratio of black to white construction employment is highest, contrary to the claims by the anti-Davis-Bacon organizations.

According to the Department of Labor, in 1981 the percentage of minorities in high skill pay categories employed by contractors working on federally funded Davis-Bacon projects was greater than the percentage of minorities employed by non-Federal, non-Davis-Bacon project contractors.

Furthermore, the U.S. Department of Labor's Bureau of Apprenticeship and Training has reported that minority participation, both in terms of percentages and absolute numbers, is substantially higher in management-union training programs than in nonunion so-called training programs.

In light of these facts, the statement from the National Alliance for Fair Contracting asks: How can anyone ever again believe anything that is said by the Davis-Bacon opponents?

Certainly we conclude that the charge that Davis-Bacon is racist is a fabricated charge which has no substantiation. In the future, we will also go on to prove that other charges made against Davis-Bacon are also untrue.

We will talk at a later date about the fact that Davis-Bacon wages in many States are almost at the level of minimum wage wages. We will talk about the fact that Davis-Bacon wages in many States are poverty wages. They are at the minimum wage stage and they keep people in poverty.

But that is not an objective of Davis-Bacon. They are neutral on the question of poverty, on the question of unions. Davis-Bacon is driven by the prevailing wage of the given area.

So we know now that the Pearl Harbor type attack that the Republican majority has waged against working people and against organized labor has failed.

I want to end by warning all of those who think that we can optimistically conclude that the attack is over, that workers of America are safe, that they can rest easy, their overtime will not be taken away from them, that their right to organize will not be taken away from them by the TEAM Act, that the National Labor Relations Board that governs all the national labor relations regulations will not be crippled by the fact that its funding is taken away, anybody who thinks that all of this is a danger that has now passed, I hope you are now awakened to the danger.

We are not facing the Pearl Harbor type onslaught of Yamamoto anymore. It is guerrilla warfare. The guerrilla warfare is even more dangerous, and we must keep our heads straight and keep our common sense focused on the real problem.

The problem is that we have a Republican majority that for some reason that they did not tell us, for some reason they have declared war on the workers of America, and we would like to see them surrender. We would like to see them give up that war and let us together again try to strive to improve the working conditions of all Americans and share the great prosperity of this Nation.

IS DAVIS-BACON RACIST?

Some Members of Congress and their special interest allies are peddling the argument that Davis-Bacon is racist and harmful to minorities. But the following groups, representing millions of Americans throughout the nation, strongly support the ACT:

In fact, the NAACP has passed a resolution stating, ''Whereas the Davis-Bacon Act protects the wages of all construction workers, including minorities and women, who are particularly vulnerable to exploitation . . . Be it resolved that the NAACP goes on

record against any effort to repeal the Davis-Bacon Act and deny workers in the construction industry a fair wage.''

Why would Davis-Bacon's opponents use race as an argument when, according to the Labor Department, more minorities work on Davis-Bacon projects than are employed on all non-Davis-Bacon projects across the country?

And why would they resort to such ugly accusations when the fact is the GAO says the proportion of minorities in apprenticeship programs in the U.S. has increased to more than 24% of all apprentices?

Are they unaware of the fact that minority participation in management-labor training programs is more than double that in non-union programs, and that 95% of all minority graduates of apprenticeship programs come up that way?

Evidently, there's no limit to the misinformation Davis-Bacon's opponent's are willing to spread, no argument too base or vulgar for them to use for purely political motives.

More than 21,000 contractors—the real voice of the construction industry—urge support of Davis-Bacon reform: H.R. 2472 and S. 1183. We represent a diverse, non partisan association of businessmen and women from every corner of the United States. We welcome an honest debate, based on facts. Racism? Check the source.

THE WHITE HOUSE,
Washington, September 29, 1981.

DEAR BOB: I want to acknowledge the Building and Construction Trades Department letter of September 11 concerning efforts to repeal the Davis-Bacon Act. I have asked the Secretary of Labor to respond directly, but I want to assure you and your General Presidents that I will continue to support my campaign pledge to not seek repeal of the Act.

With best wishes.

Very sincerely,

RONALD REAGAN.

DAVIS-BACON BENEFITS MINORITY JOB OPPORTUNITIES AND IS SUPPORTED BY ALL LEADING MINORITY ORGANIZATIONS

Don't be misled by one of the most scurrilous, patronizing and knowingly untrue claims against the Davis-Bacon Act. Claiming the Act discriminates against minorities is a blatant attempt to divert attention away from the real issue. To quickly dispel this discrimination lie, all you need to do is look at the many minority organizations that support the Act.

In fact, past and present history demonstrates that Davis-Bacon benefits minority workers by seeking to ensure the equal and fair treatment of all employees and that, regardless of race, each worker will be paid at least the locally prevailing wage. According to Former Secretary of Labor Ray Marshall, the ''workers most often victimized by unscrupulous contracts are minority workers. . .''

The National Alliance for Fair Contracting and its 21,000 contractors is proud to join the nation's leading minority organizations in urging your support for the Davis-Bacon Act. While the record documenting that Davis-Bacon plays a major role in bringing minorities into the middle class is overwhelming, we ask that you also consider the following facts:

In the nine states that have repealed their prevailing wage statutes, minority participation in skilled training programs fell almost 50 percent.

In states without prevailing wage laws, the ratio of black to white construction unemployment is highest, contrary to claims made by anti-Davis-Bacon organizations.

According to the Department of Labor, in 1991 the percentage of minorities in high-skill pay categories employed by contractors working on federally-funded Davis-Bacon projects was Greater than the percentage of minorities employed by non-federal, non-Davis-Bacon project contractors.

The US Department of Labor's Bureau of Apprenticeship and Training (BAT) has reported that minority participation, both in terms of percentages and absolute numbers, is substantially higher in management-union training programs than in non-union ''so called'' training programs.

In light of these facts, how can anyone ever again believe anything that is said by Davis-Bacon opponents?

STATEMENT OF HON. MAJOR R. OWENS, ''IS DAVIS-BACON RACIST?''—MAY 21, 1996

Thank you, Mr. Chairman for the opportunity to submit this statement for the record. The Republicans often ask the patronizing question, is The Davis-Bacon Act racist? The answer is a resounding and unequivocal NO! Don't be misled by one of the most scurrilous, condescending and knowingly untrue claims against the Davis-Bacon Act, Claiming the Act discriminates against minorities is a blatant attempt to divert attention away from the real issue. Why would Davis-Bacon critics use race as an argument when, according to the Labor Department, more minorities work on Davis-Bacon projects than are employed on all non-Davis-Bacon projects across the country? Further, one need only look at a letter from the Congressional Black Caucus dated December 13, 1995 to ABC's ''20/20'' supporting continuation of the Act. And if that were not enough concrete evidence, almost every major civil rights and related group representing minorities and women supports the Davis-Bacon Act and prevailing wage statues.

In fact, past and present history demonstrates that Davis-Bacon benefits minority workers by seeking to ensure the equal and fair treatment of all employees and that regardless of race, each worker will be paid at least the locally prevailing wage. And as Dr. John T. Dunlop, Former Secretary of Labor under President Ford said, ''By protections flowing from the Davis-Bacon Act in part, the loss of minorities has been improved dramatically.''

The Davis-Bacon Act requires that workers on federally-funded construction projects be paid the wages and benefits that prevail in their communities. This requirement plays a critical role in bringing minorities into the middle class. Smaller minority contractors have also been found to benefit from the Davis-Bacon Act. Smaller federal construction jobs, because of the equality of bidding opportunity provided by Davis-Bacon, serve as entry for small contractors into the construction industry. The smaller minority contractor may compete with large contractors because of the control on wages. And, because of the greater concentration of minority contractors in the ranks of these smaller contractors, the entity of minority contractors into the construction industry will be severely curtailed if the Davis-Bacon provisions are lifted from smaller federal jobs.

Even with the Davis-Bacon Act in place, exploitation of minority workers goes on today by dishonest contractors. This is an issue that the repeal zealots have refused to address. As a matter of fact, their zeal borders on fanaticism. For example, testimony submitted by a Department of Labor official to the Senate Subcommittee on Labor contained a vivid description of just how Davis-Bacon violations can have a particularly harsh impact on minority workers:

One Arkansas contractor was found owing $7,000 in back wages to employees. Payrolls were falsified to show compliance. . . the employees were all black and yet another example of a group exploited by an unscrupulous employer.

In another case, many forms of cheating employees were used. The firm took the easy route of employing primarily undocumented workers. These workers will not complain. They represent an ideal workforce for those who would exploit labor in government jobs. . . This subcontract was for the fabrication, transportation, and installation of bridge railing on a bridge across the Potomac River. The company employed undocumented workers at rates of $10.00 per day plus food and lodging for work days of 7 to 10 hours daily, 6 and 7 days a week. It should be noted that this contractor is transporting many undocumented aliens from the South Texas area where wage rates are lower, to the Washington, DC area with prevailing higher rates.

Violations continued to mount as corrupt and unethical contractors come on the scene and old contractors take more chances and become more inventive in their efforts to evade the requirements of the Act. Outright falsification and concealment is still found in many cases.

Let me dispel another myth; that Davis-Bacon unnecessarily increases the costs of public construction, that it is difficult to administer and is obsolete. What Davis-Bacon does is prevent unfair competition from low-wage ''fly-by-night'' contractors, provide essential protection for workers, and encourage higher quality workmanship—and save dollars on federal construction projects. Davis-Bacon has been a stabilizing influence upon the construction industry and has enjoyed strong bipartisan support.

Even former President Ronald Reagan, the most revered of all Republicans, is quoted as saying, ''I would not seek repeal of the Davis-Bacon Act.'' Additionally, many representatives of the African American community have supported Davis-Bacon because of its role in protecting minority workers. Normal Hill, President of the A. Philip Randolph Institute has acknowledged the importance of Davis-Bacon ''in preventing exploitation of minority construction workers.'' Moreover, leading organizations that represent minorities and women support Davis-Bacon. The NAACP, the National Women's Political Caucus, the Navajo Tribal Council, the Mexican American Unity Council, and the National Alliance for Fair Contracting, which represents more than 21,000 construction contractors, have expressly endorsed the Davis-Bacon Act.

If the protections of the Davis-Bacon were removed, many more minority workers would face exploitation. All construction workers, including minority workers, would be forced to accept lower wages and reduced or no benefits when working on federal construction projects. To claim that reducing the wages and benefits of minority workers is somehow in their best interest is ludicrous, inane, and, smacks of the worst sort of racism and paternalism.

The misnomers that Davis-Bacon and union coverage are equal, or that it hampers union apprenticeships, are nothing more than transparent ploys of the conservative Republican right. They ignore the simple facts that Davis-Bacon protects ALL workers, regardless of their affiliation to organized labor. Further, data from the Department of Labor's Bureau of Apprenticeship and Training, shows that minority participation in union apprenticeship programs is consistently higher than minority participation in non-union programs. The same data reveals that the drop-out rate of minorities

from apprenticeship programs is much lower in union programs than it is in non-union programs.

The protections provided by the Davis-Bacon Act to wages and benefits are especially important to minority employees. As former Secretary of Labor Ray Marshall has observed, ''the workers most often victimized by unscrupulous contractors are the minority workers, whether he or she is Black, Hispanic, a native American or an undocumented worker. . . Davis-Bacon is an integral part of ensuring a decent life for the hardworking men and women in the construction industry.''

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3448, SMALL BUSINESS JOB PROTECTION ACT, AND H.R. 1227, EMPLOYEE COMMUTING FLEXIBILITY ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–590) on the resolution (H. Res. 440) providing for consideration of the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes, and for consideration of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOLINARI (at the request of Mr. ARMEY) for today and for the balance of the week, on account of maternity leave.

Mr. ROHRABACHER (at the request of Mr. ARMEY) for today, on account of plane problems.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEILENSON) to revise and extend their remarks and include extraneous material:)

Mr. PETE GEREN of Texas, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. ROMERO-BARCELÓ, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, on May 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEILENSON) and to include extraneous matter:)

Mr. GORDON in 10 instances.

Mr. BARRETT of Wisconsin.

Mr. LIPINSKI.

Mr. JOHNSON of South Dakota.

Mr. MATSUI.

Mr. FAZIO of California in two instances.

Mr. UNDERWOOD in two instances.

Mr. BAESLER.

Mr. ANDREWS.

Mr. MANTON.

Mr. MASCARA.

Mrs. MEEK of Florida.

Mr. ACKERMAN.

Mr. STOKES in two instances.

Mr. SCHUMER.

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Ms. ROS-LEHTINEN.

Mr. HOKE

Mr. YOUNG of Alaska.

Mr. TAYLOR of North Carolina.

Mr. CASTLE.

Mr. SOLOMON in two instances.

Mr. FIELDS of Texas.

Mr. SHAW.

Mr. PORTMAN.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 22, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3098.A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Business and Industrial Loan Program—Audit requirements (RIN: 0570–AA11) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3099. A communication from the President of the United States, transmitting his request to make available appropriations totaling $189,264,000 in budget authority to the Department of Agriculture, Commerce, and the Interior, and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–219); to the Committee on Appropriations and ordered to be printed.

3100. A letter from the Mayor, District of Columbia, transmitting the District of Columbia Government's report on Anti-Deficiency Act violations for fiscal year 1995 covering the period October 1, 1994, through September 30, 1995, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3101. A letter from the Under Secretary of Defense, transmitting the Department's report entitled ''Report to Congress: The International Cooperative Research and Development Program,'' pursuant to 10 U.S.C. 2350(f)(1); to the Committee on National Security.

3102. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Direct Submission of Vouchers to Disbursing Office (DFARS Case 96–D007) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3103. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education (DFARS Case 96–D305) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3104. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide) (FRL–5508–5) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3105. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Washington SIP (FRL–5506–3) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3106. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina SIP (FRL–5505–4) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3107. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kentucky; Final Authorization of Revisions to State Hazardous Waste Management Program (FRL–5508–2) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3108. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxo-Alkyl Acetates; Tolerance Exemption (FRL–5359–4) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Maleic Hydrazide, Oryzalin, Hexaninone, Streptomycin; Tolerance Actions (FRL–4996–1) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Stay of Effective Date for Order Revoking Certain Food Additive Regulations (FRL–5372–2) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, the Agency's final rule—Idaho SIP (FRL–5449–2) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3112. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee;

Final Authorization of Revisions to State Hazardous Waste Management Programs (FRL–5508–3) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3113. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee; Final Authorization of Revisions to State Hazardous Waste Management Programs (FRL–5508–4) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3114. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rules and Regulations Under the Textile Fiber Products Identification Act (16 CFR Part 303) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3115. A letter from the Nuclear Waste Technical Review Board, transmitting the Board's report entitled ''Report to the U.S. Congress and the Secretary of Energy—1995 Findings and Recommendations,'' pursuant to 42 U.S.C. 10268; to the Committee on Commerce.

3116. A communication from the President of the United States, transmitting an updated report on the continued deployment of U.S. forces, including the response by those forces to several isolated attacks on the American Embassy complex on April 30, 1996, and May 6, 1996 (H. Doc. No. 104–218); to the Committee on International Relations and ordered to be printed.

3117. A letter from the Librarian of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1995, pursuant to 2 U.S.C. 139; to the Committee on House Oversight.

3118. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Final Determination of Threatened Status for the California red-legged frog (RIN: 1018–AC34) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3119. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Shrimp Fishery of the Gulf of Mexico; Texas Closure (I.D. 050896B) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3120. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 960129018–6018–01; I.D. 051096D] received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3121. A letter from the Director, Office of Surface Mining, transmitting the Office's final rules—(1) Indiana Regulatory Program (recodification of State law) [IN–132–FOR], (2) Texas Regulatory Program (road systems and others) [TX–029–FOR], (3) Indiana Regulatory Program (remining and others) [IN–133–FOR], and (4) Hopi Tribe Abandoned Mine Reclamation Plan [HO–003–FOR], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3122. A letter from the Attorney General and the Secretary of Health and Human Services, transmitting the Attorney General and the Secretary of Health and Human Services report entitled ''The Validity and Use of Evidence Concerning Battering and Its Effects in Criminal Trials,'' pursuant to 42 U.S.C. 14013; to the Committee on the Judiciary.

3123. A letter from the Chairman, United States Sentencing Commission, transmitting the 1995 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

3124. A letter from the Secretary of Health and Human Services, transmitting a report on the initial estimate of the applicable percentage increase in inpatient hospital payment rates for Federal fiscal year [FY] 1997, pursuant to Public Law 101–508, section 4002(g)(1)(B) (104 Stat. 1388–36; to the Committee on Ways and Means.

3125. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report on the potential health and environmental effects from the use of magnetic levitation [MAGLEV] for railroad transportation, pursuant to Public Law 101–549, section 820 (104 Stat. 2699); jointly, to the Committees on Commerce and Transportation and Infrastructure.

3126. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's memorandum of justification for transfer of defense articles and services to the Government of Bosnia and Herzegovina, pursuant to Public Law 104–107, section 540(b) (110 Stat. 736); jointly, to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEE 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. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3134. A bill to designate the U.S. courthouse under construction at 1030 Southwest 3d Avenue, Portland, OR, as the ''Mark O. Hatfield United States Courthouse'', and for other purposes (Rept. 104–587). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure H.R. 3029. A bill to designate the U.S. courthouse in Washington, District of Columbia, as the ''E. Barrett Prettyman United States Courthouse'' (Rept. 104–588). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 153. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 104–589). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 440. Resolution providing for consideration of the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes, and for consideration of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicle (Rept. 104–590). 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. STUMP (for himself, Mr. MONTGOMERY, Mr. EVERETT, and Mr. EVANS):

H.R. 3495. A bill to extend the time for the submission of the final report of the Veterans' Claims Adjudication Commission; to the Committee on Veterans' Affairs.

By Mr. CAMPBELL:

H.R. 3496. A bill to make certain Federal Facilities available to qualified assistance organizations for use as temporary shelters for homeless individuals during nonbusiness hours; to the Committee on Government Reform and Oversight.

By Ms. DUNN of Washington (for herself, Mr. WHITE, Mr. NETHERCUTT, Mr. TATE, Mrs. SMITH of Washington, Mr. METCALF, Mr. MCDERMOTT, Mr. DICKS, and Mr. HASTINGS of Washington):

H.R. 3497. A bill to expand the boundary of the Snoqualmie National Forest, and for other purposes; to the Committee on Resources.

By Ms. ESHOO (for herself, Mr. MATSUI, Mr. MINGE, and Mr. REED):

H.R. 3498. A bill to amend the Internal Revenue Code of 1986 to allow companies to donate scientific equipment to elementary and secondary schools for use in their educational programs, and for other purposes; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mrs. KENNELLY):

H.R. 3499. A bill to temporarily suspend the duty on certain lead fuel test assemblies; to the Committee on Ways and Means.

By Mr. RIGGS:

H.R. 3500. A bill to amend the act to establish a Redwood National Park in the State of California, to increase efficiency and cost savings in the management of Redwood National Park by authorizing the Secretary of the Interior to enter into agreements with the State of California to acquire from and provide to the State goods and services to be used by the National Park Service and the State of California in the cooperative management of lands in Redwood National Park and lands in Del Norte Coast Redwoods State Park, Jedediah Smith Redwoods State Park, and Prairie Creek Redwoods State Park, and for other purposes; to the Committee on Resources.

By Mr. UNDERWOOD:

H.R. 3501. A bill to amend the Organic Act of Guam to provide the government of Guam the opportunity to acquire excess real property in Guam, and to release lands from a condition on disposal by Guam; to the Committee on Resources, and in addition to the Committees on Government Reform and Oversight, and 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.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. COBLE introduced a bill (H.R. 3502) for the relief of D&S International, Inc.; 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. 218: Mr. FOX and Mr. GILLMOR.

H.R. 350: Mr. BUYER.

H.R. 351: Mr. FUNDERBURK and Mrs. ROUKEMA.

H.R. 561: Mr. JACKSON Mr. FOGLIETTA, Mr. KANJORSKI, and Mr. WAXMAN.

H.R. 858: Mr. ROMERO-BARCELO, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. GUTIERREZ, Ms. HARMON, Mrs. MINK of Hawaii, Mr. JOHNSTON of Florida, and Mr. MARTINI.

H.R. 911: Mr. COYNE.
H.R. 922: Mr. WATT of North Carolina.
H.R. 1073: Mr. HAYES and Mr. LANTOS.
H.R. 1074: Mr. HAYES and Mr. LANTOS.
H.R. 1084: Mr. NADLER.
H.R. 1136: Mr. DORNAN, Mr. WATT of North Carolina, and Mr. MANTON.
H.R. 1210: Ms. MCCARTHY.
H.R. 1279: Mr. MANZULLO and Mr. NORWOOD.
H.R. 1386: Mr. NEAL Massachusetts, Mrs. VUCANOVICH, Mrs. CHENOWETH, and Mr. DEAL of Georgia.
H.R. 1446: Ms. PRYCE.
H.R. 1656: Mr. FRAZER, Mr. MCDERMOTT, and Mr. FARR.
H.R. 1776: Mr. OBEY, Mr. SAWYER, Mr. ENSIGN, Ms. ROYBAL-ALLARD, Mr. FARR, Mr. MARKEY, Mr. NETHERCUTT, and Mr. RICHARDSON.
H.R. 1951: Mr. LAHOOD.
H.R. 2011: Mr. DICKS, Mr. DOOLEY, Mr. CALVERT, Mr. KASICH, and Mr. FATTAH.
H.R. 2026: Mr. BENTSEN, Mr. MILLER of California, Mr. LEWIS of Georgia, Mr. WARD, Mr. FILNER, Mrs. MALONEY, Mr. TAUZIN, Mr. EDWARDS, Mr. JOHNSTON of Florida, Mr. SMITH of New Jersey, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. JEFFERSON.
H.R. 2244: Mr. MCKEON.
H.R. 2391: Mr. HAYWORTH and Mr. MILLER of Florida.
H.R. 2401: Mr. LIPINSKI.
H.R. 2531: Mr. PARKER, Mr. STENHOLM, and Mr. TANNER.
H.R. 2566: Mr. FOGLIETTA.
H.R. 2587: Mr. LEWIS of Kentucky, Mr. MONTGOMERY, Mr. HOKE, Mr. TORKILDSEN, Mr. DORNAN, Mr. HUNTER, Mr. SOLOMON, Mr. WATTS of Oklahoma, Mr. EVERETT, Mr. MCHUGH, and Mr. STUMP.
H.R. 2651: Mr. COBURN.
H.R. 2912: Mrs. MEYERS of Kansas and Mr. MARTINI.
H.R. 2925: Mrs. CHENOWETH and Mr. BARRETT of Wisconsin.
H.R. 2927: Mr. HAYWORTH and Mr. BARR.
H.R. 2951: Mr. TORRICELLI and Mr. MILLER of California.
H.R. 2976: Mr. FRAZER, Mr. PORTER, and Mr. SPRATT.
H.R. 3001: Ms. WOOLSEY, Mrs. LOWEY, Mrs. KENNELLY, Mr. TOWNS, Mr. THOMPSON, Mr. RANGEL, Mrs. MEYERS of Kansas, Mr. FOX, Mr. JEFFERSON, Mr. TORRES, Mr. GUTIERREZ, Mr. ENGEL, Mr. EVANS, Ms. SLAUGHTER, and Mr. MENENDEZ.
H.R. 3003: Mr. WATT of North Carolina and Mr. BARRETT of Wisconsin.
H.R. 3012: Mr. BAKER of California, Mr. COOLEY, Mr. LINDER, and Mr. MCHUGH.
H.R. 3087: Mr. DICKEY.
H.R. 3152: Ms. NORTON and Mrs. SEASTRAND.
H.R. 3153: Mr. UPTON, Mr. PETERSON of Minnesota, Mr. ORTIZ, Mr. GOODLATTE, and Mr. CANADY.
H.R. 3173: Mr. HINCHEY, Mrs. LOWEY, and Mrs. SCHROEDER.
H.R. 3198: Mr. RAHALL, Mr. LIPINSKI, Mrs. VUCANOVICH, Mr. SANDERS, Mr. GALLEGLY, Mr. HAYWORTH, and Mrs. MORELLA.
H.R. 3199: Mr. BRYANT of Tennessee, Mr. POMBO, Mr. CALVERT, Mr. MCKEON, Mr. DOOLITTLE, and Mr. LUCAS.
H.R. 3201: Mr. ARCHER, Mr. RADANOVICH, Mr. POSHARD, Mrs. CHENOWETH, Mr. TOWNS, Mr. LUCAS, Mr. BAKER of California, Mr. CONDIT, Mr. PORTER, Mr. FAZIO of California, Mrs. CUBIN, Mr. WATTS of Oklahoma, Ms. PRYCE, Mr. CALVERT, Mr. HERGER, Mr. DOOLITTLE, Mr. MCKEON, Mr. POMBO, Mr. BLUTE, Mr. CRAMER, Mr. THOMAS, and Mr. HEFLEY.
H.R. 3207: Mr. MANZULLO, Mr. EMERSON, Mr. RAMSTAD, Mr. MILLER of Florida, and Mr. GOSS.
H.R. 3226: Mr. CALVERT, Mr. WATT of North Carolina, Mr. BROWN of Ohio, Mr. FAZIO of California, Mr. GUTIERREZ, Mr. HINCHEY, Mr. SMITH of New Jersey, and Mr. WALSH.
H.R. 3234: Mr. MILLER of Florida, Mr. SPENCE, Mr. EMERSON, Mr. EVERETT, Mr. BARTLETT of Maryland, Mr. CALVERT, Mr. BACHUS, Mr. WHITE, Mr. CHRISTENSEN, and Mr. FIELDS of Texas.
H.R. 3238: Ms. PRYCE.
H.R. 3260: Mr. LEWIS of California, Mr. HEFLEY, and Mr. EWING.
H.R. 3294: Mrs. MORELLA.
H.R. 3311: Mrs. SCHROEDER and Mr. COYNE.
H.R. 3326: Mr. HAYWORTH, Mr. EHLERS, and Mr. COOLEY.
H.R. 3332: Ms. NORTON, Mrs. SCHROEDER, Mr. HINCHEY, Mr. FATTAH, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BONIOR.
H.R. 3337: Mr. MINGE and Mr. TOWNS.
H.R. 3378: Mr. MONTGOMERY.
H.R. 3392: Mr. FAZIO of California, Mr. GUTIERREZ, Mrs. LOWEY, Ms. BROWN of Florida, Ms. MCKINNEY, Mr. FARR, Mr. LEWIS of Georgia, Mr. KENNEDY of Massachusetts, Mr. SANDERS, and Mr. BONIOR.
H.R. 3393: Mr. BROWN of Ohio and Ms. RIVERS.
H.R. 3395: Ms. MCKINNEY.
H.R. 3409: Mr. BERMAN and Mr. FRAZER.
H.R. 3424: Ms. KAPTUR.
H.R. 3449: Mr. SCHIFF, Mr. PETE GEREN of Texas, Mr. COMBEST, and Mr. WILSON.
H.R. 3454: Ms. LOFGREN, Ms. DURBIN, Mr. LIPINSKI, and Mr. KENNEDY of Massachusetts.
H.R. 3462: Mr. PAYNE of Virginia, Mr. DURBIN, and Mr. BORSKI.
H.R. 3468: Mr. RAMSTAD, Mr. KIM, Mr. COX, and Mr. MONTGOMERY.
H.R. 3493: Mr. EVANS.
H. Con. Res. 26: Mr. LIVINGSTON, Mr. DOYLE, Mr. BILIRAKIS, Mr. GREENWOOD, Mr. FRANKS of Connecticut, Mr. GUTIERREZ, Mr. ENGLISH of Pennsylvania, Ms. ROS-LEHTINEN, Mr. TOWNS, Mr. DINGELL, Mr. POMBO, Mr. LAHOOD, Mr. WARD, Mr. BRYANT of Texas, Mr. JACOBS, Mr. SCHIFF, Ms. LOFGREN, Mr. MCKEON, Mr. HALL of Ohio, Mr. FOLEY, and Mr. COYNE.
H. Con. Res. 47: Mr. CAMPBELL and Mrs. SEASTRAND.
H. Con. Res. 50: Mr. MARTINEZ.
H. Con. Res. 154: Mr. CLEMENT and Mr. DOOLEY.
H. Con. Res. 160: Ms. ROS-LEHTINEN, Mr. SHAYS, and Mr. BARRETT of Wisconsin.
H. Con. Res. 163: Ms. SLAUGHTER and Mr. BROWN of Ohio.
H. Con. Res. 169: Mr. WELLER, Mr. WHITE, Mr. BARTON of Texas, Mrs VUCANOVICH, Mr. SMITH of Texas, Mr. BILBRAY, Mr. TORKILDSEN, Mr. SPENCE, Mr. EHLERS, and Mr. BOEHNER.
H. Res. 39: Mr. OLVER.
H. Res. 423: Mr. GRAHAM, Mr. GEKAS, and Ms. FURSE.
H. Res. 439: Mrs. MYRICK, Mr. POSHARD, Mr. MEEHAN, Mr. BARRETT of Wisconsin, and Mr. MINGE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3259

OFFERED BY: MR. COMBEST

AMENDMENT NO. 12: In section 303—

(1) insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—'' before ''Section 307''; and

(2) add at the end thereof the following:

(b) TRANSFERS.—The second sentence of section 307(a) of the Intelligence Authorization Act for Fiscal Year 1996 is amended to read as follows: ''Within the amount authorized to be used by this section, the Director, consistent with his duty to protect intelligence sources and methods, may transfer such amounts to the agencies within the National Foreign Intelligence Program for the purpose of automatic declassification of records over 25 years old.

H.R. 3259

OFFERED BY: MR. COMBEST

AMENDMENT NO. 13: At the end of the bill, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. AUTHORIZATION OF FUNDING PROVIDED BY 1996 SUPPLEMENTAL APPROPRIATIONS ACT.

Amounts obligated or expended for intelligence or intelligence-related activities based on and otherwise in accordance with the appropriations provided by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), including any such obligations or expenditures occurring before the enactment of this Act, shall be deemed to have been specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) and are hereby ratified and confirmed.

H.R. 3259

OFFERED BY: MR. CONYERS

AMENDMENT NO. 14: At the end of title III, add the following:

SEC. 306. DISCLOSURE OF THE AGGREGATE INTELLIGENCE BUDGET.

As of October 1, 1996, and for fiscal year 1998, and in each year thereafter, the aggregate amounts requested and authorized for, and spent on, intelligence and intelligence-related activities shall be disclosed to the public in an unclassified form and in an appropriate manner.

H.R. 3259

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 15: At the end of title I, insert the following:

SEC. 105. REDUCTION IN AUTHORIZATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), the aggregate amount authorized to be appropriated by this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, is reduced by 4.9 percent.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated by section 201 for the Central Intelligence Agency Retirement and Disability Fund.

(c) TRANSFER AND REPROGRAMMING AUTHORITY.—(1) The President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may apply the reduction required by subsection (a) by transferring amounts among the accounts or reprogramming amounts within an account, as specified in the classified Schedule of Authorizations referred to in section 102, so long as the aggregate reduction in the amount authorized to be appropriated by this Act, equals 4.9 percent.

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

H.R. 3259

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 16: At the end of title III, insert the following new section:

SEC. 306. SEEKING ENFORCEMENT OF THE REQUIREMENT TO PROTECT THE IDENTITIES OF UNDERCOVER INTELLIGENCE OFFICERS, AGENTS, INFORMANTS, AND SOURCES.

It is the sense of the Congress that title VI of the National Security Act of 1947 (50

U.S.C. 421 et seq.) (relating to protection of the identities of undercover intelligence officers, agents, informants, and sources) should be enforced by the appropriate law enforcement agencies.

H.R. 3259

OFFERED BY: MR. SANDERS

AMENDMENT NO. 17: At the end of title I, add the following new section:

SEC. 105. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 1997 to carry out this Act not more than 90 percent of the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1996.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by section 201.

H.R. 3259

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 18: At the end of title I, insert the following new section:

SEC. 105. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL RECONNAISSANCE OFFICE.

(a) LIMITATION.—Notwithstanding any other provision of this Act and the amounts specified in the classified Schedule of Authorizations referred to in section 102, the total amount authorized to be appropriated by this Act for the National Reconnaissance Office is the aggregate amount appropriated or otherwise made available for the National Reconnaissance Office for fiscal year 1995.

(b) TRANSFER AND REPROGRAMMING AUTHORITY.—(1) Within the amount authorized to be appropriated by subsection (a), the President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may transfer amounts among the accounts, or reprogram amounts within an account, of the National Reconnaissance Office.

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

(c) REDUCTION OF AGGREGATE AMOUNT.—The aggregate amount authorized to be appropriated by this Act (including the amounts specified in the classified Schedule of Authorizations referred to in section 102) is reduced by the amount equal to the excess of—

(1) the amounts authorized to be appropriated by this Act for the National Reconnaissance Office (other than by subsection (a)), over

(2) the amount authorized to be appropriated by subsection (a) for the National Reconnaissance Office.

H.R. 3259

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 19: At the end of title I, insert the following new section:

SEC. 105. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL RECONNAISSANCE OFFICE.

Notwithstanding any other provision of this Act and the amounts specified in the classified Schedule of Authorizations referred to in section 102, the total amount authorized to be appropriated by this Act for the National Reconnaissance Office is the aggregate amount appropriated or otherwise made available for the National Reconnaissance Office for fiscal year 1995.

H.R. 3259

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 20: At the end of title I, insert the following new section:

SEC. 105. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL RECONNAISSANCE OFFICE.

Notwithstanding any other provision of this Act and the amounts specified in the classified Schedule of Authorizations referred to in section 102, the total amount authorized to be appropriated by this Act for the National Reconnaissance Office is the aggregate amount appropriated or otherwise made available for the National Reconnaissance Office for fiscal year 1996.

H.R. 3259

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 21: At the end of title III, add the following:

SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of the appropriate element of the Intelligence Community shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 308. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 3259

OFFERED BY: MR. WELDON OF PENNSYLVANIA

AMENDMENT NO. 22: In section 104—

(1) in subsection (d), strike ''$25,000,000'' and insert in lieu thereof ''$12,500,000''; and

(2) in subsection (f), strike ''$6,000,000'' and insert in lieu thereof ''$18,500,000''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, TUESDAY, MAY 21, 1996 No. 72

Senate

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend Ron Mehl, Beaverton Foursquare Church, Beaverton, OR, invited by Senator MARK HATFIELD.

We are pleased to have you with us.

PRAYER

The guest Chaplain, the Reverend Ron Mehl, offered the following prayer:

Let us pray:

Dear Father, we come before You this morning to express the deep need we feel as a nation to be touched by Your mighty power and sustained by Your sovereign grace. We thank You for the gifted leaders You have placed in positions of authority in our land. We know that great leaders are first good followers, so teach us to hunger for wisdom from above, that we may know what is the right thing to do, and give us the courage to do it. Resurrect in us a deep hunger for revival, and awaken in us a passion for righteousness to rule and reign in our land. This day we pray for our leaders, their families and friends, and ask that You might reward them for their faithfulness, sacrifice, and service. Give us a revelation of Yourself. Open our eyes to the truth that the task You have called us to is greater than we are. Today we acknowledge our utter dependence upon You and the need we feel to seek Your counsel daily, for You are the fountainhead of all truth, the truth that truly makes us free. In Your holy and mighty name, we pray. Amen.

The PRESIDENT pro tempore. The able senior Senator from Oregon, Senator HATFIELD, is recognized.

Mr. HATFIELD. Thank you, Mr. President.

WELCOME TO REV. DR. RON MEHL

Mr. HATFIELD. Mr. President, it is my great pleasure today to introduce to my colleagues Rev. Ron Mehl, pastor of Beaverton Foursquare Church. Over the past several years, I have joined the ranks of Reverend Mehl's admirers. Uncompromising leadership and commitment to God have enabled him to embody the Biblical mandate to ''speak the truth in love.''

Reverend Mehl pastors Oregon's Beaverton Foursquare Church. Twenty-three years under his gifted teaching have made this one of Oregon's healthiest and most dynamic churches. Thousands sit in the pews of Beaverton Foursquare weekly. There are three services on Sunday, perhaps going to a fourth because of the tremendous turnout that holds some 2,500 or 3,000 people in the church sanctuary.

When I am home, I count myself privileged to be one of many to hear Reverend Mehl's Biblical preaching.

A man dedicated to pursuing God's calling, he has served in many ways over the years. Besides being a gifted preacher and counselor, Reverend Mehl is a celebrated author of three books, one of which, ''God Works the Night Shift,'' recently won the Evangelical Christian Publisher's Gold Medallion Award in the category of ''inspirational.''

The Reverend Billy Graham, whom we recently honored, once said, ''The greatest form of praise to God is the sound of consecrated feet seeking out the lost and helpless.'' Reverend Mehl has spent the majority of his life doing just that—reaching out with the message of Christ and encouraging others to do the same.

In I Peter, the apostle writes, ''Each one should use whatever gift he has received to serve others, faithfully administering God's grace in its various forms.—I Peter 4:10. Reverend Mehl is a faithful steward of the gifts he has received and is an able administrator of God's grace.

He has also been blessed by his wife Joyce and their two sons, Ron, Jr., and Mark. I had the pleasure of getting to know Mark 3 years ago when he participated in my internship program. Mark's strong character shone through during his brief tenure in my office, a great tribute to his parents in their rearing.

Again, on behalf of my Senate colleagues we are privileged that Reverend Mehl is willing to fulfill the duties of Senate Chaplain today, and I would like to officially welcome him to this Chamber.

I yield the floor.

SCHEDULE

Mr. HATFIELD. Mr. President, the Senate will immediately resume consideration of Senate Concurrent Resolution 57, the concurrent budget resolution. There are 8.5 hours of debate time remaining on the resolution with that time equally divided. When all time has expired or is yielded back, Senators can expect a large number of consecutive rollcall votes on or in relation to amendments to the budget resolution. Those votes could begin as early as this afternoon, or, if necessary, be ordered to begin on Wednesday morning.

I now ask unanimous consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m., in order to accommodate the weekly party conferences, and that the time during recess be deducted from the remaining debate limitation.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, Senate leadership time is reserved.

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

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CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. The Senate will resume consideration of Senate Concurrent Resolution 57, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the U.S. Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

The Senate resumed consideration of the bill.

Pending:

Boxer amendment No. 3982, to preserve, protect, and strengthen the Medicaid program by controlling costs, providing State flexibility, and restoring critical standards and protections, including coverage for all populations covered under current law, to restore $18 billion in excessive cuts, offset by corporate and business tax reforms, and to express the sense of the Senate regarding certain Medicaid reforms.

Wyden/Kerry amendment No. 3984, to express the sense of the Senate regarding revenue assumptions.

Wellstone amendment No. 3985, to express the sense of the Senate on tax deductibility of higher education tuition and student loan interest costs.

Wellstone/Kerry amendment No. 3986, to express the sense of the Senate that funds will be available to hire new police officers under the Community Oriented Policing Service.

Wellstone amendment No. 3987, to express the sense of the Senate that Congress will not enact or adopt any legislation that would increase the number of children who are hungry or homeless.

Wellstone amendment No. 3988, to express the sense of the Senate with respect to maintaining current expenditure levels for the Low Income Home Energy Assistance Program for fiscal year 1997.

Wellstone amendment No. 3989, to express the sense of the Senate with respect to the interrelationship between domestic violence and welfare.

Kerry amendment No. 3990, to restore proposed cuts in the environment and natural resources programs, to be offset by the extension of expired tax provisions or corporate and business tax reforms.

Kerry amendment No. 3991, to increase the Function 500 totals to maintain levels of education and training funding that will keep pace with rising school enrollments and the demand for a better-trained workforce, to be offset by the extension of expired tax provisions or corporate and business tax reforms.

Kyl amendment No. 3995, to express the sense of the Senate regarding a supermajority requirement for raising taxes.

Kyl amendment No. 3996, to providing funding for the Low Income Home Energy Assistance Program through fiscal year 2000.

Kennedy amendment No. 3997, to express the sense of the Congress that the reconciliation bill should maintain the existing prohibition against additional charges by providers under the medicare program.

Kennedy amendment No. 3998, to express the sense of the Congress that the reconciliation bill should not include any changes in Federal nursing home quality standards or the Federal enforcement of such standards.

Kennedy amendment No. 3999, to express the sense of the Congress that provisions of current medicaid law protecting families of nursing home residents from experiencing financial ruin as the price of needed care for their loved ones should be retained.

Kennedy amendment No. 4000, to express the sense of the Senate relating to the protection of the wages of construction workers.

Byrd amendment No. 4001, to increase overall discretionary spending to the levels proposed by the President, offset by the extension of expired tax provisions or corporate and business tax reforms.

Lott/Smith amendment No. 4002, to express the sense of the Congress regarding reimbursement of the United States for the costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum originating from Iraq.

Simpson/Moynihan amendment No. 4003, to express the sense of the Senate that all Federal spending and revenues which are indexed for inflation should be calibrated by the most accurate inflation indices which are available to the Federal government.

Graham amendment No. 4007, to create a 60 vote point of order against legislation diverting savings achieved through medicare waste, fraud and abuse enforcement activities for purposes other than improving the solvency of the Medicare Federal Hospital Insurance Trust Fund.

Ashcroft modified amendment No. 4008, to provide for an income tax deduction for the old age, survivors, and disability insurance taxes paid by employees and self-employed individuals.

Gramm amendment No. 4009, to express the sense of the Congress that the 1993 income tax increase on Social Security benefits should be repealed.

Brown amendment No. 4010, to express the sense of the Senate that there should be a cap on the application of the civilian and military retirement COLA.

Harkin amendment No. 4011, to provide that the first reconciliation bill not include Medicaid reform, focusing mainly on Welfare reform by shifting Medicaid changes from the first to the second reconciliation bill.

Harkin (for Specter) amendment No. 4012, to restor e funding for education, training, and health programs to a Congressional Budget Office freeze level for fiscal year 1997 through an across the board reduction in Federal administrative costs.

Bumpers amendment No. 4013, to establish that no amounts realized from sales of assets shall be scored with respect to the level of budget authority, outlays, or revenues.

Bumpers amendment No. 4014, to eliminate the defense firewalls.

Thompson amendment No. 3981, to express the sense of the Senate on the funding levels for the Presidential Election Campaign Fund.

Murkowski amendment No. 4015, to prohibit sense of the Senate amendments from being offered to the budget resolution.

Simpson (for Kerrey) amendment No. 4016, to express the sense of the Senate on long term entitlement reforms.

Snowe amendment No. 4017, to express the sense of the Senate that the aggregates and functional levels included in the budget resolution assume that savings in student loans can be achieved without any program change that would increase costs to students and parents or decrease accessibility to student loans.

Chafee/Breaux amendment No. 4018, in the nature of a substitute.

Domenici (for Dole/Hatch/Helms) amendment No. 4019, to express the sense of the Senate that the Attorney General should investigate the practice regarding the prosecution of drug smugglers.

Feingold amendment No. 3969, to eliminate the tax cut.

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

The PRESIDING OFFICER. Without objection, the time will be charged equally, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. 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. EXON. Mr. President, I ask unanimous consent that the pending amendment before the Senate be temporarily set aside so that we can entertain two amendments by previous agreement, the first to be offered by the Senator from Michigan, the second to be offered by the Senator from North Carolina. Both have been cleared, and we can move ahead on them. I would appreciate very much if the Chair would see fit to recognize the Senator from Michigan at this time for his statement and the introduction of the amendment.

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

The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. I thank the Chair. I thank my good friend from Nebraska.

AMENDMENT NO. 4020

Mr. LEVIN. Mr. President, the sense-of-the-Senate amendment which I will offer in a moment will put the Senate on record in support of sufficient funding in order that the National Institute on Drug Abuse, or NIDA, be able to continue to increase the pace of discovery of an antiaddiction drug, or drugs, in order to block the craving for illicit addictive substances.

This sense-of-the-Senate amendment expresses our sentiment that amounts that are appropriated to the National Institutes of Health should be increased by amounts above the fiscal year 1996 appropriations for this form of NIDA research. This effort is to discover antiaddiction drugs so that the craving which exists for them can be blocked. The amounts in this sense-of-the-Senate resolution are based on meetings and discussions with NIDA officials about what resources would be necessary to expedite the development of these illicit drug blocking agents, and the increase that would be recommended here in the sense-of-the-Senate amendment would be $33 million in fiscal year 1997, $67 million for fiscal year 1998, and $100 million for each of the fiscal years 1998 through 2002.

There have been some significant breakthroughs already by NIDA. NIDA researchers have recently shown that activation in the brain of one type of dopamine receptor suppresses the drug-seeking behavior, whereas activation of another triggers drug-seeking behavior. Another significant finding in this past year is the successful immunization of animals against the psychostimulant effects of cocaine. In 1993, NIDA announced the FDA approval of a medication called LAAM for heroine addiction. One of LAAM's

advantages over methadone is that it does not need to be taken daily.

These are but a few of the exciting discoveries in drug abuse research that have been made over the past several years.

Stemming the tide of drug addiction by trying to find these anticraving substances is in the best interests of all of us, particularly the innocent victims of drug-related offenses. We spend at the State and local level and at the Federal level billions and billions and billions of dollars to incarcerate people who commit drug-related offenses.

A 1992 report by the Bureau of Justice revealed that three out of four jail inmates reported illicit drug use in their lifetime and more than 40 percent had used drugs in the month before their offense, with 27 percent under the influence of drugs at the time of their offense. A significant percentage also said that they were trying to obtain money for drugs when they committed their crime.

More than 60 percent of juveniles and young adults in State-operated juvenile institutions reported using illicit drugs once a week or more for at least a month during some time in the recent past and almost 40 percent reported being under the influence of drugs at the time of their offense.

The National Institute on Drug Abuse has presented us with some unprecedented opportunities to understand and to treat addiction and to block craving. We should support that effort and the progress which has been made with a funding level which will enhance the efforts of NIDA to achieve these breakthroughs. We will all benefit. We will benefit in terms of our safety. We will benefit in terms of the Nation's resources if we can finally discover agents which will block the craving for cocaine and for other illicit drugs. NIDA does the majority of research in this area in the world.

So I hope that this sense-of-the-Senate amendment will be adopted which will put us on record as encouraging these additional funds so as to promote the efforts of the National Institute on Drug Abuse. I now will send this amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 4020.

Mr. LEVIN. 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:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTE OF DRUG ABUSE.

(a) FINDINGS.—Congress finds the following:

(1) The National Institute on Drug Abuse (hereafter referred to in this section as ''NIDA'') a part of the National Institutes of Health (hereafter referred to in this section as ''NIH'') supports over 85 percent of the world's drug abuse research that has totally revolutionized our understanding of addiction.

(2) One of NIDA's most significant areas of research has been the identification of the neurobiological bases of all aspects of addiction, including craving.

(3) In 1993, NIDA announced that approval had been granted by the Food and Drug Administration of a new medication for the treatment of heroin and other opiate addiction which breaks the addict of daily drug-seeking behavior and allows for greater compliance because the patient does not need to report to a clinic each day to have the medication administered.

(4) Among NIDA's most remarkable accomplishments of the past year is the successful immunization of animals against the psychostimulant effects of cocaine.

(5) NIDA has also recently announced that it is making substantial progress that is critical in directing their efforts to identify potential anti-cocaine medications. For example, NIDA researchers have recently shown that activation in the brain of one type of dopamine receptor suppresses drug-seeking behavior and relapse, whereas activation of another, triggers drug-seeking behavior.

(6) NIDA's efforts to speed up research to stem the tide of drug addiction is in the best interest of all Americans.

(7) State and local governments spend billions of dollars to incarcerate persons who commit drug related offenses.

(8) A 1992 National Report by the Bureau of Justice Statistics revealed that more than 3 out of 4 jail inmates reported drug use in their lifetime, more than 40 percent had used drugs in the month before their offense with 27 percent under the influence of drugs at the time of their offense. A significant number said they were trying to get money for drugs when they committed their crime.

(9) More than 60 percent of juveniles and young adults in State-operated juvenile institutions reported using drugs once a week or more for at least a month some time in the past, and almost 40 percent reported being under the influence of drugs at the time of their offense.

(10) This concurrent resolution proposes that budget authority for the NIH (including NIDA) be held constant at the fiscal year 1996 level of $11,950,000,000 through fiscal year 2002.

(11) At such appropriation level, it would be impossible for NIH and NIDA to maintain research momentum through research project grants.

(12) Level funding for NIH in fiscal year 1997 would reduce the number of competing research project grants by nearly 500, from 6,620 in fiscal year 1996 to approximately 6,120 competing research project grants, reducing NIH's ability to maintain research momentum and to explore new ideas in research.

(13) NIH is the world's preeminent research institution dedicated to the support of science inspired by and focused on the challenges of human illness and health.

(14) NIH programs are instrumental in improving the quality of life for Americans through improving health and reducing monetary and personal costs of illnesses.

(15) The discovery of an anti-addiction drug to block the craving of illicit addictive substances will benefit all of American society.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that amounts appropriated for the National Institutes of Health—

(1) for fiscal year 1997 should be increased by a minimum of $33,000,000;

(2) for fiscal year 1998 should be increased by a minimum of $67,000,000;

(3) for fiscal year 1999 should be increased by a minimum of $100,000,000;

(4) for fiscal year 2000 should be increased by a minimum of $100,000,000;

(5) for fiscal year 2001 should be increased by a minimum of $100,000,000; and

(6) for fiscal year 2002 should be increased by a minimum of $100,000,000;

above its fiscal year 1996 appropriation for additional research into an anti-addiction drug to block the craving of illicit addictive substances.

Mr. LEVIN. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. I thank my good friend and colleague from the State of Michigan, Senator LEVIN, for the amendment that I had indicated earlier has been cleared on both sides. This is an important sense-of-the-Senate resolution, and I appreciate the cooperation we have had from Senator LEVIN and his staff on this matter.

We are about ready to have proposed in behalf of Senator HELMS from North Carolina an amendment that likewise has been cleared on both sides. Then we can move the adoption of those by voice vote. Awaiting the arrival of one Member on the Senate floor, I suggest the absence of a quorum.

Mr. LEVIN addressed the Chair.

Mr. EXON. I withhold.

Mr. LEVIN. If the Senator will withhold, let me simply thank my good friend from Nebraska and his staff and the staff on the Republican side who have worked with us to clear this amendment. As always, I have had great response from my friend from Nebraska and the Republicans on this issue. It is an important issue for all America. I am grateful for their help.

Mr. EXON. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4018

Mr. BROWN. Mr. President, I wanted to add a word of support for the very diligent effort of the Senator from Rhode Island and the bipartisan group he has gathered together to offer a budget alternative. I am very mindful of the remarks made by the distinguished Senator from New Mexico when he observed yesterday that such a change in budget, to be enacted, would literally require the President's help and support. Certainly we have learned this last year; that, indeed, progress for reconciliation has to include the President. But I intend to vote for the Chafee amendment. I think it brings two factors to it that are worth considering.

First of all, it is bipartisan. It is the only major bipartisan proposal that is here and, I think, as such, has a chance of making it all the way through reconciliation.

Second, I am going to support it because, of the alternatives, it has the strongest impact long term, that is beyond the 6-year window or the 7-year window. Long term, it is significantly better in deficit reduction.

For those two reasons I salute the efforts of Senator CHAFEE, and I will probably vote for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EXON addressed the Chair.

AMENDMENT NO. 4020

The PRESIDING OFFICER. The Chair will inform the Senator that the pending amendment is the amendment offered by Mr. LEVIN.

Mr. EXON. Mr. President, I am back to see if possibly we could at this time clear the two amendments agreed to earlier. Has the amendment by the Senator from North Carolina been offered?

I am prepared to yield back time on the Levin amendment, which we will agree to by a voice vote. I likewise assume we will move forward with the amendment of the Senator from North Carolina, which I assume has been cleared on both sides.

I yield back the remainder of the time on the Levin amendment.

Mr. DOMENICI. Do I have the time in opposition? I yield back the time in opposition to the Levin amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 4020) was agreed to.

AMENDMENT NO. 4021

(Purpose: To express the sense of the Senate regarding the extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator HELMS. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. HELMS, proposes an amendment numbered 4021.

Mr. DOMENICI. 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:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE EXTENSION OF THE EMPLOYER EDUCATION ASSISTANCE EXCLUSION UNDER SECTION 127 OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) since 1978, over 7,000,000 American workers have benefited from the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 by being able to improve their education and acquire new skills without having to pay taxes on the benefit;

(2) American companies have benefited by improving the education and skills of their employees who in turn can contribute more to their company;

(3) the American economy becomes more globally competitive because an educated workforce is able to produce more and to adapt more rapidly to changing technologies;

(4) American companies are experiencing unprecedented global competition and the value and necessity of life-long education for their employees has increased;

(5) the employer education assistance exclusion was first enacted in 1978;

(6) the exclusion has been extended 7 previous times;

(7) the last extension expired December 31, 1994; and

(8) the exclusion has received broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue level assumed in the Budget Resolution accommodate an extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 from January 1, 1995, through December 31, 1996.

Mr. HELMS. Mr. President, this sense-of-the-Senate resolution calls for the extension of a critical education tax provision that enables American workers to further their education and better provide for their families. I have vigorously supported this education tax credit since its initial authorization in 1978. This provision has allowed millions of American men and women to acquire new skills and pursue their educational goals.

Our Government, being a republic, relies on the promotion of a moral and principled citizenry, education is central to the continued vitality of America. President Thomas Jefferson put it this way: ''If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.''

The Federal Government has promoted education and individual choice through the educational assistance exclusion, codified at section 127 of the Internal Revenue Code, a provision that allows employees to receive up to $5,250 a year, tax-free, in educational benefits from their respective employers.

When this provision expired on December 31, 1994, it left many workers and companies uncertain about the Federal Government's commitment to the promotion of worker education and retraining. That uncertainty increased last year, when President Clinton vetoed the Balanced Budget Act that would have extended the credit through December 31, 1996.

Mr. President, over the years, this provision has enjoyed wide bipartisan support, resulting in its reauthorization seven times. I hope Senators will once again support extension of this education tax credit which has done so much to help our Nation's workers and employers alike. Accordingly, I offer today a sense-of-the-Senate resolution that provides that Congress should include, in any appropriate tax legislation, an extension of this critically needed tax credit.

Neither the need for education nor the need for acquiring new skills stops when a young person receives a high school diploma. Increasingly, education and worker training have become lifelong pursuits.

My home State of North Carolina has been hit hard by plant closings during the last few years. The textile industry in my State has been particularly hard hit as thousands of workers have lost their jobs. I could cite eye-popping statistics as to the number of lost jobs but what is important to realize is that each one of these lost jobs represents an individual man or woman, often the lone breadwinner in a family.

Many workers are understandably concerned about job security. They worry about the possibility of losing their job and wonder how they would provide for their loved ones if they did suddenly become unemployed. If this education provision is not reauthorized then many more workers and their families, across the country, will suffer needless anxiety and uncertainty.

Mr. President, while the Federal Government cannot set up programs to guarantee that every American has a job, we can act to ensure our Tax Code encourages workers and companies to act in their own interest by promoting education and training.

Without this exclusion, many employers may choose to end these benefits for their employees. Those employers who do offer these benefits will subject their employees to additional Federal and State taxes. A fortunate few may be able to meet a complex IRS test to demonstrate that the benefits are sufficiently job-related so as to be deductible. These additional taxes can easily exceed 40 percent of the amount paid by the employer. This enormous tax burden can be decisive in preventing an employee from pursuing an education to improve his or her career prospects and earning ability.

I support reauthorization of this provision because it empowers individual employees and businesses by encouraging and promoting education not through a monolithic Government bureaucracy but through the removal of a harmful and destructive hurdle to the pursuit of an education.

Over the years, this provision has helped more than 7 million working Americans to further their education and to acquire additional skills. While the importance of this achievement to those individuals, their families and their companies cannot be overstated, it is also true that this accomplishment has served our Nation well.

Last week, the House Ways and Means Committee included an extension of the tax credit for employer provided education assistance in its markup of the Small Business Job Protection Act.

Mr. President, I do hope Senators will demonstrate their support for the

continuation of this important provision and vote for this sense-of-the-Senate resolution to reaffirm the Congress' commitment to improving the education of American workers.

Mr. DOMENICI. Mr. President, I understand this amendment is acceptable to Senator EXON, as the Levin amendment was to us; is that correct?

Mr. EXON. It is, and I yield back any time in opposition that we may have on this side.

Mr. DOMENICI. And I yield back time Senator HELMS has on the amendment and ask for its adoption.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 4021) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I ask for a vote on the Levin amendment that is now the pending amendment.

Mr. DOMENICI. We have adopted it.

Mr. EXON. Did we adopt that?

The PRESIDING OFFICER. The Levin amendment was adopted.

Mr. DOMENICI. I move to reconsider the vote by which the Levin amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, how much time do we have on the Chafee-Breaux amendment?

The PRESIDING OFFICER. There is 1 hour of debate equally divided.

Mr. DOMENICI. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island, [Mr. CHAFEE], is recognized.

Mr. CHAFEE. Mr. President, I ask that the half-hour this side has be divided in half, with half to me and the other half to the Senator from Louisiana.

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

AMENDMENT NO. 4018

Mr. CHAFEE. I will take such time as I need.

Mr. President, in the years 1931 to 1938, the people of England failed to heed the warnings that their nation and, indeed, their lives were in peril. They dismissed voices, such as that of Winston Churchill, crying the alarm. They dismissed him as a warmonger and a scaremonger. Despite clear proof that Hitler was building a fierce war machine, the people of Great Britain preferred to ignore such evidence. John F. Kennedy described that in his book, ''Why England Slept.'' And in his history of World War II entitled ''The Gathering Storm''—that was the first volume—Churchill gave the theme of that volume as follows:

How the English-speaking people through their unwisdom, carelessness and good nature allowed the wicked to rearm.

Mr. President, a clear analogy can be drawn between the financial peril of the United States in the immediate years ahead and the military peril of Great Britain in the years referred to, with one major difference.

No one disputes—no one disputes—the fiscal danger our Nation faces if we do not control these entitlements.

We hear a whole series of siren-like voices, gentle voices saying, ''Don't do anything now. Let's have more study. Isn't there an easier way of correcting the situation? It's an election year, let's wait. We can't do anything because we don't have the President's support.''

Mr. President, we can follow all that kind of advice, but it will not cure the situation one iota, and the only way to solve the financial problem that this Nation faces is to do something about it now. Oh, sure, we can postpone it. Every year we postpone makes the solution that much more difficult.

The solution of the centrist group has been, first, a realistic budget that we do not have any savings that really cannot be achieved. We do not say we are going to make these $300 billion savings out of discretionary accounts. We know that will not occur. Every Senator knows that will not happen.

So what we have done is said the solution to this is to state the CPI, the Consumer Price Index, in a realistic fashion, and we have not taken the high side of the recommendations. Many of the witnesses that came before the Finance Committee said the CPI is overstated by 1 percent at least and as high as 2 percent. But, no, we have gone to one-half of 1 percent because that can be thoroughly justified.

Has there been criticism of that? Oh, yes, there has been criticism: ''Savings from the CPI adjustment should not be used except to shore up the Social Security fund.'' That is what we do, Mr. President. We have a statement from the Social Security's chief actuary that the solvency of the Social Security trust fund, as a result of the CPI changes recommended by the centrist group, will extend the solvency of the Social Security fund.

Some say that if you change the CPI or go to a realistic correct tabulation of the CPI that you are going back on promises made to Social Security recipients. That is absolutely inaccurate. Nothing in the centrist plan affects commitments we have made to Social Security recipients. Congress promised to provide cost-of-living adjustments to beneficiaries, and we continue to do that under our plan. All our plan does is make the CPI correct.

Mr. President, I notice there are others waiting to speak, so I will reserve the remainder of my time.

Mr. BREAUX addressed the chair.

The PRESIDING OFFICER. The Senator from Louisiana, [Mr. BREAUX] is recognized.

Mr. BREAUX. Mr. President, it is my understanding we have 30 minutes for the proponents and 30 minutes for the opponents.

The PRESIDING OFFICER. That is correct.

Mr. BREAUX. And we have agreed to divide 15 and 15 to each side?

The PRESIDING OFFICER. That is correct.

