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Senate

(Legislative day of Thursday, March 16, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be delivered by our former beloved Chaplain.

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember Chick Reynolds, from our official reporters office, who is very ill.

God is our refuge and strength, a very present help in trouble.—Psalm 46:1.

Loving Father, this a place of great power, and powerful people often suffer in silence. They grieve alone, weep alone, confront personal inadequacy alone. Our culture does not permit people of power to admit weakness or vulnerability. We pray for those who may be hurting. Where there is alienation, bring reconciliation; where there is illness, bring healing; if there be a child in trouble, restore that one to the family; where there is financial difficulty, provide out of Thy boundless resources; where there is grief, give comfort.

Dear God, give us grace to be kind to one another. Help us to be sensitive and caring. Let Thy love be shed abroad and Thy peace rule in our hearts. In the name of Him who was love incarnate. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, this morning, the leader time has been reserved and the Senate will immediately resume consideration of S. 4, the line-item veto bill. In accordance with the consent agreement reached last night, the cloture vote on the majority leader's substitute amendment to S. 4 will occur at 6 p.m. this evening. All Senators should be aware that there are several pending amendments to the substitute. Therefore, rollcall votes may occur throughout the day today.

Also, the majority leader has indicated that a late night session can be expected in order to complete action on the line-item veto bill this week.

LINE-ITEM VETO

Mr. THOMAS. Mr. President, under the order, the freshmen have an hour reserved this morning to talk about the line-item veto. I am happy to join in that.

The first to present views will be the president of the class, the Senator from Oklahoma.

I yield him as much time as he may consume.

Mr. INHOFE. I thank the Senator from Wyoming for yielding this time on this very significant subject.

The PRESIDENT pro tempore. The distinguished Senator from Oklahoma is recognized.

Mr. INHOFE. Thank you, Mr. President.

Mr. President, I have been listening attentively to the discussion that has been taking place in the Chamber on the line-item veto. I think there may be some misconceptions floating around as to who really wants a line-item veto and how much they want it, and who perhaps does not want it.

I have heard over and over again, as I was sitting in the chair where the President pro tempore is presiding, Senators standing up and saying, ''Our President, President Clinton, wants the line-item veto. We need to give it to him so he will have the ability to veto those items and spending bills that are out of line.''

I suggest that, even though the President has made the statement, ''I want a strong line-item veto bill and I want it very soon,'' that that is the same thing he said about a balanced budget amendment to the Constitution. And we were to find out later that he was the one who led the opposition to the balanced budget amendment on the telephone, lobbying those Democrats who had previously committed themselves to a balanced budget amendment. I suggest this may even be happening today.

The reason I say that, Mr. President, is not to make an attack on President Clinton or to question anything that he has said. But the idea of the President having the ability to use this new device, a line-item veto, to take top spending things, pork items, out of a bill does not seem to make any sense to me.

If you look back to 1993, when President Clinton came up with his budget and tax hike, it was characterized by many people, including PATRICK MOYNIHAN, as the largest tax increase in the history of public finance or anyplace in the world. It was a $267 billion tax increase, with all kinds of spending increases. The taxes went back retroactively to January of 1993, and that is the first time I can remember that happening. It increased the top rate to 36 percent. Then it went in and started taxing Social Security recipients.

Now, this was kind of interesting because in arguing against the balanced budget amendment, they were trying to use Social Security as the argument against the balanced budget amendment when in fact this President in 1993 increased dramatically the taxes on Americans' Social Security. Of course, it was not a good argument anyway, because if we do not do something to get the budget under control,

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

whether we use the balanced budget amendment or line-item veto or anything else, there will not be anything left in Social Security anyway in another 15 years.

In that same bill, he increased the taxes on gasoline by 4.3 percent. He increased the corporate rate up to 36 percent. And in spite of all the increases in taxes, 267 billion dollars' worth, it would increase the debt by $1.4 trillion over a 5-year period.

My question would be: Would he have line-item vetoed any of those items? No, because this was his bill.

Then he came out with the stimulus plan. This was a $16.3 billion increase in spending, with all kinds of pork. I was very happy that a filibuster, led by Senator DOLE, was successful in giving him his first defeat.

But if you look at what he tried to pass—a $1 billion summer jobs program; $1.1 billion for a variety of items, such as AIDS and food distribution; a $1.2 billion subsidy to Amtrak and to subways and light rail packages that are located in the districts of certain friendly people, I suspect; a $2.5 billion pork-barrel bunch of items—swimming pools, parking lots, ice rink warming huts, an Alpine ski lift, and other pork-barrel projects.

Now, the question is, if this had passed and he had the ability to use a line-item veto, would he have done it? No. The answer is a resounding no, because this is what he was promoting.

So, I think that we need to look at this in a little different context, and that is, we are going to have one of two different kinds of Presidents of the United States. Either we are going to have one like President Clinton, who is the biggest tax-and-spend President in contemporary history, or in a couple of years, when this agony is over, we are going to have a conservative President.

Now, regardless of whether we have a Democrat or Republican, or a conservative or liberal, a line-item veto is very helpful to us. Because if it is a liberal President who is for taxing and spending, such as our current President, then this takes away his excuse for signing big spending bills.

What have we seen historically in this country? We have seen bills coming in with 25, 30, or 50 items unrelated to each other, all this pork, such as that which was included in his stimulus bill, and he says—

> I have to sign it, because if I do not, we will not get the veterans' cost-of-living adjustments or we will not get a Social Security adjustment, or something that people want, and that is good and is consistent with the philosophy and the desires of a majority serving in both bodies.

So this would take away the ability of someone who is trying to use that for an excuse to pass pork-barrel legislation so that he could not do it, and would make him accountable.

Let us say we have a conservative President. It would work equally well there, because a conservative President could go through and he could line out this pork stuff and could send it back for an override.

I will conclude by saying that we often overlook the real reason for a line-item veto. It is not that it is going to be the cure-all. It is not going to balance the budget. It is not going to do all these things.

It is a vehicle to be helpful. However, what it does do is make the President and the House and the Senate accountable. If we have a liberal President or a conservative President, that President will have to be accountable for his acts, because with this ability to line out items and veto specific items, a President can no longer say that he has to do it.

Then the glorious thing about it is it goes to the House or the Senate and there is a veto attempt to override, and that way we have to go on record—Members of the House, Members of the Senate, and the President.

None of those now have to be accountable to the people back home. I have often said, none of this silliness, the foolishness that goes on in Washington would happen if people were held accountable for their acts. That is exactly what the line-item veto would do. So regardless of what kind of President we have, regardless of the philosophy of Congress, a line-item veto does make Congress accountable. And that serves the American people best.

I yield the floor.

Mr. THOMAS. Mr. President, let me simply say I endorse this notion of accountability. If there is anything that is necessary in this Government and something that this bill will help to do, it is accountability.

I yield now to the Senator from Pennsylvania for as much time as he may consume.

Mr. SANTORUM. I thank the Senator from Wyoming, and I appreciate the indulgence of my friend, Senator GRAMS, from Minnesota, who has let me jump ahead to speak.

I have just two major points to make here this morning. One of the reasons I wanted to come down here, one of the reasons the freshmen were so excited about talking about this line-item veto bill, because this is actually a bill where the Senate version of the Contract With America bill is actually stronger than the House version. The Senate bill is actually a tougher bill, is actually a bill that goes after more spending, that provides more power, in fact, to the President, to keep Congress in check here of providing pork or other kinds of preferential treatment to selected individuals or institutions in this country.

That is an exciting thing to stand here on the Senate floor and argue for. I am very pleased with the work that was done by the folks here, Senator DOMENICI, Senator MCCAIN, Senator COATS, and Senator STEVENS, in putting this bill together. It is a stronger bill.

It does not just go after appropriations or annual appropriations, which all the traditional line-item veto bills have done. But it goes after what are called tax expenditures, or tax provisions that are targeted at specific individuals or specific companies. It does not go after tax cuts. It allows tax cuts to go into place without threat of Presidential lining out, but it does go after sort of those favored treatment things, those little goodies that have slipped into tax bills that heretofore have never been included in any line-item veto proposal.

It goes after entitlement spending. New entitlement spending is now separated out so we can have an opportunity to go after that which has never before been done. This is a much better bill, one that I think everyone can be supportive of, and I think we will get strong support.

My final comment is I just hope that this institution does not disintegrate, as it did on the balanced budget amendment, into playing partisan politics on things that people in the past have agreed to. I have a list of Members on the Democratic side of the aisle who, in the last 4 or 5 years, have voted consistently in many cases for line-item veto bills, for bills similar to this one—like the Bradley bill a few years ago, which got, I think, 16 Democratic supporters.

This is a bill that should and was drafted to attract bipartisan support. If this bill does not succeed on cloture today—if we have a cloture vote today, which I anticipate, I guess we will—if it does not succeed, it is not because the other side does not agree with what we are doing. It is because the other side does not agree to do anything and they want to play partisan politics and put partisanship above policy and the better future for our children and for this country.

Mr. THOMAS. Mr. President, I would just like to say briefly, I think it is significant that the freshmen have joined together in the Senate to come to speak again on this issue. Most have indicated our support. I think this is a demonstration of those who are newly elected who are taking a look, first, at what the voters said in November; and second, are not encumbered by the debates that have gone on here before, but rather are interested in making some changes in process so that there can be changes in results.

I now yield 10 minutes to the Senator from Minnesota.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I want to take a few moments during this very important debate over the line-item veto to remind my colleagues here in the Senate of the revolution that is taking place next door.

In the House Chamber, our colleagues are making history. They are throwing out 40 years of bloated, irresponsible government and replacing it with new

ideas, a new spirit, a new partnership with the American people.

They have passed the balanced budget amendment in the House. They have passed regulatory relief and legal reform. They have voted to strengthen our national defense, to crack down on crime, and to rein in Government spending.

In fact, so far, they have passed every piece of legislation they promised to pass in the Contract With America. At the breakneck pace the House is keeping, our colleagues there will meet their self-imposed 100-day deadline and still have a week to spare.

People back home ask me what it is like to be part of this revolution. I say, ''I don't know, because I am in the Senate.'' The House is passing history, and too often all we seem to be passing is time.

We would like to tell ourselves we are the more deliberative body, that here in the Senate, passion is tempered by prudence. Nobody is going to ride roughshod over the Senate, we boast. But not meeting our responsibilities is not a new definition of being deliberative. Maybe what we are doing is exactly what our Founding Fathers intended Congress to do. But maybe, though, some just did not hear the message in November, when Americans took the promises of the Contract With America with them to the polls, and there they cast their ballots for change.

''But I did not sign any contracts. I haven't even read it,'' I heard some of my Senate colleagues protest. Maybe not. But he might just as well have, Mr. President, because when the American people think about the U.S. Congress, there is no thick, black curtain separating the House from the Senate. They just see Congress, and it is Congress as a whole—not just the House of Representatives, not just House Republicans—that will be held to the promises in the contract.

Of course, if the American people seem a little suspicious when it comes to our promises, well, maybe they have a right to be. We have already let them down once this year. The first plank in the contract, the Fiscal Responsibility Act, calls for a balanced budget amendment to the Constitution. The House passed it, but the Senate voted it down. Even though 85 percent of the American people said they wanted it, and said our financial future may depend on it, we voted it down.

The voters have a right to be furious. They thought we had promised a balanced budget amendment. Now, how can we possibly explain that it was really the House, not the Senate, without sounding a lot like political trickery?

Try to explain that Congress as a whole does not have to balance its budget, that somehow Congress is special, or it can act irresponsibly and it does not affect the taxpayers of this country.

The Fiscal Responsibility Act now also calls for a line-item veto. Again, a vast majority of Americans, 64 percent of them, consider the passage of a line-item veto as a high or a top priority. It is one of the bold print provisions of the Contract With America—a nonretractable promise—and it, too, has already passed in the House. But like the balanced budget amendment, it may also face trouble here in the Senate.

Now, Mr. President, whether they like it or not, Senate Republicans are tied to the legislative coattails of the Contract With America right alongside our House colleagues, because it is what Americans want Congress to do.

Senate Democrats will be held accountable as well, because for the most part, the American people do not care whether a certain piece of legislation is a Republican bill or whether it is a Democratic bill. They care about legislation that is going to help their families and protect the future for their children and their grandchildren.

Now, the line-item veto is one of those bills, a bill that is not about politics, a bill that is simply about doing the right thing. If we do our job right, young people will someday hear stories about how the revolution of November 8, 1994, transformed the Nation. Old timers will look back to this Congress and wonder at the courage that it took to effect such a tremendous change. Or maybe the 104th Congress will go down in history as one-termers who promised change but failed to deliver.

If the line-item veto and the $500 per child tax credit go the way of the balanced budget amendment, you can guess what the history books will be saying about us.

Mr. President, this is your contract, this is my contract, this is America's contract, and whether my Senate colleagues signed it or not, this is their contract, too.

Mr. President, I yield back the remainder of my time.

Mr. THOMAS. Mr. President, I now yield 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, the tree of liberty is nourished by elections, which water and grow the process of good government. Last November, we got a real shower. The people of the United States of America said that they wanted us to change the way we do business in Washington, DC. They wanted us to live by the laws that we established for others, and so we provide for congressional accountability. They wanted us to stop telling State governments and city councils how to spend their money. Soon, S. 1 will be signed into law by the President. But there is another very important aspect of what the people told us. They said they wanted us to live within our means, like every household must live within its means.

Last month, we failed to pass the balanced budget amendment. It was a tragedy, but that was the loss of a battle, not the war. Now, the American people are waiting—and the world community is waiting—to see whether or not we, as a government, will live within our means, as well as embrace the kind of tools which will allow us to get the job done.

Every kitchen table in America has a line-item veto, Mr. President. We sit down with the resources we have and we look at the list of things we would like to buy, and we scratch off the things we can't afford. That is the line-item veto. It is that simple.

It means nothing more than saying that we will not spend money we do not have, and we will mark through things which we cannot afford. Unfortunately, the U.S. Congress has never seen it that way. We send the President a great big wish list and indicate that he has to either throw away the entire list or else sign it into law. Ridiculous. Few Americans would approach the kitchen table and say, ''If we can't have the frills, we don't want the food.'' We all know that there are things, both good and bad, that we can't always afford.

So it is important for us to respond to the voters' desire to change the way Washington works. The American people have spoken. They have spoken clearly. It is time now for us to act.

Now, there are a variety of voices being raised against the line-item veto. While these voices are loud, they are also misleading. They have been saying that if we have the line-item veto or the balanced budget amendment, we will hurt Social Security.

Mr. President, the biggest threat to Social Security is a Nation which does not have the fiscal and financial integrity to address and deal with its national debt. When we force the President to have an all-or-nothing approach to the budgets we forward, we increase the likelihood of fiscal mismanagement.

This has several negative effects. First, it increases the interest that we pay to service the debt. A 1-percent rise in interest rates on the national debt costs us $35 billion a year. Second, it decreases confidence in the dollar. We saw what happened when we failed to pass the balanced budget amendment. When people are insecure about America's economy and about our fiscal discipline, they are less likely to finance our debt. In the end, it is our inability to meet these fiscal obligations that is the single greatest threat to Social Security.

Another argument against the line-item veto, Mr. President, is that it would impair the rights of children; that somehow, if we have fiscal integrity and financial management, we will hurt our children. The truth of the matter is that we are spending the yet unearned wages of the next generation today. We are destroying their future.

We are eroding the financial foundation of the country that they will ultimately lead. We are mortgaging their future, and it is wrong. We need a strong country that will provide a foundation and framework in which those children can be prosperous. The line-item veto would help do just that.

Mr. President, others have argued that we are eroding the Constitution. I, however, would argue that the Constitution came into existence as a protest against the improper taxation of Americans without representation. If we do not control spending, we are taxing the next generation. If we have a balanced budget and if we move toward it with a line-item veto, we are acting in a way that is entirely consistent with the actions and the intent of the Framers.

This is the U.S. Senate. It is not a packing house. This debate is not about the Constitution, it is a debate about whether we are a packing house, or a place of public policy.

So, we must recognize the voice of the people in their call for change. We must provide the President an opportunity to knock out inappropriate spending without vetoing an entire bill. We must protect Social Security with financial integrity. We must protect our children by not mortgaging their future. We must protect the idea of the Constitution by not taxing the next generation without representation. We must eliminate pork. We must, in the end, serve all the people.

Thank you, Mr. President.

Mr. THOMAS. Mr. President, I now yield to the Senator from Ohio for 10 minutes.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today to offer my strong support for the legislative line-item veto. The line-item veto will be a very effective tool in helping this country achieve a balanced budget.

Let us be clear, though, Mr. President. This is not some sort of magic potion that is going to solve all of our problems. We are going to be faced with very, very difficult choices that we as Members of the Senate and House will have to make in the upcoming months in regard to our budget. But while it is not a magic potion or magic wand, it is a reasonable, rational tool, a tool that will help us achieve this very important fiscal goal. This legislation will give the President the power most Governors already have, the power to cut wasteful spending items and special tax breaks out of the budget.

I believe, though, that this power which most Governors have today and which I hope the President will have after we pass this bill is valuable not because of what the Chief Executive actually vetoes. Rather, the true importance of the line-item veto lies in its value as a deterrent. I believe the passage of this bill will change the climate in which Congress operates just as it has affected the climate in which most of our State legislators operate.

Think of all the wasteful taxing and spending provisions that will never be included in legislation, never be included simply because Congress knows that the provision will not stand up to public scrutiny, will not stand up to scrutiny in the light of day.

This I believe is the real value of the line-item veto at the State level, and it would be equally valuable at the Federal level.

Talk to the Governors. My colleague from Missouri, who just sat down, was a Governor, and he outlined for us several days ago some of the provisions that he had to veto as a Governor and why he made those decisions and how he felt that was an effective tool. Governors I have talked to say the same thing.

When you really pin the Governors down, what they will tell you usually—it is what Governor Voinovich has told me—is that the value of the line-item veto is not so much in what they do veto but, rather, in the fact that the legislature does not put certain items in the bill because they know the Governor has that veto, and so that is really the true value, it is the value of the deterrent.

Frankly, I do not expect to see a huge number of vetoed items when we pass this legislation. We may, but I do not think so. The very existence of the line-item veto will prevent these items from ever being included in these bills in the first place.

Mr. President, I know there are some of our colleagues who are concerned that any form of a line-item veto would effectively transfer power from this body and from the House to the executive branch, to the President. I understand those concerns. But I think if we look at this from a historical point of view, what we will really find is that the passage of this legislation is merely restoring the balance of power to where it was many, many years ago.

As a practical matter, I believe passage of this bill will return us to the situation that originally existed in Congress when Presidents in the early days of this country were presented with simpler and shorter bills. I believe the Framers of the Constitution had that in mind when they wrote the Constitution, and when the original provision about the veto was put into law.

Over the last several decades, the Federal legislative process has really gotten out of hand. For too long the process has been distorted and perverted by the practice of enacting huge omnibus bills which the President is forced to accept or reject in their entirety. This historic change I believe has been for the worse.

Appropriations bills, tax bills, entitlement bills, the passage of these bills is followed, many times within a week or two, by a story in the paper outlining all the hidden projects, all the hidden provisions that somehow were put in a bill at the last moment, maybe in a conference committee. If these special projects or special tax breaks had to stand alone in the clear light of day, they simply would not withstand public scrutiny and, quite frankly, would never be included at all.

The line-item veto will help take us back to the original legislative process, an original legislative process in which we can count on the President to represent the national interest in deciding on the value of legislation. Today the President is hindered in this important constitutional duty. He must either accept or reject outright these huge taxing and spending bills that contain literally thousands of separate line items. Some of the line items, Mr. President, are necessary. Some are desirable but not necessary. Some are questionable, and some are downright indefensible. Congress regularly says to the President take it or leave it. If you think the national interest requires the passage of some of what is in the bill, you have to sign all of the bill.

By now we are all familiar with thousands of examples of Federal spending items, special tax breaks that would never have been approved if those responsible for them were truly held accountable to the American people. The line-item veto is tailor-made to solve this problem. Eleven former Presidents have endorsed it. Forty-three of our Nation's Governors have it, and it works. In 1992, the Cato Institute surveyed current and former Governors, and 92 percent of them believed that the line-item veto would help restrain Federal spending.

I think they are right. That is why I will be voting for the legislative line-item veto.

Mr. President, I thank the Chair and I yield back the remainder of my time.

Mr. THOMAS. Mr. President, I yield myself as much time as I may consume.

I think it is interesting and important that the newer Members of the Senate have come here today to talk about the line-item veto. They have talked about accountability, accountability in Government. Nothing can be more important than that.

They have talked about change, change based on issues, not change based on partisan political things.

They talked as well about responsibility of the President to take a look at these items as they are returned from Congress. They talked about the fact that families do this every day. Families have to set priorities. Families have to go through their budget and say here are some things that are less important than others, we cannot afford them all, and we have to line-item veto.

They have talked about business as usual, which I guess is a reasonable thing and predictable thing for new Members of the Senate to talk about because they have not been a part of business as usual. Indeed, they came here—having talked about these issues at home, having talked about them

with the voters—with a dedication to change. They talked about items that appear in large budgets that are passed because they are in large budgets, that would not pass on their own merits, that would not even be considered if they were to stand alone.

So I think it is important that this point of view be stressed. I think it is important this group of Senators who come with a little different view of the world, perhaps, in terms of not having been here, express their views in these particular areas.

We have the Senator from Michigan, who will be here shortly.

This is one of the items that does speak to change, one of the items that we have been considering and we are hopeful there will be passage of this week. We are hopeful that some accommodation will be made.

Let me talk a little bit, however, about the broader context, it seems to me, that line-item veto fits into. We have talked about it for a week. I suspect we will talk about it for much of this week. It has been talked about last year. It has been talked about in previous years. It is not a new item, not a new issue. We have talked about the details. Maybe it is useful to talk a little bit about how it fits into a broader context, and to understand that it does have something to do with the overall role of Government, the overall size of Government, the overall impact of Government on people's lives.

There is a legitimate difference. There is a legitimate reason to have debates about the things that go on here. There are those who believe more Government is better; that the Government should be expanded; that there should be more spending; that the Government should have more programs. There is another point of view, the one that I share, the one that I think was the message of this November's election. That is the Federal Government is too big and that it costs too much and that it is overly intrusive into all aspects of our lives.

That is a legitimate debate. In fact, that is the core of much of the debate that goes on here, what you perceive to be the role of Government and what, indeed, then, goes with that. If you see more Government, then there are going to be more regulations. If you see more Government there are going to be more taxes, or more debt, or both. But, in fact, if you see the role of Government as one of a referee, one whose primary responsibility is defense, and ensuring fairness, ensuring opportunity, then you see the Government as somewhat smaller, as something less intrusive. And that is really the underlying debate in much of what we talk about, the role of Government—and, of course, who pays for it.

That has been true in the procedural issues that we have talked about, the issues that have to do with changing the process, with changing the structure of the way decisions are made. Frankly, if you expect to have a different result you are going to have to do something different. If you want to continue to do everything in the same way as you have in the past, then the expectation is the results are going to be the same. If we continue to use the same process there is no reason to expect that the debt or the deficit is going to be smaller.

We will be voting this summer on a new debt limit. That new debt limit will be $5 trillion or more—$5 trillion debt. Each of us as citizens shares in that debt. The interest payment on that debt will soon be the second largest item, line item in the Federal budget. This year I think it is somewhere in the neighborhood of $260 to $265 billion interest on the debt. So the procedural things we have talked about have to do with changing the results.

The balanced budget amendment is a procedural change, one that in my view needs to be made. Line-item veto, another of those—not to balance the budget, it will not balance the budget—but it changes the character of budget considerations; it changes how you look; it changes some of the responsibilities.

We have to change budgeting, change it so we start from a base that is the same as last year's spending, not a baseline that goes up. That is what has caused much of the discussion around the country, that everything is being cut. The fact is it is not being cut. There was a group in my office yesterday talking about an educational program, about the cuts. The fact is the cut is 25 percent of the increase. It is not a cut. But based on budgeting it seems to be a cut. So we continue to spend more with the sort of notion that we have had a cut, and indeed we have not had a cut at all, we have had an increase.

These are the kinds of changes that do need to be made. Line-item veto needs to be there because things are done differently. Someone the other day on the floor showed an early—150 years ago—bill on appropriations: On one page. On the other hand, we looked at one that is 2½ pounds now.

My favorite story, of course, is always the Lawrence Welk Museum that is in the highway bill. In the House we had no opportunity to talk about the Lawrence Welk Museum. We did not want to vote against the highway bill. The Lawrence Welk Museum would have never gotten any attention at all had it had to stand on its own merit, but it was there and line-item veto is what that is all about.

So we do have big bills. We have big deficits. And the fact of the matter is it is difficult. All of us have a certain parochial interest. That is the way it is. I represent Wyoming. The President represents Vermont. We all have a parochial interest, and should. So we are for things that are for our State. It is very difficult to be against somebody else's proposal, because you want their help. That is a fact of life. It is a fact of life. So we do need a line-item veto. And there are pork-barrel activities.

So, Mr. President, it begins to be increasingly important that we do take a look at these structural changes. The argument that we do not need to change things, we can just change them because they should be changed—the evidence does not support that. How many years has it been since we balanced the budget—25? Maybe five times in 50 years? So that does not work.

Now is the time to make that tough decision. And we have an opportunity here to do that. We have an opportunity to pass a bill that has had support in this Chamber, more than enough to pass it, and now is the time.

Mr. President, I now yield to the Senator from Arizona for as much time as he may consume.

Mr. KYL. Mr. President, I thank the Senator from Wyoming for yielding this time to me. I appreciate his work on trying to finally get this line-item veto passed.

Mr. President, I think most people agree that the top priority of the Federal Government today is to reduce the size of the budget deficit. Not to do so is to relegate all of us—especially our children—to a lower standard of living.

Balancing the Federal budget will not be easy. Some popular programs will have to be cut. Others will have to be eliminated as Congress finally begins to set priorities—to distinguish between needs and wants—just like families across America must do every day.

When a family runs short of money, it does not sacrifice food from the table or the roof overhead to go to the movies every weekend, to buy new furniture, or put a new stereo in the car. The choices that a family has to make are often far more difficult—whether to buy new clothes for the kids or supplies for school; whether to buy food or medicine; whether to fix the roof or repair the car. When resources are limited, the family eliminates the extras and then tries its best to meet its basic needs. Even that can be trying. The head of the household has to make tough choices that will not necessarily be very popular with the rest of the family, but that is what it takes to try to make sure the family can survive and prosper.

Like the family, the Federal Government cannot satisfy every want; it cannot even answer every need. With interest payments on the national debt eating up a substantial part of the Federal budget—about $300 billion this year alone—we are finding ourselves with less and less every year for many basic Government programs. Hurt most are those who are dependent upon Government services—the poor and the elderly—and our children and grandchildren whose future will be marked by a lower standard of living as they struggle to pay off the debts we are accumulating today.

The line-item veto is no panacea, but it is an important first step in gaining control over the budget.

Mr. President, this is the ''1995 Congressional Pig Book Summary,'' a list of 88 projects that will cost taxpayers more than $1 billion. Compiled by the nonpartisan organization, Citizens Against Government Waste, it represents just a fraction of more than $10 billion in pork-barrel spending that the group identified in last year's appropriations bills. These are the kinds of projects that are likely to be the target of a line-item veto: Russian wheat aphid and swine research; highway demonstration projects; civilian sporting events funded out of the defense budget; and a program that has used funds in the past for a golf video and pony trekking centers in Ireland.

These are the kinds of projects that are typically hidden away in annual spending bills. They are enough to demonstrate legislators' ability to bring home the bacon and curry favor with special interest groups back home. But, they usually don't amount to enough to prompt the President to veto an entire bill bringing large parts of the Government to a standstill in the process. The result, as Citizens Against Government Waste put it, is that it all adds up to a raw deal for taxpayers.

The line-item veto is designed to bring accountability to the budget process. Instead of forcing the President to accept wasteful and unnecessary spending in order to protect important programs, it puts the onus on special interests and their congressional patrons. It subjects projects with narrow special interests to a more stringent standard than programs of national interest. After a Presidential veto, the special interests would have to win a two-thirds majority in each House.

That is the shift in the balance of power which the line-item veto represents. It is a shift in favor of taxpayers, and it is long overdue. If the government were running a surplus, the taxpayers might be willing to tolerate some extra projects. But the Government is running annual deficits in the range of $200 billion for as far as the eye can see. There is no extra money to go around. There is not even enough to fund more basic needs.

Mr. President, when you find yourself in a hole, the first rule of thumb is to stop digging. Our Presidents have indicated a willingness to use the line-item veto—begin climbing out of the hole we have dug for ourselves and future generations. Let us pass the line-item veto.

Mr. President, I want to conclude by complimenting my colleague from the State of Arizona, Senator JOHN MCCAIN. He has worked for about 10 years in opposition to pork-barrel spending on the floor of the Senate. He accumulated what he calls an enviable record of defeat. Frequently, his efforts to cut out pork are defeated by almost 2 to 1. But he keeps at it, and over the years he figures that, while he may not have won every vote, his efforts to bring to light some of these projects may at least have prevented some Members from inserting this pork in the appropriations bill in the first instance because of the fear that they might be embarrassed if their special-interest projects are brought to light.

That is what the line-item veto would do. It not only gives the President the ability to line out projects that have been inserted, but it provides a disincentive for Members to put those projects in the bill in the first instance because now, with the President being capable of lining them out and bringing them to public attention, Members know that they had better be able to defend everything that they ask to be inserted into these bills.

So it has a good effect on Members and their constituents, who come to them asking for special interest projects to say, ''Maybe in the past, I would have been able to do this, and I would like to do it to be of help to you, but you know that if we do it, all of the world will know that the President could line it out, and then I would have to get two-thirds of my colleagues to override the veto. Do you really want that much public attention paid to this special project?''

So there is a deterrent effect, if you will, in the line-item veto. That is one of the things that JOHN MCCAIN has talked about when he has stumped for this proposal in the last 10 years. I think a great deal of credit goes to Senator COATS, Senator MCCAIN, and most recently, Senators STEVENS and DOMENICI, who had different points of view but got together with the supporters of this basic version of the line-item veto proposal to work out a compromise that is acceptable to virtually all.

The President is supportive of the line-item veto. All of the Republicans are ready to call an end to the debate at the appropriate time, and have a vote on the line-item veto. We certainly call on our colleagues from the other side of the aisle who support frugality in Government and understand we need to balance the budget and want to end pork-barrel spending to support us in this effort to vote for the line-item veto.

Mr. President, I see that my colleague from Tennessee, Senator FRIST, is here. I am sure he has some comments on the subject, as well. If the Senator from Wyoming is agreeable, I will yield at this time to the Senator from Tennessee.

Mr. THOMAS. Mr. President, let me first thank the Senator from Arizona and say that I have observed him in his work in the House. He has been a real supporter of change with the line-item veto and with the balanced budget amendment, and has been a leader in the House, and continues to be that.

I now yield for 4 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Thank you, Mr. President. I would like to commend Senator THOMAS and Senator SANTORUM for leading the charge of the 11 freshmen Senators in support of the line-item veto. It is important that the newest Members of this body continue to voice the message from Americans on November 8.

Mr. President, no single measure would do more to restore fiscal sanity to our budget process than the line-item veto. We, like our Republican colleagues in the House, must continue to push for reforms that will bring real change to the way business is done in Washington. There is no doubt in my mind that the press and defenders of the status quo will think of all kinds of reasons why the line-item veto is not a good idea. But the truth of the matter is, the President must be provided with precise tools to control Congress' insatiable appetite for spending the taxpayer's money.