Mr. BREAUX. I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida, [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. President, I thank my friend from Louisiana. It is a pleasure to have worked with the centrist coalition in the last several months in an attempt to develop a balanced budget based on a realistic set of principles.

In my limited time, I would like to make two points. First, if this Congress is serious about achieving what is stated to be its No. 1 priority, which is to develop a multiyear balanced budget plan that would reduce the Federal deficit to zero at the earliest practical date and then to keep that deficit at zero for the foreseeable future, I suggest that the vote that we are about to take on this centrist coalition will be the ultimate test of our fidelity to that principle.

There is no other opportunity to pass a balanced budget in 1996 other than that which is presently before the Senate. The reality is a balanced budget will not be passed which is totally written by Democrats. We established that fact in the early 1990's. A balanced budget proposition will not be passed which is written and supported totally by Republicans. We validated that truth in 1995.

We now have an opportunity to vote on a plan which represents a moderate centrist perspective with support from significant numbers of Senators from a variety of philosophical and regional and economic backgrounds which does have a meaningful chance to be adopted. That is the fundamental question: Are we going to reject the good because it falls somewhat short of our own personal view of the perfect, or are we to say that this good is so much better than the alternative, which is to continue to have these enormous Federal deficits and all of the damage that they do to our Nation and to our individual lives? Are we going to miss the opportunity to get the benefits of a balanced budget, including the very substantial benefits of a lower interest rate over the next decade than that which we will have if we do not exercise this act of discipline?

I believe, Mr. President, that the course of action which commends itself to this Senate is to adopt the centrist budget.

I would like to speak to one element of the budget which has received some comment which I think is illustrative of the principles that underlie the centrist approach. And that is that it is pragmatic, it is compassionate and it

builds in structural changes that will help keep a budget once brought to balance in balance for the foreseeable future.

Our Medicare Program is in two parts. One part relates to hospitals and is financed through a trust fund supported by payroll taxes. The other part relates to physician's payments, and it is supported by a premium paid by the beneficiaries voluntarily.

If they do not wish to receive those physicians' services, they can elect not to do so and not to pay the premium. The balance is paid by the general tax revenue of the Federal Government.

That premium has been set for most of the 1990's to be 31.5 percent of the cost of providing the physicians' services. Today it has dropped back to its pre-1990's level of 25 percent of the cost. That 31 percent, or today's 25 percent, is applied to all of the some 35 million-plus Medicare beneficiaries, the most affluent to the most indigent.

Our plan is based on, first, that we should raise from the part B premium, the premium for physicians' payments, the equivalent of 31.5 percent if that amount were applied to all of the 35 million beneficiaries. But we should not distribute the premium across all beneficiaries equally. Rather, it should be affluence tested.

We propose to have those Social Security beneficiaries who are under 200 percent of poverty, which represents approximately 70 percent of the beneficiaries, pay the current——

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. BREAUX. I give 1 additional minute.

The PRESIDING OFFICER. The Senator has 1 additional minute.

Mr. GRAHAM. Pay the current 25 percent. Those who are between 200 percent of poverty and $50,000 for an individual or $75,000 for a couple will pay the 31.5 percent, which had been the premium level for the first half of this decade. Those above the $50,000 or $75,000 per couple, will pay a higher premium based on their income.

Mr. President, I believe that is fair, equitable, and compassionate and makes an important structural change in the Medicare system which will help to preserve the long-term solvency of our Medicare system.

I cite this one example as illustrative of the approach that has been taken throughout the centrist coalition budget. But the fundamental thing that recommends it is its bipartisan nature, the fact that it is reality, both economically and politically. This has a chance to actually pass, become law and make a difference in the lives of Americans. I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Mr. President, I yield 4 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin has 4 minutes.

Mr. KOHL. Mr. President, with this week's debate on the budget resolution, I believe the Senate has moved a giant step closer to implementing a balanced budget. We are no longer debating whether we should balance the budget. We are actually choosing between three separate, complete balanced budget proposals: the Republicans' budget resolution, the President's balanced budget submission, and the centrist coalition's bipartisan budget plan now pending as an amendment.

The President's plan has already been defeated in a party line vote—not a surprising result in an election year. We now have to decide whether to adopt the Republicans' budget or the only bipartisan balanced budget plan presented in the Senate.

If we are serious about setting the course for a balanced budget this year, I think we must choose the centrist plan. The Republicans' budget, as Yogi Berra said, is ''deja vu all over again.'' It is virtually identical to last year's vetoed budget bill.

The Republican budget puts forth the same plan that was rejected last year by the public and the President. This is the plan that guided us through a year of vetoes, gridlock, Government shutdowns, and stopgap spending measures.

Mr. President, we have a chance to redeem ourselves in the eyes of the American public. They have seen 2 years of partisanship, bickering, and gridlock. In one vote we can send a message that we can work together in the spirit of bipartisanship, that we can bridge our differences and pass a budget that is honest, balanced, and fair.

That plan is the centrist budget now before us as an amendment. First, and most important, this is the only plan on the table that is bipartisan. It has been developed over the last half year by 11 Democratic Senators and 11 Republican Senators. We have worked in a way that I believe the American people want us to work. We have put aside our own political needs and party positions. We have compromised. Our primary goal was a balanced budget—not a partisan victory. And the result is an equitable budget plan that can win the support of a majority of the American people.

The budget the centrists present today contains $679 billion in proposed savings over 7 years. Those savings are spread across almost every group in society and almost every Government program. Our plan has lower Medicare cuts than either the Republican or Democratic plans but enough cuts to guarantee the longrun solvency of the program. Our plan contains a modest tax cut—$130 billion—that will allow us to do some targeted tax credits for children and give businesses some capital gains relief. Our plan caps the out-of-control growth of entitlements through an adjustment in the CPI. And, most importantly, our plan achieves real and sustainable deficit elimination.

Mr. President, the centrists have put together a solid, bipartisan balanced budget plan. I believe it is the best—and perhaps the only—choice for those Members who want to see a balanced budget enacted this year.

Mr. President, we know partisanship does not work. If we go down that road again with a budget that only gets Republican votes, then we may see some interesting campaign ads, but we will not see a balanced budget.

We have a clear choice before us today. Vote for the centrist amendment, and vote for bipartisanship, honest budgeting, shared and fair sacrifice, and the last, best hope for a balanced budget in this Congress. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON], is recognized for 3 minutes.

Mr. GORTON. Mr. President, the remarks beginning the debate this morning on the part of the Senator from Rhode Island were directly on point. Now is the time and this is the place for the oratory to end and the true work in balancing our budget and building a brighter future for our own generation, for our children and our grandchildren, is to begin. There are no longer any real excuses.

A year ago, for the very first time for 20 or 30 years, this Congress actually passed a balanced budget that was then vetoed by the President. But that balanced budget changed the entire nature of the debate. The President himself proposed a budget that was balanced, as inadequate as it was unfair, but nonetheless lip service to this proposition.

Again, this year we have before us from the Budget Committee, with my support, a budget that is truly balanced, but the execution of which will almost certainly receive another veto from a President in an election year.

This group, for the first time in a decade, two decades, three decades, has gotten together, on a bipartisan basis, to solve the greatest problem facing the United States of America, Democrats and Republicans working together. It has a proposal that in the long run creates a greater degree of financial stability and security for the people of the United States than do any of the other proposals. Most Members in this body would like to vote for it if they only believed that it would become law.

But, Mr. President, we cannot tell whether or not it will pass the House of Representatives unless we pass it here in the Senate. We do not know whether a President would respond to the dynamic of it passing both Houses until it has passed both Houses. So the ball is in our court. If this is simply a good try that fails, we will be debating the same issues over and over and over again, but we will not have done what we were supposed to do for the people of our country.

If we pass it, maybe it will be defeated in some future place in this political debate in this election year. But maybe it will not. Perhaps it will build its own dynamic. Let us give it that opportunity, Mr. President. That is what we were elected to do.

The PRESIDING OFFICER. The time has expired.

Mr. BREAUX. Mr. President, I inquire of the Chair how much time our side has.

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes left.

Mr. BREAUX. I yield myself 2 minutes.

Mr. President, yesterday a great deal of discussion was held about the CPI adjustment. I just want to make a couple comments because many Members said, ''We like your budget, but the CPI is something that we can't handle. We don't think it's the right thing to do.''

We have had three hearings in the Senate Finance Committee—March 13 of last year, April 6 of last year, and June 5 of last year—we had a parade of economists before the Finance Committee. Every one of them to a person said that we are making a mistake as a country. The distinguished Senator from North Dakota said that yesterday.

Every year we make a mistake. Every year we give every person who is on an entitlement program more than they should get, by every economists' professional judgment. They say we overestimate what their increase should be from anywhere between 0.7 and 2 percent.

So we have had the courage to make a decision that we will fix the problem. We will correct the mistake. We will say that every person in America who is entitled to an entitlement increase—Social Security, railroad retirees, Federal retirees—we will give you a more accurate increase in your benefits. For instance, in Social Security it says instead of getting a $20-a-month increase, you will get a $16-a-month increase. They still get an increase, a substantial increase. It is $4 less than they would have gotten under the incorrect formula, but everybody knows the formula is wrong. The formula has made a mistake.

Are there not enough people in this Congress to say that when we make a mistake, we should correct it and recognize it? That is what we do in CPI.

I think everybody should enthusiastically stand up and say we want to guarantee everybody in this country gets an accurate increase based on inflation. When the formula is wrong, Congress should have the courage to at least correct the mistake. That is the only thing we do. It is supported by a Republican economist, by a Democratic economist, and by everybody who has testified before the Senate Finance Committee. I think it should be adopted.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time to the Senator from North Dakota?

Mr. BREAUX. I inquire, Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. BREAUX. Senator LIEBERMAN requested some time.

Mr. CHAFEE. Mr. President, I am happy to give the Senator some of my time.

Mr. BREAUX. We will give 3 minutes to Senator CONRAD.

Mr. CONRAD. I thank Senator CHAFEE and Senator BREAUX for this time.

Mr. President, what can be more clear? We are headed for a cliff. Everyone who has examined this question tells us we are headed for a circumstance in which if we do not change course, we will either face an 82-percent tax rate in this country or a one-third cut in all benefits. That is where we are headed. Make no mistake.

There are many things that must be done in order to prevent that calamity from occurring. We must generate savings out of the various entitlement programs. We must cut other spending. All of those things must be done.

Mr. President, with respect to the CPI that was criticized on the floor last night, the technical correction in the Consumer Price Index that our group has advocated on a bipartisan basis, this is a question of a mistake—a mistake. The Consumer Price Index is being used to adjust for cost-of-living increases, not just with respect to entitlement programs but also with respect to the revenue base of this country.

The economists have come to us and said, overwhelmingly, ''You are overcorrecting by using the Consumer Price Index. It is not a cost-of-living index.'' Even the people who draw it up at the Bureau of Labor Statistics will tell you it is not a cost-of-living index. Yet, that is what we are using it for. The economists tell us, because we are doing that, we are making a mistake. They say the mistake is between 0.7 and 2 percent a year, with the most likely overstatement being 1 percent.

What does that mean? Over 10 years, that means we are spending $600 billion by mistake—by mistake. If we cannot correct a mistake around here to address preventing the calamity that is going to occur, what can we do? If this body and the other body and the President of the United States cannot correct mistakes to prevent a fiscal calamity, what can we do?

Mr. President, I think the question has to be, if not now, when? If not us, who? If we cannot correct a mistake to prevent a financial calamity, then we fail in our responsibility.

Mr. BREAUX. Mr. President, I yield the remaining time we have, 4 minutes, to the Senator from Connecticut, Senator LIEBERMAN.

Mr. LIEBERMAN. I thank my friend and colleague from Louisiana. I thank my friend from North Dakota, who I am pleased to see this morning paraphrasing the words of the Talmud, which come strongly from his lips. I appreciate that sentiment.

Mr. President, I want to thank Senators CHAFEE and Senator BREAUX for convening this so-called centrist coalition. Frankly, it has been one of the most satisfying experiences I have had in the 8 years I have been in the Senate, because we did what I thought we came here to do, which was to forget that we are Democrats or Republicans, focus on the responsibility that we have as Americans, elected by people from all parties in our State, and deal with central and obvious problems—and, in this case, most especially, the imbalance in our budget.

Sometimes when I look at the course that both parties are taking here, frankly, on matters such as the budget, it seems to me it has become so highly politicized that we might as well have our press secretaries staffing us on budget questions.

This centrist coalition attempted to find a third way. The group was driven by the knowledge that if we truly want to balance the budget, it is going to take Members of both parties, working cooperatively, to do so.

Our group understands, I think, the first rule of compromise. It means you cannot always have your way, or, put more eloquently, as the junior Senator from Utah, Senator BENNETT, did in quoting his father, ''It means that you attempt''—and I love this expression—''to legislate at the highest level at which you can obtain a majority.'' That is perfect. That is just what we attempted to do in this group.

What does this proposal have? It faces the big problem in the budget which is that the so-called entitlements are skyrocketing. If we let them go, they will eat up our Government and make it impossible for us to continue to do what people want us to do without grossly overtaxing them. It approaches entitlement reform not in a weak and defensive way, but by understanding that there is another side to this question.

Yes, as Medicaid and Medicare go up, people are benefiting, but people are paying for them. Just to state it briefly in the time I have, how can we explain to a worker, how can I explain to a factory worker in Connecticut making $30,000 a year that through his paycheck he is paying for part A and through his tax bills, 75 percent of part B Medicare for a senior citizen retired, making $30,000 a year, with no kids to send through college or feed and clothe; or forget the $30,000—a senior citizen making $50,000 or $100,000 or $1 million. It is unfair to the people.

We have a reasonable number on discretionary spending, the most reasonable of any of the budget packages. Mr. President, we have a sensible tax cut program that will create growth, that stimulates savings and investment through capital gains cuts and through some very creative programs to encourage people to save more. Also, to

help the middle class in targeted areas, such as offering a deduction and help in sending their kids to college, which, at least in Connecticut, is the greatest burden I find the middle class is shouldering as I talk to them when I go around the State.

This is a solid, balanced, thoughtful program. Mr. President, 22 of us—11 Democrats, 11 Republicans—have put it together. I hope a lot of our colleagues surprise us and join us in getting this moving in the right direction toward balanced growth for our country.

I yield the floor.

Mr. CHAFEE. Mr. President, I yield myself 2 minutes.

I have listened to the presentation of our amendment, and I must say I want to congratulate every Senator who has spoken on behalf of this amendment. I think the arguments, really, are overpowering.

Here is the problem: If we continue on the path we are on now in this country, every one of the entitlement programs is going to be in a very, very severe situation.

What did the entitlement commission say when they reported 2 years ago? This is what they found: By the year 2010—how far away is that? Mr. President, 2010 is 14 years away. Spending on entitlement programs—Social Security, Medicare, Medicaid, welfare, all of the entitlement programs—where they are locked in, unless we do something, the payments on those programs, plus the interest on the national debt, will exceed all the Federal tax revenues. All the money that comes into the Federal Government will be inadequate to cover those entitlement programs; not a nickel left for the Park System or for maintaining our highways or for building them or the FBI, the State Department, the Justice Department, whatever it is.

Mr. President, obviously, something has to be done. I find the arguments of the opponents difficult to understand. One of the arguments is, ''Well, the President has not said he is for this thing, so we should not vote for it.'' What are we hired for? We are hired, it seems to me, to do what is best for the country, and whether the President is for it or is against it does not make any difference. He cannot vote here on the floor of the Senate. We can. It seems to me to make our vote depending on whether this is going to pass or not and whether the President is for it or not is hardly the route to go.

So I plead with my colleagues to come forward and support this amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. Mr. President, I will take 1 more minute.

The PRESIDING OFFICER. The Senator has 1 more minute.

Mr. CHAFEE. Mr. President, here we have a chance to do something. In my opening remarks, I mentioned the situation in England in the 1930's which John F. Kennedy described in his book ''Why England Slept.'' As Winston Churchill said in his four-volume history of the war, ''The Gathering Storm,'' he said the English people through their nonwisdom and carelessness allowed the wicked to rearm.

We have a similar situation, not a peril from abroad militarily but a peril from within financially. The good news is we can do something about it. What we can do now is the smartest; but, if we wait, it becomes that much more difficult.

All we are saying is one-half of 1 percent correction, as it should be and as every economist that has come before the Finance Committee has told us the correction should be made. Let us seize the opportunity, Mr. President.

Mr. SIMPSON. Mr. President, I am so very proud to join my colleagues in the centrist coalition in declaring my support for this bipartisan budget resolution. Everyone in this Chamber should take a close look at our amendment. Reading this plan will be a frustrating and vexing experience for the critics who are always anxious to label legislation as ''extreme'' or ''timid'' or ''too conservative'' or ''too liberal.'' None of those tired old labels apply to this budget resolution.

This is truly a blueprint for a mainstream budget. It is the product of many weeks and months of compromise and negotiation and good old-fashioned ''give and take.'' On issue after issue, Republicans and Democrats in the centrist coalition have resolved areas of disagreement by ''splitting the difference'' or ''meeting each other halfway.'' That is what legislating is all about.

For every element of this plan that Republicans don't like, there is another provision that is equally troubling to Democrats. Under this budget resolution, neither party would score a clear ''political win''—but the Congress as a whole and, more importantly, the American people would benefit tremendously if we adopt this mainstream approach to balancing the budget.

The most striking feature of our plan is that we do not shy away from correcting the inaccuracies in the Consumer Price Index [CPI]. We now have almost universal agreement that the procedures currently used for calculating the CPI are flawed, thereby resulting in a CPI that overstates inflation, according to the ''experts,'' by at least seven-tenths of a percentage point and perhaps as much as 2 percentage points. Yet neither Republicans nor Democrats want to be the first to include a CPI correction in its budget.

By advancing such a correction in a bipartisan budget, neither party will receive the full blame or the full credit, depending on how the public responds, for addressing this issue. It is no secret that the American Association of Retired Persons [AARP] and other seniors groups are almost violently opposed to a correction of the CPI. But we haven't heard yet from the masses of working people who will continue to ''pick up the tab'' for as long as we continue to use an overstated CPI.

We may well be pleasantly surprised by the public's reaction when they find out that we can save $126 billion—as this centrist coalition plan proposes—by adopting a modest five-tenths of a percent reduction in the CPI over the next 7 years. This reduction is well below the official range, which extends from 0.7 to 2.0, by which the experts tell us the CPI is overstated. We adopt this modest figure precisely because we want to make clear that our motivation is to have an accurate CPI—and that our actions are not driven solely by budgetary pressures.

Nonetheless, it is impossible to ignore the fact that this step would save $126 billion over 7 years and, furthermore, that this represents $126 billion we would not have to cut from education, child care, health care, transportation, infrastructure, and other important priorities as we work to balance the budget.

It seems to me that all 100 Members of the Senate would leap in unison at the chance to embrace this provision, as well as the broader package we are proposing. Being a realistic creature, however, I would be satisfied if only 51 of us do so on this particular vote. I urge my colleagues to join us in this bipartisan effort.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Senator DOMENICI is recognized.

Mr. DOMENICI. I yield myself 5 minutes off the resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I want to give a report to the Senate about where we are and what things look like.

When we started this morning, we had 8½ hours on the resolution.

How much of that have we used this morning?

The PRESIDING OFFICER. Fifty-seven minutes.

Mr. DOMENICI. So essentially we are now down to about 7½ hours. Assuming that time runs uninterrupted throughout the day, all time will have expired pursuant to the unanimous consent request at 5:30 p.m. today. Pending at the start of today were 33 amendments that have been laid aside. We have disposed of 15 amendments either by rollcall vote or voice. Therefore, as of this morning, we have considered 48 amendments.

The consent agreement for first-degree amendments of last Thursday night listed about 75 amendments. Therefore, there could be as many as 27 first-degree amendments still to be considered. I am not at all sure, nor do

I in any way hold Senators to the amendments that they listed, but I think we still have to find out a little more about them.

So I encourage Senators who have first-degree amendments left on this list as of last Thursday night which we have not acted on yet to let the managers know this morning if you still intend to offer the amendments. I assume Senator EXON would join me in urging that they try to let us know this morning if they are going to call up amendments.

Mr. EXON. If we are going to have any order at all, we will have to have that.

Mr. DOMENICI. So as I look down this list of amendments that have not yet been brought up, I conclude that after removing the duplicative amendment—this is my own assessment—there are only 10 or 12 first-degree amendments left. But I cannot reach that conclusion without the help of some Senators who are on that list.

Not counting any second degrees that may be considered, this should give us hope that we can finish discussing all the amendments in the 50-hour time period and maybe even start voting late this afternoon. That depends upon whether it will be more accommodating to the Senate to vote all day tomorrow rather than to start tonight.

We need some guidance from Senators whose names and amendments are still on this list. I think I can say as of now that there are very few Republican amendments that are going to be called up off the list.

So I urge that the Democrat Senators that have amendments listed to let us know. We are going to stay here during the funeral of Admiral Boorda right up until 12 o'clock when we recess for the policy, and we will be in recess until 2:15. During that time, we will obviously do nothing here on the Senate floor. We are back in at 2:15.

If I have not used my 5 minutes off the resolution, I yield back whatever time remains and yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield time on the pending amendment?

Mr. EXON. The Senator from Nebraska seeks time off the amendment.

Mr. DOMENICI. I yield the Senator as much time off that as he needs. I am in charge of the opposition time. I will give him as much time as he wants.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I am about ready to yield 15 minutes to the Senator from Massachusetts, half of the time.

I will be allotted the half hour remaining on the pending matter. Is that correct?

Mr. DOMENICI. If you want Senator KENNEDY to have 15 minutes in opposition, I yield him 15 minutes.

Mr. EXON. Maybe we could settle something right now. I am not sure that we should be in session during the important matter that is going to be taking place at the Washington Cathedral. I was just wondering if I might have the attention of my colleague. I am wondering if it might be better for us to recess during the time of the memorial service with the time being charged along the lines just outlined by the chairman of the committee. I just say let us take that under advisement for now.

With that, if the Senator from Massachusetts could be recognized at this time as previously arranged.

Mr. DOMENICI. Let me take a minute off the resolution to respond.

I will be glad, in the next 10 minutes or so, to discuss this issue with you. I think it is probably more important to your side than ours because we do not have very many amendments left. But if you want to use time while the Boorda funeral is going on and charge it equally rather than a few of us remaining in the Senate, if you think that through and want to offer it to us, I am thinking I will probably agree to that.

Mr. EXON. We will visit about it. I hope the Senator from Massachusetts could be recognized at this time for 15 minutes.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend, Senator EXON, for yielding 15 minutes. I yield myself 12 minutes.

Mr. President, during the course of this budget debate, there have been several proposed amendments expressing a fundamentally bad idea, and that is legislating a change in the Consumer Price Index. These amendments have been offered as stand-alone, sense-of-the-Senate amendments and as part of the centrist coalition budget. In fact, 20 percent of the total cuts in this budget come from a legislative reduction in the CPI.

That kind of arbitrary action by Congress would break faith with the elderly and make a mockery of the commitment of both parties not to cut Social Security. It would raise taxes on low-income, working families qualifying for the earned-income tax credit and other working families as well. It would lead to lower wage increases for millions of workers throughout the country at a time when one of the most serious challenges our society faces is the decline in the living standards for all but the wealthiest families. Such a change would be harshly regressive in its impact. It would be unprecedented political meddling of what has been an impartial factual determination of the CPI.

Reducing the CPI would reduce cost-of-living adjustments for millions of Americans receiving Social Security benefits, military pensions, veterans pensions and civil service retirement. It would reduce the amount of supplemental security income payments to the needy, and because of indexing of tax brackets, it would raise income taxes for most taxpayers and reduce the earned-income tax credit.

Some may see a cut in the CPI as a magic bullet to balance the budget and avoid other painful choices, but it is a bullet aimed at millions of Americans who need help the most and who do not deserve this added pain. It makes no sense to fight hard to save Medicare and then attack Social Security. Legislating an arbitrary reduction in the CPI would clearly break the compact of Social Security. That compact says work hard, play by the rules, contribute to the system, and in turn you will be guaranteed retirement security when you are old.

An essential part of that compact is a fair Social Security COLA so that senior citizens can be sure that their hard-earned Social Security benefits will not be eaten away by inflation. Overall, more than three-quarters of the lower spending under the change would come from cuts in Social Security alone. Nearly all the rest would come from other Federal retirement programs. It is the elderly who pay heavily if Congress adopts this change.

Over the next 10 years, a half-percent cut in the COLA would reduce the real value of the median income beneficiary Social Security checks by $2,650. By the 10th year, the real purchasing value of that check would be 4.5 percent lower, making it even harder than it is today for senior citizens to stretch their limited incomes to pay the bills for housing, food and medical care, and other necessities.

Under the centrist budget, the median Social Security beneficiary will see the value of the benefits they have earned cut by $1,200 over the next 7 years. Let me repeat that. Under the centrist budget, the median Social Security beneficiary will see the value of the benefits they have earned cut by $1,200 over the next 7 years.

Reducing the Social Security COLA is a direct attack on the retirement benefits that senior citizens have earned. If Congress is to respect family values, it has to value families, especially the millions of elderly families all across America.

Changing the CPI also affects the deficit by increasing taxes because income tax brackets and the earned income tax credit are indexed to inflation. If the tax brackets are not adjusted for inflation, taxes go up and the earned income tax credit goes down.

Failing to adjust the tax bracket hits middle-income families the hardest. A family earning $36,000 would face a tax increase that as a percent of income would be more than four times as large as the tax increase faced by a family earning $100,000. Hardest hit are the low-income, hard-working families; 13 percent of the total tax increase, $6 billion, would be paid by these low-income, hard-working families under the centrist budget. Has not income inequality grown enough without legislating another tax increase that disproportionately harms working families?

The impact of cutting the CPI reaches well beyond the Federal budget. It is also a direct attack on the wages of working families. Many workers have CPI adjustments in their collective bargaining contracts, but every pay increase is affected by CPI. If the CPI is reduced by Congress, wages will be lower, too, for virtually all workers across the country.

There is no greater source of dissatisfaction in American families than the continuing erosion of their living standards. Except for the wealthy, the story of the past two decades has been, work harder and earn less. Cutting the CPI will make a bad situation even worse by putting even greater downward pressure on the wages of every American.

One argument made by the proponents of this idea of lowering the CPI is that it is merely an overdue technical correction that should be supported as a matter of good government. This claim cannot pass the truth-in-advertising test. The technical argument for lowering the CPI has been made by the Boskin Commission, which was appointed by the Senate Finance Committee to examine the issue. The commission issued a report in September of 1994 which identified several biases in the calculation. The commission asserted that the CPI had overstated inflation by 1.5 percent a year. For the future, the commission predicted the CPI would be 1 percent a year too high.

The major problem with the commission's analysis is that the sources of bias it identifies are also identified by the nonpolitical, professional economists at the Bureau of Labor Statistics in the Department of Labor. They have the responsibility for setting the CPI each year. They do so fairly and impartially. They make periodic corrections to take account of any biases up or down that affect the index. The Bureau already plans to reduce the CPI by about two-tenths of 1 percent in 1997. This reduction is already assumed in the budget projections for the next 7 years.

The issue is not whether there should be changes in the CPI but who should make them and how large they should be. The Boskin Commission's work is a poor basis for changing the CPI. As the Commission itself acknowledged, it did little original research. The Commission's membership was stacked with economists who believed that the CPI was overstated. According to Dean Baker, an economist at the Economic Policy Institute, all five members had previously testified they believed the CPI was overstated. Economists who gave contrary testimony were excluded.

According to Joel Popkin, another expert on the CPI, the Commission comprised five of the six witnesses before the full Finance Committee who gave the highest estimates of bias. As Mr. Popkin also pointed out, the interim report of the commission falls far short of presenting adequate justification for its conclusions, and therefore provides no basis for Congress to change tax policies or entitlement policies such as Social Security.

In fact, for the elderly, the group most affected by any change, the most authoritative study by the Bureau of Labor Statistics suggests that the CPI may understate rather than overstate the true increase in the cost of living because of the rapid increase in the medical costs for the elderly.

To legislate an arbitrary change in the CPI would be unprecedented. In the entire history of the CPI, the Congress has never tried to impose a politically driven adjustment, and there is no excuse for imposing one now. Senior citizens and working families across the country depend on a fair CPI, and Congress should keep it that way.

Mr. President, I believe that that provision is unwise and unjustified. It provides, according to their own proposal, total cuts of $126 billion over 7 years. That will be a Social Security cut of some $47 billion. It is going to amount to $1,205 for the median Social Security recipient, and it is going to reduce the value of the earned-income tax credit by $6 billion.

Who are these people? They are men and women who are working, making $25,000 to $28,000 a year. That is where it is gradually being phased out. It is going to take $6 billion out of their resources.

The Democrats are over here talking about increasing the minimum wage. That is $3.2 billion a year. They are talking about taking $6 billion out of families with children that are on the lower economic ladder. To believe that these families are part of the problem in terms of what we are facing in this country, I think is unjustified and unwise.

Mr. President, I think the basic concept of legislating an adjustment in the CPI, that some are willing to accept and interject based upon the Boskin Commission, which was basically flawed, is sending a very powerful message to our seniors. The elderly in this country are going to have a very real reduction in terms of their income over a period of years.

It is sending a message to workers who are below the average median income in this country that it is OK if they are going to lose some of the protections they have now primarily focused on their children. It is going to send a general message to all workers across this country that it is OK that they will see a reduction in their wages because most of the contracts that are signed are tied to the CPI. Here we are in the Chamber of the Senate with just some votes effectively saying to workers all across this country that their incomes are going to go down.

So this is a very, very important aspect of what is allegedly the compromise proposal. It is unwise. It is unjustified. I hope for that reason as well as others that the Senate will not accept that proposal.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we have had a wonderful presentation just completed about why this Nation does nothing about facing up to the problems that confront us. Sure it is easy to trash any proposal that comes before us. That is what we see. Not one word—not one word about what to do about the crisis our country faces in these entitlement programs in the future years. I find it terribly disappointing that the Senator from Massachusetts chose this opportunity to go out of his way to trash all the proposals that we presented but not a word about doing something about it. Right here we had presented why the Congress of the United States refuses to face up to the problems we have before us.

Mr. KENNEDY. Mr. President, may I reclaim time to be able to respond for 3 minutes? May I have 3 minutes to respond to the assault that the Senator from Rhode Island made upon me?

Mr. EXON. Reserving the right to object, we are trying to get something done here before 10:30. I thought we had an orderly process going on. But the Senator from Massachusetts, I think, is entitled to reclaim the time he yielded back, given the insertion of the remarks by the Senator from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time did I yield back?

The PRESIDING OFFICER. The Senator yielded back 3 minutes.

Mr. KENNEDY. Mr. President, I reclaim that time.

Mr. President, with all respect to my good friend from Rhode Island, in the various Republican proposals they had $4.4 trillion in, effectively, tax breaks for the wealthiest corporations and companies in this country. And, instead of finding that $100 billion over the period of the next 7 years from corporate welfare, from tax breaks that go to the wealthiest individuals and corporations and drive American jobs overseas, he is taking it out on the elderly and workers in this country. So I do not yield to those words of the Senator from Rhode Island. When you start to get after corporate welfare, Senator, when you start to support even what the administration talked about, $60 billion, when we start having, in your proposal, something that is reducing that corporate welfare, then you will have some credibility in speaking about that. Your proposal eliminates a minuscule $25 billion in corporate tax loopholes—$25 billion versus a tax cut of $100 billion. In total, your proposal cuts over $270 billion in spending for the elderly and the less well off through the Medicare, Medicaid, welfare, and EITC programs. I have not heard you speak about these particular issues and I reject the criticisms of the Senator from Rhode Island.

Several Senators addressed the Chair.

Mr. CHAFEE. May I have 30 seconds?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, much has been said about CPI. I ask unanimous consent that at this point an article by Mr. Jim Klumpner on CPI bias be printed in the RECORD.

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

FACT AND FANCY: CPI BIASES AND THE FEDERAL BUDGET

(By Jim Klumpner[1])

Does the consumer price index have an upward bias? The author believes that, while substitution and formula biases exist, together they might amount to 0.3 to 0.5 percentage points. Other alleged causes of bias are not considered significant. The budget negotiators already have incorporated substitution and formula adjustments in their baseline assumptions. To go beyond this is an attempt to camouflage an increase in taxes and a cut in Social Security, which could be regressive and call for excessive sacrifice by the elderly.

On January 10, 1995, Federal Reserve Chairman Alan Greenspan suggested that adjusting the Consumer Price Index (CPI) for alleged upward biases might produce federal budget savings measures in hundreds of billions of dollars. Understandably, politicians and political commentators found this very exciting, being largely unencumbered by technical knowledge about it. Gobs of free money? Why didn't we notice this before.

Within days, Speaker of the House Newt Gingrich let loose with a typically vesuvial outburst: ''We have a handful of bureaucrats who, all professional economists agree, have an error in their calculations. But we can't tell these people to get it right? If they can't get it right in the next thirty days or so, we zero them out, we transfer the responsibility to either the Federal Reserve or the Treasury and tell them to get it right.''[2] Like his colleagues, the Speaker was untroubled by subtleties, such as the conflict of interest posed by having the nation's primary inflation fighter control the data by which its performance is judged. No matter; the quality of federal statistics had hit the bigtime.

The situation to which this has now led holds rich ironies for me. Both at the Senate Budget Committee and at the Joint Economic Committee where I served previously, I have worked with a few far-sighted Democratic members of Congress to promote the integrity of the federal statistical system. By and large, this effort consisted of defending agencies like the Bureau of Labor Statistics (BLS) from penny-wise but pound-foolish budget cuts. We were privileged to have the National Association of Business Economists as allies in this effort, even though most NABE members probably wouldn't count themselves as Democrats. Now all of a sudden, the cause of quality statistics seems to have acquired a horde of new allies, many of them Republican politicians. It reminds me of a response that Robert Redford once gave when asked what it was like to have gorgeous women flock to him: ''Where were they before I became rich and famous?''

Unfortunately, the new allies of statistical integrity are pursuing their cause with zeal and urgency typical of recent converts. Politicians and journalists have been hazarding wild, research-free guesses about the size of CPI bias and proposing nonsensical ways to apply their new enthusiasm to the budget. In this murky atmosphere, it is important that economists at least see the issues clearly. As someone who worked to address the problem of CPI bias before it became so fashionable, I offer in this paper one view of the technical issues, as well as some thoughts about how COLA adjustments might figure in a deal to balance the budget.

HOW BIG IS THE BIAS?

Various reputable analysts have made guesses about the size of possible CPI biases, and their guesses span a rather broad range. The BLS, which not only produces the CPI but also has pioneered much of the research on potential biases, tends to be at the low end of the range. They estimate very small effects for the individual components of the overall bias, which in their view totals about a half percentage point of the annual inflation rate. This is similar to the conclusions of the Congressional Budget Office (CBO), which argued for a range of 0.2 to 0.7 percentage points in early 1995. Other economists have advanced much higher estimates. Most noteworthy is the 0.7 to 2.0-percentage-point range proposed last September by a commission headed by Michael Boskin who, I hasten to note, has long been an ardent advocate for quality statistics.[3]

It should not be too surprising that respected economists cite such a large plausible range for CPI biases, going from almost nothing to 2.0 percent per year. After all, we are trying to estimate the extent of our ignorance. This is the classic boot-strap problem in philosophy. How can you measure what you don't know, when you don't know what you don't know? Of course, this uncertainty among the experts does little to temper the certitude of others.

I tend to line up with the smaller bias estimates endorsed by the BLS and CBO, and I find the very high estimates of the Boskin commission implausible. Fortunately, there is fairly wide agreement on what kinds of biases might exist. By going through these components one by one, we at least can isolate where differences in opinion lie.

SUBSTITUTION BIAS

The substitution bias is one component of this problem on which most analysts can agree. When the CPI is used as a measure of the cost of living, it fails to capture consumers' ability to change the ''market basket'' of things that they buy. If the price of entertainment rises, for example, consumers can offset the impact of this on their well-being by purchasing more of something else, like food. A price index with fixed expenditure weights like the CPI will overstate the impact of rising prices for some items because it fails to account for consumers' substitution of other items whose prices have risen slowly or fallen.

When prices change by relatively small amounts over short periods of time, substitution bias isn't much of a problem. Over long periods of time, however, prices can drift substantially up or down, leading to correspondingly large changes in consumers' purchasing patterns. Thus, the substitution bias grows over time. A widespread consensus exists that the substitution bias averages about 0.2 percentage points over the course of a decade.

BLS argues that they never intended the CPI to be a cost-of-living index and that they are well aware that a fixed-weight index suffers from substitution bias when used as a cost-of-living proxy.[4] Nonetheless, they have accommodated the problem in the only way possible, i.e., with periodic revisions of the expenditure weights to reflect more current purchasing patterns. In the past, this was part of the BLS' regular decennial rebenchmarking of the CPI.

Unfortunately, funds were not appropriated in a timely fashion for the most recent rebenchmarking. As a consequence, the new index will not be ready until 1998 rather than this year, when it normally should have been introduced. Perhaps, the newly found urgency concerning quality price statistics will lead to more frequent and more regular rebenchmarking in the future. For now, all of the participants in the budget debate are assuming that the reported CPI will rise at least 0.2 percentage point less than it otherwise would have after 1998.

FORMULA BIAS AND OUTLET BIAS

Formula bias results from the sample rotation procedures used by BLS. The Bureau updates 20 percent of its surveyed outlets each year in an effort to keep their mix of both outlets and items more current. Past BLS procedures, in combination with fixed expenditure weights, gave improper weights to items whose prices are especially volatile. For instance, if an item happened to be on sale when the update was made, its fixed expenditure share corresponded to a temporarily overstated number of units, because of its temporarily depressed price. When the item's price returned to a more ''normal'' level, the impact of that price increase was overstated because it was multiplied by an inflated number of units. Similarly, items whose prices were temporarily high were undervalued, as was the subsequent fall of that price to a ''normal'' level.

The BLS became aware of the formula bias some time ago and has been working to correct if for the past couple of years.[5] They are replacing their previous procedures with a ''seasoned'' sample, which should more accurately distinguish short-term price volatility from enduring price change. BLS expects that this work will be complete by January 1997. When the budget negotiators became aware of this, Senators Dole and Domenici and Congressmen Gingrich and Kasich officially requested that BLS predict what the future results of their current research would show. Though somewhat uncomfortable with the request, BLS responded that they guessed the formula bias was between 0.1 and 0.3 percentage points, and the budget negotiators have now built this assumption into their baselines as well.

The Boskin commission's September report also argued that there is an outlet bias, distinct from formula bias, that they believe adds another 0.2 percentage points to reported inflation. As noted above, the sample rotation procedure is intended partly to ensure that the outlets surveyed are those at which consumers actually shop. BLS is confident that there is no outlet bias independent of the formulas bias. Indeed, it seems unbelievable that the price division at BLS could remain ignorant of K-Mart, Price Club and CompUSA when these firms spend millions of advertising dollars to make certain that the rest of us are aware they exist.

The commission's incorrect ideas about outlet bias and somewhat higher estimate for formula bias probably are the inadvertent results of the haste with which the September report was put together. It is unfortunate that the commission had time for only the briefest of briefings from the BLS analysts who work full-time on the CPI. Greater familiarity with what the Bureau actually is doing might have avoided these misunderstandings, as well as some of the unrealistic notions about quality adjustment discussed below.

QUALITY CHANGE BIAS AND NEW PRODUCTS BIAS

Most of the differences between economists' estimates of CPI bias stems from different views about quality change bias and new products bias. For instance, the Boskin commission's September report claimed that

Footnotes at end of article.

these two effects probably accounted for about 0.5 percentage point of bias and might account for as much as 1.3 percentage points. I would argue that the effect of these two factors is close to zero.

The basic concept underlying these two effects is quite straightforward. Quality change bias occurs when the characteristics of an item change at the same time that its price changes. Some of the price change should be attributed to the new characteristics, but some should be interpreted as a change in the price of the old characteristics. If the new item is in some sense twice as good as the old item and its price is also twice as high, the item's quality-adjusted price should not change.

The issue of new products bias is conceptually similar because consumers face a new range of offerings in the marketplace, just as they do when product quality changes. For instance, the proper way to analyze the introduction of a new drug that replaces a surgical procedure might be to compare the characteristics of these two treatments, both of which are expected to have the same therapeutic result. With both quality adjustment and new products, we need to distinguish ''pure'' price change from the part that reflects consumers' enhanced welfare due to new market options.

One notable paper argues that the flux of new offerings available in the marketplace is itself a significant contributor to consumer welfare, even if the items are not all that new.[6] The paper arrives at this conclusion by examining the case of Apple-Cinnamon Cheerios. The conclusion seems to derive from estimating the considerable surplus generated by marching down the demand curve from its intersection with the price axis to the place where it intersects the supply curve.

What appears to drive the analysis, however, is the assumption of imperfect competition, which implies that increased purchases of Apple-Cinnamon Cheerios don't merely displace other cereal purchases and the consumer surplus associated with them. It seems unreasonable to believe that households stock an ever-increasing quantity of breakfast cereal to accommodate the dizzying variety of new offerings. Most people can only eat just so much cereal.

Discussion of quality adjustment and new products bias raises a similar metaphysical puzzle to the one mentioned earlier in this article. After all, ''quality'' is usually distinguished from ''quantity'' because it is essentially nonquantifiable. How then should we measure something that we already have defined as essentially unmeasurable? For example, one of the most striking aspects of Windows software is the fact that its prettier than DOS. There is no obvious way to attribute a specific portion of the program's price to this improvement in quality.

In addition, economists like to believe that everything can be reduced to market prices, even though this clearly is untrue for a wide range of public goods for which markets fail. For instance, the required installation of smog controls on autos raises their price. It is doubtful that individual consumers perceive this as an improvement in the quality of their cars, though all of us may benefit from the cleaner air that results. How does one put a value on the improvement in air quality when there is no private market for clean air? How should we evaluate new antitheft devices on cars that compensate for rising fear of crime?

As a practical matter, BLS already makes a serious attempt to adjust for quality changes where they believe them to be a problem.[7] If both the old and new models of some item exist in the market at the same time, the difference between the prices can be used to estimate the proper quality adjustment. For some other items, the BLS attempts to measure directly the additional cost of added attributes, as they did with smog equipment on autos. Neither of these procedures is perfect, but the imperfections necessarily result from the inherent unmeasurability of quality itself.

One procedure for handling quality adjustment that BLS sometimes employs and that appeals to most economists is called the ''hedonic'' technique. This involves regressing past prices of an item on past changes in its characteristics. The coefficients from such a regression are then used to attribute some of the item's current price change to current changes in characteristics, with the residual being ''pure'' price change. It is fairly tricky to decide on a comprehensive set of independent variables so that the results do not suffer from omitted variables bias. This is a particular danger because any important unmeasurable factors necessarily will be omitted by their very nature.

Another serious practical difficulty in making quality or new product adjustments, whether hedonic or not, is cost. Large quantities of auxiliary data must be collected for each adjusted item, and highly trained econometricians must be hired to do the analysis. Furthermore, it is hard to know where to stop, short of comprehensive quality adjustment for every item in the CPI. It is safe to say that BLS does as much quality adjustment as their appropriations allow. The political process should provide the necessary funds if there now is a burning desire for more.

ARGUING FROM ANECDOTE

Because there hasn't been a comprehensive research effort to adjust a broad range of items in the CPI or to account for newly introduced goods, arguments in these areas usually rely on anecdote. The danger in arguing from anecdote, of course, is that an anecdote may seriously misrepresent the more general case. I believe that this is the source of error in the very high estimates for quality adjustment and new product biases of the Boskin commission and others.

The commission's September report explicitly notes that most of the evidence for upward price bias due to these two factors comes from nonauto consumer durables. The report cites VCRs, televisions, microwave ovens and PCs as hallmark examples. However, Table 1 shows that nonauto consumer durables account for only 4.2 percent of the expenditure weights in the CPI. House furnishings, which can hardly be said to show rapid increases in quality, account for 3.5 percent of spending, leaving only 0.7 percent of monthly expenditures for the whiz-bang stuff. This very low weight stems not from low prices for these items but from the fact that they are infrequently purchased.

Such tiny expenditure weights for the goods with which we typically associate quality improvement must imply astronomical rates of improvement in order to justify the quality bias assumed by the Boskin commission and others. For example, if goods imparting quality bias to the CPI represent only 1 percent of the index, then their quality would have to improve at 100 percent per year in order to arrive at a 1.0-percentage-point bias. The new PC that I bought this year certainly is better than the one I bought six years ago, but it's not sixty-four times as good. Advertisers' gaseous claims notwithstanding, the new PC has not revolutionized my life nor had an important impact on my well-being.

The problem of small expenditure weights is especially important for new products bias. Newly introduced items necessarily have tiny expenditure weights because they are novelties. The Boskin commission's report complains that ''the microwave oven was introduced into the CPI in 1978 and the VCR and personal computer in 1987, years after they were first sold in the marketplace.''[8] Even now, however, these items have weights measured in hundredths of a percentage point and properly so. Many households do not even own PCs, microwaves and VCRs, let alone Salad-Shooters. Those who do own such items purchase them only infrequently. It is this that gives them a tiny weight compared to things like rent and food, which loom large in the average consumer's budget. BLS must make a judgment about when new items comprise a sufficiently large proportion of expenditures to justify inclusion in the CPI. The evidence for these high-profile examples suggests that the Bureau's judgment has been correct.

Table 1.—CPI expenditure weights, 1995

Durable Goods	10.6
New Vehicles	5.1
Used Vehicles	1.3
House Furnishing	3.5
Other Durables	0.7
Nondurable Goods	32.8
Food and Beverages	17.4
Apparel	5.1
Other nondurables	10.3
Services	56.6
Shelter	28.0
Utilities	7.0
Medical Care Services	6.0
Other Services	15.6

Source: Bureau of Labor Statistics.

I have focused my arguments about quality adjustment and new products bias on the 0.7 percent of the CPI that the proponents of large bias adjustments usually cite. Perhaps there are other components of the CPI with larger expenditure weights that have had significant quality improvements but have been ignored. Let's see.

new motor vehicles account for 5.1 percent of the CPI. The Boskin report itself notes that the case for quality adjustment bias here is murky. They cite the ambiguity of balancing the negative quality adjustment for decreasing auto size with the positive adjustment for improved fuel efficiency, itself a function of the (declining) price of gasoline. Used vehicles, which make up 1.3 percent of the index, probably did show some upward drift in quality in the past, but BLS has taken steps to account for this since 1987. As mentioned above, household furnishings (3.5 percent of expenditures) probably haven't shown appreciable quality improvements, and new furniture in particular seems to have become cheesier in my opinion.

What about nondurables? Food and beverages account for 17.4 percent of the index. Staples like meat, poultry, fish, eggs, milk, cheese, fruits, vegetables, sugar, flour, etc. may have seen some improvements in freshness and selection, although rising salmonella contamination should give pause. Prepared foods may have shown some quality improvements but not much. Other nondurables are mainly apparel (5.1 percent) and various other goods like fuels, tobacco and school supplies (10.3 percent), for which quality improvements would seem trivial.

What about services, which account for 56.6 percent of expenditures? A whopping 28.0 percent of the typical consumer's budget is taken up with shelter. Here, the Boskin report acknowledges that there was a serious downward price bias in the past that resulted from BLS' inadequate adjustment for aging and depreciation. This downward bias in the CPI's largest single item has been corrected by the Bureau. Utilities account for 7.0 percent of spending, and there certainly has been little improvement here except for phone service.

Medical care services are another 6.0 percent, and the situation here is a bit ambiguous. Services for medical crises clearly have improved, although these expenditures are infrequent by their very nature, and the out-of-pocket costs for the average consumer are rather small on a monthly basis. On the other hand, routine visits to the doctor have become pretty annoying. Certainly, if there has been progress in the quality of medical care, it has had only marginal effects on morality, morbidity and lost work time.

The anecdotal evidence for the remaining 15.6 percent of spending that goes to other services suggests deterioration as often as improvement. Declining test scores certainly aren't reassuring to consumers wondering if they're getting their money's worth for out-of-pocket education expenses. Smaller airplane seats and deteriorating public transportation also suggest declining quality. Shoe-box movie theaters with dinky screens and stale popcorn have not brightened the movie-going experience. The shopping experience itself is less pleasant, and haircuts are about the same. Of course, there are improvements in the quality of some consumer service, notably ATM banking.

The point here is not whine nostalgically that nothing is as good as it used to be. Rather, I am arguing that once we get away from a few high-profile examples related to infrequently purchased household appliances, even the direction of quality adjustment is ambiguous at best. There is no question that modern market economies produce a great deal of flux in the range of products offered, but many of the offerings are meretricious rather than meritorious. To say that all of this change represents an inexorable improvement in the average consumer's quality of life is panglossian.

Once one looks at the relative importance of different items in the CPI and the actions that BLS already has taken to address quality adjustment and new products problems, the very high estimates of these biases become unbelievable. I would argue that, if these factors do impart an upward bias, it is a couple tenths of a percentage point at most. The most important spending for the average household still has to do with basic human needs: shelter, food, clothing, transportation and basic health care. The great quality improvements in these areas were achieved long ago. Current quality advances largely are limited to items that clearly are accessories to our lives or to situations that occur only rarely.

In sum, then, I believe that the very large overall bias that some analysts allege distorts the official CPI is about one-third science and about two-thirds virtual reality. A firm consensus exists regarding the substitution and formula biases, both of which BLS already is working to eliminate. With regard to the alleged outlet bias, some analysts appear to be misinformed about what BLS actually does. And with regard to quality adjustment and new products bias, large effects appear to result from overly enthusiastic extrapolation, if not wishful thinking.

THE CPI'S EFFECT ON THE FEDERAL BUDGET

As noted at the beginning, the whole reason that these issues have come to popular attention is that small changes in the rate at which government spending programs and taxes are indexed can have huge effects on the federal deficit. The great attraction of fiddling with the CPI is that it can be used to extract money from literally millions of taxpayers and benefit recipients. Table 2 shows CBO's official estimates of the budget savings that would result from reducing CPI indexing by a full percentage point. Seven-year cumulative savings amount to $281 billion, with an impact of almost $82 billion in FY 2002. About a third of the money comes from higher income taxes, another third comes from Social Security, almost a fifth comes from reduced debt service and the rest comes from other federal retirement programs, EITC and SSI.

It is easy to see how attractive it is for budget negotiations to scale back indexing under the guise of statistical integrity. The budget negotiators already have incorporated baseline changes corresponding to a 0.4-percentage-point adjustment to account for BLS's existing efforts to eliminate substitution and formula biases. The arguments above suggest that going beyond this is scientifically questionable. However, this is exactly what is being debated as this is being written in December 1995: an additional ad hoc adjustment to account for purported (though unmeasured) quality and new product bias. This seems to be an attempt to use statistical subtleties as a figleaf for increasing income taxes and cutting retirement benefits.

TABLE 2.—REDUCTION OF DEFICIT FROM 1.0 PERCENTAGE POINT CPI ADJUSTMENT

[In billions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Revenues	1.8	5.5	9.8	13.1	17.7	23.0	27.1
Outlays	3.1	8.4	14.1	20.2	26.5	32.7	39.8
SS, RR retirement	2.6	6.2	10.1	14.1	18.4	22.8	27.4
Other retirement	0.3	1.2	2.1	3.1	3.8	4.7	5.6
SSI, EITC	0.2	1.0	1.9	3.0	4.3	5.2	6.8
Offsets	0.0	−0.1	−0.2	−0.4	−0.7	−1.0	−1.4
Debt service	0.2	0.8	2.0	4.0	6.7	10.2	14.7
Total deficit reductions	5.0	14.7	25.9	37.3	50.9	65.9	81.6

Source: Congressional Budget Office.

That's not to say that reducing indexing should be considered a totally unacceptable tool for deficit reduction. It does mean that we should be honest about what we are doing. What is being proposed this year used to be called a ''diet COLA,'' a catchy term that distinguishes nicely between ad hoc changes and those based on scientific research. Scaling back indexing is not a ''correction'' of the CPI and does not ''reduce'' the CPI. One Republican senator offered and then withdrew an amendment to this year's Budget Resolution that BLS ''shall reduce the annual percent change in the consumer price indexes by 0.7 percentage points.'' (emphasis added) No mention here about just how that might be done, but plenty of confidence that science was on his side.

THE EFFECTS OF A DIET COLA ON THE INCOME DISTRIBUTION

Whether or not a diet COLA ought to be included in a comprehensive budget deal depends upon the same criteria as any other deficit reduction tool: How is the burden of deficit reduction apportioned across society, and will there be collateral effects that are unpalatable? Thus, we don't ask that the budget be balanced by eliminating the Defense Department, because it would be unfair to ask the defense sector to bear the entire burden of deficit reduction and because it would leave the nation without defenses.

In this regard, it is important to note that the diet COLA is regressive on balance, extracting relatively large budget savings from low-income households and relatively small amounts from the well-to-do. Table 3 shows CBO's estimates of a diet COLA's impact. It is important to note that the adjusted family income concept used in the table includes the employer's share of payroll taxes for Social Security and unemployment insurance as well as CBO's attribution of the corporate income tax by income class. As a consequence, the income concept also is adjusted for family size, but that has a much smaller impact on the distributional conclusions.

TABLE 3.—DISTRIBUTIONAL EFFECTS OF REDUCED CPI INDEXING

Adjusted, pretax family income [1]	Share of revenue change (percent)	Share of spending change (percent)	Share of total change (percent)	Number of families (millions)
Less than $10,000	0.9	10.5	6.0	14.6
$10,000 to $20,000	7.7	20.1	14.2	18.5
$20,000 to $30,000	11.6	17.5	14.7	16.6
$30,000 to $40,000	9.5	14.4	12.1	13.5
$40,000 to $50,000	7.7	10.3	9.1	10.8
$50,000 to $75,000	18.3	14.3	16.2	17.7
$75,000 to $100,000	16.1	6.0	10.8	8.6

TABLE 3.—DISTRIBUTIONAL EFFECTS OF REDUCED CPI INDEXING—Continued

Adjusted, pretax family income [1]	Share of revenue change (percent)	Share of spending change (percent)	Share of total change (percent)	Number of families (millions)
$100,000 to $200,000	17.0	5.4	10.9	7.0
Over $200,000	11.3	1.2	6.0	1.0

[1] Adjusted income is the sum of wages, salaries, self-employment income, rents, taxable and nontaxable interest, dividends, realized capital gains, and all cash transfer payments. Income also includes the employer share of Social Security and federal unemployment insurance payroll taxes, and the corporate income tax.

Source: Congressional Budget Office.

The table shows that, even with this inflated income measure, more than a third of the diet COLA's total burden is borne by families below $30,000 per year, or about 45 percent of all families. Fully 56 percent of the burden falls on families below $50,000 per year, who constitute 57 percent of all families. The table also shows that the effect on the tax side is mildly progressive, but this is offset by both the regressivity and larger impact of the spending side.

Clearly, this creates problems for those politicians who care about the income distribution. It is one thing for the diet COLA to be included as one part of a deficit reduction plan that is progressive in its overall profile. However, it is quite another thing to

add a diet COLA to a budget plan that already is regressive in its overall effect.

As this is being written, a group of fiscally conservative Democrats, known as the Coalition or Blue Dogs, has proposed a clever device that mitigates the regressive effect of the diet COLA on the spending side. As with other diet COLAs, they suggest that the cost-of-living adjustment for various spending programs be keyed to the official CPI minus some specified factor, like 0.5 percent. However, they would also stipulate that the reduced COLA received by all individual beneficiaries of a program be equal to the dollar amount for the average beneficiary. This means that those beneficiaries who are better off would receive a diet COLA that also was a smaller percentage adjustment than otherwise. Some beneficiaries well below the average would actually come out ahead.

THE EFFECTS OF THE DIET COLA ON THE AGE DISTRIBUTION

Part of the reason that the diet COLA has such a severe effect on very low income families is that the indexed spending programs are almost entirely retirement programs and elderly households tend to have low incomes. This highlights another distributional issue for those who care about such things: the impact of the diet COLA on the age distribution. Here again, the question is not just its effect on the elderly but whether that effect compounds sacrifices called for elsewhere in the deficit reduction plan.

The proposals being offered in the budget negotiations already get the bulk of their savings from Medicare and Medicaid. All Medicare spending and about a third of Medicaid spending goes to support health care for the elderly. In fact, about half of all nursing home expenditures are paid for by Medicaid. The most severe budget plans propose sharp cuts in service at the individual level because projected program growth would be insufficient to cover increases in the medical costs and the number of beneficiaries.

Adding a diet COLA, with its heavy impact on retirement programs, to any budget plan with large Medicare and Medicaid cuts would be doubly severe for the elderly. These are citizens who have few options with regard to working longer or harder to offset the effect of cuts. They also tend to have fewer health care options, because the medical attention that they usually need is acute care and it often is too late for preventive care. Expecting the elderly to take a leading role in medical cost containment through individual choice also seems unrealistic, because they may see choice as threatening and confusing rather than liberating. Using a diet COLA to get additional budget savings on top of the sacrifices from the elderly already being contemplated strikes me as unjust.

There is another important reason to think that price indexing should not be scaled back for retirement programs. Research suggests that these programs actually have been underindexed in the past because spending patterns for the elderly differ from those of consumers in general. Two years ago, the BLS reformulated the raw data underlying the CPI to take account of the different expenditure weights in the ''market basket'' of the typical older consumer.[9] The results shown in Table 4 indicate that this reconfigured index for the elderly increased by 4.1 percentage points, or 8.2 percent, more than the official CPI between December 1982 and December 1993. This resulted from the greater weight of out-of-pocket medical expenses for the elderly and the smaller weight for transportation, apparel, and restaurant meals. Of course, out-of-pocket medical expenses for the elderly would become an even larger item in the household budgets of the elderly under most of the deficit reduction plans being discussed.

TABLE 4.—DECEMBER TO DECEMBER CHANGE IN OFFICIAL CPI AND EXPERIMENTAL PRICE INDEX FOR THE ELDERLY

	CPI–U (percent)	Experimental price index for the elderly (percent)
1983	3.8	3.7
1984	4.0	4.1
1985	3.8	4.1
1986	1.2	1.8
1987	4.4	4.5
1988	4.4	4.5
1989	4.6	5.2
1990	6.3	6.6
1991	3.0	3.4
1992	3.0	3.0
1993	2.7	3.1
1982–93	49.7	53.8

Source: Nathan Amble and Ken Steward, ''Experimental price index for elderly consumers,'' Monthly Labor Review, May 1994.

The BLS researchers stressed that one would need a much more comprehensive effort to create a reliable CPI for the elderly. In particular, one would have to discern whether they shop at the same kinds of outlets as younger consumers and whether they purchase the same kinds of items. Anecdotal evidence suggests that they don't and the divergence between the CPI and the cost of living for the elderly might be even greater if these factors were taken into account. It appears that the elderly tend to shop more at neighborhood stores rather than discount outlets and that they have limited options to save by buying in bulk.

CONCLUSION

As a longtime proponent of better statistics, the sudden awakening of interest in price measurement issues is gratifying. However, I am dismayed that this has not been accompanied by an equal commitment to fund or even to acknowledge the analytical effort needed to address these issues sensibly. The public discussion of the CPI's biases has been carried away on a tide of outrageous claims that have little scientific basis. Most disturbing is the apparent willingness to make arbitrary adjustments to one of our most important economic indicators rather than improve it with more frequent updates and careful research.

Very large estimates of CPI bias that range as high as two percentage points appear to result from ignorance about what the CPI actually contains and what the BLS actually does. Full-time professionals responsible for properly surveying the mix of outlets certainly are aware of the giant discount chains familiar to the rest of us. Claims that BLS has not addressed the most important quality adjustment issue are patently false. Speculations about huge quality bias seem to result from extrapolating the characteristics of household appliances that average consumers buy once every few years to the much larger and more prosaic spending that they do every month. Arguing that the CPI ignores the great benefits of new product introductions probably fails to note that most such ''new'' products are merely new styles.

A solid scientific consensus does exist regarding substitution bias and formula bias. Not surprisingly, BLS already is moving to correct these biases. The Bureau also attempts to correct for quality adjustment and new product biases within the constraints of their budget. Although there is no convincing evidence that quality biases are large for items that they do not adjust, BLS undoubtedly would welcome additional resources for more extensive and sophisticated research. Presumably, they also would be happy to have funds for more frequent rebench- marking and more frequent sample rotation.