Mr. President, I understand that in years past, Democrat opponents of the line-item veto charged that the Republican support of the concept was a partisan power grab. The thought was that the Republicans in Congress, then in the minority, wanted to transfer power to their Republican President. And now, a Democrat President supports the measure, but there is still staunch opposition.

Now the opponents claim that enactment of the line-item veto would be an unprecedented power shift. In fact, the President had the power to stop unnecessary spending, through a process called impoundment, until the Congress stripped the Presidency of this power in 1974. Granting a line-item veto is not unprecedented. Rather, supporters of the line-item veto want to restore the rightful budgetary powers of the President.

Opponents also claim that the line-item veto will not work. Well, Mr. President, that is just not true. Forty-three of our Nation's Governors have this power, and they have shown over and over again that they can and do save money with this tool.

Mr. President, again, I strongly support this measure, and I urge the Members of this body to join the 11 freshmen in our strong support for the Dole substitute.

Thank you, and I yield the floor.

Mr. THOMAS. Mr. President, thank you very much for the time for this group to express its support of this issue.

It seems to me that we have an opportunity to make some decisions here. We are here as trustees for the American people, as trustees who have a responsibility to be financially responsible, fiscally responsible, and morally responsible for spending. The easier thing to do is to continue as we have. Now is the chance, however, to change.

To borrow from Robert Frost who said, ''Two roads diverged in the woods

and I chose the one less traveled by, and that has made all the difference.''

This may be the road less traveled by, but it will indeed make all the difference.

Thank you, Mr. President.

LEGISLATIVE LINE-ITEM VETO ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to grant the power to the President to reduce budget authority.

The Senate resumed consideration of the bill.

Pending:

(1) Dole amendment No. 347, to provide for the separate enrollment for presentation to the President of each item of any appropriation bill and each item in any authorization bill or resolution providing direct spending or targeted tax benefits.

(2) Feingold amendment No. 356 (to Amendment No. 347), to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of non-emergency matters in emergency legislation.

(3) Feingold/Simon amendment No. 362 (to Amendment No. 347), to express the sense of the Senate regarding deficit reduction and tax cuts.

(4) Exon amendment No. 402 (to amendment No. 347), to provide a process to ensure that savings from rescission bills be used for deficit reduction.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey, Mr. BRADLEY, is recognized to offer an amendment on tax expenditures, on which there shall be 45 minutes of debate, with 30 minutes for Senator BRADLEY and 15 minutes for Senator MCCAIN, the Senator from Arizona.

AMENDMENT NO. 403 TO AMENDMENT NO. 347

(Purpose: To modify the definition of targeted tax benefit)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself, Mr. WELLSTONE, Mr. ROBB, Mr. GLENN, and Mr. KOHL, proposes an amendment numbered 403 to amendment No. 347.

Mr. BRADLEY. 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:

On page 5, strike lines 13 through 20 and insert the following:

(5) the term ''targeted tax benefit'' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

Mr. BRADLEY. Mr. President, I yield myself 10 minutes.

Mr. President, we begin this Congress with, I think, two obligations. The first is to change the way we do business, and the second is to cut Government spending. I think reform has been bottled up for years.

So, Mr. President, I believe now is the time to adopt a line-item veto and have the line-item veto applied both to tax expenditures and to appropriations. Two years ago, I introduced legislation that would give the President the authority to veto wasteful spending in both appropriations and tax bills. I reintroduced this line-item veto the very first day of this Congress, and its passage has been one of my highest legislative priorities. The separate enrollment approach that I adopted was modeled on the bill offered by Senator HOLLINGS and introduced several Congresses ago. I want to thank and commend Senator HOLLINGS for his leadership on that issue.

Therefore, I am pleased to see that our Republican colleagues have come to recognize the wisdom of the separate enrollment approach that Senator HOLLINGS and I have been championing for years. I also want to comment our colleagues across the aisle for taking steps to include tax expenditures in the line-item veto bill they introduced yesterday. The approach our Senate colleagues have taken toward tax expenditures is a significant improvement over the approach adopted by the House.

We need to be honest with the American public about the fact that for each example of unnecessary, pork-barrel spending through an appropriations bill, there are numerous, similar examples of such spending buried in tax bills. The Tax Code provides special exceptions from taxes that will total over $450 billion this year, more than double the entire Federal deficit and nearly one-quarter of total Federal spending. Because many of these Tax Code provisions single out narrow subclasses for benefit, the rest of us must pay more in taxes. How serious can we be about balancing the budget if we let billions in tax pork go virtually unchallenged each year?

Mr. President, I believe that our fellow Americans would be shocked if they knew some of the ways we spend money through the Tax Code. My favorite special-interest tax loophole is the roughly $100 million we will give away over the next 5 years to allow homeowners to rent their homes for up to 2 weeks without having to report any income. Word has it the provision was put in the Tax Code to benefit a rich homeowner who lived near the Masters Golf Tournament in Augusta, GA. The lucky man hit the jackpot every year by renting his house to tournament spectators for a small fortune, without having to declare any of this money as income.

Then there is the $12 million in tax subsidies that go to help producers offset the costs they incur to mine lead, asbestos, and uranium—deadly poisons we spend millions more to clean up. We also give away a cool $60 million a year to corporations that make electricity using plants and windmills. In addition, we generously allow U.S. citizens who work overseas to exclude $70,000 per year from their income taxes. Over the next 5 years, this loophole will cost the rest of us $8.6 billion.

As a member of the Finance Committee, I have seen an almost endless stream of requests for preferential treatment through the Tax Code. For example, the 1992 tax bill was littered with special exemptions. In that bill, we included a special accelerated depreciation schedule for rental tuxedos at a 5-year cost of $44 million to the rest of us. We also provided special accounting rules for the owners of cotton warehouses and created an special tax exemption for custom firearms manufacturers and importers. Over the years, I have been presented with hundreds of other requests, including exemptions from fuel excise taxes for crop-dusters and tax credits for clean-fuel vehicles.

There are obvious reasons why the American public knows so little about these loopholes. They are often written in complicated language and buried deep in the Tax Code. In addition, unlike appropriated spending, which is reviewed every year, once a tax loophole becomes law, it rarely sees the light of day. In fact, according to a recent GAO study, almost 85 percent of the 1993 tax expenditure losses were attributable to tax expenditures that were enacted before 1950, and almost 50 percent of these losses stem from tax expenditures enacted before 1920.

Reducing the deficit will require leadership, not gimmicks. In passing a line-item veto bill, we must demonstrate this same type of leadership. Sadly, I note that the line-item veto proposal passed by the House resorts to what I would describe as a mere gimmick. By defining ''targeted tax benefits'' to include only those loopholes that benefit ''100 or fewer taxpayers,'' the House has forfeited an opportunity to address the impact that tax loopholes have on our Nation's continuing budget crisis.

Mr. President, obviously, there are plenty examples of the so-called rifle shot tax giveaways. In 1988, the Philadelphia Inquirer ran a series of articles which identified billions of dollars worth of tax loopholes in the 1986 and 1988 tax bills. As stated in that series, these loopholes included special provisions for some trucking companies but not others, for some insurance companies but not others, for some utilities but not others, for some universities but not others. Of course these special provisions should be subject to a potential veto. However, these rifle shots are not the only examples of wasteful spending through the Tax Code; there

are plenty of other examples which benefit more than 100 taxpayers.

In fact, of all of the loopholes that I described earlier, not even one could be determined to benefit 100 or fewer taxpayers. The income exclusion for home rentals at the Masters Golf Tournament could benefit more than 100 taxpayers. The tax subsidies given to corporations that mine lead, asbestos, and uranium could benefit more than 100 taxpayers. The tax subsidies for electricity production from windmills and plants could benefit more than 100 taxpayers. And, the tax giveaways to citizens who work overseas benefit more than 100 people. Therefore, under the House version of this bill, none of these tax loopholes would be subject to a potential line-item veto if they were created today.

In addition to the fact that the House definition of a targeted tax benefit would allow billions of dollar in tax expenditures to go unchecked, that definition leads to a number of practical problems. Under the House version of the line-item veto, in order to veto pork in a tax bill, the President would first have to determine that the loophole would benefit 100 or fewer taxpayers. No one knows how the President would make such a determination. As far as I am aware, no Federal agency keeps track of how many taxpayers benefit from individual tax expenditures. Although this may seem surprising, it is understandable given that many tax expenditures consist of exclusions from income, rather than simple deductions. As a result, information on the number of beneficiaries is not readily available. In fact, of the 25 largest tax expenditures, 14 provide exclusions from income rather than deductions. Although these are large and well known examples, there are other examples of income exclusions for which the information would not be readily available. Therefore, there is no easy way to determine how many taxpayers would benefit from a proposed tax expenditure. In addition, what would happen if the President vetoed a tax loophole only to find out later that he did not have such authority because the provision would have benefited more than 100 taxpayers?

Even if one could determine how many taxpayers would benefit from a particular loophole, it would be easy enough for any of the big dollar lobbyists that prowl the Halls of Congress to rework the loophole to make it vetoproof. Clearly, if lobbyists are sophisticated enough to insert a loophole into a tax bill in the first place, they will be more than sophisticated enough to ensure that the language is sufficiently broad that it escape a possible veto. Therefore, the ''100 or fewer'' definition will create a perverse incentive to make bigger and even more expensive loopholes just to avoid the veto.

I am pleased to note that the version of line-item veto offered in the Senate does not resort to the same gimmicks that the House used. The language in the line-item veto before us today would make subject to a potential Presidential veto all new and expanded tax expenditures which both lose revenue during the any period of the budget window and have ''the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared to other similarly situated taxpayers.''

Yesterday, Senator DOMENICI stated that this language would subject to a potential veto all tax expenditures which particular companies, businesses, or taxpayers relative to other taxpayers. I agree that this provision would allow the President to veto new tax subsidies for individual companies and industries such as the ethanol industry, small oil and gas producers, dairy farmers, owners of cotton warehouses, and the like. However, I am concerned that the version offered by our Republican colleagues may lead to confusion and gaming. Although I believe that the language offered as part of the Republican substitute to S. 4 is very broad, a few of our colleagues have indicated that it might be narrower than the language itself would suggest. In my mind, the term ''when compared to other similarly situated taxpayers'' simply makes explicit a comparison that was implicit in similar language in S. 14.

Therefore, in order to clear up any confusion and to ensure that all new tax loopholes are subject to the same scrutiny as other types of spending, I have sent to the desk an amendment that would authorize the President to veto wasteful spending in future tax bills.

Mr. President, the language in the amendment that I have offered is not new, nor should it be particularly controversial. This language uses the exact same definition of ''targeted tax break'' as was included in S. 14, introduced by Senator DOMENICI and originally cosponsor by Senators EXON, CRAIG, COHEN, DOLE, and me. Furthermore, the amendment I have introduced uses the exact same language that our Republican colleagues promised the Nation they would use when they introduced their Contract With America. The language in this amendment, which was introduced in the House by then-Minority Leader Michel, simply states that the President may veto those tax loopholes which have ''the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.''

By its very terms, this language does not cover those types of tax provisions that provide general benefits. It would not subject a reduction in tax rates to a veto. Obviously, that would be a benefit for all Americans. Similarly, it would not subject an expansion in the standard deduction or the elimination of the marriage penalty to a veto. At the same time, the amendment that I have offered would not effect any of the provisions currently in the Tax Code. My amendment would not allow the President to touch such provisions as the home mortgage interest deduction, the deduction for State and local taxes, or the deduction for charitable contributions. Instead, this amendment would only effect new or expanded tax provisions.

Mr. President, I request unanimous consent to insert into the RECORD copies of two letters, one from Dr. Rivlin at OMB and the other from Dr. Reischauer at CBO, interpreting the language that I have introduced. As our colleagues will note, these letters make clear that the amendment that I have offered simply places spending through the Tax Code on par with other types of spending. Adoption of my amendment will prevent additional loopholes from creeping into the Tax Code at the same time we are cutting assistance for the poorest and neediest in our society.

My amendment would also reduce the danger of gaming the revenue estimating process to avoid a potential veto. Under the current version of the line-item veto, a tax loophole cannot be vetoed unless it is scored as losing money during any part of relevant budget window. However, as we have seen with some proposals such as the backloaded IRA's and neutral cost recovery provision in the House's tax package, by slowly phasing in tax expenditures, they can be estimated to raise revenue during the first 5 years even though they lose billions of dollars over the 10-year budget period. My amendment would eliminate this gaming process.

If the President had the power to excise special interest spending, but only in appropriations bills, we would simply find the special interest lobbyists who work appropriations turning themselves into tax lobbyists, pushing for the same spending in the Tax Code. Spending is spending whether it comes in the form of a Government check, or in the form of a special exception from the tax rates that apply to everyone else. Tax spending does not, as some pretend, simply allow people to keep more of what they have earned. It gives them a special exception from the rules that oblige everyone to share in the responsibility of our national defense and protecting the young, the aged, and the infirm. The only way to let everyone keep more of what they have earned is to minimize these tax expenditures along with appropriated spending and the burden of the national debt so that we can bring down tax rates fairly, for everyone.

Therefore, Mr. President, I encourage all of our colleagues to pass a line-item veto bill that includes both appropriations and real tax expenditures. In

their so-called Contract With America, the Republicans promised that they would subject wasteful spending to a potential line-item veto whether this spending occurred in an appropriations or tax bill. I believe that the definition that the Republicans promised in their contract, the same definition that was included in S. 14 when it was introduced in this Chamber, is an appropriate way to prevent new wasteful spending projects from creeping into the Tax Code.

Mr. President, the line-item veto is not in itself deficit reduction. But if the President is willing to use it, it is the appropriate tool to cut a certain kind of wasteful spending—the pork-barrel projects that tend to crop up in appropriations and tax bills. Although this type of spending is only one of the types of spending that drive up the deficit, until we control these expenditures for the few, we cannot asked for the shared sacrifice from the many that will be necessary to significantly reduce the deficit.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY. Mr. President, how much time remains on the side of the proponents?

The PRESIDING OFFICER. The Senator has 20 minutes 15 seconds.

Mr. BRADLEY. I yield 8 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

TAX LOOPHOLES SHOULD BE COVERED BY LINE-ITEM VETO

Mr. WELLSTONE. Mr. President, I rise as an original cosponsor of this amendment to subject a host of special interest tax breaks and loopholes to the President's expedited rescission, or line-item veto authority provided for in this bill. This amendment would give the President the same authority to rescind new special interest tax breaks that he would have under the bill to cancel new direct spending. The logic of the amendment is simple, and straightforward: We should treat tax breaks just as we treat direct spending in the Federal budget.

In all of our debates on budget priorities, there has been too little discussion about a particular kind of spending that enjoys a special status within the Federal budget: tax breaks for special classes or categories of taxpayers. Many of the benefits from these breaks and loopholes go to corporate or other wealthy interests in our society. If we are going to give the President line-item veto authority over direct spending programs, then we should give him the same power to veto special interest tax breaks and tax loopholes. That is what this amendment would do; it would cover all new tax breaks, hold them up to scrutiny, and subject them to potential rescission, or cancellation.

This is not the first time in this session of Congress that I have raised the issue of closing special interest tax loopholes as a part of our deficit reduction efforts. A couple of weeks ago my colleague from Wisconsin, Senator FEINGOLD, Senator BRADLEY, and I offered a sense-of-the-Senate resolution as an amendment to the proposed balanced budget amendment which said that tax expenditures ''should be subjected to the same level of scrutiny in the budget as direct spending programs'' in our efforts to balance the budget. That proposal received 40 votes from my colleagues on our side of the aisle. We have argued for months, and will continue to argue, that savings from restricting special interest tax breaks must be a key part of our efforts to further reduce the deficit.

Let me make a simple point here that is often overlooked. We can spend money just as easily through the Tax Code, through what are called ''tax expenditures,'' as we can through the normal appropriations process. Spending is spending, whether it comes in the form of a government check or in the form of a tax break for some special purpose, like a subsidy, a credit, a deduction, or accelerated depreciation for this type of investment or that. Some tax expenditures are justified, and should be retained. But some are special interest tax breaks that should be eliminated, or loopholes that should be plugged.

These special tax breaks allow some taxpayers to escape paying their fair share, and thus make everyone else pay higher taxes. They are simply special exceptions to the normal rules, rules that oblige all of us to share the burdens of citizenship by paying our taxes. They also limit State revenues because many State income taxes are tied to the Federal tax rules. It seems only fair that if the President can use the line-item veto authority to cut special-interest spending programs, then he should also be able to cut special-interest tax breaks which will cost the Treasury billions of dollars in lost revenues.

Special-interest tax breaks are simply a subcategory of the larger group of tax provisions called tax expenditures. The Congressional Joint Tax Committee has estimated that tax expenditures cost the U.S. Treasury over $420 billion every single year. And they also estimate that if we do not hold them in check, that amount will grow by $60 billion to over $485 billion by 1999. That is why tax breaks must be on the table along with other spending as we look for places to cut the deficit.

Now, not all tax expenditures are bad. Not all should be eliminated. Some serve a real public purpose, such as providing incentives to investment, bolstering the nonprofit sector, encouraging charitable contributions, and helping people to be able to afford to buy a home. But some of them are simply tax dodges that can no longer be justified. At the very least, all of these should undergo the same scrutiny as other Federal spending. If we are going to allow the President to line-item veto specific spending programs, then we should also allow him to veto specific tax breaks that subsidize a targeted class of taxpayers.

The particular language of this amendment has a long history, and has often been supported in the past by Members on the other side of the aisle. This language is taken directly from the so-called Contract With America about which we have heard so much recently. On pages 32–33 of the commercially available version of the contract, when discussing the line-item veto, it says, ''Under this procedure, the President could strike any appropriation or targeted tax provision in any bill.'' Thus we are offering an amendment first outlined in the provisions in the Contract With America.

In addition to being part of the contract, a similar amendment was offered on the House floor by Representative Michel, the former House minority leader, to a previous version of the line-item veto legislation. Gaining bipartisan support, this amendment was adopted in 1993 in the House during consideration of a version of the line-item veto bill. The language of this amendment also appeared in the original version of Senator DOMENICI's expedited rescission bill which he introduced in January of this year. Therefore this language simply fulfills a promise made by many of those on the other side of the aisle, including those who wrote the Contract With America.

Although there are many things in that Republican so-called Contract With America which I oppose, I agree completely with the contract when it says that we should give the President the power to veto all new special tax breaks and loopholes, and not just those new tax breaks that affect fewer than 100 taxpayers, as included in the bill the committee reported. Tax attorneys will have a field day if we adopt that arbitrary 100 taxpayers limit on the President's authority to line-item veto tax expenditures. This is a sham, which some have estimated would cover only a tiny percentage of all tax breaks currently in the Code if it had been in law when they were established.

How would we decide which special tax breaks will benefit fewer than 100 taxpayers? Even if a specific provision is intended to benefit only a small group of people or corporations, crafty tax attorneys will always find ways to expand the group of intended beneficiaries. In addition, as I understand the situation, no Federal agency currently keeps track of how many taxpayers benefit from individual tax expenditures. This is perfectly understandable, because many tax expenditures are exclusions from income, rather than deductions which must be reported to the IRS. How do we calculate how many people exclude income from taxation, when of course those taxpayers do not even report this excluded

income? Thus the arbitrary 100 taxpayers limit is absurdly narrow.

But the language of the Dole substitute is even more unclear on tax expenditures than the 100 taxpayer language used by the committee. The backers of the Dole substitute claim that their bill would allow the President to veto special interest tax breaks and loopholes. But the language of the Dole substitute uses a very confusing and vague definition of ''targeted tax benefits'' subject to the President's line-item veto. The substitute defines ''targeted tax benefits'' as those provisions which are estimated as ''losing revenue within the periods specified in the most recently adopted concurrent resolution on the budget'' and which have ''the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.''

What does this definition mean? What does a similarly situated taxpayer mean in this context? Should we bring in high-priced tax attorneys to help us understand the effects of this language? Under this definition, could Congress give special tax breaks to a specific industry such as the oil and gas industry, and shield these tax giveaways from the President's line-item veto because all companies within the favored industry would be allowed to claim the same special interest tax break? Under current law, U.S. citizens working overseas can exclude $70,000 per year from their U.S. income taxes. If Congress were to foolishly increase this exclusion to $80,000 per year, would that change be subject to the President's line-item veto authority under the substitute? Of if Congress were to give new special tax breaks to American companies operating overseas, such as we already do under current law, would that change be covered by the language in the substitute? How would this language affect companies doing business in Puerto Rico, who enjoy special tax breaks under current law? The existing Tax Code is riddled with numerous special tax give-aways to an entire industry. Would the President be allowed to line-item veto new special interest tax loopholes for any given powerful industry under this language? We need to clarify this confusing provision in the Dole substitute, because on its face it only applies to a very limited number of these tax breaks.

If the President is to be given the power to veto spending provisions, then he should also be given the power to veto certain especially egregious special interest tax breaks, especially those which favor an entire protected industry such as the oil and gas industry. The writers of the Republican Contract With America understood this point, even if the majority party in the other body voted to abandon this section of the contract. We should restore the original contract language, as our amendment would do.

By giving the President the power to line-item veto any new tax expenditure provisions, we could save billions of dollars. For example, do we really need special tax breaks for Mount Rushmore coins, or tax rules that allow people to rent out their homes for 2 weeks each year without paying tax on that income? Both of these tax breaks have been proposed in the past, and the latter actually became law. A line-item veto which at least covers new tax breaks might prevent measures like these from slipping into the Tax Code in the future, where they could go unexamined for years or even for decades.

Our amendment is the latest in a series of legislative initiatives designed to call attention to this problem and to prompt Congress to reexamine tax loopholes. There are many existing special loopholes buried in the current Tax Code which need to be reconsidered. While this measure only subjects new tax breaks to Presidential veto authority, many of us will certainly want to revisit specific tax loopholes that are already in the Tax Code during the reconciliation process. But for now, our amendment provides for a mechanism to cover all new tax breaks in the same way that it covers only new spending. I think we ought to signal today that the standard of fairness we will be applying will include closer scrutiny of these tax breaks.

It is only fair, since these special tax breaks for certain companies and industries force other companies and individuals to pay higher taxes to make up the difference. Some of these tax breaks allow privileged industries such as the oil and gas industry to avoid paying their fair share of taxes. All distort, to one degree or another, economic investment decisions, usually in favor of companies with the highest paid lobbyists in Washington. In many cases, doing away with these special tax breaks for certain industries would allow a more efficient allocation of economic resources.

I think it is a simple question of fairness. If Congress is really going to make the $1.48 trillion in spending cuts and other policy changes that would have to be made to balance the Federal budget by 2002, then those on the other side of the aisle should make sure that wealthy interests in our society, those who have political clout, those who can hire high-priced lobbyists to make their case every day here in Washington, are asked to sacrifice at least as much as regular middle-class folks whom you and I represent. We should represent those who receive Social Security or Medicare or Veterans' benefits, and not just those special interests who can afford to pay high-priced hired guns to lobby for them.

I am amazed to learn that many in the majority party in the other body are proposing expanding corporate welfare tax loopholes at the very same time that they are slashing Government spending on programs for the poor, for children, for education, and for the most vulnerable in our society. They have proposed tax cuts for the wealthy which, according to the Treasury Department, total over $700 billion, and at the same time they refuse to subject a broad range of new tax breaks to potential cancellation by the President. And these are the ones who call themselves deficit hawks?

By refusing to extend the line-item veto authority given to the President under this bill to industry-wide tax breaks and loopholes, members of the majority party are trying to protect their wealthy and well-connected friends. And they are doing so at the expense of principles that they often espouse: economic efficiency and market-based allocations of capital. As I have observed, often these special tax loopholes and tax breaks distort economic decision-making, causing corporations and individuals to shift their resources in order to take advantage of these loopholes.

I think now is the time to put a stop to further massive spending on special interest tax loopholes. We should allow the President to be able to line-item veto these costly special interest tax breaks. A basic standard of fairness requires that we examine special interest tax breaks along with the one-third of all Federal spending which is currently covered by the legislation before us.

Some will charge that by closing tax loopholes and restricting special interest tax breaks we are somehow proposing to raise taxes. But the opponents of covering these tax breaks in the line-item veto legislation need to understand that the current system forces middle class and working people to pay more in taxes than they otherwise would have to pay. While some are paying less than their fair share in taxes because of these special tax subsidies, others are being forced to pay more in taxes to make up the difference. Closing tax loopholes is not raising taxes. Allowing these tax breaks to continue forever without close scrutiny is part of the reason why taxes on the regular middle class taxpayer are higher than they otherwise could be. Of course, these subsidies are hidden in the Tax Code because it would be too hard to get the votes in Congress, in the full light of day, to directly subsidize these industries—especially under current budget constraints.

It is a simple matter of fairness. In our attempts to reduce the Federal deficit, all sectors of our society must make some sacrifices. Specific industries and the wealthy are the ones who often benefit most from the special interest tax breaks and loopholes. If we do not treat tax expenditures the same as direct spending provisions, the wealthy will avoid making any sacrifices as we cut spending programs for the middle class and the poor. Just because some special interest has the means to hire a high-priced tax lobbyist to get a special tax break written into legislation does notgive them the

right to avoid sharing in whatever sacrifices are necessary to reduce the budget deficit.

The General Accounting Office issued a report last year, and have issued several others on tax expenditures. It was titled, ''Tax Policy: Tax Expenditures Deserve More Scrutiny.'' I commend it to my colleagues' attention. It makes a compelling case for subjecting these tax expenditures to greater congressional and administration scrutiny, just as direct spending is scrutinized. The GAO report reminds us that spending through special provisions in the Tax Code should be treated in the same way as other spending provisions.

The GAO noted that most of these tax expenditures currently in the Tax Code are not subject to any annual reauthorization or other kind of systematic periodic review. They observed that many of these special tax breaks were enacted in response to economic conditions that no longer exist. In fact, they found that of the 124 tax expenditures identified by the Budget Committee in 1993, about half were enacted before 1950. Now that does not automatically call them into question. It just illustrates the problem that once enacted, special tax breaks are not looked at in any systematic way. Many of these industry-specific breaks get embedded in the Tax Code, and are not looked at again for years. Giving the President the authority to cancel special interest tax breaks would prevent egregious ones from creeping into the Tax Code in the first place.

This amendment simply says that new tax expenditures should be treated the same as new spending programs for purposes of the line-item veto. It might prompt us to rethink some of our spending priorities. When we begin to weigh, for example, scaling back the special treatment for percentage depletion allowances for the oil and gas industry against cutting food and nutrition programs for hungry children, we may come out with quite different answers than we have in the past about whether we can still afford to subsidize this industry through the Tax Code. CBO estimates that eliminating this tax break would save $4.9 billion in Federal revenues over 5 years.

We must allow the President to veto new special interest tax expenditures, despite the vague and confusing language in the Dole substitute. It looks to me like those who oppose our amendment are saying that they will not ask for much, if any, sacrifice from wealthy corporate and other special interests in our society who have enjoyed certain tax breaks, benefits, preferences, deductions, and credits that most regular middle-class taxpayers do not enjoy.

The Republican contract promised to give the President the authority to line-item veto all these special tax breaks, but that language was deleted by the Senate Budget Committee. That language has also been deleted from the Dole substitute. I think we need to restore the original language of the expedited rescission bill.

At a time when we are talking about potentially huge spending cuts in meat inspections designed to insure against outbreaks of disease; or in higher education aid for middle class families; or in protection for our air, our lakes, and our land; or in highways; or in community development programs for States and localities; or in sewer and water projects for our big cities; or in safety net programs for vulnerable children; or to eliminate the School Lunch Program, we should be willing to weigh these cuts against special tax loopholes that could cost hundreds of billions each year.

Mr. President, I urge my colleagues to support the amendment, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY. Mr. President, how much time remains on the side of the proponents?

The PRESIDING OFFICER. The Senator has 12 minutes and 26 seconds.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to go off the amendment for approximately 5 minutes to engage in a colloquy with the Senator from Nebraska about the bill.

Mr. BRADLEY. Mr. President, reserving the right to object, the subject matter is unrelated to the pending amendment?

Mr. MCCAIN. Unrelated to the pending amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I would like to yield to my colleague from Arizona. We have had some very brief preliminary discussion to try to expedite and move things along just a little bit.

I propose to him that in order to move things along, I will be a cosponsor of the Bradley amendment. If the Bradley amendment is successful, then there is a backup amendment that I would like to withdraw, but I would like to have it pending in case the Bradley amendment should not prevail.

My amendment simply says—and I will debate it briefly if I may have 5 minutes—basically that if the Bradley amendment fails, I would like to have a backup provision that simply says we should take a look at not just a 5-year but a 10 year-period with regard to what effect any kind of taxation would have on the overall budget proposition. There may be some pros and cons on that. It might be acceptable.

I would simply like to suggest at this time that after we finish debate under the allotted time under the Bradley amendment, if I may have 5 minutes and my colleague maybe 5 minutes, we could make an agreement that we would have a vote on my backup amendment that would be withdrawn if the Bradley amendment prevails.

Mr. MCCAIN. Mr. President, I would also like to find out if your amendment would be acceptable by both sides, to prevent a——

Mr. EXON. Mr. President, I will not insist on a rollcall vote. If that is possible, we could maybe voice vote.

Mr. MCCAIN. I would like to take the remaining minute or 2 to discuss the parliamentary situation as it exists with my friend from Nebraska.

The PRESIDING OFFICER. Is the Senator reserving his right to object?

Mr. MCCAIN. No, Mr. President. I am now on the 5-minute request to discuss the parliamentary situation, not related to the pending amendment.

It is my understanding from my conversations with my colleague from Nebraska that we are in the process of reducing the number of amendments and getting time agreements on those so that we could probably be able to—hopefully, within an hour or 2, or 2 or 3 hours—get some kind of final agreement so that a cloture vote would not be necessary.

Under those circumstances, I urge all of our colleagues to consider their amendments, consider how much time they would require, and hopefully we could move forward so that we do not have to go through a cloture vote and reach cloture on this bill.

Finally, Mr. President, I would like to avoid the cloture vote, along with my friend from Nebraska. I think we are now reaching a point where we could get time agreements and perhaps even a time certain for passage.

Mr. EXON. Mr. President, if I may for a moment, I thank my friend from Arizona.

I simply use this opportunity to appeal to all Senators on both sides of the aisle to please come to the floor at this time, or sometime within the next hour, to consult with us. It is important, if we are going to expedite matters as I would like to do, and hopefully not have a cloture vote unless that becomes necessary—but I suspect we are going to have to go through the cloture vote unless we can come to some reasonable agreement on the number of amendments—how serious the Senators are in offering them.

I place an appeal at this time to Members on both sides of the aisle who have amendments to please consult with the managers now so that maybe we can have a sense and eliminate some of the amendments that are duplicates, or duplicates to some degree, and maybe have an agreement by 2 o'clock this afternoon that would set a course of as definitive action as is possible with the conflicting debate that still might take place on some of these amendments.

Mr. MCCAIN. Mr. President, I ask to be recognized for 1 additional minute.

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

Mr. MCCAIN. Mr. President, it is not clear yet—a pending vote on a Feingold amendment; a possible pending vote on

a Feingold amendment, that is possible; along with a pending vote at the expiration on the previously agreed to time on the Bradley amendment. It is not clear to me yet when those votes will take place.

There is, I understand, a signing ceremony down at the White House on the unfunded mandates bill sometime later this morning. I hope within the next minutes we will get some indication as to when the votes, both on the Feingold amendments and the Bradley amendment, will take place.

Now, Mr. President, I ask unanimous consent to return to the pending amendment, which is the Bradley amendment.