The budget negotiators already have incorporated adjustments in their baseline assumptions to account for the two most firmly established components of the CPI bias; substitution and formula bias. Going beyond this is not justified by firm evidence. To do so while claiming a scientific justification amounts to an attempt to camouflage an increase in taxes and a cut in Social Security. A diet COLA should not be adopted as part of a deficit reduction plan that already is likely to be fairly regressive unless some effort is made to counter the regressive effects. In addition to remediating the income regressivity of the diet COLA, one also would need to ensure that it was not part of a deficit reduction plan that called for excessive sacrifice by the elderly, whose retirement benefits may well have been underindexed in the past.

FOOTNOTES

[1] Jim Klumpner is chief Minority Economist, U.S. Senate Budget Committee, Washington, DC. The opinions expressed in this paper are those of the author and do not necessarily represent official positions of the Democratic members of the Senate Budget Committee.

[2] Quoted in Washington Post, January 18, 1995.

[3] Michael J. Boskin, Ellen R. Dulberger, Robert J. Gordon, Zvi Grilliches, and Dale Jorgenson, ''Toward a more accurate measure of the cost of living,'' September 15, 1995, Senate Finance Committee.

[4] Bureau of Labor Statistics (BLS), ''Report from the Bureau of Labor Statistics for the House Budget Committee,'' House Budget Committee, p. 13.

[5] BLS, op, cit., p. 14.

[6] Jerry A. Hausman, ''Valuation of new goods under perfect and imperfect competition,'' NBER Working Paper No. 4970, December 1994.

[7] BLS, op, cit., pp. 21–23.

[8] Boskin et al., op. cit., p. 21.

[9] Nathan Amble and Ken Stewart, ''Experimental price index for elderly consumers,'' Monthly Labor Review, May 1994.

Mr. EXON. Mr. President, I hope we could move ahead now, if we might, with the agreement.

Mr. CHAFEE. I wonder if I might have that 30 seconds?

Mr. KENNEDY. Then I would ask for 30 seconds, too.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I ask the Senator look at our proposal. He will see there is $25 billion of corporate welfare cuts that he is discussing. Perhaps if he became more familiar with it we would all be better off.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

HONORING ADM. JEREMY M. ''MIKE'' BOORDA

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of a Senate resolution I now send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 255) to honor Admiral Jeremy M. ''Mike'' Boorda.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, today a grateful nation pays its final tribute to a true patriot and hero, Admiral Jeremy ''Mike'' Boorda, who died on

Thursday, May 16, 1996, at the age of 56. There will be a memorial service today at the Washington Cathedral to honor Admiral Boorda. I want to take this opportunity, on behalf of many of my colleagues on both sides of the aisle, to honor this man and his truly vital contributions to our Navy. His service to our Nation was a model to which every American could aspire.

Admiral Boorda was a high school dropout who joined the Navy at the young age of 16 as a seaman recruit. After rising to become a petty officer first class in 1961, at the urging of a chief petty officer, Mike Boorda applied for admission to an enlisted commissioning program, but he had no confidence of success. He was selected on his second application and commissioned an officer in 1962.

In 1991 he received his fourth star and became the commander-in-chief of Allied forces in Southern Europe. As CINCSOUTH, he was in charge of an air strike in February 1994 against four Bosnian Serb aircraft flying in violation of the U.N. ban on fixed-wing flights. This was the first time that a NATO commander had ordered alliance forces to use deadly force on an offensive mission in the organization's 44-year history.

On April 23, 1994, Admiral Boorda became the 25th Chief of Naval Operations. He assumed command of the world's greatest Navy while it was still suffering from the aftermath of the Tailhook scandal. Despite Tailhook, a rash of cases of sexual misconduct, and several plane crashes, Mike Boorda tackled all these problems with energy that many of us could not match. Why? Because Mike Boorda loved the Navy.

He once said, ''I stayed in the Navy because I love going to sea. I hope everybody is experiencing that. If you're fortunate enough to be at that stage in your career where you still get to go to sea, relish it. Enjoy it and have fun. Realize that you are a part of a long line of people who have gone down to the sea in ships, and it's a special thing to do.''

Mike Boorda was a ''Sailor's Sailor.'' He devoted his life to making our Nation more secure and to securing a better life for those who serve our country. As the only sailor to rise from E–1 to become Chief of Naval Operations, he knew what it meant to be at the bottom and top of the chain of command. This experience instilled in him an unwavering desire to help sailors and their families serve proudly and live in a manner in which they could be proud.

He was a man of both physical and moral courage. From Southeast Asia to Bosnia, he was willing to put his life on the line to serve his Nation, but he was also willing to put his career on the line for the sailors he loved and the principles he stood for: duty, honor, and commitment.

Admiral Boorda's entire Navy career was marked by a single characteristic—compassion. He cared more for others than he ever cared for himself. He cared more for his Navy than he ever cared for his Navy career. All that he did and all that he gave will live on forever in the men and women that he loved so much.

More than anything, he loved being around sailors. When he went on board a ship or walked into a room full of sailors, you could see the twinkle in his eyes and a caring smile come across his face. He made sailors and their families feel better about themselves and better about what they did. He used to say almost everyday, ''we have the best sailors in the world, let's treat them that way.'' His love of sailors drove him to personally talk with more than 200,000 sailors, and visit more than 100 of the 360 ships in the fleet in his 2 years as CNO.

As I said earlier, he was a man of the sea, he believed that going to sea, getting underway, was about the most special thing one could do. He used to joke that he would like to change places with the younger officers so he could return to driving ships and personally leading sailors. He prided himself on his ship handling skills and talked often about how much it meant to him to be considered one of the best ship drivers in our Navy.

Like most sailors, he was a storyteller. He loved to captivate an audience with a yarn about his days at sea, or about his family, especially his grandchildren. Almost everyday at his office, he would come in with a new tale about what one of his grandchildren had done or how something reminded him of when he was a young seaman or junior officer. He had a way about him, so that when he spoke, everyone would instinctively rise and fall on his every word.

He was a man of great humor and of great humility. At serious meetings or in tense congressional hearings, he would break the tension with his dry and self-effacing sense of humor. He also never spoke of ''I''—he only spoke of ''we''—when talking about what our Navy had accomplished. He would go to great lengths to ensure that others were not embarrassed or publicly humiliated when things went wrong. He always took responsibility for the bad, and always avoided praise for the good.

Admiral Boorda was a visionary in naval strategy. When he became CNO, he recognized that the post-cold-war era required a strategy that retained the Navy's tradition of forward presence, but he also knew that it was much more likely that we were going to fight near land, in the world's littorals. He transformed the Navy's approach to meet this new strategy situation in ''Forward . . . From the Sea,'' the strategy that will carry the Navy into the 21st century.

He was a visionary in technology. He spearheaded such projects as the arsenal ship, the new attack submarine, theater ballistic missile defense, and cooperative engagement capability. These programs, and many others, put the Navy on the cutting edge of technology and did so in a way that was efficient, affordable, and flexible. He also recognized our Navy needed a strategy to accompany emerging technology, so he developed ''2020 Vision,'' a long range plan for acquiring and using future technology to achieve our strategic objectives.

Because he cared so much about his sailors, he took real steps to improve their lives: He significantly increased military housing starts. He fought for and achieved pay raises and increases in BAQ amounts and eligibility. Despite significant cuts in ships and sailors, he was able to prevent a rise in the deployment time of sailors. He revamped the officer and enlisted evaluation system so that it provided clear standards and accurately reflected performance, and he successfully integrated women into combatant ships and aircraft squadrons.

Like many of my colleagues, I have had the privilege of working closely with Adm. Mike Boorda for several years. I came to admire him immensely—his intelligence, common sense, energy, sense of humor, and most important, his commitment to our Navy, our country, and his family.

Admiral Boorda once said of Adm. Arleigh Burke, ''he defined what it means to be a naval officer: relentless in combat, resourceful in command, and revered by his crews. He was, indeed, 'a sailor's sailor'.'' I think Admiral Boorda also exemplifies these words.

Adm. Mike Boorda was a man who loved his country and served it with distinction from the age of 16 to the day he died. He was an American success story and a hero who will be missed by all of us.

Mr. President, I submit this resolution and ask for its immediate consideration.

Mr. EXON. Mr. President, I yield myself as much time as I am in need of off the resolution.

I thank Senator LOTT. I am a cosponsor of the amendment. It is very appropriate. We, on this side, join in and thank him for honoring the memory of Mike Boorda, our dear and departed colleague who we shall all miss very much. Thank you, Senator LOTT, for the excellent statement in behalf of all of us in the U.S. Senate.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas Admiral Jeremy M. ''Mike'' Boorda was the 25th Chief of Naval Operations;

Whereas as the Chief of Naval Operations, Admiral Boorda commanded the foremost Navy in the World;

Whereas Admiral Boorda's career in the Navy reflected his lifelong dedication to the United States and to the principles he held dear—duty, honor, and commitment;

Whereas Admiral Boorda is the only member of the Navy ever to rise from the lowest enlisted grade to the position of Chief of Naval Operations, and his rise gave him a full and unique perspective on the opportunities and obligations of command;

Whereas this perspective instilled in Admiral Boorda an unwavering concern for the members of the Navy and their families;

Whereas as Commander-in-Chief of NATO forces in Southern Europe, Admiral Boorda ordered the first offensive use of deadly force in the history of NATO, an air strike in February 1994 against four Bosnian Serb aircraft flying in violation of a United Nations ban on such flights;

Whereas Admiral Boorda was a visionary in naval strategy who recognized that circumstances in the post-Cold War era made necessary a strategy that retained a forward presence for the Navy even as it recognized that future Navy operations would most likely occur in the littoral zones of the world;

Whereas this strategy, which Admiral Boorda called ''Forward . . . From the Sea'', will serve as the basis for Navy strategy well into the 21st century;

Whereas Admiral Boorda was a visionary in naval technology who spearheaded programs for the development of the arsenal ship, the new attack submarine, theater ballistic missile defense, and cooperative engagement capabilities;

Whereas these programs, and many others spearheaded by Admiral Boorda, put the Navy on the cutting edge of technology and did so in an efficient, affordable, flexible manner;

Whereas Admiral Boorda recognized the need for the Navy to develop a strategy for utilizing emerging technology effectively and developed in response to that need the plan known as ''20/20 Vision'', a long-range plan for the acquisition and utilization of technology in the future in order to achieve the strategic objectives of the United States; and

Whereas it is fitting that Admiral Boorda be remembered as he described Admiral Arleigh Burke when saying that ''. . . he defined what it means to be a naval officer: relentless in combat, resourceful in command, and revered by his crews . . . He was, indeed, a sailor's sailor.'': Now, therefore, be it

Resolved, That the Senate honors Admiral Jeremy M. ''Mike'' Boorda for a career that included extraordinary contributions to the defense of the United States and a singular commitment to the members of the Navy and thereby exemplified all the best qualities in an officer in the United States Navy.

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

UNANIMOUS-CONSENT AGREEMENT—SENATE CONCURRENT RESOLUTION 57

Mr. DOMENICI. Mr. President, I understand that in a minute or so we are going to go in recess. We will be in recess until 2:15 this afternoon. We would have been functioning on the floor here until 12:30 but for the Boorda funeral, and then been in recess from 12:30 to 2:15. So what we are going to do is go in recess now. I ask unanimous consent that when we go in recess at 10:30, that we reconvene at 2:15 p.m. this afternoon.

We had already had unanimous consent that the time we would be in recess to go to policy meetings would be charged against the resolution. I ask that 1 additional hour be added to that time, charged against the resolution. That means that half of the time we are out for the Boorda funeral will be charged to Senate business, half will be left on the resolution, and that will be equally divided.

Mr. EXON. Mr. President, we have agreed to this on this side. I have checked with our leader. I think this is the proper way to proceed.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 10:29 a.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

Madam President, suffice it to say, we are now ready for business. If there is any Senator who wishes to offer an amendment, this is an opportune time to do it.

The basic situation is this: We have approximately 4 hours left under the agreement. That is 2 hours on each side. We have a large number of amendments still outstanding and Senators have not indicated to either manager of the bill whether the amendments are actually going to be offered or not.

I suppose the question is being asked, ''Well, when are we going to start voting?'' As of now, the time will run out on the resolution sometime between 6 o'clock and 6:30. I suggest we could not start voting before that time, unless time is yielded back. But my experience has been that normally time is not yielded back. At the end, we have Senators clamoring for time and, yet, the time will have run.

So it appears now, unless time is yielded back, that we could not possibly start voting any earlier than 6, probably sometime after that. There is an event scheduled tonight that is absolutely going to prevent us from being here and holding rollcall votes, I would think, much after 6 o'clock. So I think it is safe to say we should get over here and get our work done. Maybe we can get one or two rollcall votes in before we adjourn for the day, but certainly that is not assured.

It appears to me now, that we are looking at not more than one or two rollcall votes—if that, and a whole series of individual rollcall votes, maybe 20 to 40, somewhere in that neighborhood, are a possibility for tomorrow and the days and hours that follow. When Senator DOMENICI comes to the floor—and I think he will be here shortly—he may have some additional information because he will be calling the shots.

So, once again, in the absence of anyone offering an amendment or seeking recognition at this time, I suggest the absence of a quorum, with the time to be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KYL. Thank you, Madam President.

AMENDMENT NO. 3996, AS MODIFIED

Mr. KYL. Madam President, I ask unanimous consent that my amendment No. 3996 be modified, which I send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 3996), as modified, is as follows:

On page 4, line 10, decrease the amount by $90,000,000.

On page 4, line 11, decrease the amount by $181,000,000.

On page 4, line 12, decrease the amount by $181,000,000.

On page 4, line 13, decrease the amount by $181,000,000.

On page 4, line 19, decrease the amount by $85,000,000.

On page 4, line 20, decrease the amount by $174,000,000.

On page 4, line 21, decrease the amount by $181,000,000.

On page 4, line 22, decrease the amount by $181,000,000.

On page 5, line 3, decrease the amount by $85,000,000.

On page 5, line 4, decrease the amount by $174,000,000.

On page 5, line 5, decrease the amount by $181,000,000.

On page 5, line 6, decrease the amount by $181,000,000.

On page 31, line 17, decrease the amount by $90,000,000.

On page 31, line 18, decrease the amount by $85,000,000.

On page 31, line 24, decrease the amount by $181,000,000.

On page 31, line 25, decrease the amount by $174,000,000.

On page 32, line 6, decrease the amount by $181,000,000.

On page 32, line 7, decrease the amount by $181,000,000.

On page 32, line 13, decrease the amount by $181,000,000.

On page 32, line 14, decrease the amount by $181,000,000.

On page 52, line 24, decrease the amount by $90,000,000.

On page 52, line 25, decrease the amount by $85,000,000.

On page 53, line 2, decrease the amount by $181,000,000.

On page 53, line 3, decrease the amount by $174,000,000.

On page 53, line 5, decrease the amount by $181,000,000.

On page 53, line 6, decrease the amount by $181,000,000.

On page 53, line 8, decrease the amount by $181,000,000.

On page 53, line 9, decrease the amount by $181,000,000.

Mr. KYL. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the quorum time be charged to each side equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. I ask unanimous consent to have 2 minutes to speak as in morning business on a bill I am introducing.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Marty Gensler be permitted privileges of the floor for the duration of the debate.

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

Mr. WELLSTONE. Madam President, I thank the Chair.

(The remarks of Mr. WELLSTONE, pertaining to the introduction of S. 1786, are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE. I yield the floor.

I suggest the absence of a quorum.

Mr. EXON. Madam President, I amend the request for the quorum call with the proviso that the time be charged equally to both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

Mr. WELLSTONE. Madam President, I thought since we are in a quorum call I might just briefly summarize since time is being charged to both sides—and this will be charged to our side—several amendments that I have introduced just to focus colleagues' attention on those amendments.

The PRESIDING OFFICER. Does the Senator from Nebraska yield time?

Mr. EXON. How much time does the Senator from Minnesota need?

Mr. WELLSTONE. Five minutes.

Mr. EXON. I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 3985

Mr. WELLSTONE. Madam President, I actually laid down these amendments on Friday. But I thought since we have a quorum call and time is being charged to both sides—this charged to our side—I want to focus attention on several of the amendments that I laid down Friday. One of those amendments which was a leadership amendment—and I compliment the Chair for her very, very important work dealing with higher education—was an amendment that I introduced as a sense of a Senate that any tax cuts beyond tax credits for children and families ought to go for an annual up to $10,000 deduction that families can take to help pay for the cost of higher education, and that would include tuition, and also the interest that families find themselves paying on the debt.

That interest is extremely important because now, unfortunately, as opposed to at least when I went to school, about 80 percent of the financial aid packages are now loans as opposed to grants. It used to be quite different. It has flip-flopped in the last 15 years, or so. I hope that this money will go to higher education making it more affordable for families, or it has to go to deficit reduction.

I hope that this amendment really will receive strong bipartisan support. I laid the amendment down as an education Senator. Most of my adult life has been devoted to education. I laid this amendment down as a leadership amendment for my party. But, frankly, I think this is an amendment that is important to the Democrats and Republicans alike. Since we are going to have a rapid succession of votes on lots of amendments, I just wanted one more time to focus attention on this amendment.

AMENDMENT NO. 3987

The second amendment that I might talk about very briefly was an amendment that I introduced at the beginning of 104th Congress and, frankly, I regret that it was passed finally on a voice vote. It just simply said that the Senate was taking the position that we would not pass any legislation that would create more hunger or homelessness among children. I actually lost on the vote on that amendment twice, and then it was passed by a voice vote. But given some of the budget proposals and given some of the, I think, fairly rigorous independent studies that have taken place suggesting that as a matter of fact we are in part taking some actions that will create more poverty among children, this time around I want to get a recorded vote.

AMENDMENT NO. 3986

A third amendment I introduced, which is one that the Senator from Delaware has actually taken the lead on, just simply said that we ought to make a commitment that we will provide the full funding called for in the community police program—the COPS Program.

I have to say to you, Madam President, that I have never received more positive reports with any Federal program in Minnesota than the COPS Program. A one-page form filled out by COPS going to Washington with money coming directly back to police chiefs and sheriffs used for really fine proactive preventive, important—not feel-good law enforcement—a real focus on domestic violence, a real focus on some of the neighborhoods most ravished by violence in our cities, and a real focus on youth, on some of the kids that are in the most trouble, not exclusive just to cities but in rural communities as well. So I hope that there will be very, very strong support for that.

AMENDMENT NO. 3989

And then finally one other amendment that I want to talk about very briefly—one that my colleagues are probably less familiar with but I think it is an important amendment. And again, the Chair has taken real leadership on this. This issue has become unfortunately a more important issue in this country, and this issue deals with the central importance of our taking the steps that we need to take as a nation to reduce violence in homes.

This amendment says that in the welfare reform we do we must allow States to take into account the special circumstances of a mother and her children who have been in homes where there has been violence; who have been battered. In other words, one size does not fit all. And my fear is that, if we are not careful, what we are going to do in the welfare reform area is we are going to be essentially saying to a mother that you have to work, and if you do not work that is it, without taking into account what has happened to her.

Remember. It took Monica Seles 2 years to play tennis again after what happened to her. What is going to happen is we are going to force some of the women and children back into very dangerous homes? We have to take into account these circumstances. There have been several studies. The Taylor Institute came out with a study suggesting that a shockingly high percentage of welfare mothers in welfare to workfare programs right now have had to deal with this violence. So we must take that into account in the welfare reform area.

I have used up my time. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 3985

Mr. BIDEN. I ask unanimous consent that I be able to proceed for up to 5 minutes on an amendment No. 3985.

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

Mr. BIDEN. Thank you, Madam President.

Madam President, this is the amendment to which the Senator from Minnesota spoke relating to the tax deductibility for up to $10,000 for higher education payments. A number of us have introduced separate—and some together—bills and sense-of-the-Senate resolutions to accomplish just that.

The President I believe in his State of the Union called for such treatment. I would just like to reiterate what my friend from Minnesota said.

First of all, this is only a resolution. I wish it were an up-or-down vote on a legislative initiative to change the tax law to allow parents and/or students to deduct up to $10,000 of the costs of a college education. That is the cost which most people are focusing in on. But, it is not just 4-year colleges. It can be a 2-year college. It can be a postgraduate undertaking.

I hear my friends—and I know that the Presiding Officer is younger than I am but we are not that very far off, the four of us on the floor here—I hear people of our generation say how they worked their way through college. I worked my way through college. I was able to get some financial help and some scholarship money as well as help from my parents. But I worked my way through college. But do you know what? The minimum wage was $1.25 cents, and the total cost to attend our State university, the University of Delaware, was $325 a semester for tuition. You could work your way through college if you were willing to work.

It always fascinates me when I hear people my age—I am now 53—talk about, ''Why don't they do what we did—work our way through school?'' because now the minimum wage is under $4.50 an hour. And to go to that same great university, my alma mater, is going to cost them about $6,000 if they are an in-State student. If you are unfortunate enough to have children like many of us do here who decide—and are able—to go to an institution other than the State institution which I attended, you will find that their tuition and room and board is $25,000 a year, if they go to Georgetown University, which one of my sons attended, or to Yale where another son is. That is $25,000 a year. We do not all go there. Most of us, as in my case, could not get there.

I am very proud of my State university, and proud of having gone there. But the truth of the matter is when my dad and mom were helping me get there, and I was working my way through, the median family required only something on the order of less than 3 to 4 percent of its income to send someone to college. Now we are talking about almost 9 to 10 percent. If they are going to go to a private institution, it can be well over 50 percent.

So you cannot work your way through college any more in 4 years on a minimum-wage job. You cannot do it.

So an awful lot of students, including even many of our children—and we are in relative terms more affluent than the average American—have loans. My colleague, the former professor, knows more about this than I do. I heard him quote the statistic that we have flipped. It used to be that most of the money people got to go to college were grants, and a minority were loans. Now they are almost all loans and a minority are grants.

I realize, even if this resolution passes, it is not going to change the law. But maybe it will put us on record of doing something that is long overdue, just as we give businesses a tax break for investing in new machinery and new plant and equipment because it generates economic growth—I ask unanimous consent to proceed for 2 more minutes.

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

Mr. BIDEN. It is sound policy to say to a business that, ''If you invest in this new piece of machinery, it will increase productivity, you will end up hiring more people, and it will generate income.'' That is going to increase the economic growth of the Nation. It makes sense to do that. Well, there is nothing that increases the economic growth of this Nation more than investing in the higher education of our children.

It is getting increasingly difficult for young men and women like me who come from a middle-income household—I guess technically lower middle-income, but a middle-income household—to be able to go off to college.

It is just getting very, very, very hard. If my father were making the money he made then now, he would be making about $34,000 a year, if I am not mistaken. He had four children he sent to college. How do you send four children to the State university—the State university—on $34,000 a year? My father, it seems to me, and my mother and their counterparts today—my dad is now 80—think that college education is the single most important legacy, other than our religion, other than our Catholicism, in my case. The single most important thing my parents wanted to leave with me was to have a college education, which they did not have.

It is getting awfully hard for people to do it. I think this is a sound investment. I think it is just. I know it is almost oratory if it is only a resolution, but it increases the prospects that we will find the wherewithal to go on record and actually change the law.

So I thank my colleagues for their indulgence. I thank my friend from Minnesota for his leadership. I realize he says this is bipartisan. I heard this idea generated from my Republican colleagues as well as my Democratic colleagues. I thank the Chair. I yield the floor.

Mr. WELLSTONE. Madam President, in just 10 seconds, I want to say I was really remiss in the beginning when I laid down the amendment in not saying that it was on behalf of myself and Senator BIDEN. I am really proud to have him out here on the floor speaking about this.

I was just going to say to my colleague from Delaware that if you think about the economics of this, this becomes the sort of central middle-class issue, working-family issue, because really what happens is, those students who can get the grant assistance tend to be the lower income students, and then if you are in the very high-income end, you can pay your way. But it is those families in between that are really feeling the squeeze. He is so right on the mark.

The only other point I will make, Madam President, which is why I hope this is adopted as a statement before the Senate, I spent a great deal of time on campus. It takes a student on the average of 6 years—it is getting up near 7 years—and that is because they are working two and three minimum-wage jobs. Most students are working 30, 45 hours a week while they are going to school.

The other thing to add to the equation, which is very different than when we went to school, because we are similar in age, is that the students now are no longer 18 and 19 and living in the dorm. I think the majority of students now, if not the majority just about close to the majority of students are 30, 40, 45, 50, going back to school, many of them women, many of them with children. As a matter of fact, this is one of the ways in which many families get back on their feet. So those students who really have children feel this economic squeeze as well.

I think this is just a critical vote, and I hope we will have a strong vote for it.

I yield the floor and suggest the absence of a quorum and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. EXON. Madam President, I am about to yield whatever time he may need from our side to the minority leader. But before I do that, I want to renew the clarion call once again. We have, according to our records—this list in my hand which I will not bother to count—lots of amendments that have been offered, have been debated, that we are going to start voting on some time.

But in addition to that, we have about 28 to 30 amendments that Senators have indicated to the managers are going to be offered. This would be a very good time to offer them because, if we do not see some movement on some of these things, we may run completely out of time. Then Senators are going to come here and say, ''Why

didn't you protect me in offering an amendment?''

I am protecting them now. The chairman of the committee is protecting those on his side. But we are running out of patience on protection.

So I plead once again that the Senators who have indicated to the managers of the bill that they are going to offer amendments, please come over and do so. If you are not going to offer the amendment, please call the cloakroom, the respective cloakroom, whether Democrat or Republican, and indicate that the amendment is not going to be offered. That will give us a chance to better manage and move the proposition along.

I ask unanimous consent to set the pending amendment aside.

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

Mr. EXON. With that, I yield whatever time he may need off our time to the minority leader.

The PRESIDING OFFICER (Mr. INHOFE). The distinguished minority leader.

POINT OF ORDER

Mr. DASCHLE. Mr. President, let me first associate myself with the remarks of the distinguished ranking member. We are down, now, to the final couple of hours. I really hope we will not lose the opportunity to have a good debate on whatever issues are left outstanding. I think there has been a real, good-faith effort over the last 2½ days to reach this point. We have had a good debate. I hope we can finish it off now. There are virtually no Members on the floor prepared to offer amendments. We ought to correct that. We will give people an opportunity in the next 10 minutes to come to the floor and offer additional amendments.

In the meantime, I want to call attention to a concern I have raised a number of times already relating to the circumstances in which we find ourselves on this particular resolution. I have viewed the procedures employed by the majority all through the 104th Congress with increasing concern. Our side, the Democratic caucus, has been systematically deprived of the opportunity to offer legitimate amendments. It has been an recurring practice on the Senate floor over the last several months for the majority to offer a bill, to fill the so-called parliamentary tree, preclude Democrats from offering amendments, and then file cloture so we are left with no other recourse but to vote against cloture and to continue to bottle up the legislation. It's either that or accept entire bills as forced upon us by the majority without seeking to exercise our fundamental rights as Senators to debate and amend. Given those terms, we've had no choice but to vote against cloture. We have voiced our concern over and over, and will continue to do so, about this fundamental abuse of Senate rules. Democrats never employed such extreme tactics when we were in the majority. I hope we will not get in the habit of doing so in the future. I think it is wrong. I think it undermines the good-faith effort Republicans and Democrats need to demonstrate in moving legislation through this body.

Certainly, it's legitimate to oppose legislation. We can have extended debate. But to preclude the minority from offering even a single amendment is unprecedented, and, again, simply wrong.

We are moving now from that practice to another one that, in my view, is even more threatening to the Senate as an institution. This resolution will do something that we have not done now in more than 20 years. In fact, I would say in all of the modern day period of the budget process, we have never done this. Only once, right as we were beginning to employ the reconciliation process and before that process was well understood, did we ever do what the Republicans are attempting to do in this budget resolution.

In fact, I think it's arguable that the one precedent adduced for the practice I'm about to describe is not a precedent at all—but rather a rudimentary misuse of the term ''reconciliation'' that should be dismissed as an example of anything.

This is the first budget resolution that will instruct a committee to produce a reconciliation measure that actually increases the deficit. The 1974 precedent we will hear about was based on no reconciliation instruction. And this year's unprecedented abuse therefore calls into question what reconciliation is about in the first place.

We all know what reconciliation was designed to be and what it has been. We all know that we pass budget resolutions with reconciliation instructions in order to ensure that the authorizing committees hit deficit reduction targets. Some way of enforcing deficit reduction on committees is the sole reason for being of the highly privileged vehicle we call reconciliation. We deprive Senators of their normal rights to debate and amend only because we seek to ensure that the committees follow through in the crucial business of exercising fiscal responsibility.

That is the reconciliation process. Its objective is to continue to reduce the deficit, and it does so by compelling committees to live up to the expectations of the budget resolution. But what are we doing this year? As I say, except for the rare and understandable circumstances in 1974, this body is doing something we have never done before. We will be passing a reconciliation bill in three parts, one part of which will actually increase the deficit dramatically—dramatically.

I must tell you, what goes around comes around. I cannot see any reason why Democrats—once back in the majority—cannot conveniently begin to use reconciliation packages for all kinds of legislative agendas. I do not see why we may not ultimately authorize through a budget resolution a reconciliation package for each month. Let us just put all the legislation we want to do in each reconciliation package. We will then preclude the possibility of any more extended debates, preclude the possibility of an open and free discussion, preclude the possibility of amendments in some cases. We will change the very character of this institution in a very permanent way.

I am not sure that is what the majority wants. In fact, I'm confident most on the other side of the aisle do not want that. I know if they were in the minority—they would certainly not want it. And I know that most of my friends on the other side do not expect to be in the majority forever.

I would say that all of us, regardless of whether we are in the majority or minority, want to protect the institution of the Senate and its rules. That ought to be one of our foremost goals. If we are going to bend and change the rules so dramatically to serve the political needs of the moment, we are not living up to our responsibilities to the institution of the Senate. We are not living up to what our predecessors understood to be the practice of this body. And we are not living up to the obligation we have to our constituents to preserve the legislative freedoms and protections embodied in the Senate's rules and traditions.

So, it is with great concern that I call attention to what I consider to be a very, very dangerous set of legislative circumstances mandated by this budget resolution. I think it is a fundamental abuse of the budget process. It is such an abuse that it calls into question whether the document before us actually constitutes a budget resolution.

I would argue it does not. I argue that, because it creates a budget reconciliation bill devoted solely to worsening the deficit, it should no longer deserve the limitations on debate of a budget resolution. Therefore, I raise a point of order that, for these reasons, the pending resolution is not a budget resolution.

The PRESIDING OFFICER. Does the Senator wish to be heard on the point of order before the Chair rules?

Mr. DOMENICI. Mr. President, I think in deference to the minority leader I should be heard. I obviously did not bring this resolution to the floor without consulting with the Parliamentarian. So I think I know the answer to the Senator's question. But I do not think that we should let the Chair rule and then only have time if the Senator appeals to discuss our side, although if the Senator appeals we will also take some additional time.

Mr. President, could I yield myself 15 minutes off the resolution or do I have some additional time because of the nature of the situation?

The PRESIDING OFFICER. The time is controlled by the wording of the Budget Act, and the Senator has 1 hour and 56 minutes.

Mr. DOMENICI. I yield myself up to 15 minutes. I hope I will not use that much.

Might I say to the distinguished minority leader that I do not think there are very many Senators—maybe I would yield to Senator BYRD—who have more concern about protecting and preserving this institution than the Senator from New Mexico. I truly think the Senate is a very special place, and it has a lot of attributes that make it that way. I personally will resist any efforts, now or in the future, to move this body away from its historic tradition of being very free and open on debate and having one very big characteristic, and that is that most things can be filibustered—open debate.

However, I submit that there is a Budget Act that was adopted almost unanimously by the Senate that for very special events changed both of those rules. The rule that an amendment, that a bill or measure can be freely amended was altered; for as long as we have that Budget Act in place, that will not be the rule on a reconciliation bill.

Second, the very nature of the budget resolution denies filibuster. In the very statute that creates it, that other characteristic about the Senate—open debate for as long as you want—is negated.

That is not a unilateral decision by this Senator or Senator EXON or the minority leader. That decision was made when the Budget Act was passed, for there are time restraints on every aspect of a budget including 50 on the resolution, 20 when it comes back from conference. Reconciliation bills have a time limit on them.

Additionally there is a very strict definition of germaneness with reference to offering amendments to reconciliation bills.

Now, before I explain that we are not breaking precedent and cite for the Senate a number of occasions when we have heretofore done exactly what the Senator is complaining about, before we do that I would suggest that the concern that whether we have one reconciliation bill, two or three, that we are going to be able to do all the legislation of the Senate in derogation of the quality of the Senate with reference to open debate and the freedom of amendment, standing in the way of that is the Byrd rule.

We do not change the Byrd rule in this budget resolution. There again, it establishes that if you intended to use a reconciliation instruction in that bill to just change the substantive law because you had not been able to pass it somewhere else, it will get knocked out by the Byrd rule.

So the first thing I was worried about is if we do this in this sequence—and I will explain to the Senate why we did it this way—do we in any way open in any additional way these reconciliation bills to be used by Senators to amendment processes, to amend laws that are unrelated and in no way, in no way germane to reducing the deficit. The answer I got unequivocally is that we had not changed that. So that is point No. 1.

Second, there is nothing in the Budget Act—section 310 and any other sections—that precludes us doing more than one reconciliation bill. Section 310(a) provides that a budget resolution may specify the total amount by which, among other things, revenues are to be changed. Section 310 dictates neither the magnitude nor the direction of the change. Reconciliation is a neutral budgetary tool. It is not required to produce deficit reduction.

As a matter of fact, Mr. President, on that point alone, must each part of a reconciliation bill or each of the three reduce the deficit, I would call to the Senate's attention that in 1975 a reconciliation instruction and a bill passed here under the leadership of the Senator from Louisiana, Russell Long, chairman of the Finance Committee—in 1975. It actually was used to reduce taxes, thus increasing the deficit—for that very purpose. Clearly, clearly, I find nothing in this law that says each reconciliation bill must reduce the deficit.

Now, let me tell you that the budget resolution for 1994, your budget resolution for the year 1994 had two reconciliation instructions. One was for everything that you do normally, and the other was to change the debt limit of the United States by a reconciliation bill—two different instructions, two different bills. Now, if you can do two because it fits the necessities that one side of the aisle has, this should not mean that you cannot do three if it fits the other side.

Now, in our budget resolution, we did this in three steps. This process would provide more extensive consideration on the Senate floor of our legislative proposals for balancing the budget in 2002, for if on each of the three components there are 20 hours of debate, it seems to this Senator that for those who want more time to debate, and certainly for those who would say this process we have adopted is closing debate, the exact opposite is true. There is more time for debate on each of them because rather than 20 hours for a big, giant bill, there will be three times that for each will be subject to that many hours of debate.

By separating these proposals to balance the budget into what we might consider manageable issues, we permit Senators to address their concerns contained in each of the bills. Rather than as many Senators complain about the very large bill that has taxes in it, has all kinds of entitlements from all different sides in an all-or-nothing proposition, we permit them to have part of it, not all of it, in one, part in another, and then, of course, taxes or tax reductions at the end.

The first bill reconciles savings equivalent to the assumptions contained in a resolution for welfare reform and Medicaid, and the committees must report on that.

If the first bill is enacted, then the second bill would reconcile all committees regarding direct savings. The committees would report, by July 12, two totally distinct events with total debate on each of them under the Budget Act. If both the first and the second bills are enacted—if they are—then a final bill reconciles the Finance Committee regarding revenue reductions.

I will read some history of past comments on reconciliation. Mr. President, a member of the President's own administration has in the past advocated consideration of separate packages. In 1982, during the debate on the rule to take up one of four reconciliation bills in the House of Representatives that year, then-Member of Congress Leon Panetta said, regarding the vote on the rule:

> This is, I think, one of the most important votes they will cast this session. It will set the stage for whether we can deal with reconciliation on an orderly basis, allowing packages, allowing committees to come to the floor, and allowing Members to vote up or down on those issues, or whether we are going to capitulate to some kind of chaos, the same kind of irresponsibility that we were put through last year when we had an up-or-down vote on a last-minute 800-page amendment.

All circumstances are not alike. One might argue that Leon Panetta was arguing about a completely different situation. But, Mr. President, I think what he said is right. It does not mean you have to have more than one reconciliation bill, one movement or effort, and bringing the laws together and changing them so as to achieve the goal of the budget resolution. That is what a bill is that is called reconciliation.

So, Mr. President, I am firmly convinced that we are doing the right thing. I believe when this budget resolution is passed, very shortly thereafter there will be a very healthy debate on a portion of the reconciliation package that we passed heretofore.

I call to the Senate's attention that in House Concurrent Resolution 64, fiscal year 1994, the House Agricultural Committee was reconciled for outlay increases for fiscal years 1994 through 1998. That was an increased reconciliation for food stamps.

In addition, in our budget resolution last year, House Concurrent Resolution 67, the Finance Committee was reconciled for a revenue reduction. In 1975, I repeat, during the first use of reconciliation pursuant to what was then H. Con. Res. 466, both the Ways and Means Committee and the Finance Committee were reconciled for revenue reductions.

Mr. President, it may be that we will, as the majority, be in the same position someday, in the minority, with this Budget Act still intact and the new majority may indeed want to offer one resolution with everything in it. We are not going to be able, based on today, to say they cannot do that. If they choose to go back to one huge reconciliation bill, all or nothing, they can. If they choose, Mr. President and fellow Senators, to go to two, the ruling of the Chair today will probably

say that there will be two. If they choose to do three, and the last one is a tax reduction package, then I assume we will be in a position where we can make some noise about it on the floor, but we are not going to get a parliamentary ruling that it is improper.

Mr. President, I repeat, I believe the complexity of welfare reform and Medicaid are sufficient to be in one bill. I believe the complexity and the policy changes for those two proposals are sufficient to be in one bill.

I submit that all the other entitlement programs are sufficient to be in another bill. I submit that the Republicans are committed, the President is committed, and indeed the bipartisan package is committed to some tax reductions. There is argument about which ones. But I submit that can be done under precedent as far back as 1975, to have a tax reduction reconciliation bill.

So, Mr. President, I am sorry I talked so long, but I worked on this for a long time. As a matter of fact, I take a bit of pride in it. I thought this was a far better way to handle the business of a major change in the law of our land and tax cuts than we tried last year.

I truly think it is fair to the Senate and it is fair to the public for they will better understand what we are doing. Since that is the case, I recommended it to both the House and the Senate. That is why we are here today. I yield the floor.

The PRESIDING OFFICER. A point of order is debated under the discretion of the Chair.

Would the Senator from South Dakota desire a few minutes?

Mr. DASCHLE. Mr. President, as I understand the parliamentary situation, the Chair could rule and then the debate is anticipated to be at least 1 hour on the appeal of the ruling of the Chair; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. I prefer to have the ruling of the Chair. I anticipate the ruling, and then I will appeal the ruling.

The PRESIDING OFFICER. All right. The Chair will rule that the resolution is appropriate and the point of order is not sustained.

Mr. DASCHLE. Mr. President, I now appeal the ruling of the Chair.

The PRESIDING OFFICER. There will be 1 hour equally divided between the Senator from New Mexico and the Senator from South Dakota.

Mr. DASCHLE. Mr. President, I have no desire to use that kind of time. I know there are a number of Senators who wish to offer amendments. But in the interest of parliamentary procedure, let me take a little bit of time, and then we will present a series of parliamentary inquiries that may help set the record in this instance.

Mr. DOMENICI. I ask the Senator, could I ask a question?

Mr. DASCHLE. I would be happy to let the Senator.

Mr. DOMENICI. Does the Senator intend to vote on this separately today or within the series of votes on the amendments?

Mr. DASCHLE. I think we can do it in the series of votes just to expedite things.

Mr. DOMENICI. I thank the Senator.

Mr. DASCHLE. Mr. President, the Senator from New Mexico, the distinguished chairman of the Budget Committee, notes that we have seen an occasion such as this arise. I alluded to that circumstance in 1974. That was 20 years ago. In the world of the Budget Act, that 20-year period is a lifetime. Congress, and in particular the Senate, have dramatically changed the budget process since then.

In the 1980's, the Senate adopted, as the Senator from New Mexico noted, the Byrd rule to restrain and limit reconciliation. Since the early 1980's, a long history of using the reconciliation process to reduce the deficit has evolved.

The chairman of the Budget Committee noted that the Byrd rule requires that there be a sufficient offset or deficit-reduction—and no worsening of the deficit in the outyears—to a reconciliation package for it to be in order. But his reconciliation instructions in this resolution trigger a tax provision that does absolutely no deficit reduction, and certainly worsens the deficit beyond the window of the resolution itself.

Mr. President, that being the case, only two outcomes are possible. First, there would be no tax reduction after the 6th year; that is, that tax reduction anticipated in this reconciliation package would no longer apply in year 7 because, if it did, there would be a deficit created, and then obviously the Byrd rule would apply. Or, second, there is some sort of offset which is not delineated here. If that is the case, I'd like to hear what that undisclosed offset is.

This difficulty is the inevitable result of using reconciliation improperly for deficit creation rather than deficit reduction. The fact that the Byrd rule creates clear problems for this approach only confirms that this resolution's reconciliation instruction is totally inappropriate.

The 1970's precedent did not involve a budget process resolution instructing the committee to produce a reconciliation bill that worsens the deficit. Senator Long, who was chairman of the Finance Committee at the time, simply came down to the floor and claimed that the tax cut bill then under consideration was a reconciliation bill. Again, there had been no instruction to the Finance Committee. There was no previous understanding that the Senate was operating under reconciliation procedures.

It is true that at that point everybody stood and saluted. But that does not change the fact that the chairman's tax cut bill should not have been considered a reconciliation bill in 1974, as the budget resolution had not directed the creation of a reconciliation bill itself.

So, in sum, the 1974 precedent was wrongly decided. I hope that we will not build upon that error now in 1996. The Byrd rule and other subsequent amendments to the Budget Act clearly imply the deficit reducing nature of the reconciliation process.

I will quote the language of 313–B, section 1, subsection (b):

> Any provision producing an increase in outlays or decrease in revenues shall be considered extraneous if the net effect of provisions reported by the committee reporting the title containing the provision is that the committee fails to achieve its reconciliation instruction.

This is a portion of the Byrd rule, and in expressly singling out increased spending and tax cuts as potentially inappropriate in a committee's work product, the language clearly implies that the true reconciliation effort should be to reduce spending or increase taxes. In other words, the proper reconciliation function is deficit reduction.

Mr. President, the bottom line here is that if a reconciliation bill produces only an increase in outlays or a decrease in revenues it is subject to the Byrd rule and therefore extraneous. Given those conditions, the third portion of this resolution's reconciliation grouping certainly violates the Byrd rule on the face of it.

Mr. President, I know the Senator from New Mexico indicated it was for managerial facilitation that he has presented this bifurcated approach to the reconciliation package. I must say, I think ''managerial'' can explain just about anything. Obviously, managers want all kinds of devices to move their agenda along.

In any case, managerial comfort is no justification for a practice that clearly violates many decades of Senate procedure. And as I've said, this practice is unprecedented. It is dangerous. It is extraordinarily harmful to the institution itself.

Mr. President, I make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. DASCHLE. This resolution directs the creation of three reconciliation bills, as I noted. It provides that the third reconciliation bill shall occur only if the first two have been enacted.

Is it the opinion of the Chair that this resolution would continue to be a budget resolution if it directed the creation of that third reconciliation bill—the one that solely worsens the deficit—even under circumstances when the Congress had failed to enact the prior two reconciliation bills?

I would be happy to repeat the inquiry if that needs to be done.

The PRESIDING OFFICER. The Chair would respond that it appears to be a hypothetical question, and I am not sure it would help to repeat it, but you might try.

Mr. DASCHLE. Let me rephrase it, because I think it is a very important question and I do not think it is hypothetical at all. In fact, it deals directly with the circumstances at hand.

Is it the opinion of the Chair that this resolution would continue to be a budget resolution if it directed the creation of only that third reconciliation bill—the one that solely worsens the deficit—even under circumstances when the Congress had failed to enact the prior two reconciliation bills?

The PRESIDING OFFICER. If the Senator's question is, can the budget resolution direct the creation of a reconciliation bill which lowers revenues, the answer is yes.

Mr. DASCHLE. A second parliamentary inquiry. Is it the opinion of the Chair that this resolution would continue to be a budget resolution if it directed the creation of only that third reconciliation bill—the one that solely worsens the deficit—and did not direct the enactment of the two prior reconciliation bills?

The PRESIDING OFFICER. The answer is yes.

Mr. DASCHLE. Mr. President, third inquiry. The pending resolution instructs the Finance and Ways and Means Committees to produce a bill that cuts taxes. There are no other instructions to those committees with regard to that reconciliation bill. Is it the opinion of the Chair that it would be in order for a budget resolution to instruct the creation of a reconciliation bill that increased outlays and gave no other instructions to those committees with regard to that reconciliation bill?

The PRESIDING OFFICER. Yes.

Mr. DASCHLE. Mr. President, the Byrd rule forbids legislation that will increase the deficit in years beyond those covered in the budget resolution. If this third reconciliation bill does not find a way to end or offset its tax cuts in the years beyond 2002, would the bill violate the Byrd rule?

The PRESIDING OFFICER. Yes, it would.

Mr. DASCHLE. Is it not true, unless the budget resolution assumes that the tax cuts will sunset in 2002, or be offset by tax increases thereafter, the resolution calls for a reconciliation bill that would violate the Byrd rule?

The PRESIDING OFFICER. The resolution cannot make assumptions beyond the years which are instructed.

Mr. DASCHLE. That is not the question, Mr. President.

What I am asking is that under the Byrd rule there must be a determination that the deficit is not increased by actions taken in the reconciliation instructions in the outyears, in the years beyond the window.

The PRESIDING OFFICER. The Byrd rule does not apply to reconciliation instructions. It applies to a reconciliation bill.

Mr. DASCHLE. That is my point, Mr. President. This resolution assumes that a reconciliation bill will be triggered that will violate the Byrd rule unless it is terminated at the end of 2002 or else subsequently offset.

The assumption of the resolution is that tax cuts will sunset in the year 2002 or be offset by tax increases thereafter in order for it not to be in violation of the Byrd rule, is that not correct?

The PRESIDING OFFICER. The budget resolution makes no assumptions.

Mr. DASCHLE. Mr. President, let me ask you this: Would the reconciliation bill be in order if the budget resolution did not address the issue of deficit reduction beyond that 6-year timeframe?

The PRESIDING OFFICER. I read to you under extraneous provisions (e):

> A provision shall be considered to be extraneous if it increases or would increase net outlays or if it decreases or would decrease revenues during a fiscal year after the fiscal years covered by such a reconciliation bill or reconciliation resolution.

This only applies to reconciliation bills.

Mr. DASCHLE. Let me then phrase my question another way, because I think we can now clarify this.

The reconciliation bill triggered by this resolution would not be in order, in other words, if it failed either to offset the tax cuts or to sunset them after fiscal year 2002, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. Mr. President, let me just note parenthetically, if that is correct, that the majority party is the same party that has criticized the President's budget because the President sunsets his tax cuts. But now the majority comes before us with a reconciliation instruction that requires either that their tax cuts be abruptly sunsetted in the year 2002 or that taxes be increased dramatically after that point to pay for the continuing tax cuts.

Is it the opinion of the Chair that it is in order for a budget resolution to call for the creation of 10 different reconciliation bills in one fiscal year?

The PRESIDING OFFICER. There is no number limiting the number of reconciliation bills.

Mr. DASCHLE. Mr. President, this is, in my view, a ludicrous abuse of power. If this ruling is upheld we will be giving more and more power to the Budget Committee, power cloaked in the fast-track protection of the budget process itself. We will be granting immense power to the majority. If this precedent is pushed to its logical conclusion, I suspect there will come a day when all legislation will be done through reconciliation.

A decade ago the Senate wisely amended the reconciliation process by adding the Byrd rule to ensure that reconciliation bills would be narrowly drawn and limited to their deficit reduction purpose.

This ruling poses a serious threat to the Budget Committee as we will become more and more like the House Rules Committee and the Senate more and more like the House of Representatives.

For those of us who want deficit reduction, the majority seeks a very dangerous precedent today. For those of you who believe in the history of the Senate and unlimited debate and the right of Senators to offer amendments, the majority seeks to set very dangerous precedents today.

I urge my colleagues to vote to overturn the ruling of the Chair. If we do not, the Senate will surely became a different place and a much diminished institution.

Mr. President, I note the distinguished Senator from South Carolina, the former chairman of the Budget Committee, seeks recognition to address this issue. And I am sure my colleague, the current ranking member of Budget committee, does so as well.

I yield the floor for that purpose.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not intend to stay and debate the issue very long. Perhaps Senator GORTON can stay in my stead.

But let me just suggest that in the view of this Senator the Budget Act offers a great deal of latitude to the U.S. Senate and to the Budget Committee. It can be controlled by the U.S. Senate, if the U.S. Senate chooses to do so. As a matter of fact, even on the Senator's point of order, if the Senate chooses to sustain his appeal, or to grant his appeal, the Senate will have decided that it does not in this reconciliation bill intend us to have three reconciliation bills. I believe that is a matter for the Senate.

But to argue that in this instance when you are contemplating a very large reconciliation bill with all kinds of things in it, one shot, one debate, one vote and that we cannot find a judicious way to do better than that by having more than one reconciliation bill, more than one opportunity to vote on this, seems to me to fly in the face of permitting the Senate to do its business in the best way that it can under very strict rules of the Budget Committee. And I, frankly, believe that this is a better way to handle a huge and varied number of bills—to have more than one debate. And, frankly, we are committed to a balanced budget and to the balanced budget continuing on beyond the 2002. We do not intend to have tax cuts to take us out of balance in 8 years. That would be matched up against entitlement savings that go on. It will be matched up against caps on discretionary programs that go on.

So the issue of us being forced to sunset, and in some way that is under the technical ruling today, in some way that puts us in the same boat with the President who has submitted a budget that is not in balance under the same rules that the Senate applies, and then to say we put it in balance by triggering and closing off the tax cuts and to

say they are the same, to me just flies absolutely in the face of every kind of factual assessment you want to make about the two budgets.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I appeal the ruling of the Chair, and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator has already appealed. There is 1 hour to be equally divided.

Mr. DASCHLE. Is it not appropriate to ask for the yeas and nays at this time?

The PRESIDING OFFICER. It is appropriate to ask for them.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I am about to yield whatever is yielded from our time to my distinguished friend from South Carolina.

I think this debate has been absolutely fascinating because from the very beginning of the budget debate this year I was struck by what I had never seen before; and, that is three reconciliation bills. I simply say that the excellent debate that has taken place highlights the fact, and proves beyond any doubt what I have always suspected—that the majority in this case on the Budget Committee are trying to use this new reconciliation process to protect a tax cut from full debate and amendment, something they obviously could not get that done under the usual rules of the Senate. The budget reconciliation keeps those of us who are opposed to that kind of a proposition from using the traditional filibuster techniques. We should have a debate. We should have all of the rules in place when we talk about cutting or raising taxes.

I happen to feel that the move by the majority in this instance is an undisputed abuse of power and if it is allowed to occur, will it cause them great heartbreak in the future.

Certainly the Senator from South Carolina I believe has been on the Budget Committee since its inception, and I think there are few, if any in the body, who have a better understanding of what the intent of that legislation is.

I am pleased to yield to him whatever time he needs.

The PRESIDING OFFICER. The Senator from South Carolina

Mr. HOLLINGS. I thank my distinguished friend, the Senator from Nebraska.

Mr. President, I come to the floor of the Senate and I cannot keep up with everything going on. I hear different things—such as a ''Reconciliation Act of 1975''—which are totally false.

I also heard someone refer to Senator Long as having been chairman of the Budget Committee—also totally false.

When I hear these things I remember very, very clearly the history of reconciliation. I can tell you in the late 1970's we used to kid about reconciliation over on the House side; they said they could not even pronounce it. And if you go to the RECORD you will find that back in 1975, the Revenue Adjustment Act to which they are now referring was not a Reconciliation Act.

The assistant legislative clerk read as follows:

A bill (H.R. 5559) to make changes in certain income tax provisions of the Internal Revenue Code of 1954, and for other purposes.

That was not reconciliation. I know Senator Long could use language loosely from time to time. But that was not a reconciliation bill. We did not start reconciliation until December 1980. I was chairman of the Budget Committee, and the distinguished Senator from New Mexico was on the Budget Committee at that time. And I am sure the CONGRESSIONAL RECORD will reflect the fact that the first reconciliation bill in the history of the Government of the United States of America was in December 1980, and has nothing to do with the precedent noted by the Parliamentarian in 1975. Back then we only had 1-year budgets.

Now let me speak to the history of reconciliation. We started out discussing the matter with our colleagues on the House side. The distinguished Member from the State of Washington, Congressman Adams was the chairman at that time. And we talked back and forth. But after President Carter was defeated on a Tuesday in November, I went over that Friday to the White House, after we received new budget numbers from the Congressional Budget Office. The Congressional Budget Office projection of revenues and outlays showed that the deficit was going up to about $43 billion. I said, ''Mr. President, no Democrat is going to ever get elected if we don't cut the deficit. It is going to be the largest deficit in the history of the Government.'' He said, ''What are you going to do?'' I said, ''Well, there is a fancy word, Mr. President, reconciliation. I think I can get Chairman Giaimo to go along.'' I had talked to Bob ahead of time. I told the president, ''What it means is cut; to go back and cut those things that were already allocated.'' Now, back then the fiscal year was from July to July. We were already in December and we needed to try to reduce. That is the history of reconciliation—to reduce deficits.

This idea of coming in here and saying that the word is ''change'', and it does not specify up or down is totally out of the ballpark. It is in reference to the budget process. If we can find Mr. Giaimo from Connecticut we could bring him back here and some of the others—Brock Adams; Jimmy Jones who is now the Ambassador down in Mexico, they would tell you that reconciliation is a procedure to reduce the deficit.

The whole context given here this afternoon is that of minority-majority, majority-minority, and all of that. I understand that. The distinguished minority leader is right on target. But the greatest concern is that we may break all discipline from the majority or the minority in the United States Congress itself if we go this route. We have to overrule this nonsense. This ruling of the Chair is totally spurious with no basis whatsoever in fact.

The truth of the matter is that the bill considered in 1975 was not a reconciliation bill, it was a tax revenue act. If you look at the bill you'll see that it was not reconciliation. And while we are clearing things up, someone just a little while ago said Senator Long was chairman of the Budget Committee. Not only was he not chairman, he never served on the Budget Committee. He served as the distinguished chairman of Finance. We had our differences with Finance all along, the difference between Senator Muskie and Senator Long. I was there when those particular debates were going on.

I would plead to my colleagues very genuinely, to not violate the Byrd rule, which was to keep us sort of in harness and not just willy-nilly put anything on a reconciliation bill.

Let us not get around the debate with spurious arguments or about Senator Long as chairman of the Budget Committee that he never served on, or reconciliation that never occurred in 1975.

Now, Mr. President, these are the hard facts. If someone would get out the Congressional RECORD and look back, they will see that the first reconciliation bill was passed by the Congress in 1980. I have got the picture. I have got the frame. I am sure Giaimo has the similar frame. The first reconciliation act in the history of this U.S. Government was in December, 1980. It was signed by President Carter, and was 5 years subsequent to the authority they are using now to get around what is going on.

The problem here is the Presidential politics. It has gotten to be a cancer on this entire body. The plan is: we will make them vote on welfare; then we will make them vote on these other things; and then, finally in September, says that resolution, just before the election, we will bring up tax cuts, because the polls say everybody is against taxes. So we will just put them to the task.

What we have now is Presidential politics, and they ought to be ashamed of themselves. Their authority is absolutely fallacious.

I happened to be chairman of the Budget Committee at the time, and I told the President: if you can get Herke Harris and Jim McIntyre to leave us alone * * * because they were over on the Hill that fall trying to reelect President Carter, putting up money hither and thither. And I even went at that time to our liberal spending friends. I went to Senator Warren

Magnuson of Washington, Senator Frank Church of Idaho, Senator George McGovern of South Dakota, Senator John Culver of Iowa, Senator Birch Bayh of Indiana, Senator Gaylord Nelson of Wisconsin, who used to sit right here, and I said: You have got to give us one vote. We have got to cut this thing back; otherwise, we are going to leave the biggest deficit in the history of the Government.

The whole idea of the reconciliation—and I am giving you firsthand history; it is honest as the day is long—was to, by gosh, cut back on the deficit. It was not this nebulous argument that as long as it is a change then we can make it go up. I never heard of such a thing. We would have been run out of the Senate in those days. We had some discipline, some understanding of responsibility, some action of responsibility. It is totally irresponsible to come now and start ruling that you can put up a reconciliation bill since it is a change. Every bill is a change. So any bill can be called reconciliation. You can go up and you can go down and you can limit the debate. You can, as they call it, fill up the tree, so there are no amendments and there is a time limit and the majority retires from the floor and goes out to watch TV or something because they have the votes locked and fixed. It is really a shame. It is an embarrassment to this particular Senator who served as the chairman of the Budget Committee, and I can tell you the whole precedent given by the Parliamentarian is totally out of the whole cloth.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I wonder if the Senator from Nebraska would yield me just 2 minutes.

The PRESIDING OFFICER. Does the Senator yield to the Senator from North Dakota?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been fascinated in listening to the remarks, that are so much on point, by the Senator from South Carolina. I was there in 1980. I remember being called down to the White House on an emergency basis with the Senator as chairman of the committee. Chairman Giaimo was there, and I listened with keen interest to the keen recollection of the facts, with the names and the dates and the places by my talented colleague from South Carolina.

Mr. President, I am very much afraid that we are proceeding here in a fashion that the majority thinks is good politics. It is going to have dire, dire consequences in the future if we continue to proceed and fail to overrule the Chair. In all reality we know our appeal will fail because the Republican majority of 53 has the votes to roll us on this side at every occasion.

I would tell the Senate that other people who have had experience as Parliamentarians do not agree with the ruling of the Chair in this instance. But we should all realize and recognize—and the people in the gallery or the people watching on television maybe have some kind of questions—that the Parliamentarian, of course, is appointed by the party in the majority, and when we were in the majority we had our Parliamentarian. Now that the Republicans are in the majority, they are entitled to and have their Parliamentarian.

We like to keep the Parliamentarians as nonpartisan as possible, but I must admit that over the years I have been here I have seen our Parliamentarian rule in our favor, and while I cannot prove it, I happen to feel that today's Parliamentarian rules in favor of the people that appointed him. So the Parliamentarian is not like a Supreme Court Judge that has lifetime tenure which enables him or her to make determinations based solely upon history and fact. I would be the last, Mr. President, to indicate that politics could possibly be involved in the matter before us today—but sometimes it just might be.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. There are 27 minutes remaining on the majority time.

Mr. EXON. When the Senator from Missouri finishes—I will yield to the Senator from North Dakota. I have been advised that the Senator from North Dakota has to leave at 4 o'clock—I yield to him off the resolution.

Mr. BOND. Go ahead.

Mr. EXON. How much time does the Senator from North Dakota wish?

I yield the Senator whatever time he needs off the resolution.

Mr. DORGAN. Mr. President, let me just take 30 seconds. I do not think the majority party will want to establish this as a precedent. They would be here in full force, very angry with this, were it being done to them, were we to create multiple reconciliation bills in this manner.

But the main point I want to make is, we are told that this third reconciliation bill would violate the Byrd rule unless the tax reductions are sunsetted, or unless some other expenditure reductions occur or some other tax increases occur, in order to pay for the tax cuts in the out years. When that point was affirmed, that it would violate the Byrd rule unless that occurred, the chairman of the Budget Committee said that there would be caps on entitlements and other expenditure cuts in the out years. They would have to be done in this third reconciliation bill.

I ask, does anybody have information about what we are talking about? These would be cuts beyond what comes in the current budget recommendations of the Senate, so what kind of caps on entitlements or future cuts in the entitlement programs is the majority party proposing in order not to violate the Byrd rule? I ask the question only because the chairman of the Budget Committee made this point a few moments ago. If that is the intent, and if the information exists to tell us and the American people what that intent is in more specific detail, I think now would be the time for the majority to give us those details.