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

AMENDMENT NO. 403 TO AMENDMENT NO. 347

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first of all, I would like to say to my friend from New Jersey, I know of no one who is more aware, more knowledgeable, and more articulate on tax issues—along with many others, but especially tax issues—than the Senator from New Jersey. We know of his exemplary record, including the key role he played in the last major tax bill passed by Congress in the 1986 tax reform bill.

It is with some trepidation that I oppose this amendment of the Senator from New Jersey. I certainly understand the target and the aim and intent of this amendment. I believe that the amendment sets a different standard for a targeted tax benefit for purposes that are contained in the Dole substitute.

His definition of the targeted tax benefit in this amendment is broader. The amendment defines a targeted tax benefit, I quote from the amendment, as any provision that applies different tax treatment to a limited class of taxpayers. The amendment does exempt from the taxpayers in a limited class, defined by general demographic conditions such as income, number of dependents, or marital status.

By the terms of the amendment as we understand it, it pulls into the definition of targeted tax benefit, any tax benefit that goes to any other limited class of taxpayers, such as retirees, Americans with physical disabilities such as blindness, survivors of a deceased parent or spouse, disabled veterans, foster parents, farmers, fishermen, students, and homeowners.

A few examples, Mr. President, of potential tax benefits that would be a targeted tax benefit under this amendment and subject to the line-item veto would be, for example: President Clinton's 1996 budget proposal to create a special tax deduction for college education expenses, the reason being, where it would fall under the Bradley amendment, is that students or their parents who pay for college expenses are a limited class of taxpayers.

Proposals in most of the major health care reform bills proposed last year to clarify the tax treatment of long-term care insurance would fall under this amendment because taxpayers who choose to purchase long-term care insurance are a limited class of taxpayers.

The proposal in the Contract With America to increase the amount of money a small business can deduct, expenses for equipment purchases from $17,000 up to $35,000 per year, because the contract proposal is limited to small businesses, which are also a limited class of taxpayers.

The proposal to extend the 25-percent deduction for health insurance costs paid by self-employed persons, and the reason for this is that this proposal is limited to self-employed taxpayers, who are also a limited class of taxpayers.

The distinguished Democratic leader, Senator DASCHLE, has a bill that provides tax relief for farmers who have suffered from the 1993 Midwest floods. This proposal is limited to farmers, a limited class of taxpayers.

Unlike the pending amendment, the Dole substitute definition of a targeted tax benefit looks to a limited group of taxpayers, and whether within the limited group, one taxpayer or group of taxpayers is treated more favorably than other similarly situated taxpayers.

Under the Dole substitute, none of the examples mentioned would be a targeted tax benefit, and under the Dole substitute none of the examples mentioned would be subject to the line-item veto.

Mr. President, under the previous unanimous consent agreement, at the expiration of the time, I will be making a motion to table as was provided for in the unanimous-consent agreement.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to speak on this amendment and allow Senator Bradley to use the remaining minutes of his time for his own purposes.

Mr. President, the amendment that is now pending is one that virtually every Member of the Senate ought to be able to support.

Senator BRADLEY's amendment on tax breaks is identical—it is identical—to that contained in the Domenici-Exon bill. It is the very same language that has been cosponsored by many people on both sides of the aisle, including both leaders at this point. Its intent is to make clear what we all say we want: To give the President a strong bill.

We want to allow the President to weed out special interest breaks, whether they are buried in an appropriations bill or buried in a tax bill. We have said that our view of a strong bill is a bill that broadens the scope, that gives the President the greatest opportunity for review of legislative issues, of questions that may arise as he considers the viability of any piece of legislation, giving the President the opportunity, whether it is in taxes or appropriations, is our definition of strength.

Senator BRADLEY's amendment puts tax breaks on an equal footing with wasteful spending. It allows the President to select out and veto provisions that might favor one group over another at the expense of the American taxpayer.

So, Mr. President, it is a bill that certainly Senator DOMENICI, and many of us who cosponsored his legislation, feel is important, and I am very pleased that we have, again, an opportunity to support what we all have indicated we want, and that is a bill that is, indeed, as strong as it can be.

I am gratified that our Republican colleagues agree with Democrats that tax breaks should be on the table and open to review. The current language in the Dole substitute is very broad. Under any reasonable commonsense interpretation of this language, tax breaks are on the table, and that is as it should be.

I am supporting Senator BRADLEY's effort in order to remove any ambiguity in interpretation. I think Senators DOMENICI and EXON had it exactly right the first time, and I hope they will return to their roots and support this amendment when we have the vote later on today.

Senator BRADLEY's amendment is also important because it has another crucial component. It eliminates the incentive that exists under the Dole substitute to shift tax breaks out of the budget window and escape Presidential scrutiny. For example, the House has a provision in the Contract With America called neutral cost recovery. Although this tax provision loses billions of dollars and is a huge drain on the Treasury, it would not come under the President's scrutiny. That is because it does not lose money until after the 5-year budget window.

Instead of inviting budget games, we should allow any tax break that loses money to be subject to Presidential review, and Senator BRADLEY's amendment does that. That is a gimmick. We want to avoid gimmicks. We truly want truth in budgeting. We want the President to have an opportunity to review all budgetary implications, provisions that may be in the law, and that is really what this amendment does.

This amendment would ensure that the President looks beyond 5 years and not be constrained simply to examine a piece of legislation only because it has a 5-year budget estimation. There is widespread agreement in the Senate about the need of Presidential review of wasteful spending. This amendment puts wasteful tax breaks on the table, and I certainly urge my colleagues to support it.

With that, I yield the floor.

Mr. BRADLEY. Mr. President, how much time remains on each respective side?

The PRESIDING OFFICER (Mr. FAIRCLOTH). Twelve minutes 46 seconds for the Senator from New Jersey, and 11 minutes for the Senator from Arizona.

Mr. BRADLEY. I yield 2 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague for yielding. I think this is an extremely important amendment. Frankly, this line-item veto is not in ideal shape, from my perspective. But what happens when we have a one-time appropriation is we have a one-time wound. If we vote $500,000 to save BILL BRADLEY's birthplace—and I know BILL BRADLEY would oppose such an appropriation—that is a one-time appropriation. But when we put in these little tax favors for people, these little things that provide tax breaks, that is a wound that bleeds year after year after year. I think it is extremely important that we adopt this amendment.

I would like to see a line-item veto that also would give the President, frankly, the authority to reduce appropriations. Apparently, we cannot do that under the present Constitution. I wish we could. I prefer that. But I think if we are going to deal with appropriations in a line-item veto, we also have to deal with tax expenditures in a meaningful way.

The Dole amendment deals with it but in a very narrow sense. This is even more narrowly crafted than I would like to see, but it at least gives us the ability to stop a running wound, and we have created too many running wounds.

Mr. President, I am pleased to support the Bradley amendment.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BRADLEY. Mr. President, again, I would like to, if I can, having listened to some of the comments, try to take a few minutes to clarify what I believe the language means.

Before any tax loophole would be subject to a line-item veto, under the language of the pending bill, it would have to meet two criteria: First, the loophole would have to be estimated by the Joint Tax Committee to lose revenue within the period specified in the most recently adopted concurrent resolution on the budget.

Now, Mr. President, although this provision is subject to budgetary gimmicks, I believe it is clear. It says that if a tax expenditure loses money in the next 5 years, it would be included. What my amendment seeks to do is to broaden this to a 10-year period; to say that you cannot put a tax expenditure in the code and make it effective in year 6, 7, and 8. You cannot put a tax expenditure in the code claiming that it will raise revenue, as some inevitably will in the first couple of years, when in fact it will lose enormous amounts of revenue in the second 5 years.

So I am concerned—and seek to rectify with this amendment—that the budget window here creates a possibility for gaming.

For each tax bill, we receive estimates from the Joint Tax Committee, the detailed revenue gains and losses for each fiscal year covered by the current budget resolution. If a given tax loophole was estimated to lose revenue during any of these years, it would meet this first part of the definition. If it loses revenue in the first 5 years under the bill, it would be included as an item that could be vetoed.

The second criterion is, the loophole would have to have ''the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.''

While the first part of this part of the test is fairly clear, I think some Members of the Senate have questioned what the phrase ''when compared with other similarly situated taxpayers'' means. My view is that this language makes explicit what was implicit in the earlier versions of this phrase. All tax expenditures are judged relative to a given baseline that applies to all other taxpayers, and this language simply makes this comparison clear.

So, for example, if tomorrow we pass the $10,000 tax credit for all Members of Congress, that loophole would be subject to a Presidential veto.

First, because it would lose revenue in the next 5-year period. And, second, the loophole would provide a limited group of taxpayers; that is, Members of the Congress, more favorable tax treatment; that is, the $10,000 tax credit, when compared to other similarly situated taxpayers; that is, all taxpayers that are not Members of Congress.

As a real example, a few years ago Congress approved a loophole that provided that

> Neither the United States nor the Virgin Islands shall impose an income tax on non-Virgin Islands source income derived by one or more corporations which were formed in Delaware on or about March 6, 1981, and which have owned one or more office buildings in St. Thomas, United States Virgin Islands.

There it is, a tax expenditure. Word has it that this loophole was designed to benefit a single, well-connected, millionaire and his Virgin Islands company. That was his loophole.

Again, this loophole under the bill before us would be subject to a potential line-item veto. First, it would lose revenue in the next 5 years. Second, the loophole would provide a particular taxpayer; that is, the single Virgin Islands company, with more favorable tax credit; that is, forgiveness of tax on all non-Virgin Islands source income, when compared to other similarly situated taxpayers; that is, other taxpayers that either were nonincorporated in Delaware on March 6, 1981, or do not own an office building in the Virgin Islands.

Now, Mr. President, a few Members have suggested—incorrectly, I believe—that the term ''when compared to similarly situated taxpayers'' will cause the definition of ''targeted tax break'' to be interpreted narrowly. This suggestion is based on I think the flawed reasoning that ''similarly situated'' means ''identical.'' Such interpretation would mean that no tax loophole would ever be subject to veto. Instead, loopholes for Members of Congress, loopholes for individual companies in the Virgin Islands, and numerous other loopholes would all be free from a potential veto because all identical taxpayers would get the same benefit.

The debate on this floor evidences the clear intent of the supporters of this bill to subject tax loopholes to a Presidential veto, and therefore it includes the tax loophole for the Members of Congress, it includes the tax loophole for the Virgin Islands corporation, and it includes other new and expanded tax loopholes.

I think that is, frankly, what the bill says. That is what this amendment says. The disagreement is not over that. The disagreement is the budget window. And in the bill before us, there is a big possibility for gaming by saying if there is a tax loophole that will not lose revenue until the second 5 years, it is not subject to veto, and that is what this amendment attempts to correct.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes and 13 seconds.

Mr. MCCAIN. I say to my friend, if my friend from New Jersey will yield, I would be glad to yield 5 minutes of my time to him, if he so wants to use it.

Mr. BRADLEY. I am fine with 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 5 minutes to the Senator from Maine [Mr. COHEN].

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, I thank my friend for yielding. I would like to offer a couple of comments to put this line-item veto proposal in perspective.

The Constitution clearly gives Congress the ''power of the purse.'' But, every President since Thomas Jefferson has asserted the executive branch's discretion and right to hold back moneys appropriated by Congress. This tug-

of-war goes to the most basic facet of our democratic system of government: The balance of powers between the executive and the legislative branches of government.

The conflict between the power of the purse and the power of impoundment dates back to the earliest days of our Republic. The first significant impoundment of appropriated funds was made by Thomas Jefferson who, back in 1803, refused to spend $50,000 appropriated by Congress to provide gunboats to operate on the Mississippi River.

The conflict between the legislative and executive branches has been going on now for over 150 years. You may recall, Mr. President, it was back in the early 1970's when this really came to a head. President Nixon challenged Congress' power and withheld over $12 billion in highway funds. This resulted in an attempt to impeach President Nixon because he had trespassed upon the powers of Congress. Congress did not impeach the President—appropriately so—but it did pass the Budget and Impoundment Control Act back in 1974. This act imposed many new restrictions on the President's ability to impound budget authority.

Twenty years have transpired since this act was passed and the tenor of the debate has shifted dramatically. We have gone from a sense of urgency to restrict an imperial President to a sense that the President needs to restrict, if not an imperial Congress, at least a spendthrift one.

I support strengthening the President's ability to veto wasteful spending. In fact, I introduced legislation along with Senator DOMENICI to accomplish this last Congress and did so again this year.

But, I think we ought to be clear about one thing. No matter what type of line-item veto authority is given to the President, assuming it will be given, the overall impact on the deficit is not going to live up to the high expectations of the American people.

Giving the President more power to rescind or veto spending can achieve some positive results. To be able to surgically remove wasteful spending items would be a service to the taxpayers and, in turn, improve the public image of Congress. Every report about a $700 toilet seat or a Lawrence Welk Museum sends the message that Congress is either intoxicated with power or powerless to overcome its spending addiction.

But there should be no expectation that the line-item veto authority can do the heavy lifting in terms of reducing the deficit. Many of the items listed by various watchdog groups in their annual so-called pork lists are astonishing, and would never be supported if they were not embedded in large appropriations bills that are presented to the President on a take-it-or-leave-it basis.

I do not suggest that any amount of waste ought to be tolerated, but purging these items, while important, will not alone take us far in reducing the deficit. I support giving the President more authority to line out wasteful spending. But, it should be clear that we have not yet been able to confront the much more difficult task, and more difficult challenge, of getting our deficit under control.

At this point it is not clear, Mr. President, whether there is going to be a filibuster on this measure or whether we will be able to overcome that filibuster. I hope that we can. In the meantime, if this measure is not approved and sent to the President for his signature, there is another way to achieve our goal. Every request made of the Appropriations Committee ought to be made public. Those of us who request that specific items be included in the appropriations bills ought to have those requests published in the CONGRESSIONAL RECORD. That would bring some light to this process. If we are unable or unwilling to stand behind the requests that we make to the Appropriations Committee, then obviously we would be unwilling to take to the floor to try to defend them.

Unfortunately, I think we have reached the point of ''Stop us before we spend again.'' The power of the purse is already ours. It is a power we have abused too often, and too often, I might add, to the applause of our constituents. For too long, we have been rewarded for bringing home the bacon while condemning the presence and prevalence of trichinosis in the Congress. We cannot continue to have it both ways.

This measure will indeed force us to defend our requests in the bright light of day. It will make us more responsible if we may be called upon to defend here on the Senate floor what we demand. This measure leads us to a sense of congressional responsibility.

I support the efforts of my colleagues, Senator MCCAIN of Arizona and Senator COATS of Indiana. I support the measure we have brought to the floor.

But, I again want to reemphasize the point that, assuming it passes and the President signs it, this measure will not do the heavy lifting required to reduce the deficit. But, it will be a step forward. It is a measure that has become necessary by virtue of the fact that we have engaged in wasteful spending.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COHEN. May I have an additional 30 seconds?

Mr. MCCAIN. I yield as much time as he may consume to the Senator from Maine.

Mr. COHEN. Mr. President, once again, let me say we could have avoided all of this had we not indulged ourselves in the notion that we can bring home the bacon to our constituents and they will applaud us. We know one person's bacon is someone else's pork. It all depends on who is looking at it. It seems to me we should at least be willing to stand on the Senate floor and identify and defend those requests we have made of the appropriations or authorization committees. If we cannot bring ourselves to do that, the projects are not worthy of support by our colleagues and should not be in the appropriations process.

In closing, I hope this measure does in fact receive the endorsement of enough of my colleagues on the Democratic side of the aisle to cut off any filibuster. Absent that, one way we can accomplish the same result is to have these requests published as a matter of record in the CONGRESSIONAL RECORD.

I thank my colleague from Arizona for yielding me this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I ask my distinguished colleague from Arizona two brief questions.

One is: The language that is embodied in this amendment, does the Senator intend to fight for this language in the conference?