Mr. EXON. Before the Senator from North Dakota leaves, may I ask a question of the Senator from North Dakota? We heard a great deal and we have had a lot of criticism from that side of the aisle on the President's budget with the idea that it has a trigger in the last year or two that is not factual, not upfront, and not leveling with the American people. In view of the fact that that charge had been made, whether it is true or not, and I think it is not, could the same thing not be said with regard to the action taken by the majority in this case by having a trigger that would benefit them? That seems to be all right——

Mr. DORGAN. In response to the Senator, that is exactly the case that exists here. Either these tax reductions in the third reconciliation bill will be sunsetted, or there will be additional tax increases beyond the final year, or there will be additional cuts. It sounds like a trigger to me.

I am told now by the chairman of the Budget Committee they are talking about caps on entitlements in addition to what we see in the budget. My question is, what would those be? Will they tell us and the American people what they are talking about, so we understand before we proceed down this road?

Mr. EXON. I thank my friend. We reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 4012

Mr. BOND. Mr. President, I yield myself 10 minutes off of the resolution, not on this point in specific.

I have a desire to talk about an amendment, No. 4012, the Harkin amendment, which cuts other committees and adds $2.7 billion to the Labor, HHS subcommittee. I say that for the information of any of my colleagues who may wish to join in.

Let me just say in respect to the discussions we have had, very important discussions over the procedure in the Budget Act, I disagree with the ranking member on the other side, who ascribes politics to the process and to the Parliamentarian. I think it is time we had some good policy, because in the past this body, with the active involvement of the Presidents of the United States, has run up a $5 trillion debt, almost $18,000 for every man, woman, and child in this country.

We are in the process of threatening the disability of our Government budget and the economy of this country as a whole if we do not pass a budget that responsibly gets us on a path to balance in the near future. The budget

resolution before us proposes to do that. It is a difficult budget. It is not easy, but I believe it is one that merits support.

There was discussion about the budget the President supported. That budget has been voted down. That budget proposed spending and said if it did not get to zero deficit in 2002, several automatic actions should be taken. Those automatic actions lead to about a $16 billion tax increase and increase in spectrum fees, which would come to a middle-class tax increase in 2002, plus $67 billion in cuts in domestic discretionary programs that would be extremely painful and, frankly, from what we have heard from some of the administration officials, they may even have no intention of pursuing.

Let me get back to the budget that is before us and, in particular, the Harkin-Specter amendment. This amendment, No. 4012, proposes to increase by $2.7 billion the amount in the functions for education, training and social services and for health activities. Everybody likes to be for education and for health care. That sounds very appealing. But that takes money out of other budgets that have been strapped—and severely strapped in the past. I note that it takes money out of the defense budget in many areas where there is no fat. It takes money, in specific, out of the budget for the Veterans' Administration and EPA, where we have suffered great cuts in the past.

Last year there was a rescission of $7 billion out of the funding for the VA, HUD, EPA subcommittee. Then, in the appropriations bills, there was about an $8 billion cut in these functions. Here the amendment before us would take more money from those functions and add it to the Labor, HHS subcommittee. Frankly, that budget under this bill before us would go up slightly for education. Certainly, we all like education. But the problem is very serious when you take a look at where this money would have to come from.

The proponents of this amendment say it will come out of administrative costs. This amendment says nothing about administrative costs. It just takes $1.2 billion out of one place, $1.5 billion out of another, $1.4 billion and $1.4 billion. It does not say anything about administrative costs. It does not define any fat.

The cuts that were taken in the VA, HUD, EPA subcommittee last year were draconian cuts. We had to look everywhere we could to find ways to cut low-priority programs to enable us to fund the major programs funded in EPA and Veterans' Administration. Just last week, this body voted overwhelmingly, 75 to 23, against very severe cuts that the President had proposed to take out of veterans medical care.

In addition, I think every Member of this body will recall that during the debates on the 1996 appropriations bill, the current-year spending bills, everybody wanted to spend more on the environment. Everybody had something more they wanted to add to environmental spending. Let me make it quite clear that if this amendment is adopted, the money is going to come out of the environment and/or Veterans' Administration health care. There is no other pot for it to come out of. There is no category of administrative costs and administrative waste that is going to be reduced. This money is going to come out of the environment and/or veterans health care.

I know everybody would like to put more money in education. Certainly, I would as well. But after the battles that we have had here, to try to get the funds increased to carry out the vital environmental programs that the EPA is charged with, I would be very surprised if people will vote to cut the environment, and then they will come back to this floor when we are debating the bill itself and say, ''Why can't we put more money in the environment?''

Mr. President, a vote for the Harkin amendment is a vote to take money out of the environment. It is a vote to take money out of VA medical care. These are the critical priorities that would be hit if this measure is to be adopted.

I strongly urge my colleagues not to support this amendment. It reflects some serious changes from the judgment made by the Budget Committee and it will take down funding, approximately $430 million cut for HUD-VA would be just about equal to the increase planned for VA medical care, or it would equal about one-half of the planned Superfund reserve fund increase.

These are vital priorities that have been debated on this floor in the past. We spent many months working to find additional offsets to put money into the environment. And if any of my colleagues are interested in the environment and are concerned about assuring that we have adequate funds to protect the environment, to clean it up, to leave the kind of environment we want to leave for our children, I urge them not to support this amendment to take money out of the environment.

Mr. President, I reserve the remainder of the time, and I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

POINT OF ORDER

Mr. HOLLINGS. Mr. President, I yield just 1 minute.

I ask unanimous consent to have printed in the RECORD a page from the ''Major Congressional Action'' of the Congressional Quarterly Almanac of 1980.

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

$8.2 BILLION RECONCILIATION BILL CLEARED

For the first time in the six-year history of the congressional budget process, lawmakers in 1980 approved ''reconciliation'' legislation designed to trim the fiscal 1981 budget deficit by more than $8.2 billion.

The bill (HR 7765—PL 96–499) cut back programs already on the books to achieve outlay savings of $4.6 billion in the year that began Oct. 1, 1980. It included revenue-raising provisions expected to yield $3.6 billion during the year.

Congress completed action on the reconciliation bill Dec. 3 when the Senate adopted the conference report on the measure (H Rept 96–1479) by an 83–4 vote. The House had approved the conference report earlier that day 334–45. (Senate vote 487, p. 70–S; House vote 581, p. 168–H)

Although some members castigated the bill as a ''backdoor'' method for creating new federal programs and expanding old ones, most participants in debate on the measure hailed it as a clear signal that Congress intended to get control of federal spending.

As Rep. Delbert L. Latta, R-Ohio, ranking minority member of the House Budget Committee, told House members: ''[I]f any of my colleagues are thinking about voting against this reconciliation, just keep this in mind, that if you vote against it, you are saying you vote for $8.2 billion more deficit for fiscal 1981.''

The final vote on reconciliation was the culmination of a six-month odyssey that started when Congress included in its first 1981 budget resolution (H Con Res 307) a provision requiring that authorizing committees come up with $6.4 billion in spending cuts in existing programs and $4.2 billion in new revenues. (Budget resolution, p. 108)

The Senate approved its version (S 2885), S 2939) of the reconciliation legislation in action June 30 and July 23, and the House passed its bill Sept. 4. The largest conference in the history of Congress, including more than 100 conferees, convened Sept. 18.

The conference itself took two months. Although many discrepancies were resolved quickly, the knottiest issues—involving cost-of-living increases for military and federal retirees, changes in Medicare and Medicaid, child nutrition programs, mortgage subsidy bonds and the crude oil windfall profits tax—delayed a final compromise until late November.

The ultimate conference agreement fell short of the $10.6 billion in savings targeted by the first budget resolution. It provided cuts of $4.631 billion in outlays ($3.092 billion in budget authority) and $3.645 billion in new revenues, for a total package of $8.276 billion in savings. The bill projected total savings for fiscal 1981–85 at $50.38 billion in outlays and $29.2 billion in additional revenues.

PROVISIONS

As cleared by Congress, H.R. 7765 provided for the following spending reductions and revenue increases:

SPENDING REDUCTIONS

Education and Labor, $840 million in budget authority and $826 million in outlays. Savings were achieved by lowering federal child nutrition subsidies and reducing participation by higher-income students in meals programs; facilitating collection of and increasing the interest rates for student loans; and limiting cost-of-living adjustments for Federal Employees Compensation Act benefits for job-related accidents to an annual basis.

Conferees also, however, extended the authorizations for several child nutrition programs—extensions that were not part of either the House or Senate reconciliation bills. (Story, p. 453)

Post Office and Civil Service, $429 million in budget authority and $463 million in outlays. Savings were achieved by cutting the authorization for pubic service appropriations to the Postal Service and repealing ''look back'' cost-of-living (COLA) benefits provisions for retiring federal employees, which allowed them to receive the benefit of

the previous COLA. Conferees did not change the current twice-a-year COLA benefits for military and federal retirees, which would have saved more than $700 million; the Senate had agreed to this modification. Conferees also prohibited the Postal Service from doing away with six-day mail deliveries.

Highway, Rail and Airport Programs, $375 million in budget authority and $917 million in outlays. Savings were achieved by limiting obligational authority for highways, reducing the authorization of the National Highway Traffic Safety Administration, restricting railroad rehabilitation, limiting funds for airport development, planning and noise control grants.

Veterans' Programs, although the reconciliation bill itself did not make any cuts in veterans' programs, the conference report cited savings of $487 million in budget authority and $493 million in outlays from veterans' legislation already enacted. These savings came from limiting burial allowances and terminating certain flight and correspondence training.

Small Business, $800 million in budget authority and $600 million in outlays. The savings reflected revisions in disaster loan programs included on the Small Business Development Act of 1980 (PL 96–302). (Story, p. 546)

Health, $12 million in budget authority and $915 million in outlays. Savings were to come, in part, from deferring until September 1981 the periodic interim payments to hospitals and revising Medicare reimbursements so they were based on fees charged when the service was performed rather than when the claim was processed.

Although the health conferees agreed to more than 80 new provisions in Medicare and Medicaid programs, many of the changes resulted in adding costs rather than savings. The new health benefits programs included expansion of coverage for home health services, benefits for care in outpatient rehabilitation facilities and increases in payments for outpatient physical therapy. (Story, p. 459)

Unemployment Compensation, $32 million in budget authority and $147 million in outlays. Savings were achieved by ending the federal reimbursement to states for compensation paid to former Comprehensive Employment and Training Act (CETA) workers; eliminating the federal payment for the first week of extended benefits in states that did not require recipients to wait a week before obtaining benefits; and denying extended benefits to those who did not meet certain work-related requirements.

Mr. HOLLINGS. Mr. President, I read the first three paragraphs:

For the first time in the six-year history of the congressional budget process, lawmakers in 1980 approved ''reconciliation'' legislation designed to trim the fiscal 1981 budget deficit by more than $8.2 million.

The bill . . . cut back programs already on the books to achieve outlay savings of $4.6 billion in the year that began Oct. 1, 1980. It included revenue-raising provisions expected to yield $3.6 billion during the year.

Congress completed action on the reconciliation bill Dec. 3 when the Senate adopted the conference report on the measure . . . by an 83–4 vote. The House had approved the conference report earlier that day 334–45. . .

And on. The rest of it, of course, is printed in the RECORD.

The facts themselves support the position taken here. The authority for this absurd ruling is totally out of context from the idea of the budget process and restrictions thereof. It was in response to the concurrent resolution instructions to the Finance Committee. It was not a reconciliation bill. The title of the bill itself said:

The assistant legislative clerk read as follows: ''A bill (H.R. 5559) to make changes in certain income tax provisions of the Internal Revenue Code of 1954, and for other purposes.''

It was a separate bill. It was not reconciliation, because we tried to get reconciliation earlier, and we finally got it 5 years after the Budget Act had been passed. There it is. The Congressional Quarterly, totally impartial, said the first reconciliation act. I will get the other Congressional RECORDS. So the very authority for this ruling is totally unfounded. We ought to overrule this ruling, so to speak, so we can maintain the integrity of the budget process and the integrity of the Senate itself.

I thank the distinguished ranking member.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, time and time again, we are proving the point that the theory behind the ruling of the Chair, as we understand it, which is totally faulty, has been destroyed —that theory has been destroyed completely—by the fact that we have proven beyond any doubt that the 1975 act, or whenever it was, that evidently the Parliamentarian is using as a basis for his theory is wrong.

Mr. HOLLINGS. Wrong as it can be.

Mr. EXON. Senator Long was on another course altogether. He was cutting taxes. He was not using the reconciliation process, as we know and understand it, as part of the budget bill.

The fact that words were used somewhere along the line is totally wrong when a Parliamentarian so rules because it is a faulty ruling, and I think most lawyers who look at it objectively will so agree.

I retain the remainder of our time, and I yield the floor.

Mr. BOND. Mr. President, I ask the Senator from Texas, is he prepared to go forward?

Mr. GRAMM. I am, Mr. President.

Mr. BOND. Mr. President, I yield the distinguished Senator from Texas 8 minutes on the argument on the appeal of the ruling on the point of order.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, there is one thing you have to hand our Democratic colleagues, they are absolutely consistent on tax policy. They are always consistent, and they are consistently wrong. They have three rules on taxes, and they never, ever violate them:

Rule No. 1 is that tax increases are always fair, they are always the right thing to do, and they are always supported.

Rule No. 2 is that tax cuts are always unfair, they are always for the rich, just as only rich people are ever taxed by tax increases, and they are totally consistent in applying these two rules.

If there were a rule No. 3, it would be ''see rules 1 and 2 above.''

What Senator DASCHLE is trying to do is stop us from voting on a tax cut, period. I remind my colleagues that this fund that we are setting up, this so-called reserve fund, provides a tax cut to working families, basically a $500 tax credit per child to working families who now have the highest tax burden in American history.

When I was a boy 8 years old in 1950, the average family in America with two children was sending $1 out of every $50 it earned to Washington, DC. Today, the average family with two children is sending $1 out of every $4 it earns to Washington, DC, and what we are trying to do is to reduce the tax burden on working families, especially working families with children.

Under our budget, we cannot give a tax cut larger than the spending cuts that we have written in the budget or we are violating our own budget and we are subject to a point of order. So we are not debating deficits here, we are basically debating whether or not we be allowed to cut spending and cut taxes on working families.

The Democrats always take the view that tax increases are good and they are always on the rich. In 1993, when they imposed, without a single Republican vote, the largest tax increase in American history, their argument was, this is a tax on rich people. Nobody making less than $115,000 a year is going to pay this tax. Well, it turned out it had a gasoline tax in it. They tried to have a Btu tax equivalent to a gasoline tax of 7 cents a gallon. What they were able to pass was a 4.3-cents a gallon tax on gasoline. It did not go to build highways. It went to general fund of the Government to spend. They taxed working people who have to drive their cars and their trucks to work to give money to people who do not work.

Secondly, they taxed Social Security benefits. The President proposed taxing anybody who was rich, by his definition, who made $25,000 a year.

When people raised questions about it, he said: ''Well, you know, many of these people own their own homes, and if they had to rent the home you could count that as income, if they own their refrigerator and they rented that, if they got an insurance policy or a little savings account.'' So shamed were Democrats in Congress that they did raise the level at which you started taxing their Social Security benefits to $34,000 a year.

By their definition, those are rich people. They were going to tax John Q. Astor, we were told. As it turned out, 80 percent of those taxes on this top 1 percent of income earners turned out to be Joe Brown and Son hardware store.

But the one thing you have to admire the Democrats about, they are absolutely consistent. And that is, they always raise taxes. They always raise

taxes. And they always say that only rich people pay taxes.

They are also consistent in that they never support cutting taxes. What we are trying to do in this bill is to give a $500 tax credit for working families. That tax credit phases out as all deductions do, at high-income levels.

The plain truth is, most American families never become truly economically successful until they are older and therefore almost by definition their children have grown up, gotten married, graduated from college. Mr. President, 75 percent of the tax cut we are talking about goes to families that make $75,000 or less. But following their basic rule that every tax increase is fair and every tax cut is unfair, they are against it.

I just want to remind my colleagues before they vote on this, that under the Clinton budget, if it were implemented, we would have the highest tax burden in American history at the Federal level, 19.3 cents out of every $1 earned by every American on average will come to the Federal Government to be spent.

What that means for working Americans is that for the first time in history, over 30 cents, in fact 30.4 cents, out of every $1 earned by every American family on average is not going to be spent by the people who earned it: it is going to be spent by their Government at the State, local, or Federal level.

Our colleagues who object to cutting taxes for working families say, this is only fair. What they really believe but they do not want to tell us is, they believe Government can do a better job of spending money than working families can. They believe that a two-wage earner family where both the husband and the wife are out working hard, they are making about $50,000 a year, or $60,000 a year, when they combine their two incomes—we are trying to let them keep $1,000 more a year to invest in their own family and their own future. The Democrats are trying to use a parliamentary maneuver to prevent us from voting on that because they want to spend that money. They do not want working families to be able to spend it.

This fits their principle. In the mid-1980's people discovered that in foreign policy the Democrats always blamed America first. What we are discovering in the 1990's is in domestic policy, they always tax America first. According to them, every tax is fair, every tax cut is unfair, every tax increase is paid for by rich people. Even if they are Social Security recipients making $25,000 a year, counting half of their Social Security, even if they are driving a pickup truck to work, Democrats think they are rich when it comes to raising their taxes.

But when working families who are struggling every single day to make ends meet—and they are watching the Government squander their money—when we try to let them keep $1,000 more a year to invest in their own children and their own families, somehow that is unfair, somehow suddenly they are rich.

In truth, for the Democrats, anybody that works for a living is rich. Well, I think working families can do a better job. That is why I think it is absolutely imperative that we defeat this parliamentary maneuver and that we have an opportunity to vote on cutting taxes for working families. I think they deserve the tax cut. I intend to vote for it. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself such time as I may require off the resolution. I ask the Senator from Texas if he will spend a minute with me.

Mr. GRAMM. Sure.

Mr. BOND. Talking about the taxation philosophy. I wonder if he has taken a look at the amendments presented on this budget resolution.

Does the Senator see a theme in the amendments that have been presented in this budget resolution?

Mr. GRAMM. Well, I have not looked at the numbers. I would like to be educated on it. But as I look at them, we have a minimum of six amendments where the Democrats want to raise taxes and spend the money. And the number I looked at is that the tax increase was very substantial, over $180 billion total.

Mr. BOND. I say to my good friend from Texas, I show to my other friends, just some rough calculations we have done. So far, we have six tax increases that are proposed in amendments on this budget resolution. The Senator from West Virginia, Senator ROCKEFELLER, $50 billion; Senator BOXER, $18 billion; Senator WYDEN, $1 billion; Senator KERRY, $48 billion; Senator KERRY, $6 billion; Senator BYRD, $65 billion. As we calculate that, that comes up to about $188 billion.

Mr. GRAMM. What would they do with that money?

Mr. BOND. As I understand it, I say to the Senator, that would not go for tax relief. That would go for increased spending.

Now we are getting up—the record was set, I believe, in 1993, where we had a $240 billion tax increase. We still have a few hours left on this resolution, and all we need is about, as I calculate it, about $52 billion more in tax increases, and we could go over that $240 billion.

Does the Senator think maybe there is an effort to break that record?

Mr. GRAMM. I would say, if the Senator would yield, it is their record. It was the 1993 tax increase. And let me predict, not having seen what taxes those are, I bet you all those taxes are supposedly on rich people, people that drive automobiles and trucks and people that work for a living, which by definition are rich people. In fact, anybody that is taxed is rich and anybody whose taxes you cut are rich.

Mr. BOND. I see our distinguished chairman of the Budget Committee here, whose good office is responsible for helping frame this overall budget debate. I am happy to yield to him if he has some comments on this at this time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. Since I was absent, I would like to be brought current. How much time in toto is still available for both sides on the resolution?

The PRESIDING OFFICER. There are 57 minutes for the Senator from New Mexico; 56 minutes for the Senator from Nebraska.

Mr. DOMENICI. Boy, are we doing well. We must just be in sync.

Mr. EXON. We agree on something.

Mr. DOMENICI. I am going to speak to this, but I ask, in my absence has anybody come to the floor with additional amendments? Are we using time to make our points here or is somebody coming with amendments?

Mr. EXON. The Senator and I have appealed over and over again to people to come to the floor or at least call us and tell us they are not going to offer the amendments. We have heard nothing from our side of the aisle on that. If the Senator has heard of anybody on his side of the aisle, that would be a step in the right direction.

Mr. DOMENICI. We have not.

Mr. EXON. To answer the Senator's question, it would appear to me that neither Republican Senators nor Democratic Senators seem anxious to come over and claim some time to offer the amendments that they said they thought was important enough to be considered. So that is all I know about the proposition. Nothing evidently has changed, I say to the chairman of the committee.

Mr. DOMENICI. I thank the Senator very much.

I shortly will offer three amendments on behalf of Senators on this side, one of them on behalf of Senator MCCAIN and two on behalf of Senator FAIRCLOTH. Obviously we will not speak to them. They will be put on the same list for a vote when the vote comes.

Mr. President, I want to use about 2 minutes here to just make an observation and make an inquiry of the Chair.

First, I do not ask the Chair or the Parliamentarian for any information on this, but it is obvious that the Byrd rule by definition does not apply to provisions of a budget resolution. It applies to the legislative language in the reconciliation bills.

Having said that, I have a parliamentary inquiry. It is brief. If a reconciliation bill reduced revenues in the outyears beyond the period of the reconciliation bill, but as a whole did not increase the deficit by virtue of offsetting spending reductions or revenue increases, would the revenue reductions violate the Byrd rule?

The PRESIDING OFFICER. No, they would not.

Mr. DOMENICI. I thank the Chair.

Now, Mr. President, I have an amendment.

Mr. EXON. May I inquire of my colleague, we have additional debate that was on the matter before the Senate. Do you wish us to finish that or do you want to go ahead? The Senator from South Carolina also wants to speak.

Mr. DOMENICI. It will take me 3 minutes to get these amendments done.

AMENDMENT NO. 4022

(Purpose: To express the sense of the Senate regarding spectrum auctions and their effect on the integrity of the budget process)

Mr. DOMENICI. Mr. President, I have an amendment regarding spectrum openings and the effect of their integrity on the process, and I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. MCCAIN, proposes an amendment numbered 4022.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE—TRUTH IN BUDGETING.

It is the Sense of the Senate that:

(a) The Congressional Budget Office has scored revenue expected to be raised from the auction of Federal Communications Commission licenses for various services;

(b) For budget scoring purposes, the Congress has assumed that such auctions would occur in a prompt and expeditious manner and that revenue raised by such auctions would flow to the federal treasury;

(c) The Resolution assumes that the revenue to be raised from auctions totals billions of dollars;

(d) The Resolution makes assumptions that services would be auctioned where the Federal Communications Commission has not yet conducted auctions for such services, such as Local Multipoint Distribution Service (LMDS), licenses for paging services, final broadband PCS licenses, narrow band PCS licenses, licenses for unserved cellular, and Digital Audio Radio (DARS), and other subscription services, revenue from which has been assumed in Congressional budgetary calculations and in determining the level of the deficit; and

(e) The Commission's service rules can dramatically affect license values and auction revenues and therefore the Commission should act expeditiously and without further delay to conduct auctions of licenses in a manner that maximizes revenue, increases efficiency, and enhances competition for any service for which auction revenues have been scored by the Congressional Budget Office and/or counted for budgetary purposes in an Act of Congress.

Mr. MCCAIN. Mr. President, this amendment expresses the sense of the Senate that when spectrum auctions are assumed in the budget resolution, that those auctions should occur in an expeditious manner and in a manner that is most efficient. The amendment does not force the FCC to act on any fashion other than that which is most appropriate.

However, Mr. President, I am concerned that the Commission move forward with auctions.

This amendment is about much more than auctions. It is about truth in budgeting. When the Budget Committee drafts a budget plan that includes auctions, it is assumed that those auctions will take place. To the Commission's credit, it has acted to auction much of the spectrum. And to date, over $20.2 billion has been raised by auction.

But we must continue to move forward. In order for the Government's books to actually balance, we must bring in money we intend to spend.

One such example is the issue of Local Multipoint Distribution Service [LMDS]. The Commission's rulemaking proceeding on LMDS is over 3 years old. For 3 years we have been waiting for auction revenues. In the mean time, LMDS technology which was developed by American entrepreneurs is being implemented elsewhere in such places as Canada, South America, and Asia.

LMDS will provide homes and offices with video, telephony, and other interactive data transfer applications including high speed Internet connections. In residential areas, for example, LMDS could provide a family with over 60 digital TV stations, 200 video-on-demand channels, two telephone lines, and a high-speed Internet connection.

But, Mr. President, again let me repeat that this amendment is not about LMDS or any other specific service. There are other subscriptions services that are set to be auctioned that I would hope the FCC soon acts on. I would hope that the Commission move forward on those matters also and the FCC view this amendment as our imprimatur to move forward. But as I noted, this amendment is about the FCC acting in an expeditious manner in order to ensure that when the Congress assumes that money will be coming in, it is in fact coming in.

Mr. President, I want to commend the Budget Committee and its chairman for moving the issue of spectrum auctions forward. For the most part, it has been reconciliation legislation that has mandated past auctions The Budget Committee has recognized that spectrum is a public asset, that it has great value, and that the American people should not only benefit by its use, but should benefit from its sale.

Now we must ensure that the auctions the Budget Committee has the foresight to call for do indeed occur. I would hope the Congress would adopt this amendment and that the FCC would act as instructed by the Senate.

AMENDMENT NO. 4023

(Purpose: To express the sense of the Senate regarding welfare reform)

Mr. DOMENICI. Mr. President, this is proposed by Senator FAIRCLOTH and expresses the sense of the Senate that balanced budget legislation should also contain a strategy for reducing the national debt. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. FAIRCLOTH, proposes an amendment numbered 4023.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING WELFARE REFORM.

The Senate finds that—

S. Con. Res. 57 assumes substantial savings from welfare reform; and

Children born out of wedlock are five times more likely to be poor and about ten times more likely to be extremely poor and therefore are more likely to receive welfare benefits than children from two parent families; and

High rates of out-of-wedlock births are associated with a host of other social pathologies; for example, children of single mothers are twice as likely to drop out of high school; boys whose fathers are absent are more likely to engage in criminal activities; and girls in single-parent families are three times more likely to have children out of wedlock themselves; therefore

It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions and that is agreed to by the Congress and the President shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation.

Mr. FAIRCLOTH. Mr. President, President Clinton devoted two of his weekly radio addresses this month to the topic of welfare reform.

Like President Clinton, I was elected in 1992, and welfare reform was a key issue in my campaign. Since then I have introduced welfare reform bills in the 103d Congress and in this Congress as well.

The current impasse on welfare reform has existed since the President's second veto of welfare legislation sent to him by the Congress. I found the President's recent remarks on welfare reform to be particularly aggravating because so much agreement exists between the President and the Congress on the problems in our welfare system, and on most of the solutions, and yet bipartisan legislation passed by Congress has not become law.

In his May 4 address, the President said, ''The American people need a welfare system that honors American values: work, family and personal responsibility.''

The issues related to family and personal responsibility have been of particular interest to me. In fact President Clinton and I strongly agree on the problems in this area. On January

29 of this year, when the President appointed Dr. Henry Foster to coordinate the administration's new National Campaign to Reduce Teen Pregnancy, the President said:

This morning we want to talk about teen pregnancy, because it is a moral problem and a personal problem and a challenge that individual young people should face and because it has reached such proportions that it is a very significant economic and social problem for the United States.

He went on to say:

We know * * * that almost all the poor children in this country are living with one parent; that there are very, very few poor children, without regard to race, region or income, living in two-parent married households.

He continues by saying:

We know that there are an awful lot of good, single parents out there doing their best, but we also know it would be better if no teenager ever had a child out of wedlock; that it is not the right thing to do, and it is not a good thing for the children's future and for the future of the country.

Mr. President, I agree wholeheartedly with those points. Seventy-two percent of teenage births occur outside of marriage. I have stood here many times and emphasized that welfare reform that does not aggressively seek to reverse the rising rate of out-of-wedlock births, will not break the cycle of welfare dependency that is consuming more and more of our young people.

I have not been alone in sounding the alarm on this problem. Many of my Republican colleagues have joined me, and we have all learned from our friend, Senator MOYNIHAN, who first conducted ground-breaking research on this topic almost 30 years ago.

It is my strong belief that illegitimacy is the root cause of welfare dependency. Children raised in single parent homes are six times more likely to be poor than those raised by two parents, and girls raised in single parent homes are three times more likely to have children out of wedlock as well.

During last year's welfare reform debate, I advocated several approaches aimed at reducing illegitimacy. I supported the House efforts to limit the incentives in our current welfare program that, in effect, reward illegitimacy. I was also very proud that our welfare reform bill included a provision that I offered, which would promote and fund programs to encourage children to abstain from sexual activity before marriage.

I'll let the President finish my point on illegitimacy. In the statement that accompanied the welfare reform bill that he sent to Congress in 1994, he said ''Preventing teen pregnancy and out-of-wedlock births is a critical part of welfare reform.'' I agree.

Mr. President, in his radio addresses, the President has highlighted the agreement that exists on welfare reform and also praised the States for work they have done on their own. In his most recent radio address, the President tried to take credit for innovative reforms recently proposed by the Republican Governor of Wisconsin, Tommy Thompson.

I think it is ironic that the greatest barrier to these innovative State programs is the current Federal welfare system which requires States to negotiate a lengthy, and potentially partisan, waiver process through the Department of Health and Human Services. By refusing to sign welfare reform legislation, the President is denying States the flexibility that our welfare reform bill was designed to provide.

Even though the President seemed to have endorsed the Wisconsin plan on Saturday, today's Washington Post contained a statement from White House Deputy Chief of Staff, Harold Ickes, that details of the Wisconsin proposal would have to be changed before the Department of Health and Human Services would approve the wavier.

With all this agreement that seems to exist between the Congress and the President, why can't the American people have the welfare reform that the Congress has passed, and the President has promised them?

Mr. President, my amendment simply states that it is the sense of the Senate that if welfare reform is included in new balanced budget legislation, that those provisions contain a strategy to reduce the incidence of out of wedlock births as well as encourage the formation of two-parent families.

AMENDMENT NO. 4024

(Purpose: To express the sense of the Senate regarding reduction of the national debt)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This is on behalf of Senator FAIRCLOTH referencing deficit reduction and the national debt.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. FAIRCLOTH, proposes an amendment numbered 4024.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The amendment is as follows:

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING REDUCTION OF THE NATIONAL DEBT.

S. Con. Res. 57 projects a public debt in Fiscal Year 1997 of $5,400,000,000,000;

S. Con. Res. 57 projects that the public debt will be 6,500,000,000,000 in the Fiscal Year 2002 when the budget resolution projects a unified budget surplus;

This accumulated debt represents a significant financial burden that will require excessive taxation and lost economic opportunity for future generations of the United States; therefore

It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that is agreed to by the Congress and the President shall also contain a strategy for reducing the national debt of the Untied States.

Mr. FAIRCLOTH. Mr. President, this amendment would very simply express the sense of the Senate that if we enact a balanced budget plan this year—that such legislation should also contain a strategy for reducing the national debt.

The budget resolution we are debating today is a plan to balance the budget by the year 2002. But by the year 2002, our national debt will be $6.5 trillion.

Mr. President, this debt represents a massive burden on the American people and future generations of Americans. I am deeply concerned about this debt burden that we have placed on our children, grandchildren, and children yet born.

The budget resolution is a plan to end the deficit spending—which is certainly what we need. But I feel just as strongly that we need a plan to reduce this debt.

It took this country nearly 200 years to accumulate a debt of $1 trillion—and in the last 16 years the debt will have increased fivefold. This is not a Republican or Democrat issue—we don't need to assign the blame—we just need to develop a solution.

All this amendment would do is encourage the Senate—express that it is our sense that we develop proposals to deal with this massive debt burden.

POINT OF ORDER

Mr. EXON. Mr. President, I am about to yield whatever time he might need to the Senator from South Carolina.

I wish briefly to respond. How interesting it is that the debate has shifted from the very legitimate discussion that we were having here with regard to the faulty ruling of the Chair to a charge that Democrats are trying to block consideration of income tax reductions. Nothing could be further from the truth.

Just repeating irresponsible charges over and over again without providing any backup proof is nonsense. That has been an old debating technique for a long, long time. When the facts are not on your side, talk nonsense.

Mr. President, I want to get back, and I am sure my friend from South Carolina wants to get back, to the underlying problem that we have here that is far more than just one single independent ruling of the Chair. It is going to have far-reaching adverse effects on the U.S. Senate for as long as we can imagine into the future.

Instead of addressing that, the Republicans come forth with charts. They say we are trying to stop the tax cut. We are not trying to stop the tax cut. All we want is the tax cut to be brought up in the usual fashion, to be debated in the usual fashion under the usual procedures. We are trying to expose this glaring trick that the Republicans are trying, by separating their reconstruction instructions into three

separate bills. The last one with regard to tax cuts would come in September of this year, a couple months before the election. Of course, I would be the last to accuse the Republicans of playing politics with this —let me be the first.

We have just seen some charts presented here. They have done this before. They set up a straw man on fake straw and then they tear it down. They just had a list of Senators up there. They totaled up what those Senators had proposed and how much it would cost. No one has advocated raising taxes by the amount asserted from the Senator from Missouri. It is simply not the case that one can add up all of the offsets for amendments that fail. If the Senate chooses not to use an offset in one amendment, it is perfectly legitimate to try and use the same offset in a second amendment. When we do that, the Republicans set up a straw man—false numbers, false charges, false assumptions. Once again, setting up a straw man may fool the people of the United States temporarily, but not for long.

I want to correct just one more thing. I want to correct the record on the statistics used by the Senator from Texas. The share of the economy that goes to revenues to fund the Government is not at record levels. Let me repeat that: The Senator from Texas said that the share of the economy that goes to revenues to fund the Government is not at record levels. It was higher in 1969. It was higher in 1970. It was higher in 1982. Sure, sure, we would all like to have lower taxes. The question is, what should come first? What should come first, Mr. President? Balancing the budget of the United States or enacting tax cuts that we all would likely vote for once we get a balanced budget?

I yield 5 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, you can find the first two pages of the budget resolution conference report for fiscal year 1976 referred to as the authority for the Parliamentarian's rule about reconciliation back in 1975. I ask unanimous consent to have it printed in the RECORD. The report dated April 21, 1975 was submitted by Mr. Muskie, from the committee of conference. It is only a few pages, but I think it ought to be included.

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

SECOND CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1976

Mr. Muskie, from the committee on conference, submitted the following conference report to accompany H. Con. Res. 466:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution

H. Con. Res. 466) revising the congressional budget for the United States Government for the fiscal year 1976, and directing certain reconciliation action, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—

(1) The appropriate level of total budget outlays is $374,900,000,000;

(2) The appropriate level of total new budget authority is $408,000,000,000;

(3) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $74,100,000,000;

(4) The recommended level of Federal revenues is $300,800,000,000, and the House Committee on Ways and Means and the Senate Committee on Finance shall submit to their respective Houses legislation to decrease Federal revenues by approximately $6,400,000,000; and

(5) The appropriate level of the public debt is $622,600,000,000.

SEC. 2. The Congress hereby determines and declares, in the manner provided in section 301(a) of the Congressional Budget Act of 1974, that for the transition quarter beginning on July 1, 1976—

(1) The appropriate level of total budget outlays is $101,700,000,000;

(2) The appropriate level of total budget authority is $91,100,000,000;

(3) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $15,700,000,000;

(4) The recommended level Federal revenues is $86,000,000,000; and

(5) The appropriate level of the public debt is $641,000,000,000. And the Senate agree to the same.

Mr. HOLLINGS. Mr. President, a careful reading of this particular budget resolution finds no reconciliation instructions. How can you have reconciliation without reconciliation instructions?

I referred in my original comments to the fact that our distinguished colleague, the chairman of the Finance Committee at the time, Senator Long, wanted it to appear as reconciliation because he was trying to limit debate and limit amendments. He was probably the cleverest of all Parliamentarians around here. He always stood in the well there: "Yes, yes, Senator, I will take your amendment." He just took all these amendments, went over there, and you would never see them again. I remember it well.

But there was, as the record will show, no reconciliation—he called it and they gave him limited time, but it was not reconciliation. As chairman of the Finance Committee, he was complying with a particular bill. Just like now, under this concurrent resolution that we direct the Commerce Committee or the Armed Services Committee or any other committee, and they comply. They come up with their particular bill. That is not reconciliation.

As further authority, Mr. President, I refer to the statement made at that particular time by myself on December 3, 1980. I quote:

Every Senator who signed the conference agreement, and every Senator who votes to adopt it, has earned a share of the credit for this first historic exercise of the reconciliation power.

That was the first time we were able to pass a reconciliation bill, December 1980—there was not any kind of authority for reconciliation back in 1975.

Let me quote Mr. Henry Bellmon, ranking member at that particular time on the Republican side:

Mr. President, this truly is a historic occasion. Today we complete for the first time an important part of the Budget Act called reconciliation.

Mr. President, you cannot be more clear than that. They are using 1975, the actions taken by the chairman of the Finance Committee and a spurious ruling at that particular because there was no such thing as reconciliation instructions. Senator Long put in, as I said, and I read the particular title, a tax bill. It is a separate bill. It is not reconciliation. It is "a bill (H.R. 5559) to make changes in certain income tax provisions of the Internal Revenue Code of 1954." That is not a reconciliation bill.

Now, Mr. President, I am continually hearing from my distinguished colleague from Texas, and they run him out every now and then with the little charts, about the biggest tax increase. It is all Presidential politics—the biggest tax increase, the biggest tax increase.

Mr. President, I ask unanimous consent again that we include in the RECORD from the Washington Post an article by Judy Mann back in 1995, January 1. I ask unanimous consent the article be printed in its entirety in the RECORD.

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

[From the Washington Post]

FIDDLING WITH THE NUMBERS

(By Judy Mann)

Gov. Christine Todd Whitman, the Republican meteor from New Jersey, had the unusual honor for a first-term governor of being asked to deliver her party's response to President Clinton's State of the Union message last week.

And she delivered a whopper of what can most kindly be called a glaring inaccuracy.

Sandwiched into her Republican sales pitch was the kind of line that does serious political damage: Clinton, she intoned, "imposed the biggest tax increase in American history."

And millions of Americans sat in front of their television sets, perhaps believing that Clinton and the Democrat-controlled Congress had done a real number on them.

The trouble is that this poster lady for tax cuts was not letting any facts get in her way. But don't hold your breath waiting for the talk show hosts to set the record straight.

The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

Here is how the two compare, according to Bill Gale, a specialist on tax policy and senior fellow at the Brookings Institution. The 1993 act raised taxes for the next five years by a gross total of $268 billion, but with the expansion of the earned income tax credit to

more working poor families, the net increase comes to $240.4 billion in 1993. The Tax Equity and Fiscal Responsibility Act of 1982, by comparison, increased taxes by a net of $217.5 billion over five years. Nominally, then, it is true that the 1993 tax bill was the biggest in history.

But things don't work nominally. ''A dollar now is worth less than a dollar was back then, so that a tax increase of, say $10 billion in 1982 would be a tax increase of $15 billion now,'' says Gale. In fact, if you adjust for the 48 percent change in price level, the 1982 tax increase becomes a $325.6 billion increase in 1993 dollars. And that makes it the biggest tax increase in history by $85 billion.

Moreover, says Gale, the population of the country increased, so that, on a per person basis, the 1993 tax increase is lower than the one in 1982, and the gross domestic product increased over the decade, which means that personal income rose. ''Once you adjust for price translation, it's not the biggest, and when you account for population and GDP, it gets even smaller.''

He raises another point that makes this whole business of tax policy just a bit more complex than the heroic tax slashers would have us believe. ''The question is whether [the 1993 tax increase] was a good idea or a bad idea, not whether it was the biggest tax increase. Suppose it was the biggest? I find it frustrating that the level of the debate about stuff like this as carried on by politicians is generally so low.''

So was it a good idea? ''We needed to reduce the deficit,'' he says, ''we still need to reduce the deficit. The bond market responded positively. Interest rates fell. There may be a longer term benefit in that it shows Congress and the president are capable of cutting the deficit even without a balanced budget amendment.''

Other long-term benefits, he says, are that ''more capital is freed up for private investment, and ultimately that can result in more productive and highly paid workers.''

How bad was the hit for those few who did have to pay more taxes? One tax attorney says that his increased taxes were more than offset by savings he was able to generate by refinancing the mortgage on his house at the lower interest rates we've had as a result. The 1993 tax increase did include a 4.3-cent-a-gallon rise in gasoline tax, which hits the middle class. But most of us did not have to endure an income tax increase. In 1992, the top tax rate was 31 percent of the taxable income over $51,900 for single taxpayers and $86,500 for married couples filing jointly. Two new tax brackets were added in 1993: 36 percent for singles with taxable incomes over $115,000 and married couples with incomes over $140,000; and 39.6 percent for singles and married couples with taxable incomes over $250,000.

Not exactly your working poor or even your average family.

The rising GOP stars are finding out that when they say or do something stupid or mendacious, folks notice. The jury ought to be out on Whitman's performance as governor until we see the effects of supply side economics on New Jersey. But in her first nationally televised performance as a spokeswoman for her party, she should have known better than to give the country only half the story. In the process, she left a lot to be desired in one quality Americans are looking for in politicians: honesty.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HOLLINGS. Let me ask for 2 more minutes.

Mr. EXON. I yield 2 more minutes.

Mr. HOLLINGS. I thank the distinguished Senator.

I read here: The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

So I hope they would at least respect the truth every now and again and quit referring to the 1993 reconciliation bill as the ''biggest tax increase.'' I happened to have voted for it. It is working. It has the deficit cut in half. In fact, the deficit dropped another $30 billion since last week.

Finally, Mr. President, under this limited time on April 24, 1991, we put in a bill—''we'' being Senator MOYNIHAN of New York, Senator Kasten of Wisconsin, and the Senator from South Carolina—we put in that bill to cut $190 billion in tax cuts for working Americans. The distinguished Senator from Texas voted against it. We said, let us put Social Security on a pay-as-you-go basis. It amounted to $190 billion in tax cuts on working Americans.

You can keep running him out with his charts, but I am going to run out with his record. He had a chance to vote for it, and he voted against it.

So spare us this particular off-Broadway act that we have to watch every other day or so—the biggest tax increase, and working Americans, around the kitchen table, and who is in the wagon and who is pulling it. We are in the wagon. The Congress is in the wagon. The people outside are the ones pulling it. The President is the one that has been cutting the deficit. And thank heavens for President Clinton, the only one in town since President Johnson that has cut the deficit.

I yield the floor.

Mr. EXON. Mr. President, just to add another fact to the statement made by the distinguished Senator from South Carolina, that largest tax cut in history that he indicated came in 1982, I believe. Is that what he said?

Mr. HOLLINGS. That is correct, tax increase.

Mr. EXON. I thought it might be interesting to note that the chairman of the Finance Committee at the time of the real largest tax increase in history, chairman of the committee of jurisdiction, the Finance Committee at that time, was Kansas Senator ROBERT DOLE.

I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. I thank the ranking member, the Senator from Nebraska.

I must say that I was surprised to see the Senator from Texas out once again railing against the Democrats in the last package that we passed, saying that it was just a tax package. It is very interesting.

The Senator from Texas is not talking much these days about deficits. He is not talking about that much anymore. He is not talking much about debt anymore because we are 6 months away from an election. The Republicans are down by double digits in the polls. And so out comes the tax bogeyman. Let us haul that one out because that one seems to work pretty well. Let us run out the tax bogeyman. Let us run him around the track a few times.

Mr. President, let us read the RECORD. First of all, the biggest tax increase occurred on their watch. They controlled the White House. They controlled the U.S. Senate. They passed the biggest tax increase. Why did they do it? Because the deficits were skyrocketing. They were out of control. So they took action.

In 1993, the Democrats, when it was on our watch—we controlled the White House, we controlled the Senate, and we controlled the House—we took action. We can be proud of the action we took because we reduced these deficits. We have reduced them sharply. Let us just look at the record.

Mr. President, this compares the records of President Clinton, President Bush, and President Reagan. This is what has happened to the deficits under these three Presidents. These are the deficits in billions of dollars starting in 1980.

Ronald Reagan was elected. The deficit was about $70 billion a year. Ronald Reagan took office. By the way, it was not just Republican control of the White House; the Republicans controlled this body as well. They controlled the U.S. Senate, and they had effective control of the U.S. House of Representatives. Because everyone remembers what budgets passed in 1981, in 1982, in 1983, it was boll weevil Democrats joining with the Republican minority in the House, joining with the Senate majority, the Republican majority in the Senate, and a Republican President.

What happened? Here is the record on deficits. The deficits exploded. They exploded under this theory of supply-side economics. They exploded under this notion that you can just cut taxes and not cut spending, and that somehow it is all going to add up. The deficits went to over $200 billion a year.

Then, we see that we had the beginning of the Bush administration, and again deficits took off. This time they reached $290 billion a year. That is what the deficit was when Bill Clinton came into office. Bill Clinton inherited a $290 billion budget deficit.

Look at the performance based on a plan that we passed in 1993 without a single Republican vote. Not one. Not one. The deficit has gone down each and every year.

This morning we were told the deficit for this year will probably come in at less than $130 billion, a dramatic reduction in the budget deficit, in part because of economic recovery and in part because of the plan that we passed in 1993. We had the courage to stand up and do what needed to be done.

Mr. President, more needs to be done. It is not going to happen with this kind of running out and saying, well, we can just cut all the revenue of the Federal Government and somehow it will all

add up. We tried that before. It failed, and it failed miserably. Debt, deficits and decline, that is the direction our friends on the other side, at least some of them, seem to be willing to take us.

Mr. President, we should never ever go back to that policy of debt, deficits and decline. That way lies ruination.

I thank the Chair and yield the floor.

Mr. EXON. May I ask a question of the Senator from North Dakota.

I appreciated the Senator's factual remarks, and just to back up what the Senator has said, that is just not a Democratic Senator saying that. That is not just a Democratic Senator saying that based on the facts. The same thing was said by the Office of Management and Budget director under President Reagan. His name was David Stockman, and he admitted publicly—and I believe wrote in a book—that it was a sham all the way through. In fact, he used the words that all of this period the Senator has just alluded to was ''fiscal carnage.'' And he admitted that it was a Republican fiscal carnage. I just wanted to emphasize that. I am just wondering if the Senator had remembered that fact.

Mr. CONRAD. I actually read David Stockman's book, and he makes very clear that this was a policy they hoped somehow would all add up, and it did not. It was a miserable failure that dug a very deep hole for this country.

Mr. President, the facts are very clear. This is the record. Nobody can dispute these numbers. This is what happened.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CONRAD. I thank the Chair.

AMENDMENT NO. 4007

Mr. GRAHAM addressed the Chair.

Mr. EXON. Mr. President, I would like to advise the chairman of the committee we have good news; a Senator has arrived in the Chamber to talk about an amendment. The amendment was previously offered but the Senator from Florida seeks recognition, and at this time I hope we could allot him 5 minutes charged jointly against the two sides.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. DOMENICI. I have no objection to the time allocation.

Mr. GRAHAM. Mr. President, on Friday I filed amendment No. 4007, reserving the time to discuss that amendment until today. I wish to use at least 5 minutes to review this very terse but important amendment.

This amendment, Mr. President, provides that any funds which were derived by the more aggressive attack on Medicare fraud would be returned to the Medicare trust fund. We are facing two interrelated challenges. One is combating the rampant level of fraud which exists within our Medicare program and second is ensuring the solvency of the Medicare trust fund.

It has been estimated by the General Accounting Office that the rate of Medicare waste, fraud and abuse is approximately 10 percent and in some areas of the country is estimated to be twice that amount. If we could use even the more conservative estimate, an additional 2 million seniors could be served each year through Medicare just by reducing the level of Medicare fraud.

Medicare fraud ought to be the first place we look when we are considering reductions in the Medicare Program. Fraud undermines public confidence in Medicare. It is a very cost-efficient expenditure. One dollar spent on suppressing Medicare fraud on average will return in excess of $10 in reduced costs.

There are a number of solutions, many of which have been contained in legislation adopted by this Senate, which will allow for a comprehensive assault on Medicare fraud. We have prescriptions such as using the Medicare Federal hospital insurance trust fund as part of the source of financing, more effective investigations and prosecutions of Medicare fraud. It is the intent that those savings derived by that more effective effort be returned to the trust fund both to reimburse for the expenses that have come out of the trust fund for the investigations and prosecutions and also the return to the trust fund some of the money which was pilfered from it by the fraud itself.

Unfortunately, Mr. President, these efforts to assure that the savings derived by effective programs against Medicare fraud end up benefiting the trust fund for Medicare have been under assault. There are proposals, for instance, to divert these funds into new Federal spending efforts, efforts that are outside of the Medicare trust fund. There are also proposals to use it to finance new tax breaks.

As worthy as those other spending efforts or additional tax reductions might be, it is not appropriate to use funds derived from the Medicare trust fund through the efforts to suppress fraud which it finances for any purpose other than assuring the solvency of the Medicare trust fund.

So the amendment I have filed, which is amendment No. 4007, essentially establishes, as do other provisions within this budget recollection bill, a point of order which states, ''It shall not be in order for the Senate to consider any reconciliation bill, conference report or otherwise which would use savings achieved through Medicare waste, fraud and abuse enforcement activities as offsets for purposes other than improving the solvency of the Medicare Federal Hospital Insurance Trust Fund.''

So that is the essence of the amendment. It is to provide procedural protections to assure this Senate, to assure the American people, and especially to assure the over 35 million Americans who depend upon the Medicare trust fund for their hospital payments, that any funds which are pilfered from that trust fund, any funds which are used from that trust fund for purposes of effective enforcement will be for the benefit of the trust fund.

I urge adoption of this amendment. I thank the Chair. I thank my colleague.

Mr. EXON. Mr. President, I yield 2 minutes from our time to the Senator from South Carolina.

POINT OF ORDER

Mr. HOLLINGS. Mr. President, let me get right to the point of the statement I made back in 1980 when I was chairman of the Budget Committee and Mr. Giaimo of Connecticut, was chairman on the House side. Before I could get these records I put in a call to him. He is down in Florida just below Palm Beach. He verified my memory. Lots of times my memory is pretty good way back, and very precise, and then I cannot remember where I parked the car, so I always like to double check when I just speak from memory. He verified that Mr. Bellmon was the ranking member on the Senate side, and he and all the records show that the bill was not a reconciliation bill. There were not any reconciliation instructions in the fiscal '76 concurrent resolution on the budget, and the tax bill offered by Senator Long of Louisiana as the chairman of the Finance Committee was not a part of reconciliation.

I thank the distinguished Senator.

AMENDMENT NO. 3986

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I thank the Chair.

I would yield myself 5 minutes to speak on and in relation to amendment No. 3986 by Senators WELLSTONE and KERRY. This is an amendment which pertains to the violent crime reduction trust fund. It is a sense-of-the-Senate amendment. Since the time has not been yielded back, I am not in a position at this point to offer a second-degree amendment that I had considered, but I anticipate doing that at the appropriate moment.

I do want to speak in relation to this issue though because I think it is a fairly significant one. The sense-of-the-Senate amendment that has been offered talks in terms of full funding of the violent crime reduction trust fund. I think, Mr. President, we should go further than just put this in the context of a sense of the Senate. Indeed, my intention is to offer a second-degree amendment which would accomplish the goal of fully funding the violent crime trust fund by moving moneys for the years 2001 and 2002 from function 600. It is my view that we should also stop, the administration should be much more up front and much more consistent with regard to the facts concerning the COPS Program, and I think in addition that we should take action to minimize the administrative overhead in relation to the COPS Program. The second-degree amendment which I will offer tomorrow along with Senator COVERDELL would try to accomplish both of these objectives. Specifically, under the current law the violent crime trust fund is

set to expire in the year 2000, just 4 years from now.

This amendment that we intend to offer would provide the funds to keep it going to the year 2002. That would mean funds for the prison grants; the GREAT Program; Violence-Against-Women Program; violent crime reduction programs for the Justice Department; INS, DEA, FBI; funding for the immigration initiative and border control programs; Byrne grants, and the COPS Program.

We will be offering this amendment in due course to the Wellstone amendment because we feel the issue deserves more than just the sense-of-the-Senate recognition. We believe the trust fund needs to be protected. The underlying Republican budget already fully funds the trust fund. We plan to carry it forward through the year 2002.

In terms of the offset, it is our belief to fund this there would be corresponding reductions to function 600 in the budget. For those Members who might argue we should not be reducing this function below what was reported by the Senate Budget Committee, I point out that the Republican budget includes significantly more funding under function 600 in the years 2001 and 2002 than the President's budget that we voted on last week.

Specifically, over those 2 years the Republican budget currently exceeds the President's budget in the following areas: Low-income housing, $4.26 billion more; refugee and entrant assistance, $189 million more; child care and development block grants, $330 million, the WIC program, over $1 billion more, and the Commodity Assistance Program, $66 million more.

In other words, even after the amendment we would plan to bring tomorrow is adopted, the Republican budget will still provide more funding for these programs within the 600 function than the budget that the President has offered. At the same time, it would give us the ability to fully fund the violent crime trust fund.

So at this point I conclude my remarks in that I must become the Presiding Officer here. I will be yielding time to the Senator from Georgia so that he might make further comment on this. At this point I call upon him.

Mr. EXON addressed the chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, may I ask how much time the Senator from Georgia will need? We have had several speakers. We generally go back and forth. How much time does the Senator wish?

Mr. ABRAHAM. If the Senator from Delaware would like to go ahead, I think actually the Senator from Georgia will take over this seat so he can take it upon himself.

Mr. EXON. With that understanding, I am pleased to yield 3 minutes at this time to the Senator from Delaware. I believe under the rules he will be talking on an amendment, so the time should be charged on the amendment, which takes it jointly off of each side's time.

Mr. BIDEN. Mr. President, I thank the manager. I was going to respond very, very briefly to the Senator from Michigan who just spoke about the violent crime trust fund. As the author of that trust fund, I am saying I am delighted to see so many Republicans coming aboard now, having voted against the establishment of that fund.

I agree what the House did was outrageous and the proposals to cut the violent crime trust fund are equally outrageous. I want to point out, I want to remind everybody how we funded that. The Senator from Texas, Senator GRAMM, was a cosponsor of the funding of that. We cut it by agreeing to do what none of the previous Presidents had done, cut the Federal work force by 272,000 people: No new taxes. No new taxes. We funded it for 6 years.

Now I welcome the support for the trust fund and the recognition of the need for it, the recognition it may make sense to extend it beyond the 6 years for which we authorized it. The fact of the matter is, when I introduced that legislation and it was passed with six Republican votes—excuse my reference to partisanship here, but I find everybody is cutting the COPS program, they come and cut the prevention programs, there are fights on the floor here under the Republican leadership to cut the violence-against-women legislation—now I have Republican leadership talking about not only liking the trust fund but wanting to extend it another 2 years. I think that is a very worthwhile thing to do.

I hope, if there is a genuine intent to do that, we will first make sure you all sign on and we are not going to cut the trust fund now. We did not fully fund the crime bill trust fund, which is now the crime law trust fund, last year to the extent that there was money in the trust fund in 1996. The House did not fully fund the trust fund this year. We did not and are not fully funding it. The money is there. We are not spending any money that had not had the nickel dropped in the box. You take a worker's paycheck who no longer works for the Federal Government and you put it in the box and you hire a cop, you build a prison cell, you go out and deal with a serious prevention program like the drug courts, you go out and make sure you build more boys clubs and girls clubs.

So, I hope we are all singing from the same page here and that is that, A, by definition, the crime bill must be pretty good if we are extending the trust fund; B, if we are going to extend the trust fund another 2 years we should spend all that is in the trust fund for its stated purposes; and, C, I hope we are not going to decide we are going to keep kids out of crime, and trouble, and the drug stream by taking away the WIC program or taking away other programs to fund the COPS. There are better ways to do it.

But I am anxious and willing and delighted that there is the support for the full funding of the trust fund and the extension of the trust fund.

I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, as the manager I yield myself 3 minutes to support the statement you made, Mr. President, and the amendment to be offered tomorrow. I appreciate it, understanding the history of this from the Senator from Delaware. My support for his amendment is based in conjunction with setting of priorities. When we passed the crime bill we were told we were going to put 100,000 police officers on the street. Then, on May 12, 1996, George Stephanopoulos of the White House claimed under this COPS Program it would not be 100,000 police officers, it would be 43,000 police officers. And then on Thursday, May 16—that is just several days ago—the Attorney General, Janet Reno, stated, ''What I am advised is there are 17,000 officers that can be identified as being on the streets,'' as a result of the COPS Program. So, from 100,000 to 43,000 now we are down to 17,000 officers.

I think it is appropriate that if it is less than 20 percent of what is promised we ought to adjust the appropriation for that program, which is of course what your amendment does, Mr. President.

In reviewing the COPS officials efforts in their expenditures, I find they rented a 10-floor, 51,000 square foot office building to administer the program at a cost of $1.5 million a year. I would rather reinforce the priorities that were just enumerated by the Senator from Delaware than this typical Washington bureaucracy.

They have five full-time Washington public relations specialists. What are they there for? Do we need public relations specialists to deal with putting cops on the street? The answer is no.

In the 1995 budget, this program spent $10 million on administrative costs alone, funding 130 positions. Meanwhile the administration reduced by 100 positions the drug czar's office and only recently has indicated that would be repaired.

For fiscal year 1996 this program proposed to double—double the number of administrative officers to 310 positions. Management and administration would reach over $29 million by fiscal year 1997, under the President's proposal.

So, what we have here is a program that was much touted that would put 100,000 cops on the street; Then we said no, it is only 43,000, but the Justice Department verified that less than 20 percent, only 17 percent of that program has been fulfilled. The reason is, it is bait and switch. It gets the community into the program but then after 3 years the community is stuck with the bill.

In the meantime, the administrative support of the program has it as if we had the whole shebang out on the

street. So it is time to scale back these administrative positions, this 10-story building, this 51,000 square feet, and get the administration down to the level commensurate with the actual product that this program has produced.

I yield the floor.

Mr. BIDEN. Mr. President, I ask unanimous consent—and I will not do this again to my friend—that I have 3 more minutes.

Mr. EXON. I yield 3 minutes to the Senator from Delaware.

Mr. BIDEN. My friend from Georgia has his facts wrong, with all due respect. What the administration said was, we have already funded, of the 100,000 cops, 43,000 to date. When the Republicans were telling us we would not get 20,000, remember Charlton Heston, ''Moses,'' was on TV saying this is only 20,000 cops from the entire 6 years of the program.

We have already funded—who being recruited, being hired and being trained—43,000 cops already. Already. And because of the Biden crime bill, there are 17,000 of these 43,000 cops on the streets as we speak, with the remaining 26,000 having been funded and in the process of being recruited, hired and trained.

Now, in terms of administrative costs, I challenge any of my Republican friends to pick up the phone and call any one of their local police agencies and ask them about the bureaucratic morass in cost. We insisted this get down to a one-page application. All the cops need do is send in a one-page application. It has been the most stunningly successful nonbureaucratic program that has been around in the last 20 years.

No. 2, cost, administrative costs, 10-story building, whatever that was about. The 100,000 cops has administrative costs of just over 1 percent, just over 1 percent administrative cost for putting 100,000 cops on the street over the duration of the bill, which takes 6 years.

My Republican friends have come along with this brilliant idea of a block grant. You know what they factor in for the block grant? Three percent overhead. The 100,000 cops program is one-third or one-half below what the Republican proposal calls for in the block grant proposal. It is actually less than the block grant. This is, with all due respect, poppycock.

Folks, nobody thought a year after this program was underway we would have it going, the administration—any administration—would have it going as well as it is: 17,000 cops making arrests as we speak because of Federal funding for cops that did not exist a year and a half ago; at total of 43,000 funded being recruited, being hired and being trained as a consequence of the crime bill right now. Right now. We have not gotten to 100,000 yet. No one said that. It was always said it would take the duration of time to get to the full 100,000.

The last thing, in 3 years they are going to have to pay their own way—

Mr. COVERDELL. Will the Senator yield?

Mr. BIDEN. I will be happy to.

Mr. COVERDELL. I do not want to get into extended debate.

Mr. BIDEN. I would love to.