Mr. MCCAIN. I would say to my friend from New Jersey, I believe not only will we fight for it but I believe the House's intentions were exactly the language of this amendment rather than, as the Senator from New Jersey has pointed out, the rather nebulous and amorphous definitions that were in the House-passed bill.

I believe from my conversations with Members in the other body, they would be agreeable to this language as opposed to the present language in the bill.

Mr. BRADLEY. And the language in question does, according to the Senator's own reading, yield some tax expenditures being subject to the line-item veto?

Mr. MCCAIN. I would say to my friend, absolutely. I believe, again, the egregious examples of the advantages that have been accrued to a few are addressed.

I also concede to my friend from New Jersey that there are other areas, such as was pointed out in the remarks of the Senator from New Jersey, which are not covered but which should be covered. I just do not know exactly how we do that. If we expand in order to cover that, what goes along with that I think is something we cannot support at this time.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. How much time remains?

The PRESIDING OFFICER. The Senator has 22 seconds.

Mr. BRADLEY. Mr. President, I think this amendment is about the budget window. I think the underlying bill, plus the amendment that is offered, really means the same thing when it comes to similarly situated. I

think to argue it is a narrow interpretation would mean that no tax loophole would ever be subject to veto because similarly situated would have to be identical. Instead, new loopholes for Members of Congress, loopholes for individual companies—such as in the Virgin Islands, as in the example I gave—or numerous other loopholes would all be free from potential veto. I know that is not the intent of the distinguished Senator from Arizona nor of the proponents of this bill.

I thank the Senator. I am prepared to yield the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Arizona has 4 minutes and 2 seconds.

Mr. MCCAIN. I ask if the Senator from New Jersey would like to make any additional remarks out of my time?

Mr. BRADLEY. No. I do not think so. I am prepared to yield the remainder of my time.

Mr. MCCAIN. Mr. President, I am prepared to yield the remainder of my time. I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. I thank my colleague from Arizona. Briefly, for the benefit of the Senator from Arizona—and we have talked about this, and other parties—I clearly state I am a cosponsor of the Bradley amendment which I think is a very good one, a very timely one. But, as is well known, I have a backup amendment at the desk.

The Bradley amendment would ensure that the tax loopholes covered by the bill would be a broad class of tax loopholes. His amendment will also allow the item veto to apply to tax loopholes that lose money after 5 years, and that portion of his amendment and only that is what my backup amendment, that I have just referenced that is being held at the desk, would address. My amendment would apply to the line-item veto to a 10-year window rather than 5.

As I stated earlier, if Senator BRADLEY's amendment succeeds I will not call up my amendment, as his amendment would already have addressed the issue. But if the Bradley amendment fails, then I think the least we should do is to proceed with the consideration of the backup amendment that is at the desk, that I think has probably a pretty broad-based support on both sides of the aisle.

I thank my colleague from Arizona. I reserve the remainder of my time if any and yield it back to him.

Mr. MCCAIN. Mr. President, I yield to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I would add as cosponsors Senator KERREY of Nebraska, Senator HARKIN of Iowa, Senator FEINGOLD of Wisconsin, Senator EXON of Nebraska, Senator HOLLINGS of South Carolina, and Senator SIMON of Illinois.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Under the previous unanimous consent agreement I move to table the amendment at this time.

In accordance with the wishes of the Senator from New Jersey, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion.

Mr. MCCAIN. Mr. President, I ask unanimous consent to stack this along with other votes until the hour of 5 p.m. today.

Mr. EXON. Mr. President, reserving the right to object to that, there has been no clearance of that on this side.

Mr. MCCAIN. Could I modify that request? I ask unanimous consent to delay the vote for a short period of time, until there is some agreement on both sides as to when votes will take place.

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

Mr. MCCAIN. Mr. President, I ask for recognition to make a suggestion to my friend from Nebraska.

The PRESIDING OFFICER. The Chair recognizes the Senator.

Mr. MCCAIN. I ask my friend from Nebraska, since—if, in the case of the defeat of the Bradley amendment he is going to have another amendment, perhaps he and I might debate that amendment now in the event the Bradley amendment does go down?

Mr. EXON. That might be in order. I would not hesitate to do that if the Senator thinks this is the right time to do that.

Mr. MCCAIN. If the Senator from Nebraska wishes to do that now I think it would be appropriate.

Mr. EXON. I will be glad to debate the amendment without calling up the amendment now.

I would simply say I think most of the debate has been covered on this matter.

Mr. SIMON. Will my colleague yield?

Mr. EXON. I will be glad to yield.

Mr. SIMON. I heard the Senator say he was going to propose this if the Bradley amendment was defeated. I, frankly, think we need this 10-year thing, whether the Bradley amendment carries or not because the Bradley amendment does exempt certain types of tax breaks.

Mr. BRADLEY. If the Senator will yield, the amendment that is before the Senate at this time includes the 10-year window. So, if you are voting for the Bradley amendment you are voting for what would be the Exon amendment.

Mr. SIMON. The time is from the Senator—I do not see that in the amendment from the Senator from New Jersey.

Mr. BRADLEY. The amendment is not time limited. It would apply to a tax expenditure whenever—it could be 15 years. There is no 10-year limit. It is forever.

Mr. SIMON. But, if I may, what the Bradley amendment says is:

> . . . but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

Why I favor the idea of the 10-year projection is, even if the Bradley amendment is accepted, if someone wants to get a tax break for divorcees, just as one example, we ought to know what that is going to cost, not just for 5 years but for 10 years.

So I think the Exon amendment still makes sense even though we accept the Bradley amendment. I am strongly for the BRADLEY amendment.

Mr. EXON. Mr. President, I simply respond to the question posed by my colleague from Illinois—as I said just before I yielded to him, I strongly support the Bradley amendment and most of the arguments that have been made for the Bradley amendment, and I am a cosponsor—that would be taken care of if the Bradley amendment prevailed. Basically the thrust of this—and I will be glad to talk individually with my colleague from Illinois—the Bradley amendment strikes not just a 5-year reference. It strikes any reference whatsoever. That would simply mean that forever we would have to do this. It probably is the right way to go.

My backup proposal would be to extend the 5-year provision to 10 years, and that is what we have been talking about. Therefore, it is a compromise that might be accepted on the other side and, I think, would be much better than the 5-year amendment, not as good as what I think is implied in the Bradley amendment. But mine is a compromise.

I would be very glad to listen to further statements or reasoning on what I am sure are well-intentioned remarks made by my friend from Illinois.

If I might very briefly, I would simply say, as I have talked with my colleague from Arizona, the floor manager on this on the other side of the aisle, it seems to me that all of the basic thrust for doing this has been covered very well on the Bradley amendment. I think it would be repetitious for me to go through a whole new argument on this. I am sure this is fully understood by my colleague from Arizona.

I would simply say that I would incorporate in the support of my amendment all of the arguments that have been made in a very articulate fashion by my colleague from New Jersey on his amendment, and at an appropriate time today, after the majority leader decides after consultation with the minority leader when we should begin voting, my intention is to call up the Exon backup amendment only until a decision is made by the body on disposition of the Bradley amendment,

which would be the first item voted in this area, as I understand it, and we will be glad to take it up at that time.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, on this side we are in agreement with the Exon amendment. I believe that it would be accepted if, in the case of the Bradley amendment, there is rejection by this body of the Bradley amendment.

The problem with the Bradley amendment is not the time we are talking about, but it is the broadening of the scope of the targeted tax benefits.

So I want to assure my colleague from Nebraska that unless something unusual happens between now and the time we vote on the Bradley amendment—around here anything can happen—at least speaking, I believe, with some confidence, we would accept by voice vote the Exon amendment and thereby eliminate the requirement for another recorded vote.

Mr. President, I ask the indulgence of my friend from Nebraska while 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. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. EXON. Mr. President, in order to conserve time and move briskly ahead, I would like to make a few brief remarks on an amendment that Senator HOLLINGS of South Carolina will be offering very shortly. I would like to address the Hollings amendment which incorporates the pay-as-you-go system on the Budget Act.

The amendment to be offered by my friend and colleague from South Carolina was offered in the Budget Committee during markup on the measure we are now addressing on the floor of the Senate.

This amendment would codify and strengthen one of the most important provisions of the budget process law—the pay-as-you-go rule. It simply codifies into the Budget Act section 23 of the 1995 budget resolution, which sets forth the 10-year pay-as-you-go rule. This rule has been a resounding success.

The amendment also makes two worthwhile additions to the provisions that exist in the current law. First, it applies the pay-as-you-go rule to budget resolutions. This is a position that the Budget Committee chairman, Senator DOMENICI, advocated in his substitute budget resolution in prior years.

Second, the amendment would require Congress to use a CBO baseline in calculating whether the pay-as-you-go rule has been violated or not. Current law requires us to measure against the budget resolution baseline.

Most years, these two are one and the same thing. However, this year, there is much talk about pumping up the numbers for reasons of the so-called dynamic scorekeeping, or some rosy scenarios regarding the changes in the Consumer Price Index. This amendment would help to ensure that we cannot play games with the baseline, which I think is absolutely critical if we are going to be up front and honest.

The bottom line is that the pay-as-you-go rule has worked extremely well. Under the pay-as-you-go rule, Congress has restrained its appetite for new entitlement programs and has gone without wasteful deficit-increasing tax cuts. Congress can still create entitlements or cut taxes. This rule simply requires that we pay for what we do. This is the essence of sound budget policy.

Mr. President, while awaiting the return to the floor of the Senator from Arizona and, hopefully, the appearance on the floor very shortly of Senator HOLLINGS of South Carolina to offer the amendment I referenced, 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. 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. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to table the Bradley amendment has been set aside. Therefore, amendments are in order.

AMENDMENT NO. 404 TO AMENDMENT NO. 347

(Purpose: To provide that entitlement and tax legislation shall not worsen the deficit)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 404 to Amendment No. 347.

Mr. HOLLINGS. 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. . PAY-AS-YOU-GO.

''At the end of title III of the Congressional Budget Act of 1974, inert the following new section:

'''ENFORCING PAY-AS-YOU-GO.

'''SEC. 314. (a) PURPOSE.—The Senate declares that it is essential to—

'''(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

'''(2) continue the pay-as-you-go enforcement system.

'''(b) POINT OF ORDER.—

'''(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct-spending or receipts legislation (as defined in paragraph (3)) that would increase the deficit for any one of the three applicable time periods (as defined in paragraph (2)) as measured pursuant to paragraphs (4) and (5).

'''(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means any one of the three following periods—

'''(A) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

'''(B) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

'''(C) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget.

'''(3) DIRECT-SPENDING OR RECEIPTS LEGISLATION.—For purposes of this subsection, the term ''direct-spending or receipts legislation'' shall—

'''(A) include any bill, resolution, amendment, motion, or conference report to which this subsection otherwise applies;

'''(B) include concurrent resolutions on the budget;

'''(C) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

'''(D) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

''(E) include the estimated amount of savings in direct-spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

'''(F) except as otherwise provided in this subsection, include all direct-spending legislation as the term is interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

'''(4) BASELINE.—Estimates prepared pursuant to this section shall use the most recent Congressional Budget Office baseline, and for years beyond those covered by that Office, shall abide by the requirements of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that references to ''outyears'' in that section shall be deemed to apply to any year (other than the budget year) covered by any one of the time periods defined in paragraph (2) of this subsection.

'''(5) PRIOR SURPLUS AVAILABLE.—If direct-spending or receipts legislation increases the deficit when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), then it must also increase the deficit when taken together with all direct-spending and receipts legislation enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, in order to violate the prohibition of this subsection.

'''(c) WAIVER.—This section may be waives or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

'''(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by,the appellant and the manger of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and

sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

''(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section,the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

''(f) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 1998.'''

Mr. HOLLINGS. Mr. President, this amendment pertains to budget resolutions. In the budget resolution passed last year, there is a provision that states that:

. . . for the purposes of this applicable time period—

Referring to whether certain legislation is deficit neutral.

and under section 23, on a point of order, 23 (b)(2): For the purposes of this subsection, the term ''applicable time period'' means any one of the following periods: The period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget, or, (c), the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget. And for the purposes of that particular definition, the term ''direct spending,'' or ''receipts,'' shall include any bill, resolution, amendment, motion, or conference report, to which this subsection otherwise applies, (b) excluding concurrent resolutions on the budget.

Now, we have a 10-year rule for all legislation save the budget resolution. Specifically, Mr. President, on the General Agreement on Tariffs and Trade, we had a 10-year rule. In fact, it so happened that the President of the United States got this Senator personally on the telephone and asked if we would waive that rule, and I said ''no''. I had gone along with my distinguished chairman, Senator DOMENICI, of the Budget Committee. It was a fundamental issue that we look at revenue losses over a 10-year period.

The reason for that is very apparent once we focus on certain provisions in the Contract With America. I am not just talking politically, because politically, I favor some of the items in the contract. I favor, for example, a balanced budget amendment to the Constitution, if Republicans would only put in there what they say, that it is against the law to use Social Security funds for the deficit. If they would only put that provision in there, they have myself and four other Senators. We can pass the balanced budget amendment this afternoon, or any time. We are ready to go.

But I want to talk about the line-item veto. I support the line-item veto and have established a record in my efforts over the last 10-years.

I ask unanimous consent that a summary of my record be printed in the RECORD at this particular point.

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

THE HOLLINGS RECORD: LINE-ITEM VETO

Since 1985, U.S. Sen. Fritz Hollings has pushed for a separate enrollment line-item veto to give the president power to cut wasteful spending. Here is his record:

1995: On Jan. 18, Hollings introduced his separate enrollment line-item veto bill (S. 238) and co-sponsored a similar measure introduced by Bradley (S. 137).

1994: On Oct. 5, Hollings submitted testimony to the Senate Budget Committee that strongly pushed a separate enrollment line-item veto.

1993: On Jan. 24, Hollings introduced his separate enrollment line-item veto bill (S. 92).

On June 24, Hollings and Bradley offered an amendment to the Omnibus Reconciliation Bill that would have extended separate enrollment authority to tax expenditures and appropriations. The amendment failed (53–45) to get the 60 votes needed to bypass a budget point-of-order.

1991: On Jan. 14, Hollings introduced a separate enrollment line-item veto bill (S. 165).

On July 24, Hollings testified before the Senate Rules Committee to support his separate enrollment line-item veto bill (S. 165).

1990: On Oct. 10, Hollings fought to have a separate enrollment line-item veto favorably reported out of the Senate Budget Committee. For the first time ever—and on a bi-partisan basis—the proposal passed in the committee by a 13–6 vote.

1987: On Jan. 28, Hollings was an original co-sponsor of separate enrollment legislation (S. 402).

1985: On Feb. 5, Hollings co-sponsored S. 43, a separate enrollment line-item veto bill by Sen. Mack Mattingly.

In July, Hollings voted twice for cloture on S. 43, but the motions failed twice to get the necessary 60 votes (July 18: 57–42; July 24: 58–40).

Mr. HOLLINGS. Mr. President, I have been in the vineyards for a long time on that line-item veto. I used it 35 years ago when the distinguished occupant of the chair, I think, was the highway commissioner for the State of North Carolina. That was back when we were working in tandem, North and South Carolina, on bringing economic recovery to both of our wonderful States.

I had to use a line-item veto in order to get the triple A credit rating, because I knew nobody was going to invest in Podunk. They were not going to come to a State that was not paying its bills. We used it very effectively then, and I have always thought it is fundamental in fixing responsibility and in creating accountability.

We can look at the Contract With America and get a good sense of what I'm talking about. There is the capital gains tax that we all know about. That has been estimated by the Department of Treasury, of course, in the first 5 years to lose only $28.4 billion, but over the next 5 years, $91.9 billion. So you can see the losses accelerate markedly and that should be considered by those who favor the capital gains tax. We are not talking about rich and poor and who is or isn't getting a tax cut, but rather, to the contrary, whether we have truth in budgeting.