Mr. COVERDELL. I do want to read the quote:

> Next week, 43,000 of the 100,000 cops will be on the street.

That is the quote.

Mr. BIDEN. Mr. President, in response, that is Mr. Stephanopoulos, who knows about one-fiftieth of this as I do. He is not the Attorney General; he is not anyone. He makes mistakes on occasion. What he meant to say, I am sure, is 43,000 funded and being recruited, being hired. You get recruited and hired before you go into training. You are not on the street yet.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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 suggest the absence of a quorum and ask that it be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. 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. EXON. I yield 3 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, referring again to the RECORD made back in 1975. The Parliamentarian points out the fact that Senator Muskie called it the reconciliation bill in that 1975 discourse. The truth of the matter is Senator Hartke raised that point.

Mr. President, I suggest the absence of a quorum while I search for the particular quote.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. 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. HOLLINGS. I just reviewed the particular statement by Senator Muskie back in 1975. As I alluded in my original remarks, Senator Hartke of Indiana said, ''Where do you get that this is a reconciliation bill? There is no reference.'' Senator Muskie said, ''That is what Senator Long called it.'' He said, ''Just by calling it that, does it make it a reconciliation bill?''

I was going to read the exact quote, but I think the full RECORD should be included here at this point with respect to that special act in 1975. It is used as the authority that was a reconciliation bill. It responded to the second concurrent resolution.

You read that RECORD. Mr. Muskie came on the floor at that particular time. He was catching up with what Chairman Long of Finance was doing and was trying to justify it. But the truth of the matter is, the RECORD will clearly show that the tax bill was only in response to the second concurrent budget resolution and not any reconciliation instructions. That was brought out by Senator Hartke. The exact discourse will be included in the RECORD. I had it here.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

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

[From the Congressional Record, Dec. 15, 1975]

Mr. MUSKIE. Mr. President, I think this might be a good point, with somewhat of a lag in floor discussion, to discuss the pending legislation, as chairman of the Budget Committee. I shall speak briefly of the relationship of the tax reductions contained in H.R. 5559 and the requirements of the congressional budget process.

The second concurrent budget resolution for fiscal year 1976, which is now binding upon Congress, provides for extension of the temporary antirecession tax cuts of 1975 at a level which will maintain current tax withholding rates until the end of June 1976. The resolution mandated the Finance and Ways and Means Committees to report such legislation—specifically, legislation which would decrease fiscal year 1976 revenues by approximately $6.4 billion less than what they would be under existing law. H.R. 5559 meets this standard.

Extension through June 30, 1976, of the temporary lower withholding rates established last spring will allow adequate time for Congress carefully to develop budget targets for fiscal year 1977 including an overall spending ceiling and revenue floor. These targets will be established in the first concurrent resolution to be adopted by Congress next May. This schedule will allow Congress to establish reasoned and accurate fiscal year 1977 spending and revenue decisions at the first available opportunity under the new congressional budget discipline. If Congress determines at that time to further extend or alter the original 1975 tax reductions, legislation to implement that decision can be enacted before the June 30, 1976, expiration date.

I would also like to take this opportunity to praise the Finance Committee, and particularly its chairman, the distinguished Senator from Louisiana, Senator LONG, for so closely integrating the vital work of the Finance Committee into the framework of the new congressional budget process. Decisions affecting Government revenue levels are vital both to eliminating future budget deficits and to maintaining the momentum toward economic recovery. Thus, the close coordination of the tax writing committees with the budget process is essential if the process is to be successful.

The fact that H.R. 5559, as reported by the Finance Committee, meets the reconciliation instruction in the second concurrent budget resolution is proof of the commitment of the Finance Committee to the successful working of the new budget process.

Since H.R. 5559 constitutes the first so-called reconciliation bill required to be reported in the Senate under the Budget Act, I would also like to explain very briefly how reconciliation bills fit into the overall budget process.

In recent months, I periodically informed the Senate as to the consistency of various bills with the budget targets established by the first concurrent resolution last spring. Subsequently, the second concurrent budget resolution has just been adopted which establishes binding overall revenue, spending, and debt figures for fiscal year 1976.

The Budget Act provides a special procedure to insure rapid enactment of legislation to bring current congressional legislative programs into line with the figures established in the second concurrent resolution. This legislation—which can affect spending authority, budget authority, revenues, or the public debt limit—is known as a reconciliation bill. After enactment of the reconciliation legislation, the focus of the budget process will shift to insuring that subsequent legislation does not breach the second resolution figures.

The Budget Act provides that legislation subsequent to a reconciliation bill will be subject to a point of order if it causes either expenditures to exceed the relevant spending ceilings or revenues to fall below the revenue floor established in the second concurrent resolution.

With respect to reconciliation bills affecting either spending or revenues, the Budget Act requires they fully carry out the reconciliation instructions given in the second concurrent resolution. The act further provides that no amendment not germane to the provisions of that reconciliation bill is in order.

Therefore, in the case of the present second resolution requirement that fiscal year 1976 revenues be reduced by approximately $6.4 billion, amendments to the reconciliation bill which would further reduce revenues more than $6.4 billion or raise revenues above the $300.8 billion set as the appropriate revenue floor for fiscal year 1976 would be out of order.

The Budget Committee looks forward to working with the Finance Committee in enforcing the revenue floor and spending ceilings after this legislation is adopted.

May I make the point that this is the point at which we move beyond persuasion, which has worked very effectively and to my satisfaction, up to this point, to the discipline of a point of order.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. MUSKIE. Yes, I yield to my good friend.

Mr. HARTKE. How does this bill, which is the pending business, become a reconciliation bill without being designated a reconciliation bill?

Mr. MUSKIE. I think that when we see an apple that looks like an apple, we call it an apple.

Mr. HARTKE. How can we say this bill is the specific reconciliation bill?

Mr. MUSKIE. If it is not that, then it is out of order, as to cutting revenues.

In the first place, I understand the manager of the bill has described it as a reconciliation bill. But beyond that, the only revenue cut that is permitted under the second concurrent resolution is a cut of $6.4 billion. If this bill is not the instrument for achieving that cut, the assumption would have to be, I guess, that a bill is coming along that would. In that case, this bill, being extraneous to that, could be held to be out of order. But I think that is a semantic discussion. We do not mandate the words. All we do is mandate the action.

When I say ''we,'' I am talking about Congress as a whole.

Mr. HARTKE. In other words, the chairman of the Committee on the Budget has made an assumption that this is a reconciliation bill.

Mr. MUSKIE. No, may I say, the chairman of the Committee on Finance has told me it is a reconciliation bill.

Mr. HARTKE. The chairman of the Finance Committee can make a statement, but that does not make it the situation. The Committee on Finance has not acted upon this being a reconciliation bill. There is no record of its being a reconciliation bill; there is no mention of it in the report as being a reconciliation bill. Therefore, I think a point of order would not be well taken in regard to any amendment, because it is not a reconciliation bill. This is a tax reduction bill.

I can see where the Senator may assume, but it is an assumption which is not based on a fact.

Mr. MUSKIE. May I make my point as simply as possible? The second resolution does not permit tax reductions beyond $6.4 billion. If the Senator chooses to say that the proposed tax reduction does not come in a legislative vehicle that could properly be described as a reconciliation bill, still, in my judgment, he cannot escape the point that if it is not that, it is, nevertheless, out of order if it exceeds $6.4 billion.

I really do not know why the Senator is chasing his own tail.

Mr. HARTKE. I am not chasing my tail. I will point out, very simply, that in my judgment, this is a case where two Senators have gotten together and agreed that this is reconciliation bill and there is nothing in the record to show that it is a reconciliation bill.

Mr. MUSKIE. May I say to the Senator, I have never discussed this with Senator LONG. If the Senator says I have gotten together with him, the only way in which we have gotten together is that the second concurrent resolution mandates a tax reduction of $6.4 billion and the chairman of the Committee on Finance has reported a bill which reduces revenues approximately $6.4 billion. In that open and nonconspiratorial way have the Committee on Finance and the Committee on the Budget ''gotten together,'' in the words of the Senator.

Mr. HARTKE. Let us avoid any conspiracy, but the fact is that I think there are not very many, if any, Senators on this floor that had the idea that this bill would not be subject to amendment, other than the fact that there was a unanimous-consent agreement, which is an entirely different proposition. The germaneness rule only comes into effect if this is a reconciliation bill.

Mr. MUSKIE. Why does the Senator not test the point? He is not going to persuade me of it.

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 4025

(Purpose: To express the sense of the Senate regarding the funding of Amtrak)

Mr. EXON. On behalf of Senator ROTH, with myself as a cosponsor, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mr. ROTH, for himself and Mr. EXON, proposes an amendment numbered 4025.

Mr. EXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE FUNDING OF AMTRAK.

(a) FINDINGS.—The Senate finds that—

(1) a capital funding stream is essential to the ability of the National Rail Passenger Corporation (''Amtrak'') to reduce its dependence on Federal operating support; and

(2) Amtrak needs a secure source of financing, no less favorable than provided to other modes of transportation, for capital improvements.

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

(1) revenues attributable to one-half cent per gallon of the excise taxes imposed on gasoline, special motor fuel, and diesel fuel from the Mass Transit Account should be dedicated to a new Intercity Passenger Rail Trust Fund during the period January 1, 1997, through September 30, 2001;

(2) revenues would not be deposited in the Intercity Passenger Rail Trust Fund during any fiscal year to the extent that the deposit is estimated to result in available revenues in the Mass Transit Account being insufficient to satisfy that year's estimated appropriation levels;

(3) monies in the Intercity Passenger Rail Trust Fund should be generally available to fund, on a reimbursement basis, capital expenditures incurred by Amtrak; and

(4) amounts to fund capital expenditures related to rail operations should be set aside for each State that has not had Amtrak service in such State for the preceding year.

Mr. ROTH. Mr. President, I rise to offer a sense-of-the-Senate regarding funding for Amtrak. My amendment has a very simple and important purpose. It states that Congress should establish a secure source of financing, no less favorable than that provided to other transportation modes, for capital improvements to intercity passenger rail.

Recognizing Amtrak's severe needs for capital investment, I have introduced a bill, S. 1395, that would give Amtrak a dedicated source of funding. This legislation has already been approved by both the Senate Finance Committee and the Senate Commerce Committee. The legislation creates a new intercity passenger rail trust fund which would be funded by transferring revenues from the one-half cent excise tax that is currently going into the mass transit account. If this legislation is enacted, Amtrak would be able to use $2.8 billion over 5 years for capital improvements, and States that do not have Amtrak service would be able to fund capital expenditures related to rail operations.

Some of my colleagues have argued that taking one-half cent from the mass transit account would hurt the viability of this account. I would like

to clarify that the establishment of the intercity passenger rail trust fund would not have an adverse impact on mass transit or any other modes of transportation. There is currently a large unspent balance in the mass transit account, totaling about $10 billion. My legislation would only cost $2.8 billion over five. To ensure that the mass transit account would not be adversely affected by transferring the one-half cent, the bill provides that Amtrak would be prevented from receiving any funds from the rail trust fund if the balance in the mass transit account is insufficient to cover transit spending for the current and following fiscal years. Current projections indicate that this would not occur over the 5-year life of the rail trust fund.

Mr. Chairman, we are all working toward an Amtrak which operates without a Federal operating subsidy, which provides quality service, and which is financially stable. Amtrak now covers approximately 80 percent of its operating costs with self-generated revenue, up from just 48 percent in 1981. Yet we also know that no intercity rail passenger service anywhere in the world operates without some degree of public sector financial support.

Mr. Chairman, if Amtrak is to stay alive and become economically healthy, there is no doubt that it will need the labor and management reforms contained in the Amtrak authorization bill which I know Senators LOTT and PRESSLER and other Members hope to see enacted this year. Amtrak will need to continue to do its own internal restructuring. It will also need a dedicated trust fund to support capital needs in the same way we provide capital for highways and airports.

Investment in all modes of transportation is important, but we have gone about it in a lop-sided way. Purchasing power for Federal highway programs has increased by 48 percent from 1982 to 1996. It has increased 78 percent for aviation, but has decreased 46 percent for passenger rail. In fact, Amtrak currently receives less than 3 percent of all Federal transportation spending. To attain balance, we must balance our financial support to all transportation components, including passenger rail service.

As I have stated before, a secure source of capital funding is necessary for Amtrak's future economic health. New capital investments will allow Amtrak to operate more efficiently. With new equipment, Amtrak will attract substantial new ridership—bringing with it increased revenues and allowing Amtrak to eliminate its dependence on Federal operating subsidies. It currently costs Amtrak $60 million per year to operate and maintain its old equipment, which frequently breaks down and often requires parts to be specially made.

As a Senator living along the Northeast corridor, I cannot stress how important it is that we have intercity rail service. Depending on the Senate schedule, I ride the train almost daily between Wilmington and Washington. Without Amtrak, I would not be able to live in Wilmington and work in Washington.

Here in the Northeast, Amtrak is the dominant public carrier, with more than 10 million riders a year. Between Washington and New York it takes care of 43 percent of the combined air/rail passenger market. The need for rail service is also growing in other parts of America. For example, Amtrak service between San Diego and Los Angeles serves two million people. Routes also are growing between New York and Boston; Chicago, Milwaukee, St. Louis, and Detroit; and between Portland and Seattle. In fact, many of our rural communities are almost completely dependent on Amtrak for their transportation needs.

As someone concerned not only about the environment, but about traffic congestion, especially in the Northeast, where we lack the lands and resources for new roads, I am a proponent of Amtrak.

Simply put, Amtrak is safe, fuel efficient, speedy and the best transportation alternative for millions of Americans. It's $2.2 billion budget directly generates some 25,000 jobs nationwide, and more than than 33 million Americans across the country commute to work on Amtrak-operated systems throughout the country. I am grateful for the service Amtrak provides me and the thousands of men and women who depend every day on Amtrak.

If Congress hopes to privatize Amtrak in the next 5 years, and if we support continued intercity passenger rail service—service that is vital to both rural and urban areas—we must vote for a dedicated trust fund for Amtrak.

Mr. President, thank you and I yield the floor.

Mr. GRASSLEY. Mr. President, I rise in opposition to this sense-of-the-Senate resolution offered by the Senator from Delaware that would allow Amtrak to invade the highway trust fund for its financial wants.

Under this plan, Amtrak would divert one-half cent per gallon of the highway automobile fuel tax, from the mass transit account of the highway trust fund, and into a new trust fund designed to benefit Amtrak trains. By voting for this resolution, Senators would vote to classify much of this entirely new spending from this new trust fund as direct spending under the Budget Enforcement Act. Thus, this sense-of-the-Senate resolution resolves the Senate to both plunder the highway trust fund and create a new entitlement. Now is not the time to create new entitlements; now is the time to show our sincerity in balancing the Federal budget.

Mr. President, Senators should vote against this Amtrak resolution because it steals much needed capitol funds from our country's mass transit systems. And let me remind my colleagues that Amtrak is not the same as your local mass transit system. Both may carry significant numbers of passengers when compared to the private automobile, but the similarities end there and the differences begin. Local mass transit carries the working poor, disabled and the elderly to jobs, to local clothing and grocery stores, to medical services, and other amenities of the local community. These are people who do not have access to other modes of transportation and are highly dependent on the local mass transit system. Mass transit carries more people in 1 day than Amtrak carries in 1 year.

Let me also remind my colleagues that 60 percent of the cuts made in the fiscal year 1996 transportation appropriations came from mass transit.

Amtrak, on the other hand, has a very different ridership. A study states that ''travel on Amtrak by persons with incomes above $40,000 is 3.5 times higher than intercity buses and nearly 1.5 times higher than airlines.'' This is not the working poor trying to get to their job, or the elderly to medical care. It is all well and good to buy new scenic cruisers and build train stations in New York, but not at the expense of getting people to their jobs, or to the doctor.

Mr. President, on May 6 the White House issued a statement of administration policy on S. 1318, which reauthorized Amtrak. I as unanimous consent that that statement be entered into the RECORD after my remarks. It is clear from that statement that the administration has deep concerns about changing Amtrak's funding. In that statement the Office of Management and Budget ''strongly opposes'' providing Amtrak appropriated funds on an accelerated basis, fearing that this ''would unnecessarily increase Federal borrowing costs.'' They also oppose ''subordinating the Federal interest as a creditor in the event of a default under the section 511 loan program'' and the proposed Federal guarantee of new borrowing authority for Amtrak authorized in this legislation.

I have to ask my friend from Delaware if he intends to create a new tax to subsidize Amtrak as a follow-up to his sense-of-the-Senate resolution?

I ask this because my reading of the amendment is that revenues taken from the highway trust fund and re-routed to Amtrak shall be re-routed between the period of January 1, 1997, through September 30, 2001.

However, my reading of the Tax Code (§9503, 1996 Cumulative Annual Pocket Part, West Publishing Company, 1996.) tells me that the fuel tax for the highway trust fund expires on September 30, 1999. Thus, under current law there will be no revenues for 2 full years of this subsidy, if this subsidy were law. Indeed, under current law, the only automobile fuel tax that will survive after September 30, 1999, is President Clinton's 1993 4.3-cent-per-gallon fuel

tax increase for the general fund that so many of my colleagues in the Senate oppose.

Therefore, I again would like to ask my friend from Delaware if he intends to increase highway taxes in the future, and is this the first step toward that tax increase?

If Amtrak needs the Senate to sustain or increase a tax, then I especially urge all of my colleagues who oppose tax increases to consistently oppose this Amtrak sense of the Senate because, like all other tax increases, it will hit the pocketbooks of taxpaying Americans.

Senators should vote against this Amtrak train invasion of the highway trust fund because this proposed new Amtrak trust fund contradicts any efforts to balance the budget. Senate bill No. 1395 outlines the plan for the new Amtrak trust fund. That bill legislates direct spending from the highway trust fund, through the new Amtrak trust fund, and into Amtrak. I believe that Congress should not now be creating a new and special entitlement for Amtrak while at the same time we are reducing the growth of other more important entitlements that affect many more Americans. We in the Senate are in an historic and difficult process of offering this Nation a balanced budget. If this budget succeeds, it will be the first balanced budget enacted since 1969. While attempting to achieve a balanced budget plan for fiscal 1996, many in Congress have already made painful sacrifices. The budget resolution for 1997 requires that many of us repeat those same sacrifices. Given the choice, Mr. President, many of us might rather spend the necessary revenue offsets to increase funding for Medicare or Medicaid or for the protection of the environment. Therefore, it is inappropriate that Congress would at this same time create a new entitlement for Amtrak.

Mr. President, this Amtrak resolution further cuts against a balanced budget because it is new spending. As the second most senior Republican Member of the Senate Budget Committee, I am here to remind everyone that the highway trust funds are on the budget. Though there is a separate account for the highway trust funds, there is no separate book. Any new and additional spending for Amtrak is to feed yet another hungry mouth, and yet another break in our fiscal dam. Therefore, in our budget balancing efforts, funding Amtrak from an existing source still requires that the Senate either raise someone else's taxes, or cut someone else's spending without a thorough review. I am against both. I want to balance the budget.

Additionally, I will say that though this sense-of-the-Senate resolution regards a revenue bill, the Senate Committee on Finance has held no hearings on the underlying bill, nor has it held a general hearing on the Amtrak train's invasion of the automobile driver's highway trust fund moneys.

In summary, Mr. President, a vote in favor of this Amtrak sense of the Senate is a vote against highways and against automobile drivers. It is a vote in favor of corporate welfare and against Medicare and Medicaid beneficiaries. Indeed, this sense-of-the-Senate resolution for Amtrak is a vote against a balanced budget.

I encourage all of my colleagues to join me in voting ''no'' on this resolution to bail out Amtrak by invading the automobile driver's highway trust fund and creating new spending.

Mr. President, I ask unanimous consent that a statement of administration policy be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY

S. 1318—AMTRAK AND LOCAL RAIL REVITALIZATION ACT

The Administration agrees with the thrust of S. 1318, to enable Amtrak to respond to consumer needs and market realities and to free itself from Federal subsidies. Although S. 1318 includes many provisions to that end, some of its provisions could impede achievement of these objectives or impose other unnecessary burdens.

The Administration is generally opposed to the imposition of arbitrary caps on punitive damage amounts, and would strongly oppose the inclusion of any provision in S. 1318 imposing such caps.

The Administration also strongly opposes the requirement that appropriated funds be provided to Amtrak on an accelerated basis. This requirement, which is not necessary to support Amtrak's operations, would shift $659 million of Federal outlays to FY 1996 that would occur, under current law, in FY 1997 and FY 1998. This would unnecessarily increase Federal borrowing costs.

In addition, the Administration strongly opposes Senate passage of S. 1318 unless it is amended to:

Delete the provisions for a permanent authorization of appropriations for the Local Rail Freight Assistance Program (LRFAP), and modifications to the section 511 loan program. The President did not request, and Congress did not provide, any appropriations for LRFAP for the current fiscal year. The rail freight industry has clearly established its ability to operate without Federal subsidies or loans. Any future decisions to subsidize the rail freight industry should be made by local State governments in the context of their overall transportation planning, not by the Federal Government.

Delete the provision which would subordinate the Federal interest as a creditor in the event of a default under the section 511 loan program. Such provisions increase the risk, and therefore the ''subsidy rate,'' of loans guaranteed under this program, thereby reducing the number of loans which could be made with the resources available.

Mr. EXON. Mr. President, just briefly, what this amendment is is a proposition that we have been talking about for a long time, to provide some funding, badly needed funding, for the Amtrak system. The amendment speaks for itself. I simply ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. I thank the Chair. I yield the floor.

How much time would the Senator from Washington like?

Mrs. MURRAY. Two minutes.

Mr. EXON. I yield 2 minutes to the Senator from Washington. Is this on an amendment or another subject?

Mrs. MURRAY. On an amendment.

Mr. EXON. On an amendment the time would be equally divided. I yield the Senator from Washington 2 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Let me just take this opportunity to also thank the ranking member of our Budget Committee, Senator EXON, for the excellent job he has done over the past several days managing the budget and being a spokesperson for all of us.

AMENDMENT NO. 3991

Mrs. MURRAY. Mr. President, I rise today to remind all of my colleagues that one of the most important amendments that we are considering tomorrow is the Kerry-Murray amendment that adds $56 billion to function 500. That is the function in the budget that covers education and the investment in our young people.

I wanted to rise today to ask unanimous consent to have printed in the RECORD articles from the Seattle PI that did a survey that shows the No. 1 issue in my home State is education. I believe this is replicated around the country. In fact, USA Today had a poll recently that said this is the No. 1 issue to voters.

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

[From the Seattle Post-Intelligencer, May 20, 1996]

DAILY WORRIES CONCERN VOTERS MOST, POLL SAYS

SCHOOLS, JOBS OVERSHADOW OTHER ISSUES

(By Neil Modie)

Meat-and-potatoes concerns—taxes, jobs and the economy—loom large in the minds of Washington voters as they look toward this fall's elections. As a single issue, however, education tops them all.

A new poll, the Mood of Washington, shows the electorate cares far less about the hot-potato issues—abortion, gun control, gay rights—that apparently heat up political party caucuses, TV screens and news pages more than they do the voting booths.

Most voters polled said they feel less safe than they did four years ago. They think the public school system is declining and feel they must struggle harder to maintain their standards of living.

When family and pocketbook issues preoccupy people, they show little interest in the hot-button topics, observed Bruce Pinkleton, a public opinion researcher at Washington State University.

''When people are concerned about job security and other, related issues, then some of the other (more emotional) issues become less central to their decision making,'' said Pinkleton; who conducted the poll along with Joey Reagan, a fellow researcher who also works at WSU.

Surveyors polled 556 of the state's registered voters between April 24–30 in a collaborative project by The Associated Press

and 12 state newspapers, including the Post-Intelligencer, the Olympian, the Tacoma News Tribune, the Herald in Everett and the Sun in Bremerton.

Worry about the state of public schools is widespread. Nearly six in 10 voters polled believe public education is worse than it was four years ago. And a slightly higher number agreed that the education in Washington is underfunded.

I think education should get a better slice of the budget pie and I would be willing to pay more taxes (to pay for it),'' Judith Jenkins Harlin, a poll respondent from Redmond, said in a interview. She is a homemaker, mother and school volunteer who has been trained as a teacher.

Cricket Hamilton, an Olympia search-and-rescue officer, also thinks schools are in trouble but is unwilling to pay more taxes to let educators spend more money.

''Definitely not,'' Hamilton said. ''reading, writing, and arithmetic has to be brought back, not pottery.''

Pinkleton, the researcher, observed: ''A lot of people feel that education is underfunded, a big majority, and yet people aren't terribly excited about paying more taxes, either. So we kind of want to have our cake and eat it, too.''

The poll didn't specifically ask voters whether they would be wiling to pay higher taxes to support education. But it did affirm Washingtonians' long-standing opposition to a state income tax.

Asked if they ''would support a state-income tax if state taxes would be cut in other areas,'' 56 percent said no. Barely more than one-third replied favorably. The rest had no opinion.

When asked how important they consider education in deciding which candidate to vote for, nearly nine voters in 10 ranked important by more than three-fourths of the votes. Then came welfare reform, the candidate's moral character, a candidate's ability to work with political opponents, the environment, and illegal immigration, in that order, with each rated important by more than half those polled.

At the bottom were gun control, important to barely half the voters; abortion, mentioned by two out of five, and gay rights, cited by just over one-fourth of those polled. The voters weren't asked on which side of those issues they stood.

When the voters were asked, without mention of any specific issue, to identify the most important concerns in this fall's gubernatorial election, education again was the most-often mentioned single concern, even above such perennial worries as the economy, taxes and crime.

However, although 125 voters named education, even more—191—said, ''I don't know.''

That surprised Pinkleton.

''Clearly, issues are still developing in the minds of the voters. . . . It's still fairly early (in the campaign season),'' the researcher observed.

After education, mention of other issues dropped off steeply. Ranked below education, in order of the number of times they were mentioned, were taxes, environment and conservation, crime and law enforcement state spending and the budget, the economy, health care and unemployment and jobs.

Other issues, including welfare reform, moral issues, gay rights and prayer ranked far lower. None of the 556 voters mentioned such volatile topics as abortion or gun rights.

The responses suggested that voters trust their state government more than they trust their fellow citizens.

Asked whether they agree that ''voters usually make informed voting decisions,'' only 43 percent did. But 53 percent said they trust state government to ''side with the public interest'' in deciding between public interest and special interests.

The poll showed plenty of worry across a range of social ills.

Asked whether they agreed with the broad statement that ''deteriorating social values are responsible for today's crime problem,'' nearly eight in 10 said they did.

One who emphatically agreed was Vern Dollar, 52, a Vancouver resident, who declared: ''Our social values have decreased. All the neighbors knew one another when we moved in here 28 years ago, and I don't know the new ones who move in. . . . There's an influx of California people and they aren't very sociable, Good neighbors help neighbors.''

Despite the worry about declining social values, one finding of the poll might surprise Washingtonians aware of the Pacific Northwest's long-held reputation—bemoaned by the Rev. Billy Graham, among others—as something of a religious wasteland.

Asked whether they agreed with the statement that ''religious values play a role in my everyday decisions,''nearly two voters out of three did agree.

Religion plays the strongest role in the lives of the oldest voters, with more than seven out of 10 of those age 62 and older saying it did. But nearly six in 10 voters in the least religious age group, those 18 to 39, said religious values were part of their lives.

Conservative voters were most apt to say religion is part of their lives, and the most liberal voters were the least likely.

The poll revealed deep concerns across a broad topical spectrum. For example:

CRIME

Nearly two out of three agreed they feel less safe then four years ago, and nearly four in five favor stronger penalties for criminals.

That tough stance applied to youthful criminals, too. Asked whether they agreed with the statement that ''criminals under 18 should be exempt from the death penalty,'' six in 10 disagreed. Even a majority of voters who identified themselves as politically ''liberal'' disagreed that criminals under 18 should be exempt. However, four-fifths of voters labeling themselves ''very liberal'' said criminals that young should be exempt.

Men were less in favor of exempting criminals from the death penalty than women were, with 72 percent of men opposing that exemption while only 53 percent of women did.

''Even the death penalty is kind of a joke; it takes years and years,'' remarked Trina Henifin, 22, a Bellingham resident who was polled. ''How did they (carry out the death penalty) way back before there was the appeals system? Do it right away like they did in the old days.''

Asked whether ''state government should spend more money building prisons,'' 57 percent disagreed.

ECONOMY AND JOBS

Nearly one in four of those surveyed said they were concerned about losing their jobs. The worry was highest among people with less than a high school degree.

A majority of voters disagreed with the statement that if they lost their jobs, it would be easy to find jobs with similar pay. The least educated were most likely to be pessimistic.

And more than three voters in four agreed with the statement that they have to work harder today to maintain their standard of living than they did four years ago.

''The cost of living is higher, the cost of gas, electricity has gone, up, food too,'' said Gerald Barnett, a Spokane-area machinist and father of two, who first registered to vote last year. ''I work overtime, and that helps, but the more you make, the more they take out in taxes.''

HEALTH AND WELFARE

Asked whether they agreed that limits should be imposed on the length of time welfare recipients can receive state assistance more than eight voters in 10 said they did. And three-fourths agreed that ''welfare recipients should be forced to work'' if they receive assistance.

Without being asked specifically whether state government should pay for health care, just under three-fourths of the voters agreed that ''state make sure that health care is available to everyone.''

ENVIRONMENT, PROPERTY RIGHTS AND OTHER ISSUES

Washingtonians were lukewarm about environmental issues in their responses to several queries on the subject.

A plurality, 48 percent, disagreed with a statement that ''protecting the environment is more important than protecting jobs''—a choice that most conservationists argue society needn't make—while just under one-third agreed. The rest didn't answer. And a majority of the voters disagreed with a statement that ''government agencies do an acceptable job of balancing land use with environmental protection.''

A plurality, 49 percent, agreed that ''public money should be used to pay people when the government restricts how they use their land,'' while 39 percent disagreed.

Only one-third of the voters agreed that the state is more racially divided than it was four years ago while nearly half disagreed. More nonwhites than whites—but still less than a majority—believe the state is more divided.

A clear majority of voters, 58 percent, said ''acceptance of homosexuals or bisexuals'' should be taught in the public schools.''

But support for the teaching of other values was much higher: more than nine voters in 10 favor teaching ''acceptance of people who hold different beliefs'' and teaching ''moral courage;'' nearly as many want ''responsibility to prevent unwanted pregnancy'' taught, and nearly three-fourths support teaching ''sexual abstinence outside marriage.''

Many voters seem to yearn for the values they grew up with, values they see as eroded today.

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[From the Seattle Post-Intelligencer, May 20, 1996]

EDUCATION RATED NO. 1 of All State Issues

(By Neil Modie)

The Mood of Washington poll confirms what the state's 1996 political candidates already seem well aware of: Voters are plenty worried about public education.

''There's just a whole different intensity about the issue this year,'' observed Terry Bergeson, executive director of the state Commission on Student Learning and a candidate for superintendent of public instruction.

So far in the still-early campaign for governor, most of the 10 major candidates—four Democrats and six Republicans—have been talking more about education than anything else, even such tried-and-true issues as the economy, taxes and crime.

That's logical, since public education, including colleges and universities, accounts for nearly 60 percent of the state general fund budget.

And candidates who survive the primary will be sharing the general election ballot with two controversial education-related initiatives dealing with school vouchers and charter schools.

Whatever the reasons, some of the candidates' and political parties' own polls are showing deep concern about the state's school system, more so than in past years.

In the Mood of Washington poll, 88 percent said education was important to them in deciding who to vote for, and four of every five in that group said it was ''very important.'' No other issue rated such a response in the survey.

''That's amazing. That's the highest I've ever seen'' in any poll, Bergeson said.

The poll was a collaborative project by The Associated Press and 12 state newspapers, including the Post-Intelligencer, the Olympian, the Tacoma News Tribune, the Herald in Everett and the Sun in Bremerton.

Nearly three in five voters polled said the quality of public education is worse today than it was four years ago. That view was strongest among the youngest and least educated voters—those in the 18-to-39 age group and with less than a high school education—as well as among the most politically conservative voters.

Slightly more than three out of five voters, and especially the youngest and the most politically liberal voters, said education is underfunded.

When voters were asked to name the most important issues in the gubernatorial election, education was mentioned most often—by a long shot.

Cheryl Causey, 49, a Mercer Island mother and a student in interior design, thinks schools have improved ''in the area of critical thinking skills rather than just role learning.''

But she is concerned about a lack of classroom discipline and ''a basic 'dumbing down' in some areas. I've read some of the textbooks used by my daughter and have found that some of the language used isn't very challenging. It plays down to a lesser intelligence and doesn't encourage the kids to really think and go beyond.''

Verna Kloehn, 73, a retired barber and Kennewick resident, thinks kids nowadays are ''damn dumb. They can't assimilate knowledge worth a darn.''

Voters' concerns about public schools had to do not only with the quality of education, but also crime and violence.

And that was a worry expressed not only in urban areas, but in smaller communities as well.

''We need more teachers, more guards,'' said Trina Henifin, 22, a Bellingham resident, ''I think it's terrible you have to have guards in schools, but you do.''

Bergeson, who directs a commission created to develop statewide academic standards, surmised that voters might think schools are worse than they were four years ago because ''people are seeing more in the news about violence in schools, about weapons.''

''It doesn't have so much to do with education'' as with safety, she said.

Bruce Pinkleton, one of two Washington State University researchers who conducted the Mood of Washington poll, suggested the concern about education might stem largely from the public's tendency ''to look to the educational system to rectify the ills of society.''

Judith Jenkins Harlin, a Redmond ''stay-at-home mom'' and school volunteer, agrees.

''I think public education has been asked to do too much, and public education doesn't turn anyone away,'' said Harlin, who is trained as a teacher. ''Teachers in public education are trying to be mother, father, social worker, teacher, legal enforcer—we are asking teachers to do too much.''

Mrs. MURRAY. I have taken the time over the last year to talk to hundreds of young people in my home State. I have talked to people, young students who are 4.0 students; I have talked to students in juvenile detention centers. The one thing they all say in common is they believe that in this country today, adults do not care about them.

Mr. President, we have an opportunity tomorrow to vote for the Kerry-Murray amendment to put dollars back into our education account and show our young people they are a priority to us. I can think of no better investment in this country to invest in the education and training of our young people.

I urge my colleagues to support that amendment. I remind my colleagues, this is a way we can make a difference for this country. I yield the floor.

Mr. EXON. I thank my friend from Washington for her kind remarks, and I thank her for the amendment she has just offered.

I yield 2 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, once again, regarding the record and this ruling, I turn to the CONGRESSIONAL RECORD, the House of Representatives, H11693, December 3, 1980. I quote Mr. Panetta:

> It obviously is the first time that the reconciliation process itself has been implemented under the Budget Act.

Further:

> No other chairman in the history of the Budget Committee has been able to say that reconciliation has been implemented and put into place. They have passed budget resolutions. We have passed continuing resolutions of one kind or another, but this is the first time that a chairman of the Budget Committee has implemented the reconciliation process.

I yield the floor.

Mr. HEFLIN. Mr. President, I wish to express my support for the President's fiscal year 1997 budget plan. There is no one here that wants a balanced budget more than I do. The largest obstacle to sustainable, long-term economic growth is our huge national debt. This is why I support the administration's budget. President Clinton is the first President in 17 years to submit a balanced budget using the Congressional Budget Office [CBO] figures, all while protecting Medicare, Medicaid, education, the environment, and cutting taxes for middle-class families.

There has been no President with a record of deficit reduction that compares to President Clinton's. Under the President's leadership the budget deficit has been cut more than in half. Four years ago, the Nation was faced with a budget deficit of $290 billion. The CBO is now predicting a budget deficit of only $144 billion for fiscal year 1996. Also, the total spending is lower as a share of the economy than in any year since 1979. This budget continues the highly successful deficit reduction of the President's 1993 economic plan and contains billions in entitlement savings and discretionary cuts.

The President's budget guarantees the life of the Medicare trust fund for a decade without cutting it $167 billion as the Republicans have proposed. The Republican plan reduces Medicare by $50 billion more than the President's balanced budget plan. The cuts to Medicare payments that the Republicans propose will result in cost-shifting, undermine quality, and threaten the financial viability of many rural and urban hospitals. On the other hand, the President's budget restores the pre-1980 law on part A home health benefits because home health care expenditures unrelated to hospital stays should not be financed by the part A trust fund. This helps extend the life of Medicare part A trust fund. In summary, the President's proposal reforms and modernizes the program, while providing more choices to beneficiaries.

While the President's budget has moderate cuts in Medicaid, the $72 billion reduction that the Republicans propose could be drastic. This $72 billion cut could total as much as $250 billion over 7 years if States spend only the minimum required to receive their full block grant allocations. Many middle-class families depend on the Medicaid guarantee to provide for the care of their parents. If States are forced to deny coverage or restrict benefits, this could adversely affect millions of Americans that depend on such help that the program provides. Another thing that concerns me about the Republican proposal is the insistency of the repeal of Federal enforcement of nursing home quality standards. These regulations are important to the families that have to make the tough decision to place a loved one in a nursing home. On the other hand, the President's budget provides the States with great flexibility in managing their programs while guaranteeing health care for millions of Americans.

In order to reach a balanced budget, we all know decisions must be made in an effort to eliminate costs; however, these decisions must be carefully examined. This is particularly true when proposed cuts affect the educational system of our country. The Republicans want to use extreme cuts in education to balance the budget, when the President's plan shows that they are not necessary. The Republican resolution cuts education and training by $26 billion compared to 1995. The Republican plan also provides $60 billion less for education and training than the President's budget over the next 6 years. The future of our Nation depends greatly on the education that is provided to our children and the training that is available to our work force. The President's budget provides both the funding and policies needed to meet these challenges.

The President's budget also provides tax relief for the middle-class working families of America, making it easier for them to pay for education and save for retirement. The President proposes a tax credit for dependent children, a

benefit that would affect 19 million families, expanded individual retirement accounts [IRA's] to provided greater incentives for savings for retirement, and an education and job training tax deduction that would allow taxpayers to deduct up to $10,000 a year for qualified education and training expenses. The President also proposes other tax relief aimed at small businesses, such as increased expensing, estate tax benefits for closely held businesses, pension simplification, and increased health insurance deductions for the self-employed. The President's budget offsets this much needed tax relief by eliminating or reducing corporate tax loopholes and preferences that are no longer warranted.

Mr. President, I support the President's budget because this budget has a plan for balancing the budget while protecting Medicare, Medicaid, and education, along with providing a modest tax cut for middle-class Americans.

REGARDING AHCPR

Mr. FRIST. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Budget Committee to discuss an assumption that appears on page 52 of our report and clarify the committee's assumptions regarding the discretionary health programs contained in function 550. The language suggests that the committee is assuming a significant reduction in the budget of the Agency for Health Care Policy and Research [AHCPR]. I expressed my concerns regarding this matter during the committee's markup of the resolution.

Mr. President, I feel strongly about this Agency's mission for two reasons. First, as I pointed out during our markup, I believe that the Agency for Health Care Policy and Research has gone a long way toward reforming itself and has been responsive to the constructive criticism it received from Congress over the past year. For example, last year there was debate regarding the wisdom of AHCPR continuing to develop clinical practice guidelines now that so many medical societies, health plans, and others have begun to develop their own guidelines. AHCPR took this criticism seriously, engaged in a dialog with the health care community, and announced last month that it would no longer directly support the development of clinical practice guidelines. Instead, the Agency will work in partnership with the health care community by meeting their needs for an assessment of the scientific evidence in clinical areas for which these physicians and health plans—not AHCPR—want to develop guidelines or other quality improvement strategies. This partnership approach is a winner for all: AHCPR will concentrate on its strengths, developing and assessing science, and physicians and health plans will have the information they need to develop better, evidence-based guidelines without the implication that the Federal Government is telling them how to practice medicine.

Similarly, last year there were concerns about the multitude of overlapping data collection activities within the Department of Health and Human Services [HIS]. Despite the fact that the AHCPR has only a small, but important, role in the area of data collection, the Agency took the lead in proposing a major restructuring of its medical expenditure survey to eliminate areas of duplication with other HHS surveys.

In both cases, AHCPR has been willing to take a fresh look at its activities and critically examine its role in relationship to the private sector and other Federal agencies. We should applaud this type of initiative and responsiveness, not cripple it.

More importantly, Mr. President, I am concerned bout the potential impact on the clinical and health services research that AHCPR supports. Its mission in this area is critical to the future of our fast-changing health care system and to our efforts to restructure the Medicare program, while ensuring high quality of care. This Agency provides an important compliment to the work of the National Institutes of Health through its research on the outcomes, effectiveness, and cost-effectiveness of health care services in day-to-day practice. In the last 2 years, this Agency has come to realize its role as a science partner with the health care community and, as a result, AHCPR's work has been endorsed by every major medical, nursing, and health care organization, from the American Medical Association to the managed care industry. And from personal experience, in my work on the Medicare Program, I can testify that there are few issues on which such disparate organizations agree. AHCPR's scientific work provides clinicians and patients with the tools they need to work together to improve the quality of health care while constraining its cost.

Mr. President, at this point I would like to yield to the distinguished Chairman and ask him whether he agrees with my interpretation of our budget assumptions and my conclusion that this budget resolution assumes no reduction in funding for the critical work of the Agency for Health Care Policy and Research.

Mr. DOMENICI. I want to thank Senator FRIST for his continued efforts in this critical policy area. The Chairman's mark of the budget resolution did assume a reduction in funding for the Agency for Health Care Policy Research [AHCPR]. Funding for AHCPR was assumed to be reduced to $46 million per year, beginning in 1997. Since then, I have worked with Senator FRIST to find alternate assumptions to meet our discretionary spending targets within function 550. The resolution now assumes that funding for AHCPR will not be reduced.

Mr. CRAIG. Mr. President, I rise in support of Senate Concurrent Resolution 57, the balanced budget resolution for fiscal year 1997. I commend the hard work by the Budget Committee to bring to this floor, one more time, what the American people—and the people of Idaho—have demanded: A genuine, convincing plan to balance the Federal budget by fiscal year 2002.

This balanced budget resolution is consistent, in its principles and its details, with what I believe most citizens in Idaho want.

Like most Idahoans, I would prefer to go farther, faster. But I also recognize how far we have come in just a year and a half. In the last Congress, dominated by the President's party, we were told that $200 billion a year in deficit spending, as far as the eye could see, was the best we could do.

This budget resolution does not represent politics as usual. It looks to a brighter future of more jobs, more affordable educations, a more secure Medicare system, and real welfare reform—all within a balanced budget.

CONDUCTING THE BALANCED BUDGET GAME IN IDAHO

Mr. President, to focus in some depth on the budget priorities of Idahoans, last month, my office held a series of meetings in five locations in Idaho. We invited folks to participate in an exercise in hard choices—or, what I call the balanced budget game.

We held these in Idaho Falls, Pocatello, Twin Falls, Nampa, and Boise.

This exercise has been developed and updated regularly by the nonpartisan, nonprofit educational organization, the Committee for a Responsible Federal Budget.

In this exercise, citizens get the chance to be a Senator for a day—meeting in small groups that work much like the Senate Budget Committee during the markup of the budget resolution and walking through a 180-page workbook resembling a Budget Committee markup book.

Across the State, participants were grouped into 32 groups, or budget committees, with between 4 and 10 members each.

I've used this exercise and similar ones in the past to poll the opinions of Idahoans on budget priorities and I've told Idahoans that I would again use their responses in this exercise to fight for Idaho values in the Federal budget.

I have been reviewing in detail the individual results from each of the five cities where we held the exercise, and I am struck by the highlights that have emerged. I would like to summarize those briefly here. My office is preparing a complete analysis to send to the Idaho citizens who participated in those five cities.

IDAHO'S PRIORITY: BALANCE THE BUDGET AND SPEND LESS

This is the result that stands out: Idahoans are demanding that we balance the budget. By far, most of the Idaho groups were willing to exercise more restraint, and balance the budget faster, than most Members of Congress or the President.

In 31 out of 32 groups, Idahoans were able to agree on enough deficit reduction to balance the budget by fiscal year 2002.

This is true—31 out of 32 balanced the budget—whether you compare their results against the baseline for fiscal year 1997 or the less optimistic baseline of fiscal year 1996, which is the one that was still used in the Exercise workbook.

Thirty-one out of 32 groups saved more in spending than any budget before the Congress this year—more than the Budget Committee budget, more than the Chafee-Breaux substitute, and certainly more than the President's budget.

In fact, 31 out of 32 groups reduced spending growth more over 5 years than any Washington, DC, proposal would save over 6 years.

On average, participants in the five Idaho cities called for the following levels of policy changes in spending programs, over 5 years:

	[In billions]
Idaho Falls	$679
Pocatello	662
Twin Falls	656
Nampa	637
Boise	671
Average for all 5 cities	661

This compares with $428 billion in spending policy changes in this year's committee-reported budget, and only $274 billion in the President's budget.

DISCRETIONARY SPENDING

In the Idaho exercises, the five-city average for defense was to find $16 billion in savings over 5 years. Eight of the 32 groups voted for a $38-billion increase. These results seem to reflect the general consensus in Idaho, the Nation, and even in Washington, DC, that defense spending should not be changed greatly, in this changing and uncertain world.

All 32 groups reduced domestic discretionary spending more than any budget now being debated on the Senate floor. Of course, they came closest to the Budget Committee's budget.

In international affairs, the average 5-year savings from the Idaho groups was $15 billion, compared with $12 billion in savings in the Committee-reported budget, and with a slight increase in the President's budget.

ENTITLEMENT SPENDING

Thirty out of 32 groups would reduce total entitlement spending more than any proposal now before the Senate.

I think that result says something to those who accuse the committee-reported budget, as well as last year's Balanced Budget Act, of making draconian cuts in spending.

With great uniformity, Idaho participants supported an average of $50 billion in housing and welfare reforms over 5 years, which is more than the President's 6-year proposal—$38 billion—and almost exactly the same as the Budget Committee's 6-year figure—$54 billion. This says to me that the Senate is on track in this area.

Thirty-one of the 32 groups produced more direct savings in Medicare over 5 years than the Budget Committee budget over 5 years or the President's budget over the next 6 years. The average 5-year savings, with little variation from town to town, were $135 billion, compared with $115 billion over 5 years in the Budget Committee budget.

In addition, 28 out of 32 groups chose one or more ways to means-test entitlement benefits, including 23 groups that chose an across-the-board approach that would result in additional Medicare savings, and 2 more that voted for means-testing Medicare, specifically.

It bears repeating: Any savings from Medicare reforms will be used—by law, they must be used—to shore up a Medicare system that is now losing money. We want Medicare to be there for those who need it. It won't be there—it will be broke—in just 5 years, unless we begin reforms today. The Budget Committee budget doesn't cut Medicare. It will provide more choice and more secure benefits in an improved system.

REVENUES

With regard to taxes, I was somewhat surprised at first, but the specific options selected and the comments of a number of the participants shed some light.

A number of folks complained about static score-keeping that did not recognize that some tax cuts lead to economic activity and more tax revenues. I agree with them. But the exercise workbook estimates were based on Congressional Budget Office estimates. In both cases, the budget committees—here and in Idaho—agreed to be bound by an ''outside'' referee.

A number of folks complained that they wanted to vote for tax relief, but ran out of time, because that was the last section in the workbook. In this exercise, unlike here in Washington, DC, budget-writers did not have the luxury of ignoring the deadline to finish their work.

A number said that, while they could write a budget that got to balance faster with some revenue increases, they didn't trust that Washington, DC, would use tax increases to reduce the deficit.

And finally, support for any revenue increases was extremely scattered among a wide variety of options, with the broadest consensus on alcohol and/or tobacco excise taxes, occurring in only 13 of 32 groups.

Overall, 9 groups voted for some tax relief. Twelve groups did not vote for any tax increase, and another 6 supported very small packages less than $41 billion over 5 years, a magnitude similar to the extensions and loophole-closings that have been discussed in Congress. The median group raised revenues by only $34 billion.

CONCLUSION

Mr. President, the exercise in hard choices has been an excellent educational tool for the public, very informative for Members of Congress—certainly including this Senator, and actually very enjoyable to participate in.

I believe most everyone who attended had a positive experience. Some folks wished they could have had more time and more options. But there was understanding that the exercise was written with a limited number of options, out of consideration for the participants—all of whom gave up an entire morning, afternoon, or evening to provide me with their views.

I appreciate all the advice and help my staff and I have received from the Committee for a Responsible Budget in conducting this exercise in Idaho, especially from Carol Cox Wait, the committee's president, and Susan Tanaka, vice president.

Most of our colleagues will recognize the committee's name and work. Its board of directors includes many former Members of this and the other body, including several chairmen and ranking minority members of the Budget Committees, as well as distinguished former public officials like Paul Volcker of the Federal Reserve Board, Elmer Staats of the General Accounting Office, and Rudolph Penner and Robert Reischauer of the Congressional Budget Office.

The exercise workbook used by the Idaho participants was prepared for fiscal year 1996, because most of the 1997 budget work had not yet begun in Washington, DC, and 1997 workbooks were not yet available. But with the exception of some changes in economic and baseline assumptions, we know all too well that the 1997 budget debate is really just a continuation of the 1996 process.

Mr. HEFLIN. Mr. President, these budget proposals now being negotiated will directly affect virtually every segment of the Government and every citizen of this country.

I am strongly in support of deficit reduction and favor the elimination of the national debt over a period of time. I have long supported a balanced budget amendment to the Constitution. I supported the 1993 reconciliation bill which has already led to significant reduction in our annual deficits. However, there is a right and wrong way to pursue the same goal.

There are proposals to adjust the Consumer Pricing Index [CPI] in an attempt to correct biases in its computation. This plan is to reduce the CPI by one-half of a percentage point. I feel that this is nothing more than masquerading an attempt to cut Social Security benefits and raise taxes.

As we all know, the CPI has a major effect on Federal outlays, revenue, and the budget deficit. Outlays are affected because programs such as civil service retirement pay and Social Security benefits are adjusted so that the purchasing power of those payments will be preserved. Revenues are affected because taxes are adjusted so that increases in income are taxed at a higher

rate only if the increase exceeds inflation. Due to the significant relationship between the CPI and the budget, there has been much attention on how to contribute to the reduction of the deficit with the adjustment of the CPI.

Before we attempt to adjust the CPI, we should realize the enormous effect it will have on the senior citizens of our country. Coupled with the proposed cuts in Medicare and Medicaid, an arbitrary reduction of the CPI, which leads to a decrease in the Social Security cost-of-living adjustments [COLA's], would take a great financial toll on the elderly. Social Security recipients rely on annual COLA's to ensure that their purchasing power is not eroded by inflation. Just a small percentage reduction in the CPI can cause a substantial loss of benefits over time. Due to the compounding effect, the older one gets, the more money the beneficiary would lose. Economists have stated that the cost of living for the elderly has risen faster than other age groups. This is due to the rapid rise in health care services. It is believed that the current CPI actually understates the rate of inflation because the elderly spend such a large portion of their income on health care.

In 1987, Congress called for a study to develop an experimental index for consumers over the age of 62. This study revealed that indeed the index for this group was understated and concluded that this was due to the medical care component. This analysis was undertaken by the U.S. Bureau of Labor Statistics [BLS], the organization that computes the CPI.

Moreover, now is not the time to adjust the CPI knowing that the BLS has announced, as part of a continuing effort to update and improve the CPI, that it will be changing the way the CPI is calculated. This is estimated to reduce the CPI by approximately .3 percentage points. We should allow the experts at BLS to engage in a thorough analysis without Congress interfering.

Mr. President, as one economist stated, this is merely ''an attempt to raise taxes invisibly, and lower Social Security invisibly, while appearing only to be scientifically correct in adjusting a bias.'' Finally, using funds generated by reducing Social Security COLA's to diminish the deficit is a misuse of Social Security trust funds.

Mr. EXON. I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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, how much time remains on the resolution?

The PRESIDING OFFICER. The Senator from New Mexico has 14 minutes and the Senator from Nebraska does as well.

Mr. DOMENICI. Would you tell me again, Mr. President?

The PRESIDING OFFICER. The Senator from Nebraska has 14 minutes and the Senator from New Mexico has 14 minutes.

Mr. DOMENICI. You must be doing something with this time, Mr. Parliamentarian. How does this happen? No matter what each side does, we have 14 minutes each. You must be right on the ball.

Mr. EXON. We control only the timekeeper.

Mr. DOMENICI. Mr. President, I have a conference report from 1975, a budget resolution, just as a matter of information with reference to various items that have been discussed today of a parliamentary nature. I ask unanimous consent that the conference report be printed in the RECORD.

There being objection, the material was ordered to be printed in the RECORD, as follows:

SECOND CONCURRENT RESOLUTION ON THE BUDGET FISCAL YEAR 1976

Mr. MUSKIE, from the committee of conference, submitted the following conference report to accompany H. Con. Res. 466:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 466) revising the congressional budget for the United States Government for the fiscal year 1976, and directing certain reconciliation action, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—

(1) The appropriate level of total budget outlays is $374,900,000,000;

(2) The appropriate level of total new budget authority is $408,000,000,000;

(3) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $74,100,000,000;

(4) The recommended level of Federal revenues is $300,800,000,000, and the House Committee on Ways and Means and the Senate Committee on Finance shall submit to their respective Houses legislation to decrease Federal revenues by approximately $6,400,000,000; and

(5) The appropriate level of the public debt is $622,600,000,000.

SEC. 2. The Congress hereby determines and declares, in the manner provided in section 301(a) of the Congressional Budget Act of 1974, that for the transition quarter beginning on July 1, 1976—

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 466) revising the congressional budget for the United States Government for the fiscal year 1976, and directing certain reconciliation action, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Second Concurrent Resolution on the Budget

Outlays

The House resolution provided for total outlays in the amount of $373.891 billion. The Senate amendment provided for total outlays in the amount of $375.6 billion.

The conference report provides for total outlays in the amount of $374.9 billion. Estimates of outlays by functional category of the budget is set forth below.

Budget Authority

The House resolution provided for total new budget authority in the amount of $408.004 billion. The Senate amendment provided for total new budget authority in the amount of $406.2 billion.

The conference report provides for total new budget authority in the amount of $408.0 billion. Estimates of new budget authority by functional category of the budget is set forth below.

Deficit

The house resolution provided for a budget deficit in the amount of $72.091 billion. The Senate amendment provided for a deficit in the amount of $74.8 billion. The conference report provides for a deficit of $74.1 billion.

Revenues

The House resolution provided for Federal revenues in the amount of $301.8 billion; and to achieve that level, it directed the House Ways and Means and Senate Finance Committees to reduce revenues by $5.4 billion. The Senate amendment provided for revenues in the amount of $300.8 billion; and to achieve that level it directed the Ways and Means and Finance Committees to reduce revenues by $6.4 billion.

The conference report provides for revenues in the amount of $300.8 billion; and directs the Ways and means and Finance Committees to reduce revenues by $6.4 billion. The $6.4 billion reduction of revenues is necessary to maintain the personal income tax withholding rate and extend the temporary corporate tax reductions in the 1975 Tax Reduction Act.

The managers accept the Senate position that it is unrealistic to expect this required reduction in revenues to be partially offset by $1.0 billion to be received through tax reform during the remiander of Fiscal year 1976, as contemplated in the house resolution.

Mr. DOMENICI. Mr. President, I want to say to the Senators—Senator EXON just reminded me—that there will be no votes tonight. We had not planned on any votes during the day, and nothing has changed. So when we finish here in about 20 minutes we will be finished, and we will start at 9 o'clock in the morning. We have been authorized to call the Senate into session, and we will immediately start with the amendments, establishing some order this evening. Staff on both sides will work on that. Remember that the amendments then will be voted on one after another. Maybe we will have a little recess at some point. There will be 10-minute rollcall votes. If last year is any indication of how much time it will take, we will be voting from 9 o'clock to well into the night.

I am very hopeful that we can accept some of these amendments. I am even toying with the idea—I do not know

what the Senator would think about this—if we might put all of those amendments that are sense of the Senate and just accept them all. What does the Senator think about that? We would not have any votes. We would take them all. Who knows what will happen to them?

Mr. EXON. We would want to review them. But that is an interesting proposal. Could I suggest one other thing that we might consider? We do not have to decide on that tonight. But I would like to suggest since we are going to have, once again, an awful lot of votes, would there be any likelihood that we may cut the votes down to say 7½ minutes to move things along in a more expeditious fashion, because we I think would agree tonight that we would probably have 1 minute each for explanation of each amendment.

Mr. DOMENICI. I think we may be closer to 1 minute equally divided—30 seconds each. But essentially last time we had this rather prolonged series of votes we tried to get it down to the minimum amount that would be required for the rollcall and other things, and I believe I heard Senator DOLE ask and they said they could not get it down to much under 8 minutes.

Mr. EXON. My only thought with that is that might be the case. The only trouble with 10 minutes, then it becomes 12 minutes. It is like speeders on the highway. But I am just making a suggestion to try to expedite things for the good of the body as a whole. We can discuss that later.

AMENDMENT NO. 4026

(Purpose: To express the sense of the Senate that the Economic Development Administration should place high priority on maintaining field-based economic development representatives)

Mr. DOMENICI. Now, Mr. President, I send an amendment to the desk in behalf of Senators BINGAMAN, SNOWE, COHEN, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from New Mexico [Mr. DOMENICI], for Mr. BINGAMAN, for himself, Ms. SNOWE, Mr. COHEN, and Mr. DOMENICI, proposes an amendment numbered 4026.

Mr. DOMENICI. 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:

At the end of title III, add the following:

SEC . SENSE OF THE SENATE REGARDING THE ECONOMIC DEVELOPMENT ADMINISTRATION PLACING HIGH PRIORITY ON MAINTAINING FIELD-BASED ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Economic Development Administration plays a crucial role in helping economically disadvantaged regions of the United States develop infrastructure that supports and promotes greater economic activity and growth, particularly in nonurban regions.

(2) The Economic Development Administration helps to promote industrial park development, business incubators, water and sewer system improvements, vocational and technical training facilities, tourism development strategies, technical assistance and capacity building for local governments, economic adjustment strategies, revolving loan funds, and other projects which the private sector has not generated or will not generate without some assistance from the Government through the Economic Development Administration.

(3) The Economic Development Administration maintains 6 regional offices which oversee staff that are designated field-based representatives of the Economic Development Administration, and these field-based representatives provide valuable expertise and counseling on economic planning and development to nonurban communities.

(4) The Economic Development Administration Regional Centers are located in the urban areas of Austin, Seattle, Denver, Atlanta, Philadelphia, and Chicago.

(5) Because of a 37-percent reduction in approved funding for salaries and expenses from fiscal year 1995, the Economic Development Administration has initiated staff reductions requiring the elimination of 8 field-based positions. The field-based economic development representative positions that are either being eliminated or not replaced after voluntary retirement and which currently interact with nonurban communities on economic development efforts cover the States of New Mexico, Arizona, Nevada, North Dakota, Oklahoma, Illinois, Indiana, Maine, Connecticut, Rhode Island, and North Carolina.

(6) These staff cutbacks will adversely affect States with very low per-capita personal income, including New Mexico which ranks 47th in the Nation in per-capita personal income, Oklahoma ranking 46th, North Dakota ranking 42nd, Arizona ranking 35th, Maine ranking 34th, and North Carolina ranking 33rd.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and reconciliations instructions underlying this budget resolution assume that—

(1) it is regrettable that the Economic Development Administration has elected to reduce field-based economic development representatives who are fulfilling the Economic Development Administration's mission of interacting with and counseling nonurban communities in economically disadvantaged regions of the United States;

(2) the Economic Development Administration should take all necessary and appropriate actions to ensure that field-based economic development representation receives high priority; and

(3) the Economic Development Administration should reconsider the planned termination of field-based economic development representatives responsible for States that are economically disadvantaged, and that this reconsideration take place without delay.

Mr. DOMENICI. That amendment will take its place.

The Senator is willing to accept it. We have no objection to the amendment, and I yield back all time on the amendment.

Mr. EXON. We agree on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4026) was agreed to.

AMENDMENT NO. 4002, AS MODIFIED

Mr. DOMENICI. Senator LOTT has asked that I submit an amendment to the desk with reference to Iraq oil and the amendment that heretofore had been offered.

I send it to the desk. It is a modification of his previous amendment.

I ask unanimous consent that it be in order for Senator LOTT to modify the previous amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 4002), as modified, is as follows:

At the end of title III, add the following new section:

SEC. . SENSE OF CONGRESS ON REIMBURSEMENT OF THE UNITED STATES FOR OPERATIONS SOUTHERN WATCH AND PROVIDE COMFORT.

(a) FINDINGS.—The Congress finds that—

(1) as of May 1996, the United States has spent $2,937,000,000 of United States taxpayer funds since the conclusion of the Gulf War in 1991 for the singular purpose of protecting the Kurdish and Sunni population from Iraqi aggression;

(2) the President's defense budget request for 1997 includes an additional $590,100,000 for Operations Southern Watch and Provide Comfort, both of which are designed to restrict Iraqi military aggression against the Kurdish and Sunni people of Iraq;

(3) costs for these military operations constitute part of the continued budget deficit of the United States; and

(4) United Nations Security Council Resolution 986 (1995) (referred to as ''SCR 986'') would allow Iraq to sell up to $1,000,000,000 in petroleum and petroleum products every 90 days, for an initial period of 180 days.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the assumptions underlying the functional totals in this resolution assume that—

(1) the President should instruct the United States Permanent Representative to the United Nations to ensure any subsequent extension of authority beyond the 180 days originally provided by SCR 986, specifically mandates and authorizes the reimbursement of the United States for costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum or petroleum-related products originating from Iraq;

(2) in the event that the United States Permanent Representative to the United Nations fails to modify the terms of any subsequent resolution extending the authority granted by SCR 986 as called for in paragraph (1), the President should reject any United Nations' action or resolution seeking to extend the terms of the oil sale beyond the 180 days authorized by SCR 986;

(3) the President should take the necessary steps to ensure that—

(A) any effort by the United Nations to temporarily lift the trade embargo for humanitarian purposes, specifically the sale of petroleum or petroleum products, restricts all revenues from much sale from being diverted to benefit the Iraqi military; and

(B) the temporary lifting of the trade embargo does not encourage other countries to take steps to begin promoting commercial relations with the Iraqi military in expectation that sanctions will be permanently lifted; and

(4) revenues reimbursed to the United States from the oil sale authorized by SCR 986, or any subsequent action or resolution, should be used to reduce the Federal budget deficit.

Mr. LOTT. Mr. President, on Friday, May 17, 1996, I proposed a sense-of-Senate resolution that urged the President

of the United States to ensure that American taxpayers' interests are protected by rejecting any Iraq-United Nations oil sale agreement which does not reimburse the United States for the costs of Operations Southern Watch and Provide Comfort.

To review the background leading to this amendment, several days prior to the cease-fire ending Operation Desert Storm, Iraq initiated military action against the Kurdish people in northern Iraq and the Sunni Moslems in southern Iraq. On April 5, 1991, 2 days prior to concluding the cease-fire agreement, the United Nations passed Security Council Resolutions No. 687 and 688, condemning Iraq for its repressive actions against the Kurds and Sunnis.

The Secretary General of the United States Nations then enlisted the support of the United States to engage in military operations to protect these Iraqi civilian populations against Saddam Hussein's aggression. In addition to the 15 American and 11 foreign national lives lost, the United States has spend $2.9 billion to conduct these military operations known as Provide Comfort and Southern Watch. But the cost continues to go up. The President's 1997 defense budget request includes an additional $590.1 million to continue these military operations.

On April 14, 1995, the United Nations adopted another Security Council resolution, No. 986. This resolution provides Iraq the opportunity to sell as much as $2 billion in oil and oil-related products every 6 months for the purpose of providing food and medical relief to the people of Iraq.

Yesterday, Iraq accepted the U.N. offer to sell limited supplies of oil to buy food and medicine for its people. Iraq oil could begin to flow with 30 to 60 days while American tax dollars continue to be spent to prevent Suddam's aggression against the Kurds and Sunnis. I think this is wrong.

The amendment that I offered last Friday, and have had to modify slightly because Iraq agreed to the U.N. offer, does not prevent the sale of oil or prevent efforts to relieve the humanitarian problems of Iraq. It simply states that if Iraq is going to be allowed to sell oil then the United States should recover the money our taxpayers are spending for the ultimate humanitarian assistance: military protection. Under this resolution the United Nations is recovering their costs for providing humanitarian relief. So why not recover the American taxpayers' expense for preventing Suddam's aggression?

Because the oil deal was accepted by Iraq yesterday, I have modified the amendment to state that in any subsequent extension of authority beyond the 180 days originally provided by Security Council Resolution 986, the Untied States should be reimbursed for the costs associated with Operations Southern Watch and Provide Comfort. I think the American taxpayer is entitled to some recovery from these oil sales to help offset the costs of doing what is right and doing it in conjunction with the United Nations.

Mr. President, I urge at the appropriate time that this amendment be adopted. It is a sense-of-the-Senate resolution, and I think that the American people would want us to ensure that they are reimbursed for their costs associated with Operations Southern Watch and Provide Comfort.

AMENDMENT NO. 4027 TO AMENDMENT NO. 4012

(Purpose: To adjust the fiscal year 1997 nondefense discretaionary allocation to the Appropriations Committee by $5 billion in budget authority and $4 billion in outlays to sustain 1996 post-OCRA policy)

Mr. DOMENICI. Mr. President, there is pending an amendment No. 4012 offered by Senators HARKIN and SPECTER. It is obvious that when we close up the Senate here in a few minutes and yield back the remaining time—and there is not much time remaining—there will be no further amendments that will be allowed. It means that if the Senator from New Mexico or anyone else has a second-degree amendment to any of the myriad of amendments we have in the long list, including the Harkin-Specter amendment, they would be able to offer a second-degree amendment.

And because I have an amendment, a second-degree amendment to the Harkin-Specter amendment which I want the Senate to know about, I ask unanimous consent that it be in order for me to offer the second-degree amendment tonight and get it in the RECORD with a statement. I do not think I am denying anybody anything by doing that because in just a few moments this will have ripened into a situation where when that amendment comes up, I could second degree it. So since that is the case, I ask unanimous consent that it be in order for the Senator from New Mexico to offer a second-degree amendment to the Harkin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the second-degree amendment.

Mr. DOMENICI. I send the amendment to the desk.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 4027 to amendment No. 4012.

Mr. DOMENICI. 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:

At the appropriate places in the Harkin amendment, make the following changes:

On page 25, line 17, increase the amount by $0.

On page 25, line 18, increase the amount by $0.

On page 27, line 16, increase the amount by $300,000,000.

On page 27, line 17, increase the amount by $600,000,000.

On page 42, line 2, decrease the amount by $1,800,000,000.

On page 42, line 3, increase the amount by $700,000,000.

On page 52, line 11, decrease the amount by $0.

On page 52, line 12, decrease the amount by $0.

On page 52, line 14, increase the amount by $5,000,000,000.

On page 52, line 15, increase the amount by $1,400,000,000.

Notwithstanding any other provision of this resolution, on page 52, line 15, the amount is deemed to be $270,923,000,000.

On page 4, line 8, the amount is deemed to be $1,323,100,000,000.

On page 4, line 9, the amount is deemed to be $1,361,600,000,000.

On page 4, line 10, the amount is deemed to be $1,392,400,000,000.

On page 4, line 11, the amount is deemed to be $1,433,600,000,000.

On page 4, line 12, the amount is deemed to be $1,454,000,000,000.

On page 4, line 17, the amount is deemed to be $1,318,600,000,000.

On page 4, line 18, the amount is deemed to be $1,353,500,000,000.

On page 4, line 19, the amount is deemed to be $1,382,400,000,000.

On page 4, line 20, the amount is deemed to be $1,415,600,000.

On page 4, line 21, the amount is deemed to be $1,433,100,000,000.

On page 5, line 1, the amount is deemed to be $232,400,000,000.

On page 5, line 2, the amount is deemed to be $223,600,000,000.

On page 5, line 3, the amount is deemed to be $206,300,000,000.

On page 5, line 4, the amount is deemed to be $185,700,000,000.

On page 5, line 5, the amount is deemed to be $143,500,000,000.

On page 5, line 9, the amount is deemed to be $5,449,000,000,000.

On page 5, line 10, the amount is deemed to be $5,722,700,000,000.

On page 5, line 11, the amount is deemed to be $5,975,100,000,000.

On page 5, line 12, the amount is deemed to be $6,207,700,000,000.

On page 5, line 13, the amount is deemed to be $6,398,600,000,000.

On page 5, line 14, the amount is deemed to be $6,550,500,000,000.

On page 6, line 13, the amount is deemed to be $290,000,000,000.

On page 6, line 14, the amount is deemed to be $277,400,000,000.

On page 6, line 15, the amount is deemed to be $256,000,000,000.

On page 6, line 16, the amount is deemed to be $236,100,000,000.

On page 6, line 17, the amount is deemed to be $193,300,000,000.

On page 6, line 18, the amount is deemed to be $155,400,000,000.

On page 9, line 22, the amount is deemed to be $14,900,000,000.

On page 11, line 22, the amount is deemed to be $16,700,000.

On page 11, line 23, the amount is deemed to be $16,800,000,000.

On page 13, line 17, the amount is deemed to be $3,700,000,000.

On page 13, line 18, the amount is deemed to be $3,100,000,000.

On page 15, line 17, the amount is deemed to be $21,500,000.

On page 17, line 16, the amount is deemed to be $12,800,000,000.

On page 17, line 17, the amount is deemed to be $11,000,000,000.

On page 19, line 16, the amount is deemed to be $8,100,000,000.

On page 19, line 17, the amount is deemed to be −$2,400,000,000.

On page 21, line 16, the amount is deemed to be $42,600,000,000.

On page 21, line 17, the amount is deemed to be $39,300,000,000.
On page 23, line 15, the amount is deemed to be $9,900,000,000.
On page 23, line 16, the amount is deemed to be $10,800,000,000.
On page 29, line 10, the amount is deemed to be $193,200,000,000.
On page 29, line 11, the amount is deemed to be $191,500,000,000.
On page 31, line 3, the amount is deemed to be $232,400,000,000.
On page 31, line 4, the amount is deemed to be $240,300,000,000.
On page 38, line 8, the amount is deemed to be $13,700,000,000.
On page 39, line 25, the amount is deemed to be $282,800,000,000.
On page 40, line 1, the amount is deemed to be $282,800,000,000.
On page 40, line 7, the amount is deemed to be $289,400,000,000.
On page 40, line 8, the amount is deemed to be $289,400,000,000.
On page 40, line 14, the amount is deemed to be $293,200,000,000.
On page 40, line 15, the amount is deemed to be $293,200,000,000.
On page 40, line 21, the amount is deemed to be $294,700,000,000.
On page 40, line 22, the amount is deemed to be $294,700,000,000.
On page 41, line 3, the amount is deemed to be $298,900,000,000.
On page 41, line 4, the amount is deemed to be $298,900,000,000.
On page 41, line 10, the amount is deemed to be $303,400,000,000.
On page 41, line 11, the amount is deemed to be $303,400,000,000.
On page 41, line 17, the amount is deemed to be $348,234,000,000.
On page 41, line 18, the amount is deemed to be $351,240,000,000.
On page 41, line 19, the amount is deemed to be $348,465,000,000.
On page 41, line 20, the amount is deemed to be $349,951,000,000.
On page 41, line 21, the amount is deemed to be $351,311,000,000.
On page 41, line 22, the amount is deemed to be $352,756,000,000.
On page 42, line 8, the amount is deemed to be −$200,000,000.
On page 42, line 9, the amount is deemed to be $100,000,000.
On page 42, line 15, the amount is deemed to be −$400,000,000.
On page 42, line 16, the amount is deemed to be −$300,000,000.
On page 42, line 22, the amount is deemed to be −$800,000,000.
On page 42, line 23, the amount is deemed to be −$800,000,000.
On page 43, line 5, the amount is deemed to be −$1,200,000,000.
On page 43, line 6, the amount is deemed to be −$1,100,000,000.
On page 43, line 12, the amount is deemed to be −$3,700,000,000.
On page 43, line 13, the amount is deemed to be −$3,700,000,000.

Mr. DOMENICI. This amendment is essentially across the appropriations spectrum, that is, across all of the bills, adds $5 billion in budget authority and $4 billion in outlays for nondefense discretionary programs for the year 1997.

Mr. President, the Specter-Harkin amendment would provide $2.7 billion for the education and training and health functions using an across-the-board reduction to agency administrative budgets—both defense and nondefense—including travel and contractual obligations—to offset this additional spending.

The amendment adds back the full $2.7 billion in both budget authority and outlays for spending to these budget functions and adjusts the discretionary spending caps to reduce the defense cap and increase the nondefense cap.

I am offering a second degree amendment because I believe this amendment gets us into trouble.

By adding these funds only to education and training and health, other subcommittees will be left making difficult spending choices, endanger other priority programs, and even head toward confrontation with the President as he looks at vetoes for bills that cut important Federal programs too deeply.

This amendment provides $5.0 billion in budget authority and $4.0 billion in outlays for nondefense discretionary spending in fiscal year 1997. Every function with nondefense discretionary spending which is below a freeze is restored to a freeze level that reflects the enactment of the 1996 Omnibus Consolidated Rescissions and Appropriations Act.

Functions in the budget resolution that are above a freeze—natural resources and environment, veterans, the crime control trust fund—are left at those levels.

This freeze level differs somewhat from the budget resolution freeze level. Before the enactment of the 1996 omnibus appropriations bill, Congress had provided approximately $3.3 billion in emergency disaster funding for the Federal Emergency Management Agency, and $500 million for other disaster-related programs.

These disaster funds, which are essentially one-time emergency expenditures, are built into the post-OCRA freeze level used by the Appropriations Committees, spending more than ongoing Federal programs.

We do have to make choices as we allocate taxpayer dollars. The budget resolution makes some assumptions about where spending priorities lie. The Appropriations Committees will make their own determination and refer that allocation to the full House and Senate in the form of 13 annual appropriations bills.

Congress can accept or reject those bills, but I believe we need to be balanced in our approach to spending decisions.

Under the Harkin-Specter amendment, adding the $2.7 billion to education, training, and health would require cutting nondefense programs by another $1.2 billion.

What programs will be affected by those cuts?

WIC? Veterans health? The Environment? Housing? Agriculture? Community and rural development? Law enforcement? Basic scientific research? Transportation? The space program?

To help pay for these addbacks, defense programs would be cut by up to $1.5 billion. Again, what will be affected by this reduction? There are serious readiness and procurement underfunding problems in the defense budget, which this budget resolution seeks to address.

I believe the assumptions of the balanced budget resolution are defensible. We should not reduce defense below the level recommended in the resolution because readiness is key to a strong defense for our Nation.

Likewise, we should at least freeze non-defense spending at the 1996 level which reflects the agreement between Congress and the President in the Omnibus Appropriation Act.

I recognize that nondefense discretionary spending was the only portion of the Federal budget that significantly contributed to deficit reduction in 1996. This was due to the President's veto of the Balanced Budget Act, which included reform of major entitlement and mandatory programs.

Today, I am saying we can do better than a freeze to keep some of our priority domestic programs operating effectively in 1997. These additional amounts are offset with the administration's debt collection reforms that were not included in OCRA. I urge the adoption of this amendment.

I might just say for those who are interested in what prompts this, I have seen some early allocation of the assets given to the Appropriations Committee by the House budget resolution called technically the allocation of the money, that is, a big pot of money is divvied up, and I note that somehow or another the House appropriators seem to be saying we are going to make a couple of the subcommittees, in particular one of them, not only whole but real whole, and make sure that is not subject to any veto. We are going to put a lot of money in it. That is the labor, health and human services.

I am not arguing that point. What I am arguing at this point if that is done on a budget that was submitted for all of the appropriations, I did not assume any such thing when I worked on this budget resolution. If it had been the case and thus resulting in some subcommittees getting a 10 percent cut—Interior, which the occupant of the chair will have difficulty with. It covers the Indian people and a lot of other things getting a 7 to 10 percent cut, and others getting as much as a 25 percent cut—I would not favor the level of funding for the first year, 1997, that I did in this budget resolution.

I have just allowed for the Senate to approve some additional money. We will go to conference with the House on the budget resolution and see where it turns out. I am willing to discuss it further. There will not be a lot of time, with 30 seconds on a side, but essentially anybody who would like to talk to me about it tomorrow, I will be delighted to do that.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 4 minutes.

The Senator from Nebraska has 11 minutes 40 seconds.

Mr. EXON. In view of the arrangement we have reached, I yield back the remainder of our time.

The PRESIDING OFFICER. Does the Senator from New Mexico yield back the time?

Mr. DOMENICI. Mr. President, I thank Senator EXON for his courtesies. This has been a very difficult budget resolution, in the sense that we have considered, overall, maybe more than 50 amendments. While the Senator from New Mexico thinks that many of them, being sense of the Senate and not binding on anyone, probably used an awful lot of time that was not necessary, that seems to be part of the U.S. Senate, and I am not complaining about it. But we have been here for a long time. That means we had to work together, and I think we did that very well.

To the Senators, many who cooperated in using small amounts of time so their fellow Senators would have a chance to offer their amendments with some explanation, I thank them, from both sides of the aisle, Democrat and Republican.

With that, I yield the remainder of the time on the budget.

Mr. EXON. Before you yield back, will you yield to me for just a moment? I want to return the nice compliment.

Mr. DOMENICI. Certainly.

Mr. EXON. I have always enjoyed working very closely with my friend and colleague. We are going to have a very tough day tomorrow. We are going to move things as expeditiously as we can.

At the proper time tomorrow, I will take time to publicly thank the excellent staff on this side and also the staff on that side of the aisle for being constructive and helpful all the way through. It has been, once again, a unique experience. I have appreciated the courtesy that is always extended to me by the chairman of the committee.

Mr. DOMENICI. I thank Senator EXON very much.

Let me correct something. There have been a number of requests on our side and your side for 15 minutes in the morning. So if I can correct it, we will start voting at 9:15. That is what the unanimous consent will state.

Mr. EXON. The 15 minutes will be morning business time?

Mr. DOMENICI. We will decide that later. We will be back on the budget resolution at 9:15 instead of 9 o'clock.

Mr. EXON. At 9:15.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent we now have a period for morning business.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

UNITED STATES-UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to discuss significant recent developments in our aviation relations with the United Kingdom. If handled properly by the administration, these developments could finally lead to full liberalization of United States/United Kingdom air service, our largest international aviation market.

Last week I spoke at some length in this body regarding my great frustration with the current state of aviation relations between our two nations. In those remarks I predicted a time would come when the British truly would want some significant aviation rights or regulatory relief from the United States. When that time came, I said I fully expect the administration to demand a very high price. I welcome reports that time may be at hand.

Mr. President, I am referring to published reports that British Airways, which presently controls a greater share of the United States/United Kingdom air service market than all United States passenger carriers combined, is close to announcing a major business alliance with American Airlines. In anticipation of that announcement, British negotiators came to Washington yesterday to assess the price tag for the regulatory relief the new alliance would require. I am pleased initial reports indicate the Department of Transportation [DOT] reaffirmed its longstanding position: Nothing short of full liberalization of the United States/United Kingdom air service market would be acceptable.

Let me emphasize a critically important point. If the administration stands firm, as I believe it must, the current restrictive United States/United Kingdom bilateral aviation agreement will be cast into the great trash heap of protectionist trade policy where it belongs. This would be very welcome news for the U.S. economy, all U.S. air carriers and consumers. If the situation is handled poorly, however, we will have to explain to future generations why we squandered our best opportunity in decades to liberalize the United States/United Kingdom air service market.

Since my remarks last week, I have been asked several questions I wish to address.

First, am I surprised my prediction has come to pass so quickly? No, not in the least. For nearly a year I touted an open skies agreement with Germany as the ideal competitive tool to pry open Britain's significantly restrictive air service market. In combination with open skies agreements already in place with 10 other European countries, the United States/German open skies agreement—which goes into full effect later this week—is having precisely that effect.

Simply put, the possible British Airways/American Airlines alliance is a competitive response to the United States/German open skies agreement and the grant of antitrust immunity to the United Airlines/Lufthansa alliance. If the Delta Air Lines alliance with three smaller European carriers is granted a final antitrust immunity order later this month, that alliance—in combination with the United and Northwest alliances—will mean nearly 50 percent of passenger traffic between the United States and the Europe will be carried on fully integrated alliances. I have predicted for some time British Airways would have no choice but to respond. It now appears to be doing so by seeking to ally itself with the strongest U.S. carrier available and, ultimately, to seek antitrust immunity for its new alliance.

Second, to what am I referring when I say the British should be required to pay a high price for the regulatory relief British Airways' new alliance would require? I believe the price tag must be nothing less than immediate open skies.

In the past, the British have been prone to redefine the term ''full liberalization'' to mean ''a balanced exchange of opportunities.'' Therefore, let me make clear what I mean when I say open skies. To avoid any misunderstanding, I believe the administration should make very clear to the British we expect at a minimum open third, fourth and fifth freedom rights for all our passenger and cargo carriers. Of course, this means that nothing less than open access to London's Heathrow Airport be included in the package.

Is this price too high? No, based on the recent history of United States/United Kingdom aviation relations, I believe it is just about right. For instance, I remember all too well how the British Government treated the United States in late 1990 and early 1991 when Pan Am was on the brink of shutting down operations and needed immediately to sell its Heathrow routes to survive. The British government showed not one iota of sympathy. Instead, at the urging of British Airways, for months the British Government squeezed our government for maximum compensation in exchange for approving that transaction as well as the sale of TWA's Heathrow routes. I hope we remember well the lessons of the so-called Heathrow succession agreement.

Is it realistic to demand the British Government open Heathrow airport to our carriers? Absolutely. The British always seem able to find space at Heathrow for non-U.S. carriers who pose less of a competitive challenge to British carriers. For instance, according to DOT, 24 of the airlines operating at Heathrow in July 1995 did not have

any services there in July 1990. In addition, British Airways controls 37 percent of the slots at Heathrow. It clearly is in a position to help resolve the access to Heathrow challenge. In short, British Airways controls its own destiny if it truly wants DOT approval for its proposed new alliance.

Mr. President, let me conclude by saying a truly historic opportunity may be at hand to finally force the British to join us on the field of free and fair air service competition. The Administration must stand firm and make clear to the British Government that nothing short of an open skies agreement is the price tag for any regulatory relief British Airways might seek in connection with its possible new alliance. A fully liberalized United States/United Kingdom air service agreement is critical to our economy, United States airlines and consumers and I fully expect we will not squander this opportunity.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny in the T.V. commercial that keeps moving and moving and moving—precisely in the same manner and to the same extent that the President is sitting on his hands while the Federal debt keeps going up and up and up into the stratosphere.

Same old story. Some politicians talk a good game (''talk'' is the operative word here) about cutting Federal spending and thereby bringing the Federal debt under control. (But watch what they do when efforts are made to balance the Federal budget.)

Mr. President, as of the close of business yesterday, Monday, May 20, the Federal debt stood at exactly $5,114,232,705,195.00 (which amounts to $19,306.97 per man, woman, child on a per capita basis).

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–2693. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule concerning the amending of the educational assistance regulations (RIN 2900–AH60), received on May 16, 1996; to the Committee on Veterans' Affairs.

EC–2694. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule concerning the correction of a repayment formula for health care professionals who fail to comply with service obligation under the VA Health Professional Scholarship Program (RIN 2900–AH99), received on May 16, 1996; to the Committee on Veterans' Affairs.

EC–2695. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a final rule relative to amending the biologics regulations of the Food and Drug Administration to eliminate the requirement for an establishment license application for certain biotechnology and synthetic biological products (RIN 0910–AA71), received on May 16, 1996; to the Committee on Labor and Human Resources.

EC–2696. A communication from the Secretary of Health and Human Services, transmitting, the report of proposals for the reauthorization of the National Institutes of Health, received on May 16, 1996; to the Committee on Labor and Human Resources.

EC–2697. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a final rule concerning the amendments of the regulations under the Migrant and Seasonal Agricultural Worker Protection Act to implement statutory changes to MSPA concerning the relationship between workers' compensation benefits and the benefits available under the MSPA (RIN 1215–AA93), received on May 16, 1996; to the Committee on Labor and Human Resources.

EC–2698. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the implementation of Cable Act reform provisions of the Telecommunications Act of 1996, received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2699. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the Table of Allotments, FM Broadcast Stations, Cornell, Wisconsin, received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2700. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the Citizens Utilities Company Permanent Cost Allocation Manual for the Separation of Regulated and Nonregulated Costs, received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2701. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the implementation of Section 273 of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996—Dispute Resolution Regarding Equipment Standards, received on May 13, 1996; to the Committee on Commerce, Science and Transportation.

EC–2702. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the Table of Allotments, FM Broadcast Stations, Coolidge and Gilbert, Arizona, received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2703. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the prohibition against certain flights within the territory and airspace of Afghanistan (RIN 2120–AG10), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary on May 20, 1996:

William A. Fletcher, of California, to be U.S. circuit judge for the ninth circuit.

(The above nomination was reported with the recommendation that he 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. KENNEDY (for himself and Mr. KERRY):

S. 1785. A bill to establish in the Department of the Interior the Essex National Heritage Area Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 1786. A bill to require the Secretary of Veterans Affairs and the Secretary of Health and Human Resources to carry out a demonstration project to provide the Department of Veterans Affairs with reimbursement from the medicare program for health care services provided to certain medicare-eligible veterans; to the Committee on Finance.

By Mr. PRESSLER (for himself, Mr. D'AMATO, Mr. BREAUX, and Mr. GRAHAM):

S. 1787. A bill to amend the Harmonized Tariff Schedule of the United States with respect to fireworks; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1788. A bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. THURMOND, Mr. NUNN, Mr. WARNER, Mr. COHEN, Mr. SANTORUM, Mr. INHOFE, Mr. KEMPTHORNE, Mr. BINGAMAN, Mr. COATS, Mr. SMITH, Mr. EXON, Mrs. HUTCHISON, Mr. MCCAIN, Mr. DASCHLE, Mr. LEVIN, Mr. AKAKA, Mr. BRADLEY, Ms. MIKULSKI, Mr. BRYAN, Mr. SARBANES, Mr. DORGAN, Mr. LIEBERMAN, Mr. SIMON, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. GLENN, Mr. REID, Mr. JOHNSTON, Mr. ROBB, Mr. INOUYE, Mr. KOHL, Mr. FORD, Mr. KERREY, Mr. DODD, Mr. BUMPERS, Mr. PELL, Mr. FEINGOLD, Mr. LEAHY, Mr. MOYNIHAN, Mr. KENNEDY, Mrs. BOXER, Mrs. MURRAY, and Ms. MOSELEY-BRAUN):

S. Res. 255. A resolution to honor Admiral Jeremy M. ''Mike'' Boorda; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1785. A bill to establish in the Department of the Interior the Essex National Heritage Area Commission, and for other purposes; to the Committee on Energy and Natural Resources.

THE ESSEX NATIONAL HERITAGE AREA ACT OF 1996

Mr. KENNEDY. Mr. President, Senator KERRY and I are introducing legislation today to establish the Essex Heritage District and Commission. The purpose of our legislation is to preserve for future generations the unique historic, cultural, and natural resources of Essex County, MA. A companion bill has been introduced in the House of Representatives by Congressmen PETER TORKILDSEN and MARTIN MEEHAN.

Essex County is the site of many historical events that have profoundly influenced the course of American history over the past 350 years. Concentrated in this area of less than 500 square miles are more than 8,300 National Register properties and 23 national historic landmarks related to the early settlement of the United States, the country's emergence as a major maritime power, and its subsequent industrial development.

The historic sites include many examples of nationally significant early architecture, including some of the finest examples of Georgian and Federal architecture to be found in the United States. Also still intact are 17th century marshland farms and rural home sites clustered around original commons. Active harbors have been in continuous use since the 17th century. Local shipyards, lighthouses, and distinctive maritime communities exemplify 18th century life. The first integrated iron works in America are still in operation under the auspices of the National Park Service. Textile mill villages and ''10-foot'' shops where shoes were made and sold in 10-foot-by-10-foot rooms still remain largely as they were in the 19th century.

Essex County also has extensive natural and scenic resources—marshlands, beaches, harbors, rocky farmlands, and islands—which amply demonstrate why maritime pursuits and water-powered industrial development first began here.

At the heart of this region lies the city of Salem. It was settled in 1626, 6 years after the Pilgrims landed in Plymouth. It became one of the most active ports in the United States in the 18th century, conducting trade throughout the world and opening many new markets for imports and exports. Salem retains a wealth of resources from this period, including one of the country's few remaining colonial-period wharves; classic 17th century structures; four major historic districts encompassing thousands of facilities which preserve Salem as it appeared in the late 18th century; the internationally renowned Peabody Essex Museum, containing major collections of maritime art and history. Chinese export wares and early anthropological collections; and many historic buildings associated with the life and work of one of America's most famous authors, Nathaniel Hawthorne.

Salem also has many homes, meeting sites, and cemeteries associated with the notorious witchcraft trials of 1692, which serve to remind residents and visitors alike of the dangers of witch hunts and the importance of the individual rights built into our Constitution a century later.

The purpose of our legislation is to preserve these extraordinary resources and make them available to the public. The Commission will carry out the mission proposed in the Salem Project, a report issued by the National Park Service in January 1990, which suggested a broadening of Federal recognition beyond the boundaries of Salem itself, to take into account the shared historic themes formed throughout Essex County.

The success of the preservation effort at Salem Maritime National Historic Site, the oldest such site in the country, established in 1938, has encouraged local initiatives in many of the surrounding communities. Our legislation will build on that local interest by providing a management framework for the preservation efforts of these various jurisdictions. Our goal is to protect and preserve these nationally significant resources in ways that present a unified interpretive story for visitors, so that they can readily understand the relationships among the historic sites throughout the county. The Commission will provide guidance to local communities and the State to ensure that the goal is achieved. Our bill does not propose major Federal land acquisition or a Federal bureaucracy. Its modest Federal involvement will help local efforts to proceed smoothly.

The success of the Essex Heritage District and Commission depends on broad-based support and participation by private citizens, businesses, nonprofit institutions and local, regional, and State governments. The majority of funds to implement the countywide recommendations in the National Park Service report is expected to come from the private sector and local sources.

Salem has demonstrated how successful this approach can be. In the past 8 years, Federal appropriations of $24 million for Salem Maritime National Historic Site have led to more than $150 million in private, municipal, and State investments in projects which relate to the proposed Essex Heritage District. For example, the Peabody Essex Museum has planned a $75 million expansion which will include renovation of the Salem Armory building that now houses the Regional Visitor Center run by the Park Service. The city of Salem is also planning an $18 million expansion of its port facilities, and has successfully pursued matching funds for the reconstruction of the 18th century merchant ship *Friendship*.

At the county level, an Essex Heritage Commission, comprised of 46 volunteer members from the private sector and municipal and State governments, is already well underway toward developing an action plan for regional trails and exhibits. This fall, the Commission plans to install a regional signage system on the Federal and State highways to serve as a magnet and bring people into the Essex Heritage Area District. Many community officials, board members, and representatives from other preservation and environmental organizations are providing valuable assistance and coordination. But there is much more to be done, and it is time for the Federal Government to play a role in this promising endeavor.

Its success so far has been based on the ability of people with many different perspectives to work together. This legislation will help them go forward in effective and efficient ways, as they work to bring the region together and preserve these magnificent historical resources for the enjoyment of generations to come. I urge my colleagues to support this important initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1785

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 ''Essex National Heritage Area Act of 1996.''

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) Essex County, Massachusetts, was host to a series of historic events that influenced the course of the early settlement of the United States, its emergence as a maritime power, and its subsequent industrial development;

(2) the North Shore of Essex County and the Merrimack River valley in Essex County contain examples of significant early American architecture and significant Federal-period architecture, many sites and buildings associated with the establishment of the maritime trade in the United States, the site of the witchcraft trials of 1692, the birthplace of successful iron manufacture, and the establishment of the textile and leather industries in and around the cities of Peabody, Beverly, Lynn, Lawrence, and Haverhill;

(3) Salem, Massachusetts, has a rich heritage as one of the earliest landing sites of the English colonists, the first major world harbor for the United States, and an early thriving hub of American industries;

(4) the Saugus Iron Works National Historic Site is the site of the first sustained, integrated iron works in Colonial America, and the technology employed at the Iron Works was dispersed throughout the Colonies and was critical to the development of industry and technology in America;

(5) the Salem Maritime National Historic Site contains nationally significant resources that explain the manner in which the Nation was settled, its evolution into a maritime power, and its development as a major industrial force;

(6) the story told at the Salem Maritime and Saugus Iron Works National Historic

Sites would be greatly enhanced through the interpretation of significant theme-related resources in Salem and Saugus and throughout Essex County;

(7) partnerships between the private and public sectors have been created and additional partnerships will be encouraged to preserve the rich cultural heritage of the region, which will stimulate cultural awareness, preservation, and economic development through tourism;

(8) a visitors' center that has already been constructed at Salem Maritime National Historic Site in Salem, Massachusetts, will be available to interpret the themes of the Essex National Heritage Area established by this Act and to coordinate the interpretive and preservation activities of the Area; and

(9) the resident and business communities of the region have formed the Essex Heritage Ad Hoc Commission for the preservation, interpretation, promotion, and development of the historic, cultural, and natural resources of the region and are investing significant private funds and energy to develop a plan to preserve the nationally significant resources of Essex County.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish the Essex National Heritage Area and the Essex National National Heritage Area Commission, representing all concerned levels of government, to recognize, preserve, promote, interpret, and make available for the benefit of the public the historic, cultural, and natural resources of the North Shore and lower Merrimack River valley in Essex County, Massachusetts, which encompass the three primary themes of the Salem Maritime National Historic Site and Saugus Iron Works National Historic Site (the histories of early settlement, maritime trade, and the textile and leather industries);

(2) to implement the appropriate alternative as described in the document entitled ''The Salem Project: A Study of Alternatives'', dated January 1990, within the boundaries of Essex County; and

(3) to provide a management framework to assist the Commonwealth of Massachusetts and its units of local government in the development and implementation of an integrated cultural, historical, and land resource management program in order to retain, enhance, and interpret the significant values of the lands, waters, and structures located in the Essex National Heritage Area.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''Commission'' means the Essex National Heritage Area Commission established by section 201.

(2) The term ''Area'' means the Essex National Heritage Area established by section 101.

(3) The term ''Secretary'' means the Secretary of the Interior.

TITLE I—ESSEX NATIONAL HERITAGE AREA

SEC. 101. DESIGNATION OF NATIONAL HERITAGE AREA.

(a) DESIGNATION.—For the purpose of preserving and interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of certain historic and cultural lands, natural waterways, and structures within the County of Essex in the Commonwealth of Massachusetts, there is hereby established the Essex National Heritage Area.

(b) BOUNDARIES.—The Area shall comprise the lands generally depicted on the map numbered NAR–51–80,000 and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADMINISTRATION.—The Area shall be administered in accordance with the provisions of this Act.

TITLE II—ESSEX NATIONAL HERITAGE AREA COMMISSION

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—To carry out the purpose of this Act there is hereby established in the Department of the Interior the Essex National Heritage Area Commission. The Commission shall exercise the responsibilities and authorities conferred on the Commission by this title with respect to the Area. The Commission shall consist of 33 members (including ex officio members), appointed by the Secretary, as follows:

(1) Five members appointed from recommendations submitted by the Governor of Massachusetts, of which one shall represent the interests of the Massachusetts Historical Commission, one shall represent the Executive Office of Environmental Management, one shall represent the Massachusetts Executive Office of Transportation and Highways, one shall represent the Executive Office of Administration and Finance, and one shall represent the Executive Office of Communities and Development.

(2) Eleven members representing the interests of local government, appointed from recommendations submitted as follows:

(A) One each from recommendations submitted by the mayors of the cities of Peabody, Salem, Lynn, Lawrence, Haverhill, Newburyport, Beverly, and Gloucester.

(B) Three representing the towns of Essex County, from recommendations submitted by the Essex County Advisory Board.

(3) Eight members representing local business, nonprofit organizations, and other nongovernmental groups, appointed from recommendations submitted as follows:

(A) Two from recommendations submitted by the Salem Partnership.

(B) One each from recommendations submitted by the Lynn Business Partnership, the Greater Haverhill Chamber of Commerce, the Cape Ann Chamber of Commerce, the Merrimack Valley Chamber of Commerce, the North Shore Chamber of Commerce, and the Society for the Preservation of New England Antiquities.

(4) Three members representing nonprofit organizations which have significant interests and resources located in the Area, from recommendations submitted as follows:

(A) One from recommendations submitted by the Peabody Essex Museum, to represent the interests of major museums.

(B) One from recommendations submitted by the Essex County Greenbelt Association, to represent the interests of the natural resources of the Area.

(C) One from recommendations submitted by the President of Salem State College, to represent the interests of institutions of higher education.

(5) The Director of the National Park Service, ex officio, or the delegate of the Director, the superintendent of the Salem Maritime National Historic Site, ex officio, or the delegate of the superintendent, and the superintendent of the Saugus Ironworks National Historic Site, ex officio, or the delegate of the superintendent.

(6) One member recommended by the Representative to the Congress from the Fifth Congressional District of Massachusetts.

(7) Two members recommended by the Representative to the Congress from the Sixth Congressional District of Massachusetts.

(b) TERMS.—The term of appointed members of the Commission shall be 3 years, except as provided in subsection (d).

(c) CHAIRPERSON.—The Commission shall elect a chairperson from among its members. The term of office of the chairperson shall be 2 years.

(d) VACANCY.—Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. The term of any member appointed to fill a vacancy shall be the remainder of the term for which the member's predecessor was appointed.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of its members, but not less than quarterly.

(g) COMPENSATION.—Members of the Commission shall serve without compensation, except as otherwise provided in this subsection. Members of the Commission may receive travel expenses (including per diem in lieu of subsistence) when engaged in Commission business, in accordance with section 5703, title 5, United States Code, in the same manner as persons employed intermittently.

SEC. 202. STAFF OF THE COMMISSION.

(a) STAFF.—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive services; and

(B) shall be paid in accordance with the provisions of chapter 51 of title 5, United States Code, and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure services of experts and consultants to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF AND OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from the Commonwealth of Massachusetts (and any political subdivision thereof) and may reimburse the Commonwealth or political subdivision for the services.

(d) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission such administrative support services as the Commission may request, on a reimbursable basis.

SEC. 203. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable.

(b) BYLAWS.—The Commission may make such bylaws, rules and regulations, consistent with this Act, as it considers necessary to carry out its functions under this title.

(c) DELEGATION.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) TECHNICAL ADVISORY GROUPS.—The Commission may establish and appoint one or more technical advisory groups and subcommittees to provide technical advice to

the Commission with respect to issues including, but not limited to, financing, historic preservation, natural resource preservation, recreation, tourism, or intergovernmental coordination.

(e) GIFTS.—Notwithstanding any other provision of law, the Commission may seek, accept, and dispose of donations of funds, property, or services from individuals, from foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties.

(f) FUNDS FROM OTHER SOURCES.—The Commission may use its funds to obtain money from any source under any program or law, including a program or law requiring the recipient of such money to make a contribution in order to receive such money.

(g) MAIL.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(h) OBTAINING PROPERTY, FACILITIES AND SERVICES.—The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties. The Commission may acquire real property, or interests in real property, in the Area only by gift, by rental, or by purchase from a willing seller with money which was given, bequeathed, or appropriated to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in the Area.

(i) ADVISORY GROUPS.—The Commission may establish such advisory groups as the Commission deems necessary to ensure open communication with, and assistance from, the Commonwealth of Massachusetts, political subdivisions of the Commonwealth of Massachusetts, and interested persons.

(j) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with the Secretary, the Commonwealth of Massachusetts, any political subdivision of the Commonwealth, or any person.

SEC. 204. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission is authorized to—

(1) coordinate activities of and establish cooperative agreements with Federal, State, and local governments and private businesses and organizations in order to further historic preservation, cultural conservation, natural area protection, and compatible revitalization with respect to the Area;

(2) establish guidelines and standards for projects and prepare programs and exhibits, consistent with standards established by the National Park Service for preservation of historic properties (including standards regarding interpretive methods), that will further the recognition, preservation, promotion, interpretation, and economic revitalization of the historic and natural resources in the Area;

(3) provide advice and assistance in preparation of loan or grant applications to the Commission and applications for loan or grants from Federal or non-Federal sources in furtherance of the purpose of this Act;

(4) make loans and grants, from funds appropriated for that purpose or from funds donated or otherwise made available to the Commission, for the purpose of conserving and protecting sites, buildings, resources, and objects which are included or eligible for inclusion on the National Register of Historic Places or for the purposes of providing educational and cultural programs which encourage appreciation of the resources of the Area; and

(5) implement the study report prepared by the Essex Heritage Ad-Hoc Commission.

(b) ANNUAL REPORTS.—

(1) REPORTS BY COMMISSION.—The Commission shall submit an annual report to the Secretary setting forth its expenses and income and the entities to which any loans and grants were made by the Commission during the year for which the report is made.

(2) REPORTS BY SECRETARY.—The Secretary shall submit an annual report to the Congress describing the loans, grants, and technical assistance provided under this Act. The report shall specify the amount, recipient, and purpose of any loan, grant, or technical assistance so provided, and shall include an analysis of the adequacy of actions taken during the year the report concerns to preserve, protect, and interpret the significant sites, buildings, and objects within the Area. The report shall describe the anticipated funds and personnel to be made available by the Secretary during the fiscal year following the year the report concerns to implement the provisions of this Act.

(c) COST ESTIMATES.—Prior to making any grant or loan, the Commission shall require detailed cost estimates to be prepared for the project to be funded. Within 1 year after the date of the enactment of this Act, the Commission shall submit to the appropriate committees of the Congress detailed cost estimates for the projects for which, at the time the report is submitted, the Commission has made, has agreed to make, or plans to make a grant or loan under this Act.

SEC. 205. DUTIES OF THE SECRETARY.

(a) IN GENERAL.—To carry out the purpose of this Act, the Secretary shall assist the Commission in preparing such studies and plans as the Secretary considers appropriate and in implementing the recommendations contained in study report prepared by the Essex Heritage Ad-Hoc Commission. The Secretary is authorized to enter into agreements with the Commission or with any owner of property with national historic or cultural significance within the Area for the purpose of facilitating public use and enjoyment of such resources or to otherwise further the objectives of the Commission. Any such agreement shall provide whenever appropriate that—

(1) the public may have access to such resources at specified, reasonable times for the purpose of viewing the property or exhibits or attending programs or other activities, as may be appropriate;

(2) the Secretary may make improvements to such resources as the Commission or the Secretary deem necessary to enhance the public use and enjoyment of the resources, or to render such property usable by the Secretary, the Commission, or any person for the purpose of this Act; and

(3) the Secretary may occupy, utilize, and acquire easements or leasehold interests in resources as required to implement the programs and purpose of this Act.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide, upon request, technical assistance to the Commission to assist the Commission in the performance of its powers and functions as authorized under this Act. The Secretary may provide to any owner of property within the Area, to the Commonwealth of Massachusetts, to the City of Salem and other participating municipalities, to any other Federal or State entity, to any institution, or to any person such technical assistance as the Secretary considers appropriate to carry out the purpose of this Act.

SEC. 206. EXPIRATION.

(a) IN GENERAL.—The Commission shall cease to exist 10 years after the date of the enactment of this Act.

(b) SUCCESSOR ENTITY.—The Commission shall assist, if appropriate, in the establishment of a nonprofit management entity, exempt from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986, to continue as necessary the functions of the Commission and the management of the Area upon the expiration of the Commission.

(c) PROPERTY OR FUNDS REMAINING.—Any property or funds of the Commission remaining upon the expiration of the Commission shall be transferred to the nonprofit management entity referred to in subsection (b), if such an entity exists and is willing to accept the transfer. If such an entity does not exist or is not willing to accept such transfer, the property or funds referred to in the preceding sentence shall be transferred to the Treasury of the United States, to a State or local government agency, or to any combination thereof, as determined by the Commission or, if the Commission fails to so determine and such an entity exists, by the nonprofit management entity referred to in subsection (b).

SEC. 207. PRIVATE PROPERTY.

No privately owned property shall be included within the boundaries of the Area unless the government of the county, city, or town in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. KERRY. Mr. President, I am pleased to join, once again, with my colleague from Massachusetts, Senator KENNEDY, in introducing legislation to create the Essex Heritage District and Commission with the goal of preserving the unique resources of Essex County, MA for future generations.

Essex County, which stretches through Massachusetts' North Shore communities into the Merrimac River Valley and up to the New Hampshire border, represents a mural of American history with its architecture, industry, and culture. Within a county of only 500 square miles, there are nearly 80 historic districts which offer more examples of nationally significant early American architecture than any other place in the Nation. Included among these historical structures are 17th century marshland farms, rural homes, cemeteries, and original town commons. The shoreline of Essex County contains shipyards, lighthouses, and harbors that have been active since the 17th century.

Together, these sites form a panorama of our Nation's development as a maritime and industrial power. In the 18th century, this region became a mecca for American trade, a hub for trading goods with the other great trading nations. In response, the region flourished as a manufacturing center, which led to the establishment and growth of the textile and leather industries in the Merrimac River Valley towns of Peabody, Lawrence, Beverly, and Haverhill. The history of this growth is evident today in the textile mill villages, the first sustained integrated iron works site, and one of the most significant planned manufacturing cities in the country, all of which remain largely intact today.

At the heart of all this activity is the city of Salem. While Salem is famous in the history books and in American

lore as the site of the 1692 witch trials, it is equally important as an early landing point for some of the first English colonists and as one of the most active ports of the 18th century. An amazing number of these historical resources remain intact including a colonial period wharf and 17th and 18th century structures exemplifying Puritan society.

A tour through the historic districts of Essex County is a visual lesson in this important period of our Nation's past. We are lucky that so many of these historical resources remain to provide such a detailed record and we must work to ensure their continued protection through the creation of the Essex Heritage District Commission. The Commission, which would be authorized for 10 years, would provide the long-term commitment that is needed to bring about the success of this project. Of course, the primary mission would be preservation, but more than this, the Commission will take individually preserved resources and link them through a unified interpretive story of this region and its place in our Nation's history.

While the Commission will be chartered by Federal legislation, it will not be a project managed by the Federal Government nor will it require major Federal land acquisition. Instead, the Commission will be comprised primarily of delegates from the State and local governments, nonprofit organizations, and private citizens and business interests from the participating communities.

This approach should prove very successful based upon the past efforts at the Salem Maritime National Historic Site which has leveraged significant local support from the surrounding communities. For example, in the past 8 years, Federal appropriations of $24 million for the Salem Maritime Site have leveraged more than $150 million in non-Federal investments in Essex Heritage District projects, including support for the planned $75 million expansion of the Peabody Essex Museum which will include renovation of the Salem Armory building that now houses the Regional Visitor Center run by the National Park Service.

Our bill would create a system under which various community groups can come together to develop their own goals by combining historic and resource preservation with economic concerns. The preservation activities which have already begun in Essex County have enhanced the region as visitor attractions for its historic sites, its picturesque scenery, and its desirability as a place to live and do business. I hope the Senate will act to ensure this success through swift and positive action on this bill.

By Mr. WELLSTONE:

S. 1786. A bill to require the Secretary of Veterans Affairs and the Secretary of Health and Human Resources to carry out a demonstration project to provide the Department of Veterans Affairs with reimbursement from the Medicare Program for health care services provided to certain Medicare-eligible veterans; to the Committee on Finance.

VA HEALTH CARE ELIGIBILITY LEGISLATION

Mr. WELLSTONE. Madam President, I am pleased and honored to introduce legislation which I believe will demonstrate the cost effectiveness and feasibility of Medicare subvention funding to the Department of Veterans Affairs [VA] for treatment of some Medicare-eligible veterans at VA medical facilities. This legislation would authorize a demonstration project of Medicare subvention whereby Medicare would reimburse VA for delivering health care to some veterans age 65 and over.

My legislation would authorize the Secretaries of Veterans Affairs and of Health and Human Services to enter into an agreement to carry out the demonstration project. This bill would bar reimbursement to the VA until the expenditure for health care services for participating veterans by a veterans integrated service network exceeds the amount that the VA would expend for such services in the absence of the project.

In effect, this ensures that VA will receive Medicare reimbursement only for additional health care costs that are directly attributable to the demonstration project. My bill would ensure that costs to the Medicare program of providing services under the project do not exceed the usual costs Medicare would incur in providing such services.

To prevent red tape from delaying the start of this test, the legislation specifies that VA health care facilities chosen to participate in the demonstration project will automatically be deemed to meet Medicare standards. Reimbursement to the VA will be on a capitated basis and veterans age 65 and over who are not eligible for VA health care for a service-connected disability may be selected to participate in the project.

Madam President, I now want to address the two key reasons I am introducing this legislation and will press for its passage. First, reforming veterans' health care is one of my highest priorities and I am quite frankly disappointed that the Senate has not yet emulated the House in taking significant bipartisan legislative action to reform unwieldy, arcane, and obsolete eligibility rules that Minnesota and other veterans face when they visit VA hospitals and clinics. While Secretary of Veterans Affairs Jesse Brown and his Under Secretary for Health Ken Kizer have taken bold and innovative steps to modernize, restructure and decentralize VA health care, their efforts to overhaul the VA health care system—so that it will remain viable and serve the needs of veterans into the 21st century—are being hamstrung by outmoded eligibility criteria that stress inpatient care even when outpatient care would be more appropriate, user-friendly and cost effective.

I believe that Medicare reimbursement is an important and, with an aging veterans population, even an essential component of eligibility reform. My view is shared by major veterans service organizations [VSO's] which have submitted two different eligibility reform proposals that would authorize the VA to receive Medicare reimbursement for treating Medicare-eligible veterans. Medicare reimbursement will allow the VA to offset the costs of delivering care to older veterans who may gain access to outpatient and preventive care when eligibility reform legislation is enacted.

The GAO, however, has questioned both the feasibility and cost of providing Medicare reimbursement to the VA. While I lean toward the VSO's view that Medicare reimbursement would be both feasible and cost-effective, the only way to prove it is by means of a demonstration project. This is precisely what my legislation authorizes.

Second, because the VA is facing and will likely continue to face severe funding constraints that probably will reduce its capabilities to provide access to quality health care, the VA will be under strong pressure to deny some vital health care services to Medicare-eligible veterans.

In recent years the VA health care budget has lagged behind medical cost inflation and under the budget resolution adopted by Congress last year the VA medical care budget would be frozen for 7 years, thus lagging behind overall inflation and probably even further behind medical cost inflation. As a consequence, the VA may be compelled to further ration care, with veterans 65 and over one of the groups likely to be affected. Even before the VA was faced with a flat health care budget, many of its facilities were compelled to resort to rationing.

In this connection it is important to note that recent GAO testimony before the Senate Subcommittee on VA, HUD, and Independent Agencies Appropriations underscored the fact that in 1993 ''118 VA medical centers reported rationing some types of care to eligible veterans when the centers ran short of resources.'' There is no doubt whatever that a flat VA health care budget for 7 years can only lead to more extensive rationing of health care for veterans. This will further fray our solemn contract with the men and women who selflessly defended our country.

Madam President, this bill is intended to ensure that our aging veterans population is not denied access to VA health care precisely when they need it most. I believe that this demonstration project will show that Medicare subvention will at least be budget neutral, and may even save Medicare dollars by using less costly VA care. But I would hope that even those who do not share my views would agree that the demonstration project that I

am proposing is the best way of determining the impact on Medicare, the VA, and most important, our aging veterans. These brave men and women deserve the best health care that can be provided, not rationed care whose quality is determined by an eroding VA health care budget and not by the health care needs of veterans who risked their lives for this country at times when it was in dire peril.

Madam President, improving and protecting health care for the increasing numbers of older veterans should be a priority issue for my colleagues on both sides of the aisle. I hope all of my colleagues will carefully scrutinize this bill, strongly support it, and join me in the fight to ensure its passage.

Madam President, I am introducing a bill today that focuses on health care eligibility in the VA health care system. It is, interestingly enough, analogous to a bill that the majority leader, Senator DOLE, has introduced that essentially says for those Department of Defense retirees, that there can be a Medicare third-party payment for them to continue to receive health care within the military health care system. That is put on a demonstration project basis. I think it is an important piece of legislation.

What the bill I have introduced says, again, on the demonstration model basis—demonstration project basis—is that for some of the veterans within a certain narrow framework, they also will be able to receive health care within the VA health care coverage—within the VA health care system—with a Medicare third-party payment.

I now sit on the Veterans' Committee. It has taken me several years to get on that committee. These issues are near and dear to my heart. It is clear to me, and I think it is clear to all Senators on both sides of the aisle, that health care eligibility is at the very top of, if you will, an agenda that is responsive to the concerns and circumstances of the veterans community. This will be a demonstration model. That is what this bill calls for. I think it is extremely important.

There is a debate as to whether or not, for example, Medicare third-party payment for the VA health care system will work well or not. The only way we can find out, without having to debate ad nauseam, is to put this on a pilot project basis.

I think this is only a step, but this piece of legislation, if passed, either as a piece of legislation or an amendment on the appropriate vehicle, I think it is an extremely important step in the right direction of enabling us to do some things within our VA health care system that will enable us to provide very efficient and very effective and very compassionate health care for veterans.

Also, Madam President, I want to mention that Dr. Ken Kizer, with the VA health care system, I think is really making a heroic effort to think deeply about VA health care and where it is going into the next century.

I think he is joined by Secretary Jesse Brown. Secretary Brown, in my view as a Senator from Minnesota—and I think I have been a fierce advocate for veterans—has been a very powerful and very articulate advocate for veterans in this country. I know that he has put health care eligibility reform at the very top of his list of priorities. I know that he cares deeply about veterans. I know as someone who was very active within the DAV, Disabled Veterans of America, he knows these issues. They are not abstract or intellectual to him. He came to this Cabinet position as someone who has been down in the trenches struggling not only for disabled veterans but for all vets.

So with the time I have on the floor, again I am devoted to this piece of legislation which I have introduced. I think there is going to be strong bipartisan support for this.

I also want to say a few words about the Secretary of Veterans Affairs because I think he has been a great Secretary for the veterans of Minnesota and across the country.

By Mr. PRESSLER (for himself, Mr. D'AMATO, Mr. BREAUX and Mr. GRAHAM):

S. 1787. A bill to amend the Harmonized Tariff Schedule of the United States with respect to fireworks; to the Committee on Finance.

FIREWORKS LEGISLATION

Mr. PRESSLER. Mr. President, today I am introducing legislation that would correct a mistake made during the drafting of the implementing legislation of the General Agreement on Tariffs and Trade [GATT] Uruguay round. That law has had the effect of unintentionally more than doubling the tariff rates on display fireworks that are imported into the United States. Unintended or not, this provision has had real consequences. The most obvious has been a dramatic increase in the price of display fireworks, the vast majority of which are purchased by our State and local governments for use in municipal celebrations.

While we are struggling here in Congress to reduce the deficit and balance the Federal budget under tight economic constraints, State and local governments are required by law to balance their budgets every year—with far less flexibility and far fewer resources than what is available to the Federal Government.

The higher cost of display fireworks imposes major strain on municipalities that wish to sponsor Memorial Day or Fourth of July celebrations. Many towns simply are unable to afford the higher fireworks prices and some may forego these celebrations altogether. It's a sad fact that one unfortunate consequence leads to others.

These problems are especially troublesome for rural areas. Small cities and towns do not have a wide variety of options for purchasing their fireworks. A dramatic increase in the cost of fireworks leaves these towns with very few alternatives. The ripple effect of this is that the small companies that serve as fireworks distributors suffer sales losses.

This is not just mere speculation. There is a family-owned business in my State of South Dakota called Rich Bros. Fireworks. Michael Rich and his family serve the small towns across our State. The Rich family does it because they enjoy the service they provide. Mr. President, this is not a highly profitable business to begin with, and the higher prices resulting from the GATT implementing legislation have caused demand to decline. Michael Rich has informed me that unless corrective action is taken, they may be forced to close their business by the end of the year. The name Rich Bros. is synonymous with July 4th in South Dakota, and kids across the State—young kids, and grown-up kids alike—look forward to the celebration of the birth of our country with all the fanfare and excitement fireworks provide.

Family-owned businesses, such as Rich Bros., are the foundation of towns across South Dakota. These people are committed to their neighbors and to their communities. They should not suffer from unintended consequences of the law. That is why we are here—to look out for them and to correct problems like these as soon as possible. That is why I am introducing this legislation today. It is really a minor change that would make a major difference—perhaps the difference between life and death—for small businesses like Rich Bros. I ask my colleagues for their support in passing this legislation which restores the 2.4-percent tariff rate for display fireworks that existed prior to the implementation of the Uruguay round legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUTY ON DISPLAY FIREWORKS.

Chapter 36 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 3604.10.00 and inserting the following new subheadings:

"3604.10	Fireworks:				
3604.10.10	Display fireworks (Class 1.3C)	2.4%	Free (A*, CA, E, IL, J, MX)	12.5%	
3604.10.90	Other (including Class 1.4G)	5.3%	Free (A*, CA, E, IL, J, MX)	12.5%."	

SEC. 2 EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE TREATMENT.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption—

(1) which was made on or after January 1, 1996, and before the 15th day after the date of the enactment of this Act, and

(2) with respect to which there would have been a lesser duty if the amendment made by section 1 applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. BRYAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 228, a bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and Congressional employees for retirement purposes.

S. 673

At the request of Mrs. KASSEBAUM, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 691

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the Medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans' Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer.

S. 1150

At the request of Mr. SANTORUM, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall Plan and George Catlett Marshall.

S. 1418

At the request of Mr. PRESSLER, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1418, a bill to provide for the more effective implementation of the prohibition against the payment to prisoners of supplemental security income benefits under title XVI of the Social Security Act or monthly benefits under title II of such Act, and to deny such supplemental security income benefits for 10 years to a person found to have fraudulently obtained such benefits while in prison.

S. 1669

At the request of Mr. LOTT the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Maine [Mr. COHEN], the Senator from Delaware [Mr. ROTH], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1669, a bill to name the Department of Veterans Affairs' medical center in Jackson, Mississippi, as the ''G.V. (Sonny) Montgomery Department of Veterans Affairs' Medical Center.''

S. 1735

At the request of Mr. PRESSLER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

AMENDMENT NO. 3988

At the request of Mr. WELLSTONE, the names of the Senator from Maine [Mr. COHEN], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of amendment No. 3988 proposed to S. Con. Res. 57, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

SENATE RESOLUTION 255—TO HONOR ADM. JEREMY M. BOORDA

Mr. LOTT (for himself, Mr. THURMOND, Mr. NUNN, Mr. WARNER, Mr. COHEN, Mr. SANTORUM, Mr. INHOFE, Mr. KEMPTHORNE, Mr. BINGAMAN, Mr. COATS, Mr. SMITH, Mr. EXON, Mrs. HUTCHISON, Mr. MCCAIN, Mr. DASCHLE, Mr. LEVIN, Mr. AKAKA, Mr. BRADLEY, Ms. MIKULSKI, Mr. BRYAN, Mr. SARBANES, Mr. DORGAN, Mr. LIEBERMAN, Mr. SIMON, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. GLENN, Mr. REID, Mr. JOHNSTON, Mr. ROBB, Mr. INOUYE, Mr. KOHL, Mr. FORD, Mr. KERREY, Mr. DODD, Mr. BUMPERS, Mr. PELL, Mr. FEINGOLD, Mr. LEAHY, Mr. MOYNIHAN, Mr. KENNEDY, Mrs. BOXER, Mrs. MURRAY, and Ms. MOSELEY-BRAUN):

S. RES. 255

Whereas Admiral Jeremy M. ''Mike'' Boorda was the 25th Chief of Naval Operations.