The second item, one that has been favored by the former Secretary of the Treasury and former chairman of the Finance Committee, the former Senator from Texas, Senator Bentsen and others, is the IRA's, the individual retirement accounts. What they term now as the American dream savings account. We are getting now like the Defense Department with the Brilliant Pebbles and Sparkling Light and all these kinds of nonsensical designations. I wish we would cut out our dreaming up here and start work. The American dream savings account, well that is an IRA, an individual retirement account. Yes, for the year 1995 to the year 2000, that would gain revenue. That is a revenue picker-upper. That is income. That is increasing the revenue to the Federal Government by a tune of $3.8 billion. But then you look at the next 5 years, it loses $21.8 billion.

And then they have one with respect to the schedule of depreciation allowances.

The distinguished occupant of the chair, being a very successful businessman, understands depreciation allowances, and how you can get accelerated recovery.

They have a provision that is now before the Ways and Means Committee and before our Finance Committee that is called neutral cost recovery. Whenever they say neutral, look out. That means that it is not neutral, I can tell you that. You just learn from hard experience, when they get these fancy words.

For the first 5 years, 1995 to the year 2000, that picks up revenue at $18.4 billion, but for the years 2000 to 2005, it is scheduled to lose $120 billion.

If we look at the total cost of the Contract With America we can see that the estimated cost over the first 5 years is $188 billion, but for the second 5 years, the Federal Government loses $630.2 billion.

This is not truth in budgeting. That has been the hard experience now of over 20 years of the Budget Act with respect to the measure. We thought last year we had done a good job and we saved money. Then we come up and we say, ''Oops, instead of cutting spending, we have increased it. Instead of recouping revenues, we have cut the revenues.'' And we are all out of balance again. That is how you get $200 and $300 billion deficits on into the next century. It has to stop.

One big way and most assured way, Mr. President, of stopping that would be to get truth in budgeting and adopt this 10-year rule.

Now, I want to refer to the 10-year rule, because I said momentarily that I was not referring to it to score political points. Unfortunately, we have taken to partisanship in this body, and it is unfortunate. We do not have the comity that we used to have when I first came here to the Senate.

But it is important to stress where the idea for my amendment comes from. In the fiscal year 1995 Republican budget resolution that was submitted by the Republicans on the Senate Budget Committee just last March, I refer to their miscellaneous section No. 1 and description and I now read word for word.

Strengthen the 10-year pay-as-you-go point of order. While the 10-year pay-as-you-go point of order that was established by last year's budget resolution is permanent, it does not currently apply to budget resolutions and could be repealed by a subsequent budget resolution. This proposal would make future budget resolutions subject to this point of order.

That was the particular provision of our colleagues on the other side of the aisle that they submitted.

I tried to offer it in committee. The Budget Committee met and we had discussions, but we were told at the time, ''Let's not take it up on S. 4. Let's not take it up on S. 14, but have it later.''

Well, we have not had a scheduled markup. And I think that this amendment, if offered in reconciliation, would require the 60 votes because of the Byrd rule. But we need it; it would bring truth in budgeting to budgets, as well as other legislation before us.

So I hope that they can join, as they indicated they wanted to and indicated in various sessions that I have been with them. And I know the distinguished chairman of the Budget Committee is dedicated to truth in budgeting. This would be a perfect way to make it permanent for all budget resolutions. In the upcoming budget resolution, we are going to need spending cuts, we are going to have to have spending freezes, and we are going to have to close particular loopholes. And in this particular Senator's opinion, it is going to require additional revenues in order to do what we all say we are going to do; namely, in a 7-year period bring us back into the black and put us on a pay-as-you-go basis. It is going to be quite a task.

And do not underestimate the power of Congress to be creative. We can do away with departments, get into capital budgets, get into sale of capital assets, the power grid out west and everything else. But that is just a one-time savings; it does not really bringing us into balance.

They can get into using Social Security. They say they do not want to use Social Security, but, very interestingly, very interestingly, the distinguished chairman of the Finance Committee said on Tuesday, March 21—and I will quote from page 4 of an article.

Senator PACKWOOD said:

Nothing is sacred including Social Security and other entitlement programs.

If the chairman of the Finance Committee is thinking in terms of using Social Security then we really are in a pickle.

We hear of plans to reestimate the CPI, but if that is to occur, it should be reestimated in a technical fashion and not a political fashion. The Bureau of Labor Statistics reviews the CPI every 10 years. It is my understanding that we are due for another recomputation of the Consumer Price Index in 1998. We can do it in 1995. Suits me, as long as it is done in the same technical fashion, and not done in a political fashion.

The reason I refer to that ''in a political fashion,'' is simply that I have a quote from the distinguished Speaker of the House, NEWT GINGRICH. I refer to a release on January 16, 1995, and I quote:

House Speaker Newt Gingrich threatened Saturday to withhold funding from the Bureau of Labor Statistics.

which prepares the CPI each month, unless it changed its approach, at a town meeting in Kennesaw, GA. The Reuters News Service reported that GINGRICH said:

We had a handful of bureaucrats who all professional economists agree, have an error in their calculations. If they can't get it right in the next 30 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.

If I was over in Treasury, or wherever, and he transferred it to me because they had not gotten it right, I think I could get it right because, if not, I might get zeroed out.

So let Congress go along with an accurate estimation, a statistical estimation, a professionally done estimation and not a political estimation.

Therein is some of the creativity, whether using the CPI, or the $636 billion from Social Security that they can pick up by using Social Security under the language of House Joint Resolution 1, the balanced budget amendment to the Constitution.

They are just absolutely determined to repeal section 13301 of the Budget Act, that law that was signed into law by President George Bush on November 5, 1990.

If we all sing from the same hymnal and the same sheet music we will get truth in budgeting with this particular amendment.

What we will do is apply the same law that we have applied toward everyone else in the Government. If you are on the Agriculture Committee, you are subject to the 10-year rule. If you are on the Finance Committee with GATT, you are subject to the 10-year rule. If you are a member of the Appropriations Committee, you are subject to the 10-year rule. Interior, Commerce, go right on down the list.

But the very crowd that put in this 10-year rule for everybody else says, ''By the way, not for us.'' I just do not think that is right. I do not think it is honest in that regard. I think we ought to get honesty, get truth in budgeting and put it in there with respect to the budget resolutions, as well as all the other permanent provisions, that 10-year rule was so eloquently endorsed by the Senate Budget Committee Republican alternative just a year ago.

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.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 7 minutes.

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

INTEGRITY OF DEFENSE BUDGET NUMBERS

Mr. GRASSLEY. Mr. President, I want to resume my discussion of the accuracy of defense budget numbers. I have been speaking on the subject of the Defense Department and the issue of our appropriations for the succeeding fiscal years so far this week on two other occasions. I will have two other speeches to make on this subject.

Yesterday, I started discussing the mismatches in the DOD's budget and its accounting books. I want to pick up where I left off yesterday. I want to tick off some of the most glaring disconnects and mismatches that we have in the accounting books.

First, the General Accounting Office says that our Defense Department has at least $33 billion of problem disbursements. That is the latest figure, $33 billion. Just June 30, last year, the Defense Department quantified this problem that they call problem disbursements to be only $25 billion. We have an $8 billion increase in that figure called problem disbursements.

Every time I check, the estimate seems to be higher. It just keeps climbing. Now it is $33 billion. A person might ask, what is a problem disbursement? That is their language. It is primarily a disbursement that cannot be matched with an obligation.

Secretary Perry has $33 billion in unmatched disbursements. He thus has $33 billion in costs that cannot be tracked. I cannot say that we say that that is spent illegally. It is just that we have not matched it up at this point.

But that is a major problem when you consider the fact that there are people in this Congress who want to increase defense expenditures by $55 billion or more over the next 5 years.

Secretary Perry knows that the $33 billion was spent, but he does not know how the $33 billion was spent. He does not know what it bought. All he knows for sure is that the $33 billion went out the door.

Some of it could have been stolen, and I can show you a couple cases of real fraud in a moment.

We are never really going to know how the money was used until all the matches are made. If we cannot make hookups on the $33 billion, then what does that say about the other outlay numbers in the budget? Are they hooked up to the right accounts?

There is a second major disconnect in the accounting books. This is the one between the check writers and the accountants who are supposed to make sure that the work, services, or product was performed and goods or services delivered before payment is made.

A recent spot-check audit by the General Accounting Office produced some very disturbing results: $1.4 billion of overpayments. Contractors, in some instances, voluntarily returned money. It was not earned. It was not due. But we tried to pay it. And they wanted to return it.

The result of a new General Accounting Office audit is just as bad: $820 million in erroneous payments to the top 100 contractors. How many other faulty payments remain undetected or unreturned? I do not think anybody knows. Even the news media and a Pentagon official spoke about it, in reaction to my comments yesterday. People high up say, yes, they know they have major problems.

The Pentagon check-writing machine is stuck on full power. It is on automatic pilot, and the accounting department has gone on a long vacation. In some cases, the Defense Department tells the contractors, ''Don't worry, just hold on to the overpayment until your contracts are reconciled.''

That brings me then to the third big financial disconnect at the Pentagon.

Reconciliation is a detailed examination of contracts with known or suspected problems and is a primary tool of detecting duplicate, erroneous, or illegal payments. Unreconciled contracts—that is another bottomless accounting pit.

The problem has been identified by both the GAO and the DOD inspector general. One of the Pentagon's main contract paying operations, the center in Columbus, OH, has 13,600 unreconciled contracts, including 2,707 contracts that are overdisbursed by $1.2 billion.

The checking account on those 2,707 contracts is overdrawn by $1.2 billion then. Since the records are in such bad shape, the DOD IG and the GAO think it will take 5 million to 10 million man-hours to reconcile these contracts. At $58 an hour charged by a firm like Coopers & Lybrand, it could cost $550 million to make all the fiscal connections and to clean up the accounting mess. And that is the cleanup cost for just one location, Columbus, OH. And there are many others.

At those rates, the total cost of the bookkeeping cleanup operation could approach the cost of the DOD's environmental cleanup operation.

There is a fourth gaping hole in the accounting books. This one may even be worse. This one involves DBOF, which is short for the Defense Business Operations Fund.

DBOF is a $77 billion-a-year operation. DBOF purchases everything from fuel to repair parts to toilet paper and light bulbs. Much of what is bought by DBOF is needed to train the Armed Forces and keep them ready for combat. Unfortunately, DBOF's books are a mess. DBOF's books are in such bad shape that the inspector general had to issue a disclaimer of opinion for the second year in a row.

In the language of accountants, that means the IG could not audit DBOF's books. If you cannot audit the books, you do not know how much money is being spent. We know how much money is being pumped into DBOF, but we do not have any idea what is coming out the other end.

The breakdown of controls within DBOF could help to explain why the Pentagon still cannot relate resources to readiness. DBOF should help us answer this question: If we add $1 billion to the budget to increase readiness, how much more readiness do we get? DBOF cannot answer that issue.

The breakdown of fiscal connections within DBOF alone means that there are no controls or accountability over about 30 percent of the defense budget.

Mr. President, I know that these are harsh judgments on the condition of the Department of Defense's books, but they are based on many years of watchdogging, plus the carefully documented work of the General Accounting Office and the DOD inspector general.

We have a breakdown in the financial controls in four key areas of the defense budget. Unless this mess gets cleaned up, we will not know how DOD is spending the people's money. The breakdown of internal controls makes it easy to steal money from defense accounts. The implications of the defense accounting breakdown were brought home hard recently in two cases: The cases of a Mr. James Lugas and a Mr. James Edward McGill. Both men are in jail for stealing from the taxpayers. Both were able to tap into the DOD money pipe with ease and steal millions of dollars.

They operated undetected for a number of years, and they were not detected because of internal audits or tight controls. They were caught by pure chance. They were caught because of their own outrageous behavior.

One was a low level GS–8 accountant. He was literally living like a king. His neighbors thought he was dealing in drugs, so they turned him in.

The other submitted 32 invoices for payment on a phantom ship that the Navy supposedly had. All he needed to set up shop and do business with the Navy were a rubber stamp, blank invoices, and a mailbox. And the checks just started rolling in. He never did any work. Nor did he ever perform any services.

If the DOD was matching disbursements with obligations as they occurred, then Mr. Lugas and Mr. McGill would have been caught immediately. And that is what worries me, Mr. President. How many others like McGill and Lugas have tapped into the DOD money pipe undetected?

This situation is a disgrace. It tells me we cannot meet our constitutional obligations to the taxpayers of our country to make sure their money is honestly and legally spent. We cannot give the taxpayers an accurate and complete report on how the Pentagon is spending their money.

This is a serious breach of responsibility to the American people. That is over the long haul. But immediately, Mr. President, as we go into the budget process over the next 2 months, both Houses of Congress need to be cognizant of the unmatched disbursements, the stealing of money, before we put $55 billion more in the defense budget.

How can you make that determination in good conscience if you do not have a good accounting system and know from where you are starting?

So I end these remarks on the disconnect between the accounting and budget books.

Tomorrow, I want to turn to the program budget mismatch, which is also a major problem.

I yield the floor.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

UNANIMOUS CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, the floor leader asked me to make this request.

I ask unanimous consent that the vote on the motion to table the Bradley amendment occur at 2 p.m. today, to be followed immediately by a vote on a motion to table the Feingold amendment No. 362, to be followed by a motion to table the Hollings amendment No. 404.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise to express my opposition to the pending amendment, the line-item veto substitute amendment that is before the body, and in the course of doing that to express some thoughts on the line-item veto issue more broadly.

I am very much concerned that any proposal, unless very carefully developed and worked out, could result in a fundamental reordering of the separation of powers and check and balance arrangements between the legislative and the executive branches.

Unfortunately, there is a tendency to dismiss these kinds of questions, although they were very much at the forefront of the thinking of the Founding Fathers when they devised the Constitution that summer in Philadelphia. A Constitution which has served us well over two centuries of the Republic's history. A very careful balanced arrangement was put together then, and I think when it comes to changing it, we need to be very cautious and very prudent.

It does not take a great deal of skill or vision to have a strong executive. Many countries throughout history

have had very strong executives. In fact, if they are too strong, we refer to them as dictatorships. One of the hallmarks of a free society is having a legislative branch and a judicial branch with some independence and with some decisionmaking authority which can operate as a check and balance upon the executive. I repeat, many countries have had strong executives, but they have not been the examples that we want to follow or to emulate.

The great achievement of the American constitutional system is to have established a National Government with independent branches that check and balance one another, to have not only an Executive but legislative branch with some power and authority. I think we have to be very careful that the proposals which come before us with respect to line-item veto not erode the balance and the arrangement that has served the Republic well for over 205 years.

The danger, of course, is that these line-item veto proposals open up the opportunity for the Executive branch, for the President, to bring to bear enormous pressure upon Members of Congress and, therefore, markedly affect the dynamics between the two branches. What the various forms of the line-item veto would do, unless very carefully restrained, is enable a President to link votes on matters unrelated to the appropriation bill to a specific item in the appropriation measure.

Members may well be confronted with a situation in which the Executive says, ''I see this item in this bill, and it is a good item; everyone has justified it; it makes a lot of sense; it is obviously very important to your State or to your district; and I certainly do not want to exercise my veto over it; but I am very concerned about the position you are taking''—and then he mentions some totally unrelated issue, perhaps a nomination to the Supreme Court, perhaps a foreign policy matter involving very important issues of war and peace, or other issues on the domestic front.

Of course, the Executive then is in position to bring enormous pressure to bear. So the line-item veto tool becomes used not as many have suggested, as a way to delete spending items and address through that deletion the deficit problem, it becomes a tool and a legislative strategy by the White House and by the Executive branch to sway Members in terms of the positions they take on unrelated items. It becomes a heavy weapon of pressure.

Now, the particular provision that is before us was not the subject of any committee hearings or any report. There is no report with respect to this provision. It was a substitute that was simply presented on the floor. It would require individual items in an appropriation bill to be separately enrolled and presented to the President. And as the very distinguished Senator from West Virginia, the former chairman of the Appropriations Committee, demonstrated yesterday, a single appropriations bill could end up as thousands of individual enrolled bills that would be sent to the President to be signed or vetoed.