Whereas as the Chief of Naval Operations, Admiral Boorda commanded the foremost Navy in the World;

Whereas Admiral Boorda's career in the Navy reflected his lifelong dedication to the United States and to the principles he held dear—duty, honor, and commitment;

Whereas Admiral Boorda is the only member of the Navy ever to rise from the lowest enlisted grade to the position of Chief of Naval Operations, and this rise gave him a full and unique perspective on the opportunities and obligations of command;

Whereas this perspective instilled in Admiral Boorda an unwavering concern for the members of the Navy and their families;

Whereas as Commander-in-Chief of NATO forces in Southern Europe, Admiral Boorda ordered the first offensive use of deadly force in the history of NATO, an air strike in February 1994 against four Bosnian Serb aircraft flying in violation of a United Nations ban on such flights;

Whereas Admiral Boorda was a visionary in naval strategy who recognized that circumstances in the post-Cold War era made necessary a strategy that retained a forward presence for the Navy even as it recognized that future Navy operations would most likely occur in the littoral zones of the world;

Whereas this strategy, which Admiral Boorda called ''Forward . . . From the Sea'', will serve as the basis for Navy strategy well into the 21st century;

Whereas Admiral Boorda was a visionary in naval technology who spearheaded programs for the development of the arsenal ship, the new attack submarine, theater ballistic missile defense, and cooperative engagement capabilities;

Whereas these programs, and many others spearheaded by Admiral Boorda, put the Navy on the cutting edge of technology and did so in an efficient, affordable, flexible manner;

Whereas Admiral Boorda recognized the need for the Navy to develop a strategy for utilizing emerging technology effectively and developed in response to that need the plan known as ''20/20 Vision'', a long-range plan for the acquisition and utilization of technology in the future in order to achieve the strategic objectives of the United States; and

Whereas it is fitting that Admiral Boorda be remembered as he described Admiral Arleigh Burke when saying that ''. . . he defined what it means to be a naval officer: relentless in combat, resourceful in command, and revered by his crews . . . He was, indeed, a sailor's sailor.''': Now, therefore, be it

Resolved, That the Senate honors Admiral Jeremy M. ''Mike'' Boorda for a career that included extraordinary contributions to the defense of the United States and a singular commitment to the members of the Navy and thereby exemplified all the best qualities in an officer in the United States Navy.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

LEVIN AMENDMENT NO. 4020

Mr. LEVIN proposed an amendment to the concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTE OF DRUG ABUSE.

(a) FINDINGS.—Congress finds the following:

(1) The National Institute on Drug Abuse (hereafter referred to in this section as ''NIDA'') a part of the National Institutes of Health (hereafter referred to in this section

as ''NIH'') supports over 85 percent of the world's drug abuse research that has totally revolutionized our understanding of addiction.

(2) One of NIDA's most significant areas of research has been the identification of the neurobiological bases of all aspects of addiction, including craving.

(3) In 1993, NIDA announced that approval had been granted by the Food and Drug Administration of a new medication for the treatment of heroin and other opiate addiction which breaks the addict of daily drug-seeking behavior and allows for greater compliance because the patient does not need to report to a clinic each day to have the medication administered.

(4) Among NIDA's most remarkable accomplishments of the past year is the successful immunization of animals against the psychostimulant effects of cocaine.

(5) NIDA has also recently announced that it is making substantial progress that is critical in directing their efforts to identify potential anti-cocaine medications. For example, NIDA researchers have recently shown that activation in the brain of one type of dopamine receptor suppresses drug-seeking behavior and relapse, whereas activation of another, triggers drug-seeking behavior.

(6) NIDA's efforts to speed up research to stem the tide of drug addiction is in the best interest of all Americans.

(7) State and local governments spend billions of dollars to incarcerate persons who commit drug related offenses.

(8) A 1992 National Report by the Bureau of Justice Statistics revealed that more than 3 out of 4 jail inmates reported drug use in their lifetime, more than 40 percent had used drugs in the month before their offense with 27 percent under the influence of drugs at the time of their offense. A significant number said they were trying to get money for drugs when they committed their crime.

(9) More than 60 percent of juveniles and young adults in State-operated juvenile institutions reported using drugs once a week or more for at least a month some time in the past, and almost 40 percent reported being under the influence of drugs at the time of their offense.

(10) This concurrent resolution proposes that budget authority for the NIH (including NIDA) be held constant at the fiscal year 1996 level of $11,950,000,000 through fiscal year 2002.

(11) At such appropriation level, it would be impossible for NIH and NIDA to maintain research momentum through research project grants.

(12) Level funding for NIH in fiscal year 1997 would reduce the number of competing research project grants by nearly 500, from 6,620 in fiscal year 1996 to approximately 6,120 competing research project grants, reducing NIH's ability to maintain research momentum and to explore new ideas in research.

(13) NIH is the world's preeminent research institution dedicated to the support of science inspired by and focused on the challenges of human illness and health.

(14) NIH programs are instrumental in improving the quality of life for Americans through improving health and reducing monetary and personal costs of illnesses.

(15) The discovery of an anti-addiction drug to block the craving of illicit addictive substances will benefit all of American society.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that amounts appropriated for the National Institutes of Health—

(1) for fiscal year 1997 should be increased by a minimum of $33,000,000;

(2) for fiscal year 1998 should be increased by a minimum of $67,000,000;

(3) for fiscal year 1999 should be increased by a minimum of $100,000,000;

(4) for fiscal year 2000 should be increased by a minimum of $100,000,000;

(5) for fiscal year 2001 should be increased by a minimum of $100,000,000;

(6) for fiscal year 2002 should be increased by a minimum of $100,000,000;

above its fiscal year 1996 appropriation for additional research into an anti-addiction drug to block the craving of illicit addictive substances.

HELMS AMENDMENT NO. 4021

Mr. DOMENICI (for Mr. HELMS) proposed an amendment to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE EXTENSION OF THE EMPLOYER EDUCATION ASSISTANCE EXCLUSION UNDER SECTION 127 OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) since 1978, over 7,000,000 American workers have benefited from the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 by being able to improve their education and acquire new skills without having to pay taxes on the benefit;

(2) American companies have benefited by improving the education and skills of their employees who in turn can contribute more to their company;

(3) the American economy becomes more globally competitive because an educated workforce is able to produce more and to adapt more rapidly to changing technologies;

(4) American companies are experiencing unprecedented global competition and the value and necessity of life-long education for their employees has increased;

(5) the employer education assistance exclusion was first enacted in 1978;

(6) the exclusion has been extended 7 previous times;

(7) the last extension expired December 31, 1994; and

(8) the exclusion has received broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue level assumed in the Budget Resolution accommodate an extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 from January 1, 1995, through December 31, 1996.

McCAIN AMENDMENT NO. 4022

Mr. DOMENICI (for Mr. MCCAIN) proposed an amendment to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE—TRUTH IN BUDGETING.

It is the Sense of the Senate that:

(a) The Congressional Budget Office has scored revenue expected to be raised from the auction of Federal Communications Commission licenses for various services;

(b) For budget scoring purposes, the Congress has assumed that such auctions would occur in a prompt and expeditious manner and that revenue raised by such auctions would flow to the federal treasury;

(c) The Resolution assumes that the revenue to be raised from auctions totals billions of dollars;

(d) The Resolution makes assumptions that services would be auctioned where the Federal Communications Commission has not yet conducted auctions for such services, such as Local Multipoint Distribution Service (LMDS), licenses for paging services, final broadband PCS licenses, narrow band PCS licenses, licenses for unserved cellular, and Digital Audio Radio (DARS), and other subscription services, revenue from which has been assumed in Congressional budgetary calculations and in determining the level of the deficit; and

(e) The Commission's service rules can dramatically affect license values and auction revenues and therefore the Commission should act expeditiously and without further delay to conduct auctions of licenses in a manner that maximizes revenue, increases efficiency, and enhances competition for any service for which auction revenues have been scored by the Congressional Budget Office and/or counted for budgetary purposes in an Act of Congress.

FAIRCLOTH AMENDMENTS NOS. 4023–4024

Mr. DOMENICI (for Mr. FAIRCLOTH) proposed two amendments to the concurrent resolution (S. Con. Res. 57) supra; as follows:

AMENDMENT NO. 4023

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING WELFARE REFORM.

The Senate finds that—

S. Con. Res. 57 assumes substantial savings from welfare reform; and

Children born out of wedlock are five times more likely to be poor and about ten times more likely to be extremely poor and therefore are more likely to receive welfare benefits that children from two parent families; and

High rates of out-of-wedlock births are associated with a host of other social pathologies; for example, children of single mothers are twice as likely to drop out of high school; boys whose fathers are absent are more likely to engage in criminal activities; and girls in single-parent families are three times more likely to have children out of wedlock themselves; therefore

It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions and that is agreed to by the Congress and the President shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation.

AMENDMENT NO. 4024

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING REDUCTION OF THE NATIONAL DEBT.

The Senate finds that—

S. Con. Res. 57 projects a public debt in Fiscal Year 1997 of $5,400,000,000,000;

S. Con. Res. 57 projects that the public debt will be $6,500,000,000,000 in the Fiscal Year 2002 when the budget resolution projects a unified budget surplus;

This accumulated debt represents a significant financial burden that will require excessive taxation and lost economic opportunity for future generations of the United States; therefore

It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that is agreed to by the Congress and the President shall also contain a strategy for reducing the national debt of the United States.

ROTH (AND EXON) AMENDMENT NO. 4025

Mr. EXON. (for Mr. ROTH for himself and Mr. EXON) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 57, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE FUNDING OF AMTRAK.

(a) FINDING.—The Senate finds that—

(1) a capital funding stream is essential to the ability of the National Rail Passenger Corporation (''Amtrak'') to reduce its dependence on Federal operating support; and

(2) Amtrak needs a secure of financing, no less favorable than provide to other modes of transportation, for capital improvements.

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

(1) revenues attributable to one-half cent per gallon of the excise taxes imposed on gasoline, special motor fuel, and diesel fuel from the Mass Transit Account should be dedicated to a new Intercity Passenger Rail Trust Fund during the period January 1, 1997, through September 30, 2001;

(2) revenues would not be deposited in the Intercity Passenger Rail Trust Fund during any fiscal year to the extent that the deposit is estimated to result in available revenues in the Mass Transit Account being insufficient to satisfy that year's estimated appropriation levels;

(3) monies in the Intercity Passenger Rail Trust Fund should be generally available to fund, on a reimbursement basis, capital expenditures incurred by Amtrak; and

(4) amounts to fund capital expenditures related to rail operations should be set aside for each State that has not had Amtrak service in such State for the preceding year.

BINGAMAN (AND OTHERS) AMENDMENT NO. 4026

Mr. DOMENICI (for Mr. BINGAMAN, for himself, Ms. SNOWE, and Mr. COHEN) proposed an amendment to Senate Concurrent Resolution 57, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ECONOMIC DEVELOPMENT ADMINISTRATION PLACING HIGH PRIORITY ON MAINTAINING FIELD-BASED ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Economic Development Administration plays a crucial role in helping economically disadvantaged regions of the United States develop infrastructure that supports and promotes greater economic activity and growth, particularly in nonurban regions.

(2) The Economic Development Administration helps to promote industrial park development, business incubators, water and sewer system improvements, vocational and technical training facilities, tourism development strategies, technical assistance and capacity building for local governments, economic adjustment strategies, revolving loan funds, and other projects which the private sector has not generated or will not generate without some assistance from the Government through the Economic Development Administration.

(3) The Economic Development Administration maintains 6 regional offices which oversee staff that are designated field-based representatives of the Economic Development Administration, and these field-based representatives provide valuable expertise and counseling on economic planning and development to nonurban communities.

(4) The Economic Development Administration Regional Centers are located in the urban areas of Austin, Seattle, Denver, Atlanta, Philadelphia, and Chicago.

(5) Because of a 37-percent reduction in approved funding for salaries and expenses from fiscal year 1995, the Economic Development Administration has initiated staff reductions requiring the elimination of 8 field-based positions. The field-based economic development representative positions that are either being eliminated or not replaced after voluntary retirement and which currently interact with nonurban communities on economic development efforts cover the States of New Mexico, Arizona, Nevada, North Dakota, Oklahoma, Illinois, Indiana, Maine, Connecticut, Rhode Island, and North Carolina.

(6) These staff cutbacks will adversely affect States with very low per-capita personal income, including New Mexico which ranks 47th in the Nation in per-capita personal income, Oklahoma ranking 46th, North Dakota ranking 42nd, Arizona ranking 35th, Maine ranking 34th, and North Carolina ranking 33rd.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and reconciliations instructions underlying this budget resolution assume that—

(1) it is regrettable that the Economic Development Administration has elected to reduce field-based economic development representatives who are fulfilling the Economic Development Administration's mission of interacting with and counseling nonurban communities in economically disadvantaged regions of the United States;

(2) the Economic Development Administration should take all necessary and appropriate actions to ensure that field-based economic development representation receives high priority; and

(3) the Economic Development Administration should reconsider the planned termination of field-based economic development representatives responsible for States that are economically disadvantaged, and that this reconsideration take place without delay.

DOMENICI AMENDMENT NO. 4027

Mr. DOMENICI proposed an amendment to amendment No. 4012 proposed by Mr. SPECTER to the concurrent resolution, Senate Concurrent Resolution 57, supra; as follows:

At the appropriate places on the Harkin amendment, make the following changes:

On page 25, line 17, increase the amount by $0.

On page 25, line 18, increase the amount by $0.

On page 27, line 16, increase the amount by $300,000,000.

On page 27, line 17, increase the amount by $600,000,000.

On page 42, line 2, decrease the amount by $1,800,000,000.

On page 42, line 3, increase the amount by $700,000,000.

On page 52, line 11, decrease the amount by $0.

On page 52, line 12, decrease the amount by $0.

On page 52, line 14, increase the amount by $5,000,000,000.

On page 52, line 15, increase the amount by $1,400,000,000.

Notwithstanding any other provision of this resolution, on page 52, line 15, the amount is deemed to be $270,923,000,000.

On page 4, line 8, the amount is deemed to be $1,323,100,000,000.

On page 4, line 9, the amount is deemed to be $1,361,600,000,000.

On page 4, line 10, the amount is deemed to be $1,392,400,000,000.

On page 4, line 11, the amount is deemed to be $1,433,600,000,000.

On page 4, line 12, the amount is deemed to be $1,454,000,000,000.

On page 4, line 17, the amount is deemed to be $1,318,600,000,000.

On page 4, line 18, the amount is deemed to be $1,353,500,000,000.

On page 4, line 19, the amount is deemed to be $1,382,400,000,000.

On page 4, line 20, the amount is deemed to be $1,415,600,000,000.

On page 4, line 21, the amount is deemed to be $1,433,100,000,000.

On page 5, line 1, the amount is deemed to be $232,400,000,000.

On page 5, line 2, the amount is deemed to be $223,600,000,000.

On page 5, line 3, the amount is deemed to be $206,300,000,000.

On page 5, line 4, the amount is deemed to be $185,700,000,000.

On page 5, line 5, the amount is deemed to be $143,500,000,000.

On page 5, line 9, the amount is deemed to be $5,449,000,000,000.

On page 5, line 10, the amount is deemed to be $5,722,700,000,000.

On page 5, line 11, the amount is deemed to be $5,975,100,000,000.

On page 5, line 12, the amount is deemed to be $6,207,700,000,000.

On page 5, line 13, the amount is deemed to be $6,398,600,000,000.

On page 5, line 14, the amount is deemed to be $6,550,500,000,000.

On page 6, line 13, the amount is deemed to be $290,000,000,000.

On page 6, line 14, the amount is deemed to be $277,400,000,000.

On page 6, line 15, the amount is deemed to be $256,000,000,000.

On page 6, line 16, the amount is deemed to be $236,100,000,000.

On page 6, line 17, the amount is deemed to be $193,300,000,000.

On page 6, line 18, the amount is deemed to be $155,400,000,000.

On page 9, line 22, the amount is deemed to be $14,900,000,000.

On page 11, line 22, the amount is deemed to be $16,700,000,000.

On page 11, line 23, the amount is deemed to be $16,800,000,000.

On page 13, line 17, the amount is deemed to be $3,700,000,000.

On page 13, line 18, the amount is deemed to be $3,100,000,000.

On page 15, line 17, the amount is deemed to be $21,500,000.

On page 17, line 16, the amount is deemed to be $12,800,000,000.

On page 17, line 17, the amount is deemed to be $11,000,000,000.

On page 19, line 16, the amount is deemed to be $8,100,000,000.

On page 19, line 17, the amount is deemed to be $−2,400,000,000.

On page 21, line 16, the amount is deemed to be $42,600,000,000.

On page 21, line 17, the amount is deemed to be $39,300,000,000.

On page 23, line 15, the amount is deemed to be $9,900,000,000.

On page 23, line 16, the amount is deemed to be $10,800,000,000.

On page 29, line 10, the amount is deemed to be $193,200,000,000.

On page 29, line 11, the amount is deemed to be $191,500,000,000.

On page 31, line 3, the amount is deemed to be $232,400,000,000.

On page 31, line 4, the amount is deemed to be $240,300,000,000.
On page 38, line 8, the amount is deemed to be $13,700,000,000.
On page 39, line 25, the amount is deemed to be $282,800,000,000.
On page 40, line 1, the amount is deemed to be $282,800,000,000.
On page 40, line 7, the amount is deemed to be $289,400,000,000.
On page 40, line 8, the amount is deemed to be $289,400,000,000.
On page 40, line 14, the amount is deemed to be $293,200,000,000.
On page 40, line 15, the amount is deemed to be $293,200,000,000.
On page 40, line 21, the amount is deemed to be $294,700,000,000.
On page 40, line 22, the amount is deemed to be $294,700,000,000.
On page 41, line 3, the amount is deemed to be $298,900,000,000.
On page 41, line 4, the amount is deemed to be $298,900,000,000.
On page 41, line 10, the amount is deemed to be $303,400,000,000.
On page 41, line 11, the amount is deemed to be $303,400,000,000.
On page 41, line 17, the amount is deemed to be $348,234,000,000.
On page 41, line 18, the amount is deemed to be $351,240,000,000.
On page 41, line 19, the amount is deemed to be $348,465,000,000.
On page 41, line 20, the amount is deemed to be $349,951000,000.
On page 41, line 21, the amount is deemed to be $351,311,000,000.
On page 41, line 22, the amount is deemed to be $352,756,000,000.
On page 42, line 8, the amount is deemed to be −$200,000,000.
On page 42, line 9, the amount is deemed to be $100,000,000.
On page 42, line 15, the amount is deemed to be −$400,000,000.
On page 42, line 16, the amount is deemed to be −$300,000,000.
On page 42, line 22, the amount is deemed to be −$800,000,000.
On page 42, line 23, the amount is deemed to be −$800,000,000.
On page 43, line 5, the amount is deemed to be −$1,200,000,000.
On page 43, line 6, the amount is deemed to be −$1,100,000,000.
On page 43, line 12, the amount is deemed to be −$3,700,000,000.
On page 43, line 13, the amount is deemed to be −$3,700,000,000.

NOTICES OF HEARINGS

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings regarding security in cyberspace.

This hearing will take place on Wednesday, May 22, 1996, in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel S. Gelber of the subcommittee staff at 224–9157.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 6, 1996, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 1703, a bill to amend the act establishing the National Park Foundation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, May 21, 1996 at 8:45 a.m., in SR–332, to conduct a nomination hearing for Brooksley Born, of Washington, DC, to be Chairman of the Commodity Futures Trading Commission and to be Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 1999 and David D. Spears, of Kansas, to be Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2000.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 21, 1996, to conduct a hearing on S. 1511, the Burma Freedom and Democracy Act of 1995.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 21, 1996, at 10:00 a.m. to hold a hearing on the Role of the ABA in the Nominations Process.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate at 9:30 a.m., Tuesday, May 21, 1996, for an oversight hearing on the Corporation for National and Community Service.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 21, 1996 at 9:30 a.m. to hold an open hearing on intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, May 21, 1996, at 2:00 p.m., in Senate Dirksen room 226, on S. 582 and voluntary environmental audits.

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

ADDITIONAL STATEMENTS

TRIBUTE TO THE CITY OF MANCHESTER ON ITS 150TH ANNIVERSARY

Mr. SMITH. Mr. President, I rise today to pay tribute to Manchester, NH, on its 150th anniversary. On June 8, the 100,000 residents of Manchester will hold a community wide picnic to celebrate this significant milestone.

Manchester's 150 year heritage encompasses periods of growth and change including native American occupation, colonial settlement, industrial growth, and 20th century diversification. For over 10,000 years various native American groups occupied what was then known as the Merrimack River Valley. The abundance of fish and game in this area helped support these people's livelihood. By 1725, most of the native Americans inhabiting the Merrimack Valley had fled northward to escape conflict and disease brought about by European settlers that had migrated into the area.

In the early 1700's, many European settlers began to move into the Manchester area. Scottish and Irish families with expertise in flax spinning and weaving were the first group to settle around what is now known as Londonderry in 1719. In 1722, John Goffe also established the town's first water-powered mill along Cohas Brook. In 1751, the town of Derryfield, now known as Manchester, was established.

In the 1790's a man by the name of Samuel Blodget envisioned an industrialized Derryfield which could boast open trade routes with Boston to the south and Concord to the north. Consequently, he proceeded to fund the development of a canal and lock system around the Amoskeag Falls. In 1810, 3 years after Blodget's death, the residents of Derryfield voted to change

their town's name to Manchester to honor Blodget's prediction that ''a city like unto Manchester, England'' would rise because of the waterpower at the falls.

In 1831, a group of investors known as Boston Associates began manufacturing textiles by purchasing the rights to the water power at the falls and developing a plan for a major complex of mills. The execution of this plan helped foster 100 years of growth and expansion as the Amoskeag Manufacturing Co., became the largest textile producer in the world. At its peak, Amoskeag employed 17,000 workers and had over 30 major mills.

In March of 1936 Manchester experienced a disastrous flood which completely devastated the city. The determined citizens of Manchester banded together to organize Amoskeag Industries and purchased the mill complex to help rebuild Manchester. The rebuilding of Manchester gave rise to a more diversified industrial base and the emergence of a strong service economy. Through the unyielding support of Manchester's citizens, local government, and banks, the local economy was slowly reborn. The complex of mills that still stand along the Merrimack are a reminder of how Manchester once flourished in the textile industry. The citizens of Manchester still have the Yankee ingenuity and commitment to growth and industry.

Manchester's largest employers are now hospitals, universities, and technology companies. Manchester boasts a strong service and professional economy and is the largest city in New Hampshire. A combination of natural and historical spots are being developed for a potential tourism industry. The New Hampshire Heritage Trail is one of the major statewide projects. Additionally, many residents and visitors enjoy the Currier Gallery, the 883 seat Palace Theater and the Zimmerman House. These historical spots and others are quickly giving Manchester the reputation as the cultural center of the State.

The citizens of Manchester will have much to celebrate on June 8. Among other highlights, the birthday bash will include a 150-foot-long birthday cake, sand sculptures, softball tournaments, classic car shows, and even a laser-light show. The Historical Association will sponsor a kite-flying contest and the high school jazz and concert bands will perform along with the Jack Jackson Big Band. The day promises to be quite festive as many people in Manchester join in celebrating the history of the Queen City.

It is my honor to represent such a successful and thriving city in the U.S. Senate. I congratulate Manchester on the memorable occasion of its 150th birthday and wish the many residents of the city an exciting birthday celebration.

THE VERMONT TEEN PARENT LITERACY PROJECT

● Mr. LEAHY. Mr. President, I would like to take this opportunity to call attention to a unique project developed by the Vermont Council on the Humanities that was recently honored at a White House ceremony as one of the best arts and humanities programs to help at-risk youth in this country. The teen parent literacy project is simple in concept, yet it is an innovative approach to tackling complex problems that can often result from teenagers having children. Through participating in a series of free reading and discussion programs, teen parents across the State are encouraged to read to their children. This program benefits parents and children in several ways. First, parents learn the value and joy of reading to their children who are in turn, introduced to the importance of reading. Reading to children at home has proven to influence future educational success and bringing together teen parents and their children can help to cultivate a more comfortable relationship as teen parents learn to become their children's first teacher.

The teen parent literacy project has brought together members of Vermont communities who are dedicated to making this program a success for teen parents and their children. Under the leadership of Victor Swenson, the Vermont Council on the Humanities is working with the Vermont Department of Health, local libraries, and individuals from each district. It is no surprise that this program was selected as one of the very finest programs designed to improve the plight of at-risk-youth. Teaching parents to read to their children enables us to forge ahead as a literate nation. It demonstrates a commitment to our investment in our children and also in their parents, many still children themselves.

For many young parents in Vermont and throughout the United States, raising children is often met by insurmountable barriers and this program, supported by the National Endowment for the Humanities, will help them to overcome some of those hurdles. I am extremely proud of the members of the council and the participants of the program who have made this program a success.●

HONORING FBI SPECIAL AGENT ROY JOHNSON

Mr. ABRAHAM. Mr. President, I rise today to honor a brave warrior in the fight against child abduction. Special Agent Roy Johnson of the Detroit FBI Field Office is being honored today by the National Center for Missing and Exploited Children (NCMEC) for his heroic efforts in rescuing Adam and Eleazar Alvarado, aged 11 and 3, from their abductors.

Adam and Eleazar are the children of migrant farm workers from Mission, TX. They were abducted in Benton Harbor, MI, on October 14, 1995. The boys had walked to a grocery store to buy potato chips while their mother was washing clothes in a nearby laundromat. They were abducted by Boyd Dean Weekly, a convicted child molester then out on bail on charges involving the sexual abuse of an 8 year old girl.

Less than 10 days later Special Agent Johnson recovered the Alvarado children and arrested their abductor. Johnson accomplished this amazing feat by responding quickly and decisively to news of the abduction. He requested that NCMEC broadcast fax posters—in English and Spanish—of the missing children to all law enforcement agencies. Expeditiously searching out and following up on a number of leads and sightings, he concluded that the abductor was taking the children south. Special Agent Johnson then quickly and tirelessly disseminated information to all FBI field offices in the Southern United States. These efforts produced leads concerning possible sightings in Alabama, and it was concluded that Weekly was headed toward New Orleans. An FBI team set up surveillance in New Orleans' French Quarter. Soon thereafter the agents observed and arrested Weekly, who was driving a stolen car with the missing children in it.

Special Agent Johnson's hard work, working with numerous offices and agencies, tirelessly following leads, disseminating information, and coordinating efforts, should inspire us all. His example shows that children abducted by strangers can be recovered safely if the response from law enforcement officers is swift, efficient, and thorough. I would like to congratulate him on a job well done, the other three law enforcement officers being honored by NCMEC for their extraordinary service resulting in the recovery of missing children, and NCMEC for its continuing, important efforts on behalf of children.

TRIBUTE TO OUTSTANDING GIRL SCOUTS IN LOUISIANA

● Mr. BREAUX. Mr. President, today I would like to salute 10 outstanding young women who have been honored with the Girl Scout Gold Award by the Girl Scout Council of Southeast Louisiana. They are: Melanie Adams of New Orleans, Lesley Cady of Chalmette, Patricia Claverie of Avondale, Carol Cancienne of River Ridge, Janet Cummins of Metairie, Pamela James of New Orleans, Michelle O'Flynn of Metairie, Angie Raborn of Roseland, Jennifer Reites of Metairie, Jennifer Schiffman of New Orleans.

The Girl Scout Gold Award is the highest honor in U.S. Girl Scouting. It symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development.

To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration pin, the Senior Girl Scout Leadership Award, and

the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award service project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

The named Girl Scouts provided the following community services for their Gold Award projects:

Miss Cady completed a beautification project involving landscaping and painting at Carolyn Park Elementary School.

Miss Claverie produced an extensive resource guide for recycled crafts and environmental awareness.

Miss Cancienne developed a resource booklet on disability awareness including an activities box.

Miss James founded a chapter of Students Against Drunk Driving (SADD) at Benjamin Franklin High School.

Miss O'Flynn designed an equestrian competition for disabled children.

Miss Raborn educated her community about exchange student programs and her family hosted two exchange students.

Misses Adams, Cummins, Reites and Schiffman were a team for a restoration project of Storyland at City Park.

I believe these Girl Scouts should receive the public recognition due them for their significant services to their communities and to their country.●

UNNATURAL CONDITIONS SET STAGE FOR NATURAL DISASTER

● Mr. KYL. Mr. President, I ask that the following newspaper article be printed in the CONGRESSIONAL RECORD.

The article follows:

UNNATURAL CONDITIONS SET STAGE FOR NATURAL DISASTER

[From the Tribune, May 17, 1996]

(By Sherry Boss)

FLAGSTAFF—Peter Fule walks through the past and finds comfort there.

He is safe in a stand of 400-year-old ponderosas. Wildfire is unlikely to touch this 8 acres of forest north of Flagstaff. Fule and his colleagues have restored it to the way it was in 1876 in hopes of learning a lesson.

The wind is gusty here and rain a stranger—perfect conditions for a sweeping blaze like the one that ravaged 61,000 acres at Four Peaks this month.

But unlike most of Arizona's forests this one is not a tinderbox at the mercy of a cigarette butt or car engine spark, said Fule, a senior research specialist at Northern Arizona University's School of Forestry.

The grass under Fule's feet and the ample distance between trees in peace of mind.

One day in 1994, students and employees for NAU, the U.S. Forest Service and the logging industry sawed down more than 7,000 new trees in the Fort Valley Experimental Forest, short eight miles north of Flagstaff. All that remains now are the 480 pines that were standing in pre-settlement days. Workers brought the density down from more than 1,000 trees per acre to 62—closer to the way it was before cattle disturbed the forest's ecosystem.

''It was a neat feeling to see this being done and see the new forest emerging,'' Fule said.

If lightning were strike here now, short flames would creep along the forest floor. The fire would consume grass, twigs and pine needle litter. The flames would singe tree trunks, but wouldn't get hot enough to kill the towering pines. Then, when there was no grass left to burn, the flames would go out.

That's the way it was for hundreds of years. Fire was friendly to the forest, Fule said. It cleared out scraggly brush and new saplings every few years, allowing the older trees to thrive without competition for water and light.

But this is the forest of the past.

Today, national forests like Arizona's Coconino, Kaibab and Apache-Sitgreaves are much different places. They're so dense with spindly young pines, forestry experts call the cluster of trees ''dog-hair ticktets.''

Fire in those tickets equals almost certain destruction. The trees of different sizes form stair steps for the fire to climb to the largest pines.

That's why, forestry experts say, Arizona is at risk of the worst wildfires this millenium.

Never before has there been such accumulation of fire fuel. Add to that some of the driest weather in recorded history and the danger is extreme.

Years of ecological disturbance have brought the West's forests to this point, Fule said.

The trouble started in Arizona in 1883 when the transcontinental railroad was finished. The state was connected. People arrived. They brought cows.

The lush grass and wildflowers on the forest floors were perfect for grazing. Cows ate to the bare ground.

With the grass gone, the fires stopped. When pines dropped their seeds, they took root. The trees grew in thick, but not very big. There wasn't enough water for any one tree to thrive. Now, when a spark hits the thickets, the world forest is doomed.

''If a fire came through this year, this tree would almost certainly die,'' Fule said of a ponderosa that has stood for at least 300 years. ''Not only this one, but all its neighbors.''

What took hundreds of years for nature to build could be destroyed in minutes, he said.

For most of this century, the U.S. Forest Service's policy was to put out fires. Fule said. That policy interrupted nature's long-term plans, he said.

''People have always wanted to control nature and remake it for human needs and human goals,'' he said.

Years of fire suppression policy led to the devastating Lone fire at four Peaks 35 miles east of Phoenix, said Julie Stromberg, associate research professor at Arizona State University's Center for Environmental Studies. Fires have been put out as soon as they start, allowing the vegetation to accumulate.

''If you don't do frequent burns or controlled burns, you're going to have a catastrophic fire,'' Stromberg said.

The problem isn't easily solved now. It's too late to let nature take its course, Fule said. There's no choice but to put out forest fires, he said.

''If all the fire crews walked away, by tomorrow, the whole state would be in flames,'' he said.

Fule hopes the solution lies in a combination of cutting and burning.

Official will start a fire every three years in the cleared-out experimental forest to imitate the natural fire cycle that occurred between 1630 and 1876.

A similar cut-and-burn project is under way on a larger scale at Mount Turmbull on 3,700 acres north of the Grand Canyon.

But thinning out the forest is controversial. Some people are so accustomed to thick forests, they believe that's the way they should be. Some are partial to the kinds of wildlife the thickets attract, too.

But as the Lone fire proved, nature has a vengeance when it's disturbed.

''The natural area (becomes) so unnatural in its density and fuel accumulation, it begins to present a hazard,'' Fule said.●

CELEBRATING THE LIFE OF DICK CLURMAN

Mr. MOYNIHAN. Mr. President, yesterday morning, May 20, 1996, ''a gathering to celebrate the life of Dick Clurman'' took place at the Beth-El Chapel of the Temple Emanu-El in New York City. William F. Buckley, Jr. led off with a wonderfully moving tribute, which ended, ''It will require the balance of my own lifetime to requite what he gave to me.'' He was followed by Osborn Elliott, a lifelong friend and fellow journalist. There followed equally singular tributes from Harry Evans, H.D.S. Greenway, David Halberstam, Phyllis Newman, who sang a Gershwin tune, Hugh Sidey, Mike Wallace, Barbara Walters, and then the Clurman family. Rabbi Richard S. Chapin and Cantor Howard Nevison provided liturgy and liturgical music.

It was indeed a life to celebrate and to remember. I ask that Mr. Buckley's and Mr. Elliott's remarks be printed in the RECORD, along with a fine obituary by Lawrence Van Gelder which appeared in the New York Times.

The material follows:

REMARKS BY WM. F. BUCKLEY, JR. AT THE MEMORIAL SERVICE FOR RICHARD M. CLURMAN

Three years ago, one evening in July, he asked whether I'd cross the ocean again in 1995, what would have been the fifth such venture, done at five-year intervals beginning in 1975. ''I'm prepared to go,'' he told me. I suppose I smiled; it was dark on the veranda when he spoke. I told him I doubted my crew could be mobilized for one more such trip, and just the right crew was indispensable. He had done with me two Atlantic crossings, one Pacific crossing. He was an instant celebrity for his ineptitudes at sea, done in high spirit with a wonderful, persistent incomprehension of what was the job at hand. He was the object of hilarious ridicule in my son's published journal—and he loved it all, even as Christopher loved him; even when, while discoursing concentratedly on matters of state, he would drop his cigarette ash into Christopher's wine glass, or very nearly set fire in the galley when trying to light the stove. He thrived on the cheerful raillery of his companions, but on one occasion thought to say to me, in a voice unaccustomedly low, ''I'm good at other things.''

He hardly needed to remind me. Yes, and from everything he was good at he drew lessons, little maxims of professional and extra-professional life of great cumulative impact, instantly imparted to all his friends, at the least suggestion from them, or from their situation, that they needed help, or instruction. It is awesome to extrapolate from one's own experience of his goodness the sum of what he did for others.

When Oz Elliott, on Shirley's behalf, asked me to say something today I went right to my desk but I found it impossible to imagine his absence from the scene. Was it true that there would be no message from him tomorrow on our E-mail circuit? That we would

not be dining together during the week, or sharing a tenth Christmas together? In the strangest sense, the answer is No, it isn't impossible that we will continue as companions, because his companionship left indelible traces: how to work, how to read, how to love.

It came to me last Thursday when just after midnight my son reached me at the hotel, that I have always subconsciously looked out for the total Christian, and when I found him, he turned out to be a non-practicing Jew. It will require the balance of my own lifetime to requite what he gave to me.

DICK

Good morning, Shirley, and Michael, and Susan Emma, and Carol, and all you other family members and hundreds of friends who are here to rejoice in the life of that wonderful man, Dick Clurman.

I'm Oz Elliott, and Dick was my best friend.

We were close for nearly half a century.

At first, we had no choice: as young writers for Time, we were thrown together, crammed with our Royal typewriters into a tiny cubbyhole at 9 Rockefeller Plaza.

Within a year or so, we graduated to offices of our own—but by then there was no way we could really be separated. The reason was that while Dick made himself an expert in many things, his true specialty was friendship—and that came so naturally to him.

Once you were his friend, you could do no wrong. Once you were his friend, he could never do enough for you.

If you were stranded in the suburbs by a hurricane, and unable to visit your sick baby in a New York hospital, not to worry: Dick would visit that baby and report to you daily.

If you were in a panic because your child was late coming home on a dark winter evening, Dick would be there in a flash to search the neighborhood.

If you were fired from your job in mid-career, Dick would find you a new one.

If you suffered from writer's block, Dick would help you write a lead.

Dick did all these things, most of them for me.

In later years, we were fierce competitors—he stayed at Time, while I moved to Newsweek. Yet even in that head-to-head combat, whenever I faced a tough ethical decision, I would always call Dick for advice.

He was a superb journalist—ever the skeptic, never the cynic, always a stickler for precision.

One summer dawn we were out fishing together—and to our utter amazement we spotted a baby seal in Westhampton waters. Dick got on the ship-to-shore right away:

''Coast Guard, Coast Guard, this is Sundance. Over.''

''Coast Guard, Coast Guard, this is Sundance. Over.''

After repeated calls, some sleepy Coast Guardsman answered:

''Sundance this is Coast Guard. Over.''

''Coast Guard, we have located a seal—that's a Sugar-Easy-Able-Love,'' said Dick. ''Is that of any interest to you?''

''A what?

''That's a seal,'' Dick said, ''a Sugar—Easy—Able—Love.''

''You mean the animal?'' asked the bewildered Coast Guardsman.

''That's the mammal,'' Dick responded.

He was precise, and caring, and incredibly well organized. The other day, as some of us were helping Shirley—manning the phones, calling friends, informing the press, planning this morning's service, Michael said it all:

''Where is Dick Clurman when we need him most?''

My best friend.

[From the New York Times, May 17, 1996]

RICHARD M. CLURMAN, A LEADING EDITOR AT TIME, DIES AT 72

(By Lawrence Van Gelder)

Richard M. Clurman, whose passion for journalism brought him to prominence at Time magazine and Newsday and whose passion for New York City made him a leading figure in its cultural affairs, died on Wednesday at his summer home in Quogue, L.I. Mr. Clurman, who lived on the Upper East Side of Manhattan, was 72.

The cause was a heart attack, according to his wife, Shirley.

In a career at Time that spanned 23 years, Mr. Clurman held such posts as press editor, chief of correspondents and head of the Time-Life News Service, overseeing a network of 105 staff correspondents deployed throughout the United States and in 34 cities abroad.

From 1955 to 1958, he interrupted his tenure at Time, which began in 1949 and ended in 1972, to become the editorial director and executive assistant to Alicia Patterson, the publisher of Newsday.

In 1973, he became administrator of Parks, Recreation and Cultural Affairs for Mayor John V. Lindsay. Mr. Clurman was also chairman of the New York City Center and a member of the board of Lincoln Center for the Performing Arts.

His commitment to journalism and his fascination with its practices and lore led him to write several books, including ''Beyond Malice: The Media's Years of Reckoning,'' a 1988 analysis of the clash between the public and the press, and ''To the End of Time: The Seduction and Conquest of the World's Largest Media Empires,'' a 1992 account of the merger between Time Inc. and Warner Communications.

Toward the end of the book, Mr. Clurman wondered if Time's objective of adding ''to the quality of knowledge people had about the world'' would survive what he called the cultural gap between the corporations.

''No one should ask that benevolence be the priority of Time Warner or any other public company,'' he wrote. ''What can be asked is that this new company, with its human and material assets, have a spine that is more than stocks, bonds, rights, deals and tightly rolled greenbacks.''

At the time is his death, Mr. Clurman was at work on a book about The Wall Street Journal.

As sophisticated and accomplished as he was in journalism, Mr. Clurman adopted a self-deprecating attitude toward his activities in other realms. When named board chairman of the New York City Center of Music and Drama in 1968, Mr. Clurman said; ''The suggestion came out of the blue. For 44 years I've done nothing outside of journalism. I haven't even belonged to the P.T.A. or the Red Cross.

''At first I thought they were seeking my advice about someone else and then I thought they'd confused me with Harold,'' he said, referring to his uncle, the critic and director Harold Clurman. ''I am neither an impresario nor a tycoon, and impresarios and tycoons are often the moving spirit behind cultural organizations of this sort.''

But within a few years, he was being credited with expanding the activities of the City Center.

Mayor Lindsay, who was president of the center and leader of its selection committee, clearly valued the fresh eye Mr. Clurman brought to the center and to his post as Parks Commissioner.

There, Mr. Clurman touched off an immediate furor by declaring at his swearing-in ceremony that he would withdraw all maintenance and services from parks that were repeatedly vandalized and where the community made no effort to halt the destruction.

He took pride in coming in the inner workings of the city as an outsider unwise to the way to political patronage.

''In the world I came from, I had only dispensed jobs on merit,'' he wrote in 1974 in the New York Times. ''So I set about hiring, firing and moving people on the basis of what I thought the parks administration needed. Mr. Lindsay was so bemused by my political innocence that neither he nor his staff ever suggested I do it any other way. The club house politicians, whose names I eventually learned but from whom I never heard a word, either considered me so ignorant or so temporary as to be unworthy of their presumed power.''

In another article, he recalled his introduction to George Balanchine and Lincoln Kirstein of the New York City Ballet in his capacity as chairman of the board of the ballet company and its parent organization, the New York City Center of Music and Drama.

''I informed them that although I appreciated the other arts and was certainly informed about world affairs, I had been to the ballet only once in my life,'' he wrote. ''Balanchine half rose from his chair and asked incredulously, 'Do you hate the ballet?'

'' 'Not that I'm aware of,' I replied, 'but if I were you, I'd make something of how seldom I've gone.' ''

Balanchine asked, ''Would you open your mind to learning about the ballet?'' and, Mr. Clurman wrote, ''promptly made an offer that only a dolt could refuse: 'I would like to teach you about it.' ''

Mr. Clurman suggested that he prescribe a bibliography and a list of people to talk to, his usual mode of inquiry and learning as a journalist. ''No, just watch and listen,'' Balanchine said. He produced a program and listed seven or eight ballets. For six weeks, Mr. Clurman said, he tried to figure out what was going on.

''Then one night in the middle of Balanchine's pioneering 'Agon,' I had the epiphany that my teacher had so artfully arranged. Nothing was going on. It was just bodies moving gloriously to music. From that moment, the ballet became my favorite spectator experience.''

In 1975, after he left Time and municipal administration, Mr. Clurman formed his own public policy consulting company, Richard M. Clurman Associates. From 1980 to 1984, he also served as adviser to the office of the chairman of Joseph E. Seagram & Sons. In 1981, he returned to journalism, serving for a decade as the chairman of Columbia University's seminars on media and society.

Engaged with ideas, Mr. Clurman was noted for dinner parties at which he would tap a spoon against a glass, commanding the attention of his guests—people like Robert F. Kennedy, William Buckley, Edward Albee, Barbra Streisand and Norman Podhoretz—and announce a topic they were expected to discuss.

''I refused to be bored,'' he said.

Mr. Clurman was a member of the Council on Foreign Relations and of the board of the Citizens Committee for New York City.

He was born in New York City in 1924. He received a Bachelor's of Philosophy degree in political science from the University of Chicago in 1946 after serving during World War II in the Information and Education Division of the Army. He began his career in journalism in 1946 as an assistant editor on the magazine Commentary. After joining Time in 1949, he served for six years as its press editor.

In addition to his wife, the former Shirley Potash, Mr. Clurman is survived by his son,

R. Michael Clurman Jr. of Manhattan; two daughters by a previous marriage, which ended in divorce: Susan Emma Clurman of Manhattan and Carol Duning of Alexandria, Va., and two grandchildren.●

SHERIFF HENRY HEALEY

● Mr. DODD. Mr. President, I wanted to take a few moments today to speak about the passing of a distinguished citizen of Connecticut and a great American—Henry Healey, Jr.

At the time of his death, Henry Healey was the high sheriff of New Haven County. But his legacy was far greater. He was a WWII veteran, a successful businessman, a dedicated member of the Democratic Party, and a close and dear friend.

I first got to know Henry Healey because of his relationship with my father, Senator Thomas Dodd. And later, when I decided to leave the House of Representatives and make my own run for the U.S. Senate it was from Henry Healey that I sought counsel.

His advice then, as it was every time I spoke to him, helped to guide me in my decision-making process. Because, Henry was a man of great wisdom and shrewd understanding of political history.

Like few men I've known, Henry was endowed with a vision that allowed him to presciently see beyond the political machinations of the day to the long-term political currents of the future.

It's one of the main reasons why Henry was probably one of the three or four most influential people in the past 30 years of Connecticut political history.

But of course there was more to Henry then just his political acumen. He was a man of great loyalty and understanding, who knew how to accomplish things without being flamboyant or self-serving.

He wasn't a great ideologue or a firebrand. He was more interested in people's human skills and their ability to work with others.

I think his chief deputy sheriff, Frank Kinney, Jr., said it best: ''People with problems in their lives could always open up to him and he never failed to respond, to do what he could for them. That's what I learned from him, and that's what I admired most about him.''

And in his official role as New Haven County sheriff, Henry Healey turned what had been a largely administrative position into a bully pulpit for drug education, crime prevention, and charity.

And he was recognized across the country for his innovations in law enforcement. He was one of the first officials in America to advocate neighborhood block watch programs. He was a strong voice in the fight against substance abuse in New Haven County schools. And he was recognized by his peers, when he was appointed president of the National Sheriffs Association, in the late 1980s.

But, Henry Healey was also a man of great personal charity. His New Haven scholarship fund helped give hundreds of Connecticut children the opportunity to seek higher education. And, he made it a regular practice of hiring ex-convicts for his car dealerships. In addition, he ended the practice of serving eviction notices at Christmas.

This charity was certainly smart politics for an elected official. It was no accident that if you had hopes of a career in politics in Connecticut, it was a good idea to stay on the right side of Henry.

But, it also reflected Henry's integrity as a public servant and as a man. He was a throwback to an earlier, simpler age in American politics and he will be dearly missed by the residents of New Haven County and the State of Connecticut.

My thoughts and prayers are with his wife Jean and his children Patrick, Henry Bryan, Michael, Constance, Christina, and Irene.●

ADJUSTING THE CONSUMER PRICE INDEX

● Mr. MOYNIHAN. Mr. President, a number of careful statements have been made on the floor yesterday and today concerning the use of the Consumer Price Index [CPI] as a proxy for measuring changes in the cost of living. As we all surely know, the Bureau of Labor Statistics [BLS] is insistent that the CPI is not a cost of living index: never has been; cannot be. It would be more than a third of a century ago that I became Assistant Secretary of Labor in the Kennedy administration. In that role, I had nominal supervision of the Bureau, and I attest that this was fully understood at that time, well before the CPI began to be used as it is today as an index for various entitlement programs and tax schedules.

The question has been properly raised as to whether economists are in general agreement that the CPI overstates inflation. My distinguished friend from North Dakota, Senator CONRAD, described the near unanimous testimony of a panel of economists that testified before the Senate Committee on Finance to this effect. I would draw the attention of the Senate to the fact that well before the Finance Committee established the Boskin commission to enquire into this matter, the subject was under consideration in the Office of Management and Budget. Specifically, a memorandum of October 3, 1994, sets forth the matter in specific terms.

I ask that portions of that memorandum be printed in the RECORD.

The material follows:

OCTOBER 3, 1994.

From: Alice M. Rivlin.

Subject: Big Choices.

When we met in August, we noted that it was time for a serious discussion of the budget and economic agenda for 1995 and 1996. Decisions must be made soon about the policies to be articulated in the FY 1996 budget, the State of the Union, and our response to the Kerrey-Danforth Commission report. These policies and the message they contain are crucial to the record we will run on in 1996.

Illustrative entitlement options

Options	*5-yr savings (S B)*
COLA reduction:	
CPI minus 0.5 ''technical'' reform (CPI may be overstated by 0.4% to 1.5%)	33
Eliminate COLAs for one year	55
CPI minus 2 for five years	109●

THE VOID IN MORAL LEADERSHIP—PART IX

Mr. GRASSLEY. Mr. President, last Sunday marked the third anniversary of the firings of the Travelgate Seven from the White House travel office. That is 3 years of the Federal Government harassing these innocent public servants, and their families, and the harassment continues as I speak. This is a story of an abuse of power by the new occupants of the White House, back on May 19, 1993.

The Clinton White House used the full powers of the Federal Government to fire these seven loyal workers, destroy their reputations, deplete their bank accounts, steal their dignity, and cause great suffering for their families.

I wonder how many Americans have been the target of an abusive Washington bureaucracy—like the IRS.

Or how about when four Federal agencies fight over the right to tell a farmer how to use land that his family has been farming for three generations.

And how many small businesses have been harassed by OSHA or EPA?

Untold numbers of citizens across this land have been harassed and abused by the Federal Government. Hard-working families try to play by the rules. Next thing they know, they are unfair targets of zealous Washington bureaucrats who are out of control.

Mr. President, no hard-working, honest citizen should have to go through such an ordeal. It is unjust and unfair. Government is supposed to promote justice and fairness, but Washington turns these principles upside down.

There are many examples of bureaucracies harassing citizens; but there are few examples of Washington putting the full force of its powers against decent, hard-working families. The case of the Travelgate Seven is one such example. For them, the harassment was many times greater than what most citizens have endured. These seven provided a service for the President and the press corps in the interest of open government. Their bosses were seven previous Presidents and the American taxpayers. But cronies of President Clinton, infatuated with newly derived power, coveted the business for themselves.

The only barriers to themselves and a lucrative business were these seven loyal workers, so the cronies went on the attack. First, they spread false allegations against the seven workers, accusing them of mismanagement and embezzlement. This led to their firings by the President.

When there was a public backlash, the White House damage-control operation went into full gear. The White House publicly smeared the reputations of the workers with all the false charges. The workers and their families were publicly humiliated. Next, to justify the false charges, the White House then unleashed the FBI and the IRS on them. Finally, the Justice Department prosecuted them on trumped up charges.

Nearly 3 years and hundreds of thousands of dollars later, a jury acquitted the fall guy and scapegoat of the White House offensive, Billy Dale. They acquitted him in less than 2 hours.

There can be no doubt that this case was a miscarriage of justice, no doubt that these seven workers were unjustly and unfairly persecuted. And no doubt that the President made a mistake in firing them. Yet, the President has failed to own up. He has failed to take responsibility for their firings and their continued harassment.

There is lots of finger-pointing and blaming going on at the White House, but no one will stand up and take responsibility for what happened. That is usually the sign of failed moral leadership. The leader in the White House—the President—will not take responsibility for the unwarranted firings at the behest of cronies and then, he will not seek accountability for whoever unleashed the powers of the Federal Government to harass the Travelgate Seven.

Mr. President, is it unfair to ask the President to take responsibility for his actions? Is it unfair to hold accountable those zealots on his staff that unjustly unleashed the FBI, the IRS, and the Justice Department on these innocent employees? Is it unfair that the President should admit that he made a serious mistake?

Instead of considering these questions, the President has sent his lieutenants out to again harass these former workers. The House of Representatives earlier this year voted overwhelmingly to provide legal expenses for the Travelgate Seven. It had bipartisan support. But when the bill came to the Senate, it was ambushed by Clinton loyalists. They were afraid of the embarrassment it would cause the President to have to sign such a bill that would prove he had made a serious mistake. Rather than face the music, the President sent out his lieutenants to block the bill in the Senate. They succeeded. The minority leader succeeded in using the Senate procedures to block consideration of the bill that would make these seven families economically whole, and put the ordeal behind them—not psychologically whole, not their reputations whole, not their dignity whole, not their pain and suffering whole, just their expenses—the least of what should be restored.

The President's lieutenants—the Democrats in this body—shot the bill down. It was pure and simple legislative harassment. That was on May 7. And so, the harassment continues. It is simply not right. It is not fair. And they need to be held accountable.

Mr. President, is it fair for these Democrats to not do the right thing just to save the President from embarrassment? I will let the American people answer that question. Perhaps they will call the office of their Senator.

Tell the Democrats to stop playing politics with the Billy Dale bill. After all, they voted 52 to 44 on May 7 to block the Billy Dale bill.

Mr. President, the bottom line of this story, and of the record of this President, is the absence of moral leadership. A President—a leader—who fails to take responsibility for his actions; who allows cronies to run roughshod over innocent employees; who allows his staff to violate the civil rights of these workers; who lets his staff unleash the powers of the Federal Government against innocent families; who fails to seek accountability for those who did the unleashing; and who covers it all up by claiming executive privilege—in light of all this, can we truly call this President a leader?

He has failed to set the proper example for the country. He has failed to set an example for the people he serves—the American people. He has failed to set an example for his own staff. And, he has failed to set an example for the seven fired workers and their families. Rather than face the music, the President has his lieutenants do his dirty work in the darkness of night, and in the Democratic cloak room, all to avoid the embarrassment of his mistakes.

In the coming weeks, the Billy Dale bill will be brought to the floor again—this bill to restore hope and dignity for these families. I call upon the American people to not allow this injustice to stand. Make the Senate Democrats do the right thing. Make them support the Billy Dale bill. This morning's Washington Post editorializes on this matter. The editorial is entitled, ''Another Travel Office Travesty.'' It says, get politics out of the way and pass this bill. I agree, Mr. President. I urge my Democratic colleagues to get out of the way. I ask unanimous consent that the Post editorial be printed in the RECORD and I yield the floor.

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

[From the Washington Post, May 21, 1996]

ANOTHER TRAVEL OFFICE TRAVESTY

Why are some people in Congress maneuvering to keep that institution from making right some of the wrongs done to fired White House travel office employees? Nothing the Congress can enact will make up for the damage done to the reputations of these workers. But fooling with them the way they are is simply wrong.

The travel office fiasco should have been resolved days ago. Billy Dale and his six travel office colleagues were summarily dismissed from their jobs in 1993 for the shakiest of reasons. They were summarily told to vacate their offices by the incoming Clinton White House and publicly smeared with charges that they had engaged in wrongdoing. White House staff that had an interest in taking over the travel office even helped to concoct the allegations. The reputations of the fired travel office employees were unfairly damaged, and Mr. Dale in particular was made to undergo a painful and costly ordeal before he was exonerated by a jury.

All of the fired employees incurred legal expenses in connection with criminal probes launched against them following their discharge. Mr. Dale bore $500,000, the lion's share, but no ex-travel office employee escaped without a crushing debt burden. The others incurred about $200,000 themselves. So to undo at least some of the damage, legislation was introduced in Congress to reimburse them for some of the costs of defending themselves. The House passed the bill by an overwhelming 350 to 43 vote. President Clinton says he will sign it. Sen. Orrin Hatch has introduced the bill in the Senate.

But Senate Democrats have been blocking action on the Hatch measure because they want a vote on the minimum wage increase and can't get one. To make matters worse, the Dale bill was amended by Bob Dole to include the Republican gas-tax repealer. Hence, Bill Dale et al. are now part of the Senate's five-car pile-up, the rest of which includes the minimum wage boost, gas tax cut, taxpayer bill of rights, and the T.E.A.M. measure.

Mr. Dale and the former travel office employees, having taken shots from the White House and lost much in the process, are now caught in another political crossfire. The people holding up action on the reimbursement of the misused travel office employees should back off. The time has come to rectify a wrong.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar, Calender No. 594. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

ARMY

The following United States Army National Guard officers for promotion in the Reserve of the Army to the grades indicated

under title 10, U.S.C. section 3385, 3392 and 12203(a):

To be major general

Brig. Gen. Jerome J. Berard, 000–00–0000
Brig. Gen. James W. Emerson, 000–00–0000
Brig. Gen. Rodney R. Hannula, 000–00–0000
Brig. Gen. James W. MacVay, 000–00–0000
Brig. Gen. James D. Polk, 000–00–0000

To be brigadier general

Col. Earl L. Adams, 000–00–0000
Col. H. Steven Blum, 000–00–0000
Col. Harry B. Burchstead, Jr., 000–00–0000
Col. Larry K. Eckles, 000–00–0000
Col. William L. Freeman, 000–00–0000
Col. Gus L. Hargett, Jr., 000–00–0000
Col. Allen R. Leppink, 000–00–0000
Col. Jacob Lestenkof, 000–00–0000
Col. Joseph T. Murphy, 000–00–0000
Col. Larry G. Powell, 000–00–0000
Col. Roger C. Schultz, 000–00–0000
Col. Michael L. Seely, 000–00–0000
Col. Larry W. Shellito, 000–00–0000
Col. Gary G. Simmons, 000–00–0000
Col. Nicholas P. Sipe, 000–00–0000
Col. George S. Walker, 000–00–0000
Col. Larry Ware, 000–00–0000
Col. Jackie D. Wood, 000–00–0000

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

HATE CRIMES STATISTICS ACT AMENDMENTS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 384, S. 1624.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1624) to reauthorize the Hate Crimes Statistics Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I wish to express my appreciation to the Senate for its swift action in passing S. 1624, which permanently reauthorizes the Hate Crime Statistics Act.

The people of my State of Utah, and of all of our States, have a stake in this legislation, because any of our citizens can fall prey to a hate crime. Every crime, of course, is a terrible event. But the hate crime is of a particularly insidious nature. It splits the individual victim apart from his or her neighbors and community. It isolates the victim because of who he or she is. The hate crime emphasizes the differences, not as the strengths they are in this diverse country, but as a means of dividing American from American. It submerges the common humanity of all peoples. All real Americans condemn these vile crimes without hesitation or reservation.

Under the Hate Crime Statistics Act, the Attorney General is required to collect data ''about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity. . . .'' The act has resulted in the creation of a Federal data base on bias-motivated criminal acts. In addition, it has served as a catalyst for an FBI effort to train State and local law enforcement officials about hate crimes. Collection of this data can help alert local communities and their law enforcement agencies to any pattern of hate crimes in their neighborhoods. It can also help spur educational efforts aimed at enhancing goodwill in our communities. The Hate Crime Statistics Act has proven its value, and has earned the permanent reauthorization that the Senate has now approved.

I wish to commend my friend and distinguished colleague, Senator SIMON, for his work on this issue. Without his tireless efforts, there would have been no Hate Crime Statistics Act of 1990, and no reauthorization of the act this year. I also wish to commend his chief counsel, Susan Kaplan, for her work on this law over several years.

Mr. SIMON. Mr. President, I am pleased that today the Senate will pass S. 1624, a bill to reauthorize and provide a permanent mandate for the Hate Crimes Statistics Act. I would like to thank Chairman HATCH for his leadership on this important issue, as well as my 51 colleagues who cosponsored this measure. In addition to its strong bipartisan support in the Senate, this bill also has the strong support of Attorney General Reno, as well as the endorsement of major law enforcement and advocacy groups.

The Hate Crimes Statistics Act, which passed the Senate in 1990 by a vote of 92 to 4 and was signed into law by then President Bush, requires the Justice Department to collect data on crimes that show evidence of prejudice based on race, religion, ethnicity, or sexual orientation. Until this Act was passed, no Federal records of such crimes were maintained. This lack of information made it difficult to determine whether a particular crime was an isolated incident, or part of a continuing series against a particular group.

The act has proven successful in its initial purpose—the creation of data collection—and has also served as a catalyst for an FBI effort to train State and local law enforcement officials about hate crimes. Hearings held before the Senate Judiciary Committee's Subcommittee on the Constitution in 1992 and 1994 showed that one of the prime benefits of the act is that it has helped dramatically increase the awareness and sensitivity of the police about hate crimes. Not only do victims of hate crimes benefit from a more informed police force, but greater police awareness encourages others to report hate crimes.

Since all data submission under the act is voluntary, we did not anticipate 100 percent participation by State and local law enforcement agencies from the start. Nonetheless, over the course of 4 years, there has been great progress in participation levels. In 1991, 2,771 law enforcement agencies participated in the voluntary reporting program. In 1994, more than 7,200 agencies participated. Local police, advocacy groups, mayors, and others have joined the effort to encourage every law enforcement agency to comply, and as more and more local agencies participate, the statistics will be more and more useful to identify trends and formulate responses. In addition, the FBI is in the process of working with States to upgrade their computer systems. When this transition is complete, the data should be even more useful. Unfortunately, there are still law enforcement agencies in some States and many large cities which are not yet participating in the data collection. We need active oversight of this act to ensure that these agencies join in this important effort, making the statistics more accurate and useful.

FBI Director Louis Freeh has stated that he is committed to the continued tracking of hate crimes statistics. However, we believe that this effort has proven its usefulness and deserves a permanent mandate. Collecting such data will not erase bigotry. It will, however, be a valuable tool in the fight against prejudice.

Obviously, the FBI statistics do not yet accurately reflect the level of violence motivated by prejudice in our society. We need only read the headlines and reports by advocacy groups to see how widespread the problem of hate crimes remains in our Nation.

The Justice Department recently launched a civil rights probe into a rash of arson which has destroyed at least 23 black churches in the South since 1993. The Justice Department is trying to determine whether the crimes are racially motivated, and whether they are connected. Several of the incidents have been solved, however, and clearly racism motivated the offenders. The teenagers found guilty of burning a church in Mississippi in 1993 shouted racial epithets during commission of their crime. Racist graffiti was spray-painted on the walls of a Knoxville, TN Baptist church set afire on January 8, 1996. Sumter County Circuit Court Judge Eddie Hardaway, a black judge who sent two white men to jail for vandalizing black churches, was recently the victim of a shotgun attack which shattered bedroom windows in his home. During the 1960's civil rights movement, many black churches were set ablaze, however in the late 1980's and early 1990's only one or two such crimes were reported each year. This recent string of arson reminds us that prejudice and hate crimes remain a problem in our Nation.

Recent reports by private groups, such as the Anti-Defamation League, the National Coalition on Anti-Violence Projects, and the National Asian Pacific American Legal Consortium, confirm that unfortunately the problem of crimes based on prejudice continues. The ADL's 1995 annual audit of

anti-Semitic incidents actually had some good news: the 1,843 anti-Semitic incidents reported to the Anti-Defamation League in 1995 represented a decrease of 223 incidents, or 11 percent, from the 1994 total of 2,066. This is the largest decline in 10 years. However, this good news is tempered by the seriousness of many of the incidents reported. For the fifth straight year in a row, acts of anti-Semitic harassment against individuals outnumber incidents of vandalism against institutions and other property.

The National Coalition of Anti-Violence Projects and New York City Gay and Lesbian Anti-Violence Project report similar findings for 1995. There were fewer incidents of violence against homosexuals in 1995, but the incidents were more violent. There was an 8 percent drop in the number of incidents, but a 10 percent increase in the number of assaults and rapes.

We need to realize that the name-calling, the graffiti, the discrimination, and the threats and violence are all signs of a pervasive problem. The more informed we are about the scope and nature of our communities' problems with hate crimes, the better able we will be to develop effective prevention and prosecution strategies, as well as support structures for victims of these crimes.

I am pleased to join with Senator HATCH today to express our gratitude to our colleagues, the Attorney General, law enforcement and advocacy groups across the Nation who helped us to pass this important legislation and urge our friends in the House to move quickly to pass this as well.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 1624) was deemed read the third time and passed, as follows:

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

The first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended—

(1) in subsection (b), by striking ''for the calendar year 1990 and each of the succeeding 4 calendar years'' and inserting ''for each calendar year''; and

(2) in subsection (c), by striking ''through fiscal year 1994''.

REAUTHORIZING THE COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 1965 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1965) to reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I support Senate passage of H.R. 1965, a bill to reauthorize the Coastal Zone Management Act [CZMA] through fiscal year 1999. H.R. 1965 is similar to section 205 of S. 1142, a bill that Senators PRESSLER, HOLLINGS, BURNS, BREAUX, and I have sponsored to reauthorize the activities of the National Oceanic and Atmospheric Administration. Our bill has been reported by the Senate Commerce Committee, but has not yet been brought before the full Senate.

The CZMA was enacted in 1972 to, among other things, provide grants to States as an incentive to develop Federally approved coastal zone management [CZM] plans. CZM plans are intended to help plan for development in, and protect, coastal areas. Twenty-four coastal States and five island territories now have Federally approved CZM plans. Alaska, which has over half the coastline of the United States, has had a CZM plan in place since 1979. Of the seven eligible coastal States and territories that do not yet have approved CZM plans, five—Georgia, Minnesota, Ohio, Texas and Indiana—are in the process of developing plans.

In fiscal year 1995 and fiscal year 1996, the States and territories with approved CZM plans received appropriations totalling $45.5 million and $46.2 million, respectively. H.R. 1965 authorizes appropriations through fiscal year 1999 with modest growth to these amounts, at roughly the same levels as S. 1142. The bill also reauthorizes grants for States to develop CZM plans, increasing the amounts that may be received, but ending the development grants program after October 1, 1999.

H.R. 1965 includes an amendment to prevent the Secretary of Commerce from delaying the issuance of permits. Section 307 of the CZMA requires federal activities—including private activities that require a Federal permit, and federal assistance to State and local governments—to be consistent with the State's CZM plan. Applicants for Federal permits—including permits to explore, develop or produce oil in areas leased under the Outer Continental Shelf Lands Act [OCSLA]—are required to certify that the activity is consistent with the State's CZM plan before the Federal permit can be issued. States must concur with the certification, but applicants may appeal the State's decision to the Secretary of Commerce. Section 8 of H.R. 1965 requires the Secretary to publish a notice when the record for any appeal has ended, and to make a decision on the appeal within 90 days—with a possible extension of 45 days. This would prevent the Secretary from simply refusing to make a decision on an appeal.

H.R. 1965 does not reauthorize funds for the Secretary of Commerce and Administrator of the Environmental Protection Agency to enforce the section of law passed in 1990 to require States with CZM plans to prepare ''coastal nonpoint pollution control programs,'' and also does not reauthorize grants to States to prepare those programs.

I encourage other Members of the Senate to support Senate passage of H.R. 1965.

Mr. HOLLINGS. Mr. President, I rise to voice my support for passage of H.R. 1965, a bill to reauthorize the Coastal Zone Management Act [CZMA] for the fiscal years 1997, 1998, 1999. This language is similar to language contained in S. 1142, the National Oceanic and Atmospheric Administration authorization bill, which the Commerce Committee reported favorably late last session.

In 1969, the Commission on Marine Science, Engineering and Resources—the—Stratton Commission—recommended that:

A Coastal Zone Management Act be enacted which will provide policy objectives for the coastal zone and authorize federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land.

In response to this recommendation, Congress in 1972 enacted coastal zone management legislation to balance coastal development and preservation needs. To encourage State participation, the CZMA established a voluntary, two-stage, State assistance program. The first stage involves the award of section 305 grants to coastal States for development of coastal management programs meeting certain Federal requirements. State programs which were judged by the Secretary of Commerce to meet those requirements received Federal approval and became eligible for the second stage of grants. This second stage, under section 306, provides ongoing assistance for States to implement their federally approved coastal programs. All grants require equal matching funds from the State. Since passage of the CZMA, all 34 eligible State and territories have participated in the program to some degree. Of the original 34 participants, 29—24 States and five territories—currently have programs which have achieved federally approved status. Only five States are not actively participating in the program: Georgia, Texas, Indiana, Minnesota, and Ohio. Considering the 29 programs for which Federal approval has been attained, the national CZM network covers in excess of 93 percent of the Nation's marine and Great Lakes coastline.

The nature and structure of CZM programs vary widely from State to State. This diversity was intended by Congress. Some States, like North Carolina, passed comprehensive legislation as a framework for coastal management. Other States, like Oregon, used existing land use legislation as the

foundation for their federally approved programs. Finally, States like Florida and Massachusetts networked existing, single-purpose laws into a comprehensive umbrella for coastal management. The national program, therefore, is founded in the authorities and powers of the coastal States and local governments. Through the CZMA, these collective authorities are orchestrated to serve the ''national interest in effective management, beneficial use, protection, and development of the coastal zone.'' This 24-year program is a success story of how the local, State, and Federal Government can work together for the benefit of all who enjoy and rely on our coastal resources. H.R. 1965 is a simple 3-year reauthorization of a program that works well.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 1965) was deemed read the third time and passed.

MEASURE READ FOR THE FIRST TIME—S. 1788

Mr. GRASSLEY. Mr. President, I understand that S. 1788, introduced today by Senator FAIRCLOTH, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1788) to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

Mr. GRASSLEY. Mr. President, I now ask for its second reading, and since there is no Member of the minority party present, I object to my own request on behalf of the minority Members.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR WEDNESDAY, MAY 22, 1996

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:15 a.m., on Wednesday, May 22, further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the Senate then resume consideration of Senate Concurrent Resolution 57; I further ask unanimous consent that the Senate then proceed to vote on or in relation to the pending amendments to the budget resolution in the order in which the amendment was offered, that each rollcall after the first vote be limited to 10 minutes in length, and that there be 1 minute for debate equally divided prior to each vote for a brief explanation of each amendment; and I finally ask unanimous consent that any second-degree amendment, if offered, be limited to 1 minute of debate equally divided as well.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that with respect to the Chafee bipartisan amendment No. 4018, that there be 5 minutes of debate to be equally divided in the usual form.

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

PROGRAM

Mr. GRASSLEY. Mr. President, tomorrow morning at 9:15 a.m., the Senate will begin a series of rollcall votes on or in relation to the amendments to the budget resolution. That series of votes is expected to continue throughout the day in an attempt to complete action on the budget early Wednesday evening. All Senators are asked to remain in or around the Senate Chamber during Wednesday's session in order to facilitate the numerous votes. As a reminder, all votes following the first will be limited to 10 minutes in length.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 6:21 p.m., adjourned until Wednesday, May 22, 1996, at 9:15 a.m.

CONFIRMATIONS

Executive nomination confirmed by the Senate May 21, 1996:

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be major general

BRIG. GEN. JEROME J. BERARD, 000–00–0000.
BRIG. GEN. JAMES W. EMERSON, 000–00–0000.
BRIG. GEN. RODNEY R. HANNULA, 000–00–0000.
BRIG. GEN. JAMES W. MAC VAY, 000–00–0000.
BRIG. GEN. JAMES D. POLK, 000–00–0000.

To be brigadier general

COL. EARL L. ADAMS, 000–00–0000.
COL. H. STEVEN BLUM, 000–00–0000.
COL. HARRY B. BURCHSTEAD, JR., 000–00–0000.
COL. LARRY K. ECKLES, 000–00–0000.
COL. WILLIAM L. FREEMAN, 000–00–0000.
COL. GUS L. HARGETT, JR., 000–00–0000.
COL. ALLEN R. LEPPINK, 000–00–0000.
COL. JACOB LESTENKOF, 000–00–0000.
COL. JOSEPH T. MURPH7, 000–00–0000.
COL. LARRY G. POWELL, 000–00–0000.
COL. ROGER C. SCHULTZ, 000–00–0000.
COL. MICHAEL L. SEELY, 000–00–0000.
COL. LARRY W. SHELLITO, 000–00–0000.
COL. GARY G. SIMMONS, 000–00–0000.
COL. NICHOLAS P. SIPE, 000–00–0000.
COL. GEORGE S. WALKER, 000–00–0000.
COL. LARRY WARE, 000–00–0000.
COL. JACKIE D. WOOD, 000–00–0000.

EXTENSIONS OF REMARKS

AWARD-WINNING STUDENTS OF CAESAR RODNEY HIGH SCHOOL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. CASTLE. Mr. Speaker, on April 27 to April 29, 1996, outstanding young people from 50 schools throughout the Nation came to our Nation's Capital to compete in the national finals of the We the People... The Citizen and the Constitution Program. I am proud to announce that the class from Caesar Rodney High School in Camden represented Delaware. These young scholars worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Delaware are: Nick Amalfitano, Mark Balfantz, Sondra Bell, Pauletta Brown, Jennifer Cajthuml, Allison Chippie, Will Cordeiro, Blair Craven, Ryan Dixon, John Dodd, Tom Dodd, Lee Dunham, Shannan Foskey, Joy Ginter, Ron Hartnett, Kristie Hertz, Bonny Hodges, Jason Hutchins, Nikki McBride, Sean McGinty, Peter Morisseau, Tim Rudis, Dan Schoettinger, Andrew Towle, Jennifer VanHorn, Matt Walsh, and Jeff Whisler.

I would also like to recognize their teacher, Bill Windett, who deserves much of the credit for the success of the team. The district coordinator, Diane Courtney, and the State coordinator, Lewis E. Huffman, also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People... The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We the People... program, now in its eighth academic year, has provided curricular materials at upper elementary, middle, and high school levels for more than 60,000 teachers, 22,000 schools, and 22 million students nationwide.

The We the People... program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our Nation's constitutional government. I wish these young constitutional experts the best of luck and look forward to their future participation in politics and government. Congratulations again to the team from Caesar Rodney High School of Camden, DE.

A TRIBUTE TO P.S. 230, THE RECIPIENT OF THE STATE-WIDE TITLE 1 AWARD FOR ACADEMIC EXCELLENCE AND ACHIEVEMENT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to congratulate P.S. 230 as the recipient of the Title 1 Distinguished School Award—one of the highest honors given to a New York school for their demonstrated committment to academic excellence. The administrators and teachers of P.S. 230 have been dully recognized for their hard work in exceeding the State's standard performance level in both reading and mathematics. Almost every grade level has earned above-average scores in reading. I am particularly impressed by the specialized instruction and attention given to third graders, as they have successfully learned how to read at the sixth level. When recognized these results, it is no wonder that P.S. 230 has been selected for the Title 1 Distinguished School Award.

I am especially honored to pay tribute to the teachers and administrators of P.S. 230 for providing a solid academic base for each student. The entire student body is as culturally and ethnically diverse as New York, which has often created a unique set of hurdles for many elementary school teachers whose primary job is to provide basic reading and communication skills. Yet, P.S. 230 has established a nurturing environment in which to learn, ensuring the future success of every student. As a parent whose daughter is currently enrolled at P.S. 230, I am extremely proud of the entire faculty and PTA for enabling each child to receive a worthwhile learning experience that will stay with them their entire lives. I hope the families and supporters of P.S. 230 will continue its legacy in educational achievement for future generations.

TRIBUTE TO LOWANDA EMMONS DEEGAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. SOLOMON. Mr. Speaker, we all have extraordinary people in our districts, but there is one incredible lady in the 22nd District of New York who stands apart.

Her name is Lowanda Emmons Deegan, and she is 90 years young. Last Sunday, she received her bachelors degree from the State University at Albany. In other words, Mr. Speaker, she was 68 years old when most of her fellow graduates were born. She truly earned the right to lead the gradution processional.

Lowanda Emmons Deegan could say, as the song goes, ''I did it my way.'' She took one course a semester for the last 20 years. In recent years, since a fall injured her knee, she has had some trouble getting around and has done much of her studying over the phone.

But that's been one of the few concessions she had made to her age. In fact, the remarkable thing about her, as far as I'm concerned, is her attitude. She is truly young at heart, and spends her time dwelling on the future, not on the past.

It isn't though her past isn't interesting, Mr. Speaker. She graduated from high school in the early 1920's, finished fifth in the ''Miss Schenectady'' contest shortly after graduation, and then worked in a number of positions until retiring in 1975. She was a social worker during the Depression, a switchboard operator and accountant for General Electric Co., and, finally, a clerk at the New York State Library. Her husband and only son are both deceased.

She was determined to make the most of those retirement years. She remembered getting good grades in writing projects in high school, so she began writing a family story titled ''Susie's Chronicles,'' named for her grandmother, Susie Emmons. Her ancestors included some of New York State's earliest settlers. Her English teachers have been impressed by the first drafts of the book, and have expressed confidence that the book will find a publisher. I'm looking forward to its publication, and I'm sure it will be popular with the general reading public.

Lowanda Emmons Deegan reads two newspapers a day and often writes to me about issues of interest to older Americans.

Mr. Speaker, her attitude is what has made this the greatest country on Earth. Many people stop trying to improve themselves after a certain age and settle into a comfortable routine. She has not, and her story is an inspiration to us all.

Mr. Speaker, I ask you and this entire body to rise with me in tribute to an extraordinary lady and great American, Lowanda Emmons Deegan of Ballston Lake, NY, on the occasion of her long-awaited graduation from college.

HONORING THE ALLONS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Allons Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

A TRIBUTE TO JACK MERELMAN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize Jack Merelman. Mr. Merelman is retiring from his position as director of Federal Research Membership Services to the California Counties Foundation.

Jack Merelman was raised in our Nation's capital, served in the U.S. Army and attended the University of Maryland for his bachelor and law degrees. He embarked on his public service career in 1953 when he joined the staff of the Organization of City Attorneys. In 1958, he became the general counsel for the National Association of Counties.

Mr. Merelman has participated in the development of major program policies in Sacramento and Washington, DC. He was legal counsel for the County Supervisors Association of California and the director of legislation for the National Association of Counties in Washington, DC. The California State Association of Counties engaged his service as both executive director and Washington representative, through which he received the California State Association of Counties President's Award.

Jack Merelman is closing a career of public service that spans five decades. His many accomplishments are to be commended, and best wishes extended for a rewarding and gratifying retirement.

EXCELLENCE IN ARTS EDUCATION—A LEGACY OF INTEGRATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am pleased today to be able to add my congratulations for the recent naming of Dallas' Booker T. Washington High School for the Performing and Visual Arts as a ''Blue Ribbon'' school. In addition to the ''Blue Ribbon'' designation, this special school has also received national acclaim as a prototype for subsequent magnet schools through the United States.

The Booker T. Washington High School for the Performing and Visual Arts was created about 20 years ago, as a result of a court order mandating that the Dallas schools desegregate and the realization by the Dallas Independent School District of the specific need to educate gifted artists with both the potential and aspiration for careers in the arts. Located in the Dallas Arts District, near the heart of the city, the magnet school attracts students from throughout the metropolitan Dallas area. The multiethnic student body includes approximately 650 students in grades 9 through 12. The instructional staff consists of 54 teachers. Approximately 88 percent of the faculty have more than 10 years of teaching experience while more than 83 percent have advanced degrees. The school is accredited by the Texas Education Agency and the Southern Association of Colleges and Schools.

The arts school was created to provide a program of excellence in the arts which meets the needs of the students and the community. Intensive training in the performing or visual arts allows students to explore the demands of an artistic career. A rigorous academic program offers all courses required for the State's three graduation plans. Students are selected through audition, interview, portfolio, or other demonstration of artistic aptitude.

Congratulations to the Booker T. Washington High School for the Performing and Visual Arts in Dallas on the 20-year evolution of a great idea.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1997

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1996

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the U.S. Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002:

Mr. STOKES. Mr. Chairman, I rise today in strong opposition to House Concurrent Resolution 178, the Fiscal Year 1997 Republican Budget Resolution. The American people must clearly understand that the Republicans' Fiscal Year 1997 Budget Resolution, House Concurrent Resolution 178, which eliminates 130 programs and the Department of Commerce and the Department of Energy, is a continuation of their attack on the most vulnerable among us, children, seniors, veterans, and hard working families across the country.

My colleagues on the other side of the aisle have decided to ignore the message of the American people to protect the quality of life, to protect the environment, and to protect education.

Instead, they have intensified their attack on those in the dawn of life, our children and those in the twilight of life our seniors. Programs and services that are critical to helping to ensure a reasonable quality of life for the most vulnerable are being gutted, once again, so that the GOP can give a tax cut to the wealthy.

Medicare is cut $158 billion threatening access to quality health care for millions of seniors. Provisions that were designed to help control the escalating cost of health care services for seniors are being repealed. Medicaid is cut $72 billion. Poor children, disabled persons, and low-income seniors are at risk of losing their health care coverage. Medicaid is converted to a block grant, and States are left to determine eligibility, and the duration and scope of health services to be provided. In addition, State funding match requirements are reduced.

By cutting over $4 billion from financial aid, the Republican budget reduces the opportunity for hard working families to help their children get a college education. In addition to eliminating, student aid funding provided by the State incentive grant program, and fellowships and scholarships, the direct lending program is also eliminated.

By dramatically cutting funding for housing and the earned income tax credit, the Republican budget will make it increasingly difficult for low-income hard working families to make ends meet. These families are already struggling, the added burden could destroy them.

Banking and housing programs are cut $5.3 billion. Welfare-related programs are cut $53 billion and converted to a block grant. The job opportunities and basic skills program and the child care services program are among the programs slated for elimination.

Mr. Chairman, the Republican budget threatens the stability of families across the country. Families do not want a handout, all they need, from time to time, is a helping hand to help them get back on their feet.

Mr. Chairman, these GOP budget tactics and misplaced priorities should come as no surprise to the American people. The Republicans touted last year that if they did not get the cuts in funding that they needed in the fiscal year 1996 budget, to give a $245 billion tax cut to the rich, the crown jewel in the GOP's Contract With America, they would shut the Government down. And, as each of us recalls, they did just that, our Republican colleagues held the American people hostage, shut the Government down, and denied them access to critical services. That GOP tantrum cost the American people $1.5 billion, and it needlessly increased the deficit.

The GOP touted last year that if they did not get the cuts they wanted in fiscal year 1996, they would cut programs and services further in fiscal year 1997, and they are doing just that. You may also recall that our Republican colleagues emphasized throughout the fiscal year 1996 appropriations process, that the fiscal year 1996 cuts were just a downpayment on their budget gutting mission to give a tax cut to the rich.

This outrageous fiscal year 1997 budget is extremely harmful to America's families and citizens, no one is safe from the tre-

mendous pain and suffering that would result if this measure is passed.

Mr. Chairman, on behalf of our Nation's children, working families, veterans, and seniors, this bill must be defeated. I ask my colleagues to join me in voting no, on House Concurrent Resolution 178.

HONORING THE ALGOOD VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Algood Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

HEROISM IS ALIVE AND WELL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. SOLOMON. Mr. Speaker, I've got some good news for you, and for all of America.

Heroism is alive and well and, I'm proud to say, it's alive and well in my own hometown of Queensbury, NY.

Mrs. Cecilia L. Parker of Meadowbrook Road, a few miles north of my own street, is alive today because of the heroism of two neighbors, Jenny Lortz, and high school student Theodore ''Ted'' Turner III.

Last month, the Parker car burst into flames in her carport. Neighbor Jenny Lortz, alerted by a daughter, dialed 911 and ran to investigate. Across the street, the young Turner saw the flames and ran to the house. He and Lortz determined that Mrs. Parker was inside the house. With the noise from exploding car tires in his ears, Turner kicked in a back door and pulled a stunned Mrs. Parker out of her chair and through the smoke to safety.

Witnesses said that a few minutes later it would have been too late.

Mr. Speaker, it's all too easy to fall into the trap of thinking that all kids these day are ill-mannered brats, but that is obviously far from the truth. A grateful Mrs. Parker later remembered young Turner as the good kid across the street who used to help her with chores. But let us acknowledge, Mr. Speaker, that Ted Turner III is not a ''kid'' but a young man already assuming his duties as a responsible citizen and neighbor. We find such heroes in neighborhoods in towns and villages and cities all over America, and it's what makes this the great country what it is.

Let us also, Mr. Speaker, acknowledge the quick thinking of Jenny Lortz, who first called 911, and joined Turner both in his rescue and later in staying with Mrs. Parker as Queensbury Central, my old volunteer company, put out the flames.

Mrs. Parker, I might add, used to work for my father's store, M. Solomon's, in Queensbury, and I certainly am glad she survived this ordeal.

We have two heroes to thank for that, Mr. Speaker, so let us rise in tribute to those two fine Americans, Theodore Turner III and Jenny Lortz of Queensbury, NY.

A TRIBUTE TO EVAN HALE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize my good friend Evan Hale. Evan is retiring after nearly 40 years of professional and civic service in various agricultural related positions.

Growing up on a farm near Pocatello, ID, instilled in Evan an understanding and sincere commitment to agriculture at an early age. In 1959, he became Director of Communications for the Idaho Farm Bureau Federation and then served as Secretary of the Board and Treasurer of the affiliated Farm Bureau Insurance Company.

Evan continued his public service to the agricultural community as executive assistant to U.S. Secretary of Agriculture, Earl Butz and served as chief of staff of the U.S. Department of Agriculture [USDA] in the 1970's. While at USDA, Evan also acted as liaison to farm organizations, Congress, the White House and foreign embassies. He worked with a number of foreign trade missions, including six countries behind the iron curtain.

Currently, Evan is President of the Western Water District Farm Credit Council and Vice President of Legislative Affairs for the Western Farm Credit Bank. He will be retiring at the end of this month, and he and his wife Audrey plan to move closer to their children and grandchildren. I commend Evan on his successful career and thank him for his dedicated public service. I wish my friend a rewarding and gratifying retirement.

LINCOLN HIGH SCHOOL WINS REDBOOK DISTINCTION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate a great school in the heart of Dallas as the recipient of a recent award for unparalleled excellence. The Lincoln Humanities/Communications Magnet High School recently received the distinction of being a ''Redbook'' school for overall excellence, and it is a well deserved honor for a school which has worked hard to improve and excel in education. Lincoln attracts students from all parts of Dallas and surrounding communities despite being in the center of the city.

Many times I have visited Lincoln High School and each time I see the excitement on the students' faces as they study and participate in the learning process. The teachers and administrators are equally inspired as they instruct and counsel the students. Under the direction of Dr. Napoleon B. Lewis, Sr., the principal, this unique high school has outshone other schools in academics, the arts, music, and sports.

Lincoln Humanities/Communications Magnet High School opened as Lincoln High School in January 1939. The school was built to serve Dallas' black children in the South, East, and Oak Cliff communities of the city. Recently, Lincoln High School has lived up to its commitment to students in the areas of communications and humanities with impressive showings in the National Merit and National Achievement Scholarship Program.

The Redbook award for unparalleled excellence is another feather in Lincoln High School's cap, and it will give them even more incentive to continue to offer the best education in the arts, music, and humanities for students all over the Metroplex. Congratulations Lincoln High School. Keep up the great work.

HONORING THE ALMAVILLE VOLUNTEER DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Almaville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro

where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1997

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1996

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the U.S. Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002:

Mr. STOKES. Mr. Chairman, I rise today in strong support of the Congressional Black Caucus and Progressive Caucus substitute budget for fiscal year 1997. This alternative reflects the vision of a caring majority. Unlike the Republican majority budget which dramatically threatens the health of millions of Americans, the CBC and Progressive Caucus' substitute protects the health of those in the dawn of life, our children, and those in the twilight of life, our seniors.

The Republican measure continues their assault on the health of the weakest among us by gutting $158 billion from Medicare, gutting $72 billion from Medicaid, forcing seniors to pay more for less health care, denying health care services to children aged 13 to 18, and eliminating the guarantee of coverage for all low-income seniors who cannot afford Medicare. The list of pain and suffering goes on and on.

Mr. Chairman, the Congressional Black Caucus and Progressive Caucus alternative budget overturns the assault on the health of the American people, while also balancing the budget. The CBC budget increases funding for the program authorized under the Disadvantaged Minority Health Improvement Act in an effort to ensure an adequate supply of health care professionals in medically underserved areas; provides the resources necessary to adequately address the toxic waste disposal problem as outlined in the Environmental Justice Act and provides funding for historically black colleges' hospitals which have traditionally provided health care services for disadvantaged populations. To further progress in addressing the Nation's substance abuse problem, the measure increases funding to provide for a more comprehensive substance abuse treatment and prevention initiative.

With respect to Medicare and Medicaid the Congressional Black Caucus and Progressive Caucus substitute ensures that current coverage of Medicaid and Medicare is preserved and strengthened. All savings generated from these programs are reinvested into strengthening these critical health care programs, not destroying them.

To ensure continued improvements in the health of the American people, the measure also retains strong support for funding initiatives to further advances in the early detection, diagnosis, and prevention of disorders and diseases, from cancer, to diabetes, to aids, by enhancing funding for the Centers for Disease Control and the National Institutes of Health.

Mr. Chairman, I strongly urge my colleagues to vote ''yes'' on the Congressional Black Caucus and Progressive Caucus caring budget. I urge my colleagues to join me in supporting this substitute budget which strengthens the Nation's fiscal policy and priorities in a responsible and compassionate manner.

A TRIBUTE TO THE HONORABLE JOHN F. INGRO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. BROWN of California. Mr. Speaker, after 20 years of distinguished service for the State of California, the Honorable John F. Ingro is retiring. His dedication and tireless commitment to the pursuit of justice as a San Bernardino Superior Court Judge has been well regarded and appreciated. Not only has the Honorable John F. Ingro served admirably as a judge, but also as an outstanding member of his community. With his involvement on the board of directors of various community organizations, Judge Ingro has become a valued asset to the San Bernardino area.

Judge Ingro first began his career in law after receiving his doctor of jurisprudence degree from the University of California at Berkeley, Boalt Hall School of Law, in 1959. Upon receiving his degree, Mr. Ingro was subsequently admitted to the California State Bar in 1960. From 1960 to 1964, he served as deputy district attorney for the County of San Bernardino, and then as a deputy public defender for the county from 1964 to 1965.

After his brief tenure for the county, Judge Ingro maintained a private law practice for 9 years. On May 6, 1976, he was appointed to the San Bernardino Superior Court by Governor Edmund G. Brown. Following his appointment, Mr. Ingro was reelected for three consecutive terms, in 1978, 1984, and 1990.

His service to the county of San Bernardino will be missed, and I wish the Honorable John F. Ingro a prosperous and happy retirement.

WELFARE REFORM

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, on Saturday, President Clinton delivered a speech which I believe significantly advances the national debate over reforming our welfare system.

The President applauded and endorsed the general idea behind the welfare reform plans in the States of Wisconsin and Maryland. In doing so, the President has, in his own words, given ''us hope that we can break the vicious cycle of welfare dependency.''

I'm heartened by this move and the clear evidence that the White House, Congress, and the States are finally coming together on the best possible way to take people off the national dole and put them to work at the same time strengthening families and protecting innocent children.

Most of us agree that the Federal Government still has an indispensable role to play in the welfare system by setting guidelines that ensure able-bodied citizens work for their checks and that children are fed, clothed, and cared for while their parents are on the job.

But most of us also agree that it makes good fiscal and common sense to give the States and their Governors greater flexibility and incentives to find the most effective and efficient local solutions to problems in the welfare system.

I've long supported reforming our welfare system in a way that promotes work, protects children, and empowers States. That's why I'm so encouraged by the initiative of States like Maryland and Wisconsin and the President's approval of welfare system waivers for 38 States—including one for my home State of South Dakota.

States are demonstrating that we can move forward in reforming our welfare system without too heavy a hand from the Federal Government. Their ingenuity should be praised and their plan should be used as an example for all of us to finally come together and find a sensible, effective approach to taking care of our kids, putting people to work, and moving Americans out of poverty.

If we put our children first and partisan politics aside, I believe we can do this.

HONORING THE CORNERSVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Cornersville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their services and sacrifice.

TRIBUTE TO LESTER RIGGINS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. MATSUI. Mr. Speaker, we rise before you today to pay tribute to Mr. Lester Riggins of Sacramento who is retiring after an outstanding career of more than 40 years as a manager, educator, administrator, entrepreneur, community, and political activist and serviceman in the U.S. Air Force.

Mr. Riggins was born in Marshall, TX and moved with his family to Fresno, CA at the age of 8. In his early academic career, he strived for excellent grades in preparation for college and pursued a number of sports, as well as success in the California Cadet Corp., where he rose to the rank of First Sergeant.

In 1946, Mr. Riggins joined the U.S. Army and served for almost 2 years, earning the rank of Buck Sergeant and obtaining 4 years of education through the GI bill. He then returned to Fresno, enrolling at Fresno State College, where he played football on scholarship and completed his AF ROTC. He graduated from Fresno State College in 1951 with a BA in history and earned awards for outstanding AF ROTC cadet, three varsity letters, a Blue Key Honor Society scholarship, Phi Gammu Mu and listing in Who's Who in College, 1951.

Shortly after graduating, he was called to active duty during the Korean war, serving from 1951 to 1971 in a number of assignments which took him throughout Asia, Europe, and the United States. During this period of service, he earned a number of medals and awards and pursued his academic interests, earning an MBA from Indiana University and a masters in science, counseling, and psychology from DC University, he has since completed all course work for DPA at the University of Southern California.

After leaving the military, Mr. Riggins became active in politics, community activism, and civic interests. Professionally, he settled at California State University in Fresno where as Assistant Professor, he served as chairman of the black studies program, increasing enrollment from 200 to over 2,000 students. In 1976, he was appointed by Governor Jerry Brown as Chief Deputy Director of the Department of General Services for the State of California. There, he was responsible for over 5,000 employees and a budget exceeding $50 million. In 1983, he left the State and founded California Matrix, Inc., a consulting firm.

He later served for 1 year as director of youth training program for IMPACT, a California National Guard program in Modesto, CA. In 1985, he took a position as counselor/night administrator at the Grant Skills Center of the Grant Join Union High School district. In this capacity, he provides counseling services and resources to the more than 1,000 students attending each semester.

Apart from his professional careers in the USAF and in education, Mr. Riggins has distinguished himself as a consummate activist devoting outstanding service to a number of organizations including the National Education Association, California Teachers' Association, NAACP, Urban League and the Retired Officers Association. In addition, he has served a number of local organizations including the Sacramento City Civil Service Board, the Harry S Truman Club, the Sacramento City Affirmative Action Committee, and the California Conference on the Black Family.

Mr. Speaker, we ask our colleagues to join us in recognizing the great spirit of this committed individual and in wishing him many years of continued success, happiness, and prosperity of his retirement.

SALUTE TO THE UNIVERSITY OF KENTUCKY VICTORY IN THE NCAA FINAL FOUR

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. BAESLER. Mr. Speaker, on behalf of the people of the great State of Kentucky, it is my honor and privilege to rise to salute the University of Kentucky basketball team. As you are aware, the U.K. Wildcats are the 1996 National champions in college basketball. Yesterday, May 20, they were the toast of Washington and feted at the White House.

The University of Kentucky seized the NCAA crown with a combination of speed, defensive prowess, unparalleled depth, 3 point accuracy, team cohesiveness, and its unblinking poise under incredible pressure.

The victory in this year's tournament represents the sixth time the University of Kentucky has won the top honor in the NCAA basketball tournament. This season also puts Kentucky back on top with the most all time wins in the annals of college basketball.

It has often been said that basketball is a religion in the State of Kentucky. The skeptics were scarce in the state from the moment the team laced up its sneakers for the first time this past season.

Our fans had good reason to dare to dream. The Wildcats were placed on the top of many preseason polls and during the season, they vanquished many opposing teams by more than 20 points. The Big Blue team came through, and fulfilled the hoop dreams of Wildcat fans, young and old, during the NCAA Final Four.

I encourage my colleagues to join me in saluting coach Rick Pitino, the members of the U.K. team, both individually and collective, the citizens of the Commonwealth of Kentucky, and the fans of U.K. basketball everywhere.

1996 AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. MASCARA. Mr. Speaker, I am proud to announce to the House today the names of the three youngsters who are winners of the 1966 American Automobile Association Lifesaving Medal.

This it is the highest award given to members of school safety patrols throughout the United States. It is presented to students who, while on duty, took heroic lifesaving actions to save the life of a fellow student from imminent danger.

One of the young people being honored today is William ''Willy'' D. Mace, 10, who is from my district. Willy is a safety patrol member at Borland Elementary School, located in Canonsburg, PA.

The other winners are Shane Lee, 11, of Cherry Run Elementary School in Burke, VA, and Esther Daniel, 11, of Trapnell Elementary School in Plant City, FL.

Willy Mace, the young man from my district, was on his safety patrol job just 2 days last September when an emergency situation arose. Out of the corner of his eye, Willy spotted a Rambunctious 6-year-old dashing out into traffic to greet his father and brother who were standing across the street.

Willy noticed a fast approaching car and screamed at the little boy to stop. Willy raced after the boy and, fortunately, grabbed the 6-year-old and pulled him back out of the path of the on-coming car. The driver slammed on his brakes, narrowly missing the boys.

Being the father of four children and the grandfather of six, I can almost hear the sighs of relief. Willy was an instant hero!

Shane Lee also took heroic action, this time to save a 6-year-old boy who had darted back to a stopped school bus last October and was laying down in the road in front of one of the bus's front tires. It was unclear what the child was doing, but Shane, who was in charge of rear patrol for the bus, suddenly saw the child's legs, ran to the front of the bus and pulled the little boy back over the curb just as the bus was starting to move forward. Needless to say, the bus driver was very startled to suddenly see two faces pop up on the side of the bus and quickly stopped.

It was a dark, rainy morning last October in Plant City, FL when Esther Daniel quickly recognized danger and raced to save a 5-year-old girl. The little girl, who had just left her bus, suddenly started crying. Thinking she had left her backpack on the bus, the little girl abruptly turned around and ran after the bus which by this time was about ready to turn back onto a main road. Thankfully, Esther chased the little girl and caught her and held her back just before the child reached the bus's rear wheel. Again thank goodness for clear-thinking safety patrol students!

I also want to take a moment to thank the American Automobile Association for honoring these outstanding safety patrol members.

In the 1920's AAA began organizing safety patrol programs whereby older students assist younger students with crossing streets to and from school. Today, more than 500,000 students across the country serve as AAA safety patrol volunteers and more than 50,000 schools have safety patrols.

AAA supplies training materials, belts, badges and other items needed to operate the safety patrol programs. Importantly, AAA promotes and recognizes patrol efforts each year through a series of awards, newsletters, summer camps, and scholarships.

On behalf of my colleagues, and parents all across the country, I want to thank AAA for its work in helping to keep our youngsters a little safer on their way to and from school.

I am very proud of Willy, Shane, and Esther and know their parents and communities are also very pleased that three young people

showed the courage necessary to save another's life. God bless each of you.

HONORING THE CHAPEL HILL VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Chapel Hill Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5397–S5460

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 1785–1788, and S. Res. 255. **Page S5443**

Measures Passed:

Honoring Admiral Jeremy M. Boorda: Senate agreed to S. Res. 255, to honor Admiral Jeremy M. ''Mike'' Boorda. **Pages S5410–12**

Hate Crimes Statistics Act: Senate passed S. 1624, to reauthorize the Hate Crime Statistics Act. **Pages S5458–59**

Coastal Zone Management Reauthorizations: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 1965, to reauthorize the Costal Zone Management Act of 1972, and the bill was then passed, clearing the measure for the President. **Pages S5459–60**

Congressional Budget: Senate continued consideration of S. Con. Res. 57, setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002, taking action on amendments proposed thereto, as follows: **Pages S5398–S5410, S5412–42**

Adopted:

Levin Amendment No. 4020, to express the sense of the Congress that amounts appropriated for the National Institutes of Health should be increased above its fiscal year 1996 appropriation for additional research into an anti-addiction drug to block the craving of illicit addictive substances. **Pages S5398–S5400**

Domenici (for Helms) Amendment No. 4021, to express the sense of the Senate regarding the extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986. **Pages S5400–01**

Domenici (for Bingaman) Amendment No. 4026, to express the sense of the Senate that the Economic Development Administration should place high priority on maintaining field-based economic development representatives. **Page S5439**

Pending:

Boxer Amendment No. 3982, to preserve, protect, and strengthen the Medicaid program by controlling costs, providing State flexibility, and restoring critical standards and protections, including coverage for all populations covered under current law, to restore $18 billion in excessive cuts, offset by corporate and business tax reforms, and to express the sense of the Senate regarding certain Medicaid reforms. **Page S5398**

Wyden/Kerry Amendment No. 3984, to express the sense of the Senate regarding revenue assumptions. **Page S5398**

Wellstone Amendment No. 3985, to express the sense of the Senate on tax deductibility of higher education tuition and student loan interest costs. **Pages S5413–14**

Wellstone/Kerry Amendment No. 3986, to express the sense of the Senate that funds will be available to hire new police officers under the Community Oriented Policing Service. **Pages S5413, S5428–30**

Wellstone Amendment No. 3987, to express the sense of the Senate that Congress will not enact or adopt any legislation that would increase the number of children who are hungry or homeless. **Page S5413**

Wellstone Amendment No. 3988, to express the sense of the Senate with respect to maintaining current expenditure levels for the Low Income Home Energy Assistance Program for fiscal year 1997. **Page S5398**

Wellstone Amendment No. 3989, to express the sense of the Senate with respect to the interrelationship between domestic violence and welfare. **Page S5413**

Kerry Amendment No. 3990, to restore proposed cuts in the environment and natural resources programs, to be offset by the extension of expired tax provisions or corporate and business tax reforms. **Page S5398**

Kerry Amendment No. 3991, to increase the Function 500 totals to maintain levels of education and training funding that will keep pace with rising school enrollments and the demand for a better-trained workforce, to be offset by the extension of expired tax provisions or corporate and business tax reforms. **Pages S5433–35**

Kyl Amendment No. 3995, to express the sense of the Senate regarding a supermajority requirement for raising taxes. **Page S5398**

Kyl Modified Amendment No. 3996, to providing funding for the Low Income Home Energy Assistance Program through fiscal year 2000. **Pages S5412–13**

Kennedy Amendment No. 3997, to express the sense of the Congress that the reconciliation bill should maintain the existing prohibition against additional charges by providers under the Medicare program. **Page S5398**

Kennedy Amendment No. 3998, to express the sense of the Congress that the reconciliation bill should not include any changes in Federal nursing home quality standards or the Federal enforcement of such standards. **Page S5398**

Kennedy Amendment No. 3999, to express the sense of the Congress that provisions of current Medicaid law protecting families of nursing home residents from experiencing financial ruin as the price of needed care for their loved ones should be retained. **Page S5398**

Kennedy Amendment No. 4000, to express the sense of the Senate relating to the protection of the wages of construction workers. **Page S5398**

Byrd Amendment No. 4001, to increase overall discretionary spending to the levels proposed by the President, offset by the extension of expired tax provisions or corporate and business tax reforms. **Page S5398**

Lott/Smith Modified Amendment No. 4002, to express the sense of the Congress regarding reimbursement of the United States for the costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum originating from Iraq. **Pages S5439–40**

Simpson/Moynihan Amendment No. 4003, to express the sense of the Senate that all Federal spending and revenues which are indexed for inflation should be calibrated by the most accurate inflation indices which are available to the Federal government. **Page S5398**

Graham Amendment No. 4007, to create a 60 vote point of order against legislation diverting savings achieved through Medicare waste, fraud and abuse enforcement activities for purposes other than improving the solvency of the Medicare Federal Hospital Insurance Trust Fund. **Page S5428**

Ashcroft Modified Amendment No. 4008, to provide for an income tax deduction for the old age, survivors, and disability insurance taxes paid by employees and self-employed individuals. **Page S5398**

Gramm Amendment No. 4009, to express the sense of the Congress that the 1993 income tax increase on Social Security benefits should be repealed. **Page S5398**

Brown Amendment No. 4010, to express the sense of the Senate that there should be a cap on the application of the civilian and military retirement COLA. **Page S5398**

Harkin Amendment No. 4011, to provide that the first reconciliation bill not include Medicaid reform, focusing mainly on Welfare reform by shifting Medicaid changes from the first to the second reconciliation bill. **Page S5398**

Harkin (for Specter) Amendment No. 4012, to restore funding for education, training, and health programs to a Congressional Budget Office freeze level for fiscal year 1997 through an across the board reduction in federal administrative costs. **Pages S5420–21, S5440–41**

Bumpers Amendment No. 4013, to establish that no amounts realized from sales of assets shall be scored with respect to the level of budget authority, outlays, or revenues. **Page S5398**

Bumpers Amendment No. 4014, to eliminate the defense firewalls. **Page S5398**

Thompson Amendment No. 3981, to express the sense of the Senate on the funding levels for the Presidential Election Campaign Fund. **Page S5398**

Murkowski Amendment No. 4015, to prohibit sense of the Senate amendments from being offered to the budget resolution. **Page S5398**

Simpson (for Kerrey) Amendment No. 4016, to express the sense of the Senate on long term entitlement reforms. **Page S5398**

Snowe Amendment No. 4017, to express the sense of the Senate that the aggregates and functional levels included in the budget resolution assume that savings in student loans can be achieved without any program change that would increase costs to students and parents or decrease accessibility to student loans. **Page S5398**

Chafee/Breaux Amendment No. 4018, in the nature of a substitute. **Pages S5399–S5410**

Domenici (for Dole/Hatch/Helms) Amendment No. 4019, to express the sense of the Senate that the Attorney General should investigate the practice regarding the prosecution of drug smugglers. **Page S5398**

Feingold Amendment No. 3969, to eliminate the tax cut. **Page S5398**

Domenici (for McCain) Amendment No. 4022, to express the sense of the Senate regarding Spectrum auctions and their effect on the integrity of the budget process. **Page S5424**

Domenici (for Faircloth) Amendment No. 4023, to express the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation. **Pages S5424–25**

Domenici (for Faircloth) Amendment No. 4024, to express the sense of the Senate regarding reduction of the national debt. **Page S5425**

Exon (for Roth) Amendment No. 4025, to express the sense of the Senate regarding the funding of Amtrak. **Pages S5431–33**

Domenici Amendment No. 4027 (to Amendment No. 4012), to adjust the fiscal year 1997 non-defense discretionary allocation to the Appropriations Committee by $5 billion in budget authority and $4 billion in outlays to sustain 1996 post-OCRA policy. **Pages S5440–41**

During consideration of this measure today, Senate also took the following action:

A point of order was not sustained that the pending concurrent resolution, as drafted, did not constitute a ''budget resolution'' and was therefore not in order. **Pages S5415–28, S5430–31, S5435**

Senate will continue consideration of the resolution on Wednesday, May 22, 1996, with votes on the pending amendments to occur thereon.

Nominations Confirmed: Senate confirmed the following nominations:

23 Army nominations in the rank of general. **Pages S5457–58, S5460**

Communications: **Page S5443**

Executive Reports of Committees: **Page S5443**

Statements on Introduced Bills: **Pages S5443–49**

Additional Cosponsors: **Page S5449**

Amendments Submitted: **Pages S5449–52**

Notices of Hearings: **Page S5452**

Authority for Committees: **Page S5452**

Additional Statements: **Pages S5452–56**

Adjournment: Senate convened at 9 a.m., and adjourned at 6:21 p.m., until 9:15 a.m., on Wednesday, May 22, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5460.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the nominations of Brooksley Elizabeth Born, of the District of Columbia, to be Chairman, and David D. Spears, of Kansas, to be a Commissioner, both of the Commodity Futures Trading Commission, after the nominees testified and answered questions in their own behalf. Mr. Spears was introduced by Senator Dole and Representative Roberts.

APPROPRIATIONS—FOREIGN ASSISTANCE

Committee on Appropriations: Subcommittee on Foreign Operations held hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs, focusing on international financial institutions, receiving testimony from Robert E. Rubin, Secretary of the Treasury.

Subcommittee will meet again on Thursday, May 23.

ROLE OF ABA IN JUDICIAL SELECTION

Committee on the Judiciary: Committee concluded hearings to examine the role of the American Bar Association in the selection of Federal judges, after receiving testimony from Richard Thornburgh, former Attorney General of the United States; Judge Diarmuid F. O'Scannlain, United States Court of Appeals for the Ninth Circuit, Portland, Oregon; Judge John M. Walker, Jr., United States Court of Appeals for the Second Circuit, New York, New York; Daniel E. Troy, Wiley, Rein & Fielding, Washington, D.C.; Nancy L. Iredale, Paul, Hastings, Janofsky & Walker, Los Angeles, California; Daniel J. Meador, University of Virginia, Charlottesville, on behalf of the Miller Center Commission; and Roberta Cooper Ramo, Albuquerque, New Mexico, N. Lee Cooper, Birmingham, Alabama, and William E. Willis, Sullivan & Cromwell, New York, New York, all on behalf of the American Bar Association.

VOLUNTARY ENVIRONMENTAL AUDITS

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings on S. 582, to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal

judicial or administrative proceeding, after receiving testimony from Senators Hatfield and Brown; Steven A. Herman, Assistant Administrator, Office of Enforcement and Compliance Assurance, Environmental Protection Agency; Veronica Coleman, United States Attorney for the Western District of Tennessee, Memphis; Colorado State Senator Don Ament, on behalf of the American Legislative Exchange Council, and Patricia Bangert, Colorado Department of Law, both of Denver; Tom Gehl, Kohler Company, Kohler, Wisconsin; John Riley, Texas Natural Resource Conservation Commission, Austin; Victor S. Johnson, Judicial District of Tennessee, Nashville, on behalf of the National District Attorney's Association; Jerry O. Richartz, Oregon Steel Mills, Inc., Portland; and Mark Woodall, Sierra Club, Woodland, Georgia.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Committee on Labor and Human Resources: Committee concluded oversight hearings on activities of the Corporation for National and Community Service, after receiving testimony from former Senator Wofford, Chief Executive Officer, and Luise S. Jordan, Inspector General, both of the Corporation for National and Community Service; Lynn Thornton, Georgia Commission for National and Community Service, Atlanta; Michelle Engler, Michigan Community Service Commission, Lansing; Larry W. Albert, Arthur Andersen and Company, Washington, D.C.; Stephen M. Johnson, AmeriCares, New Canaan, Connecticut; Doug Bandow, Cato Institute, Springfield, Virginia; and Rev. Timothy R. Scully, University of Notre Dame, South Bend, Indiana, on behalf of the Alliance for Catholic Education.

IRANIAN ARMS SHIPMENTS TO BOSNIA

Select Committee on Intelligence: Committee held hearings to examine United States policy with regard to Iranian and other arms transfers to Bosnia, receiving testimony from Richard Holbrooke, former Assistant Secretary of State.

Hearings will continue on Thursday, May 23.

House of Representatives

Chamber Action

Bills Introduced: 7 public bills, H.R. 3495–3501; and 1 private bill, H.R. 3502, were introduced. **Page H5379**

Reports Filed: Reports were filed as follows:

H.R. 3134, to designate the United States courthouse under construction at 1030 Southwest 3rd Avenue, Portland, Oregon, as the "Mark O. Hatfield United States Courthouse" (H. Rept. 104–587);

H.R. 3029, to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse" (H. Rept. 104–588);

H. Con. Res. 153, authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby (H. Rept. 104–589); and

H. Res. 440, providing for consideration of H.R. 3448 to provide tax relief for small businesses, to protect jobs, to create opportunities, and to increase the take home pay of workers, and for consideration of H.R. 1227 to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles (H. Rept. 104–590). **Pages H5378–79**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Cox to act as Speaker pro tempore for today. **Page H5301**

Recess: The House recessed at 1:25 p.m. and reconvened at 2:00 p.m. **Page H5307**

Private Calendar: On the call of the Private Calendar, the House sent to the Senate without amendment: H.R. 1009, and H.R. 2765. **Page H5308**

Suspensions: House voted to suspend the rules and pass the following measures:

Veterans Benefits Decisions: H.R. 1483, to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error; **Pages H5311–13**

Veterans Benefits Programs: H.R. 3373, to amend title 38, United States Code and to improve certain veterans' benefits programs; **Pages H5313–15**

Presidential Democratic Election in Taiwan: H. Con. Res. 154, amended, to congratulate the Republic of China on Taiwan on the occasion of its first Presidential democratic election. Agreed to amend the title; **Pages H5316–18**

Democratic Elections in Sierra Leone: H. Con. Res. 160, congratulating the people of the Republic

of Sierra Leone on the success of their recent democratic multiparty elections; **Pages H5318–21**

Anniversary of Poland's First Constitution: H. Con. Res. 165, saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution; and **Pages H5321–23**

Chornobyl Nuclear Disaster Anniversary: H. Con. Res. 167, recognizing the tenth anniversary of the Chornobyl nuclear disaster, and supporting the closing of the Chornobyl nuclear power plant (agreed to by a yea-and-nay vote of 404 yeas, Roll No. 183). **Pages H5323–26, H5356–57**

Motor Fuels Excise Tax Rates: By a yea-and-nay vote of 301 yeas to 108 nays, Roll No. 182, the House passed H.R. 3415, to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury. **Pages H5337–52, H5355–56**

Rejected the Rangel motion that sought to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith containing an amendment that strikes all after the enacting clause and inserts a new text (rejected by a yea-and-nay vote of 183 yeas to 225 nays, Roll No. 181). **Pages H5352–55**

Agreed to the amendment made in order by the rule. **Page H5337**

H. Res. 436, the rule under which the bill was considered was agreed to by a voice vote. Earlier, agreed to order the previous question by a yea-and-nay vote of 221 yeas to 181 nays, Roll No. 180. **Pages H5326–37**

Intelligence Authorization: House agreed to H. Res. 437, providing for the consideration of H.R. 3259, to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. **Pages H5357–60**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H5380–81.

Senate Messages: Messages received from the Senate today appear on page H5301.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of the House today and appear on pages H5336–37, H5355, H5355–56, and H5356–57.

There were no quorum calls.

Adjournment: Met at 12:30 p.m. and adjourned at 10:05 p.m.

Committee Meetings

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction approved for full Committee action the Military Construction appropriations for fiscal year 1997.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security met in executive session to begin markup of the defense appropriations for fiscal year 1997.

Will continue tomorrow.

AID WHISTLEBLOWER

Committee on International Relations: Held a hearing on AID Whistleblower. Testimony was heard from Paul Neifert, Foreign Service Officer, AID, U.S. International Development Cooperation Agency.

SOUTH—CHURCH FIRES

Committee on the Judiciary: Held an oversight hearing on Church fires in the South. Testimony was heard from Representative Payne of New Jersey; the following officials of the Department of Justice: Deval L. Patrick, Assistant Attorney General, Civil Rights Division; and Tron W. Brekke, Chief, Civil Rights Program, FBI; the following officials of the Department of the Treasury: John W. Magaw, Director, Bureau of Alcohol, Tobacco and Firearms; and James E. Johnson, Assistant Secretary, Enforcement; and public witnesses.

OVERSIGHT—ECOREGION-BASED ASSESSMENTS

Committee on Resources: Subcommittee on National Parks, Forests and Lands held an oversight hearing on several ecoregion-based assessments currently being conducted by the U.S. Forest Service. Testimony was heard from Representative Herger; David Unger, Associate Chief, Forest Service, USDA; and public witnesses.

OVERSIGHT

Committee on Resources: Subcommittee on Water and Power Resources held an oversight hearing on Bonneville Power Administration operations and status of the Comprehensive Review of the Northwest Energy System. Testimony was heard from Jack Robertson, Deputy Chief Executive Officer, Bonneville Power Administration, Department of Energy; and public witnesses.

SMALL BUSINESS JOB PROTECTION ACT; PORTAL-TO-PORTAL ACT AMENDMENTS

Committee on Rules: granted, by voice vote, a modified closed rule providing for consideration in the House of H.R. 3448, Small Business Job Protection Act of 1996, without the intervention of a point of order except those arising under sec. 425(a) of the Congressional Budget Act of 1974 (prohibiting unfunded mandates). The rule provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means shall be considered as read and all points of order are waived against said substitute except those arising under sec. 425(a) of the Congressional Budget Act of 1974.

The rule provides that the bill and committee amendment shall be debatable for one hour, divided between the chairman and ranking minority member of the Committee on Ways and Means. The previous question is considered as ordered on the bill and the committee amendment to final passage without intervening motion except one motion to recommit, with or without instructions. The rule further provides that the provisions of clause 5(c) of rule XXI (requiring a three-fifths vote on bills, amendments, and conference reports containing income tax rate increases) shall not apply to the bill, amendments thereto, or conference reports thereon.

After the disposition of H.R. 3448, it shall be in order to consider in the House, H.R. 1227, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer-owned vehicles, without intervening point of order except those arising under sec. 425(a) of the Congressional Budget Act of 1974 (prohibiting unfunded mandates). The rule provides that the amendment in the nature of a substitute recommended by the Committee on Economic and Educational Opportunities, as modified by the amendment printed in section 3 of the rule adding a short title, is considered as adopted.

The previous question is ordered without intervening motion except: (1) ninety minutes of debate divided between the chairman and ranking minority member of the Committee on Economic and Educational Opportunities; (2) an amendment printed in part 1 of the report of the Committee on Rules if offered by Representative Riggs of California or his designee, debatable for ninety minutes; (3) an amendment printed in part 2 of the report of the Committee on Rules if offered by Representative Goodling of Pennsylvania or his designee, debatable for one hour and subject to a division of the question between subsection 3(d) (small business exemption) and the remainder of the amendment; and (4) one motion to recommit, with or without instructions.

The rule provides that each amendment made in order is considered as read, is not subject to amendment or point of order, except those arising under sec. 425(a) of the Congressional Budget Act of 1974. The rule provides that in the engrossment of H.R. 3448, the Clerk shall await the disposition of H.R. 1227 and shall add the text of H.R. 1227 as passed by the House. Finally, the rule provides that upon the addition of the text of H.R. 1227 to the engrossment of H.R. 3448, H.R. 1227 shall be laid on the table. Testimony was heard from Chairman Goodling and the following Representatives: Fawell, Hutchinson, Lightfoot, Dickey, Campbell, Quinn, Shays, English of Pennsylvania, Shaw, Clay, Rangel and Neal of Massachusetts.

Joint Meetings

WORKFORCE DEVELOPMENT ACT

Conferees met to resolve the differences between the Senate-and House-passed versions of H.R. 1617, to consolidate Federal employment training, vocational education, and adult education programs and create integrated statewide workforce development systems, but did not complete action thereon, and will meet again on Thursday, May 23.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *p. D465)*

S. 641, to reauthorize the Ryan White CARE Act of 1990. Signed May 20, 1996. (P.L. 104–146)

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 22, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs, to hold hearings on S. 1511, to impose sanctions on Burma, 8:30 a.m., SD–538.

Committee on Governmental Affairs, Permanent Subcommittee on Investigations, to hold hearings to examine security in cyberspace, 8:30 a.m., SD–342.

Committee on Small Business, business meeting, to mark up proposed legislation to strengthen, expand, and improve the Small Business Investment Company program, and to consider the nomination of Ginger Ehn Lew, of California, to be Deputy Administrator of the Small Business Administration, time to be announced, SR–428A.

House

Committee on Agriculture, Subcommittee on Livestock, Dairy and Produce, hearing on seafood inspection programs, 9 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Foreign Operations, Export Financing and Related Programs, to markup appropriations for fiscal year 1997, 4 p.m., H–144 Capitol.

Subcommittee on National Security, executive, to continue markup of the Defense appropriations for fiscal year 1997, 9:30 a.m., H–140 Capitol.

Committee on Commerce, Subcommittee on Commerce, Trade, and Hazardous Materials, hearing and markup of H.R. 3431, Armored Car Industry Reciprocity Improvement Act of 1996, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on the District of Columbia, hearing on Conditions within the District of Columbia Department of Corrections, 2:30 p.m., 311 Cannon.

Subcommittee on Government Management, Information and Technology, hearing on the following: Electronic Reporting Streamlining Act of 1996; and H.R. 3189, to delay the privatization of the Office of Federal Investigations of the Office of Personnel Management in order to allow sufficient time for a thorough review to be conducted as to the feasibility and desirability of any such privatization, 2 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on Current Human Rights Situation in Africa, 2 p.m., 2255 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on Forced Migration in the Newly Independent States of the former Soviet Union, 2 p.m., 2172 Rayburn.

Committee on National Security, Special Oversight Panel on the Merchant Marine, hearing on H.R. 2754, Shipbuilding Trade Agreement Act, 10 a.m., 2118 Rayburn.

Committee on Veterans' Affairs, Subcommittee on compensation, Pension, Insurance and Memorial Affairs, to markup the following bills: H.R. 3458, Veterans' Compensation Cost-of-Living Adjustment Act of 1996; H.R. 2513, to amend title 38, United States Code, to expand eligibility for burial benefits to include certain veterans who die in State nursing homes; H.R. 3493, to amend title 38, United States Code, to authorize the provision of funds in order to provide financial assistance by grant or contract to legal assistance entities for representation of financially needy veterans in connection with proceedings before the United States Court of Veterans Appeals; and H.R. 3495, to extend the time for the submission of the final report of the Veterans' Claims Adjudication Commission, 10:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on welfare reform, 10:30 a.m., 1100 Longworth.

Subcommittee on Trade, hearing on H.R. 3107, Iran Oil Sanctions Act of 1996, 2 p.m., 1100 Longworth.

Next Meeting of the SENATE

9:15 a.m., Wednesday, May 22

Senate Chamber

Program for Wednesday: Senate will resume consideration of S. Con. Res. 57, setting forth the congressional budget.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 22

House Chamber

Program for Wednesday: Consideration of H.R. 3259, Intelligence Authorization Act for Fiscal Year 1997 (modified open rule, 1 hour of general debate);

Consideration of H.R. 3448, the Small Business Job Protection Act (modified closed rule, 1 hour of general debate); and

Consideration of H.R. 1227, Employee Commuting Flexibility Act (modified closed rule, 90 minutes of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Baesler, Scotty, Ky., E853
Brown, George E., Jr., Calif., E852
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