Senator BYRD indicated yesterday that this dramatic change in our system for enacting legislation raises many significant constitutional issues. First, you have important questions about the role of the enrolling clerk in carrying this forward. What will be sent to the President is not identical with what was passed by the Congress. It will be what we pass subsequently broken up by the enrolling clerk. It is not as though the Senate and the House were asked to pass each of these items and then that was sent to the President. That at least I think would be consistent with existing constitutional arrangements.

With the proposal before us, you will be passing a bill, and then the enrollment clerk is going to divide it up into lots of little bills. I think Senator BYRD referred to them as ''billettes.'' And those would be sent to the President. In fact, I think there is a very strong argument that this scheme would violate the presentment clause in article I, section 7 of the Constitution, which provides:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States.
>
> If he approve he shall sign it, but if not he shall return it.

It seems clear to me that what would be presented to the President is not what has passed the House and the Senate. In fact, I understand that the Assistant Attorney General from the Office of Legal Counsel has raised serious concerns about the separate enrollment approach contained in this substitute amendment with the observation:

> On what seems to us to be the best reading of the Presentment Clause, what must be presented to the President is the bill in exactly the form in which it was voted on and passed by both the House of Representatives and the Senate rather than a measure or a series of measures that subsequently have been abstracted from that bill by the clerk of the relevant House.

Obviously, this raises a serious constitutional issue, and I hope Members will stop and deliberate about it very carefully as we consider the substitute proposal that is before us.

Under this substitute, the separate enrollment of each item would be the responsibility of the enrollment clerk after the larger bill has passed the Congress. The Congress would never actually vote on the individual so-called bills that would go to the President. Therefore, it represents a dramatic and drastic departure from our constitutional arrangements.

Only this morning there was an editorial in the paper, which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. This editorial said in part:

> The ''compromise'' line-item veto bill that Republicans have put on the Senate floor is as bad as the bill it would replace, and not a compromise at all. It is sloppily drawn, would greatly complicate the legislative process, invite evasions, and likely do little to accomplish its ostensible purpose of reducing excess spending and the deficit. The main effect would be to disturb the traditional balance of powers by strengthening the President and congressional minorities at the majority's expense.

Mr. President, I urge my colleagues to reflect on the history of the existing scheme for Presidential rescission of spending items.

Congress enacted the Budget Impoundment and Control Act in 1974 in response to Executive excesses by a President who impounded funds duly enacted into law. I supported that act—as a Member of the House—to restore balance between the executive and legislative branches. And it is quite possible, of course, to further refine the rescissions scheme first put forth in the 1974 act. In fact, there has been legislation which Senators DOMENICI and EXON had been recommending to do exactly that. I understand that the minority leader will be making proposals with respect to so-called expedited rescission that would enable us to move forward on this issue. That would ensure the President that items he picked out of an appropriation bill and said should be rescinded would come to the Congress and would have to be voted on by the Congress.

That is not now the case. The President can pick the items out for rescission, but a vote on them is not actually required. This proposal, the so-called expedited rescission proposal, would ensure that a vote had to be taken. And it provides, of course, that if a majority in both Houses does not agree that the item should be rescinded, then it would not be rescinded.

But, it does provide a way to put a spotlight on the item, if that is what the President wishes to do, and it does require the Members of the Congress to address the issue and to address it directly.

I understand, also, that the proposal that the minority leader may make would include within it so-called tax expenditures as an item also over which the President would have that particular rescission authority, and then would be able to require a direct vote by both Houses of the Congress on that item.

That is a change in procedure, but it is one that I think is worthy of consideration and it does not fundamentally alter the arrangements between the Executive and the legislative branch that are currently contained in the Constitution of the United States.

It is a more restrained and balanced approach, I think, to try to address this issue. It does not represent the

drastic departure from past constitutional practice which is contained in the amendment before us, or indeed in other more sweeping proposals. And it does not shift the balance between the Executive and the legislative branches in a drastic way. It addresses the concerns that have been raised without creating even larger problems—problems which would flow from a fundamental altering of the basic relationship which has existed for more than two centuries between the Executive and legislative branches.

Mr. President, I very much hope this amendment will be defeated when we finally vote on it. I am hopeful that an appropriate alternative can be worked out along the lines of what is called the expedited rescission approach.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Mar. 22, 1995]

ANOTHER IN THE SENATE

The ''compromise'' line-item veto bill that Republicans have put on the Senate floor is as bad as the bill it would replace, and not a compromise at all. It is sloppily drawn, would greatly complicate the legislative process, invite evasions and likely do little to accomplish its ostensible purpose of reducing excess spending and the deficit. The main effect would be to disturb the traditional balance of powers by strengthening the president and congressional minorities at the majority's expense.

The problem, if there is one, is that presidents now can't pick and choose among the items in appropriations and other money bills. They can only sign or veto them in their entirety. In the Reagan and Bush years, the myth grew up that this was one of the reasons the deficit was so large—not presidential policy, but the inability of (Republican) presidents to curb the (Democratic) congressional proclivity to spend.

Unfortunately, the myth has survived the election returns. The Republicans remain committed to giving the president greater power to single out and block line items, and President Clinton has unwisely said he wants as much such power as Congress is willing to confer. The House passed legislation under which he could sign an appropriations bill, then propose to kill or reduce any item in it. Congress would then have to pass a second bill to block such a proposal, and that could be vetoed, so that two-thirds votes of both houses would be required to sustain even the smallest spending detail to which a president might object.

Some Senators of both parties rightly thought that was too great a cession of power. They proposed instead a system in which Congress would have to reaffirm its support for line items to which a president objected, but majority votes would be enough to prevail. But the Republicans in this group came under party pressure to back off and support the present ''compromise'' instead.

Congress would pass appropriations and other money bills as now, then split them into line items or other designated parts—perhaps thousands per bill—and send each part to the president to be signed or vetoed separately. It's a recipe for writer's cramp. The president plus a minority of one-third plus one of either house would be enough to govern. The rule would also apply to any increase in entitlements and any revenue-losing tax provision ''having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similary situated taxpayers.'' To what might that not apply?

The line-item veto has become a political symbol. The members of both parties who are so blithely supporting it, including Bill Clinton, need to ask themselves what it means. If the next president doesn't like a particular program for whatever reason—it needn't be the cost—he and a minority of either house can flick it out of the budget and out of existence. It could happen as easily to a new weapons system as it could to the likes of the national service corps. For lack of political will, the legislative branch votes to make itself that much weaker. Who wins from that?

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, as all know, the Senate is debating a truly fundamental change to our system of Government. We have before us legislation which proposes to reconsider some of the most basic principles of our democracy. For over 200 years the Federal Government has maintained a careful balance between the powers of the legislative, executive, and judicial branches. That balance has stood the test of time and has helped sustain our Nation's cherished liberties for generations. Given that remarkable record, I think we need to be very cautious before altering this historic balance of powers. And it is not something we should do lightly. It is not something we should rush through.

We do, however, have to be prepared to respond to changing conditions and to make needed changes in the way we do business. Despite all that is good about our democratic system we also face some real problems and one of the most important is Government waste and the deep public anger that it provokes.

Almost more than any time in our history, it is critical to reduce waste in Government. We are continuing to load debt on our children and grandchildren. The tax burden is heavy. Americans are losing faith in Government as they are repeatedly bombarded with examples of unnecessary spending from fraud in Government programs to the Lawrence Welk center.

Taxpayers are infuriated, and they have a right to be. They also have a right to demand that we do something about it. And there is broad public support for trying some form of line-item veto. Yet we ought not to exaggerate what a line-item veto can accomplish. It will not eliminate all Government waste nor will it balance the budget. It may result in eliminating unnecessary pork-barrel projects and special-interest loopholes. That is not to say that all narrowly targeted spending or tax provisions are wasteful. We all know that many are. And the most egregious examples get the most publicity and erode public confidence in the Congress and in our Government. Surely that is one reason why the public is so angry with Washington. We need to look for ways to address this problem and the line-item veto might help by giving the President power to eliminate items that are truly indefensible.

Under current law, when the Congress sends the President a broad spending or tax bill, the President's options are pretty limited. He can sign the whole bill into law or he can veto the entire package. Once an appropriation bill is enacted, the President can propose to rescind specific items of spending and send Congress a rescission, a reduction in the original proposal—specifically eliminating one recommendation. But this rescission power is extremely limited.

First of all, it does not apply to tax breaks, those breaks that are given to special interests that cost us money because we lose those revenues. And, in the case of proposed rescissions to appropriations, Congress presently can simply ignore them.

It seems to me that it is worth trying to give the President of the United States additional powers to eliminate waste. But as we move into these uncharted waters, fundamentally changing our form of government, we should build in certain protections against abuse of Executive power. Restraint of Executive power has been the hallmark of our Constitution and has guided our Founding Fathers in its creation.

We can strengthen the President's rescission power by making sure that Congress considers all Presidential rescission proposals and does so on an expedited basis. Once again, that Congress reviews and considers all Presidential rescission proposals would be a significant step forward in the fight against waste.

Currently, if the President sends rescissions to us to eliminate wasteful spending we can simply ignore them, and we often do. Forcing review of wasteful projects is not something that is taken up very readily. And in the glare of public debate, it would be a healthy antidote to our current way of doing business.

We can also build in protections against abuse of this expanded Executive power by retaining the democratic process of majority rule. The pending legislation would permit the President to kill any increases in spending or changes to entitlement programs if he can convince just one-third of one House of the Congress to support him. That is an enormous expansion of Executive power. It would permit the President to nullify what a majority of the people's representatives have already approved.

Finally, we would guard against abuse of power by the executive by requiring the Congress to review the line-item veto of a proscribed trial period. Initially, I think the shorter this trial the better. If the line-item veto works as its authors intend, it will have a salutary affect on our Government, and there will be no problem in extending it.

Unfortunately, Mr. President, the proposal before us fails to protect against Executive branch abuses. It

also puts power in the hands of a small minority undermining majority rule by demanding a two-thirds vote to override the President's rescission recommendation. It lets one-third of Congress rule and the President controlling Federal policy on virtually all new spending and entitlement programs. Our Constitution was not written that way. It was not intended that way.

Legislation could also unintentionally hurt smaller States with smaller congressional delegations like mine, like the State of New Jersey. The proposal would lower the deck in favor of bigger States which have a leg up on building the necessary two-thirds vote to override a Presidential line-item veto. In my view, it is unwise. Mr. President, the case for a line-item veto rests largely on the need to eliminate narrowly targeted pork-barrel spending. But the majority leader's amendment goes much further than that. It would allow the President to unilaterally eliminate funding for entire programs. This would give a single individual the power to kill major initiatives in education, law enforcement, health care, veterans programs, mass transit, immigration enforcement, housing, and you name it. All could be at risk.

It would also put Medicare, veterans benefits, and other entitlement programs under the control of a small minority of Congress aligned with the President. I am not suggesting, Mr. President, that President Clinton or any future President would abuse this new power. But we do not really know and we have to guard against it. That is not a Democratic concern or a Republican concern. It is a nonpartisan concern. It is not a liberal concern. It is not a conservative concern. It is a democratic with a small ''d'' concern. It has nothing to do with party or ideology. It has everything to do with the potential for abuse of power and rule by a congressional minority.

Let us take one example of a President of my own party, President Lyndon Baines Johnson. President Johnson was a strong leader who excelled at cajoling and pressing Members of Congress into voting with him. I never experienced it. But the Johnson treatment was something that is legendary. Lyndon Johnson used every tool in his arsenal to make his case, to win his recommendation.

Looking to future, a President with strong leadership skills and strong convictions he could gain enormously in power. With just one-third of one House of Congress he could wipe out essential benefits for ordinary Americans, and a majority in Congress could do nothing to stop him.

Mr. President, I urge against giving a President that unbridled power. I am not willing to risk that. A future President would be able to override a majority in the Congress, and perhaps eliminate all school lunches, or deny middle-class students the opportunity to go to college, or deny working families a chance for child care, or take police officers off the street, or force young children to go hungry, or increase the number of homeless on our streets, or deny veterans the benefits they earned while serving our country, or deny senior citizens needed benefits required under Medicare.

Mr. President, these expenditures and these benefits are not pork. But they would all be vulnerable to the line-item veto under the proposed majority leader's amendment. A President bent on eliminating them could wield a new tool like a meat ax against ordinary Americans. There needs to be some real protections against that, if we are to have a line-item veto.

I am also concerned that a line-item veto could open the door to what some have called political extortion. I use that term to convey how a President would be able in effect hold the gun to the heads of the Members of Congress. This could happen. A President could go to a Member of Congress and say, ''I need support for my favorite new initiative, and, if you do not agree to support it, it is goodbye for that new highway or special program that is so important in your district.'' Mr. President, that kind of political pressure occurs in many States that have a line-item veto, and it can lead to more wasteful spending—not less.

Mr. President, to limit the possibility that a line-item veto will be abused, it is important to keep the Executive on a relatively short leash. One way is to require Congress to reauthorize the line-item veto on a routine basis. Another is to allow a majority in the Congress to overrule the President.

These protections would preserve the constitutional principle of a balance of power and avoid shifting power, extraordinary power, to the executive branch or to larger States at the expense of the medium-sized or smaller States. It would make it less likely that a future occupant of the White House would ride roughshod over the people in the Congress. Unfortunately, Mr. President, the pending proposal does not include adequate protections. It is a serious flaw in the legislation.

I am also concerned about the provisions in the pending amendment related to tax instructions. Those provisions, though drafted ambiguously apparently are intended to provide a loophole that will protect many special interest tax breaks from rescission.

Mr. President, we all know that many special tax breaks that have been included in tax bills over the years exist. There are special rules for the timber industry, for the oil and gas industry, even for cruise liners. In fact, a few years ago we tried to enact a special loophole for the tuxedo industry. Once enacted, most tax breaks enjoy a special status that even the most popular spending programs would emulate. They never have to be appropriated. They never have to be reauthorized. They never have to compete for scarce budgetary resources. Instead, they simply nestle quietly and unobtrusively in the nooks and the crannies of the Tax Code never to be seen nor heard from again. But they cost us substantial revenues, and their costs are made up by imposing extra burdens on ordinary taxpayers.

Mr. President, unwarranted tax loopholes go to the heart of what bothers so many Americans today. Loopholes generally are provided only to special interests and wealthy individuals who have either special connections or enough money to hire a high-priced lobbyist with access to Members of Congress. We have seen a lot of stories on lobbying influence in these recent days and weeks. Meanwhile, ordinary Americans do not have those things. They do not have personal relationships with powerful Senators, and they do not have the lobbyists working for them. So when an ordinary American sees clients of lobbyists getting special treatment in the Tax Code, they really resent it. They resent it very, very deeply.

Mr. President, the pending amendment of the majority leader includes ambiguous language on targeted tax benefits. But according to statements made on this floor, that language is intended to be very narrow. Apparently, if a tax break benefits a particular company, it may be subject to a rescission. But if the loophole benefits two companies or an entire industry, it will get special protection.

Mr. President, that is a loophole law that I cannot support.

In conclusion, let me again emphasize that we are talking about the basic structure of Government that was established over 200 years ago, and we ought to proceed with caution. To help eliminate waste in Government, it is worth trying a line-item veto. But we should not support proposals that are vulnerable to abuse, that fail to adequately protect the public interest and our constituents or that provide for special interest tax loopholes.

I yield the floor.

Mr. MCCAIN. Mr. President, in light of the remarks of the Senator from New Jersey, I think it is very interesting that in the chair we have a former Governor of a State and the author of the amendment that is under consideration. The Senator from South Carolina is also a former Governor. Both of them are strongly in support of the line-item veto. Both of them may have differing opinions on many issues because they are of different party affiliation, but both of them have had the unique experience of being responsible for governing a State and having to balance the budget of that State.

The Senator from South Carolina just related how he took his State from a situation of near fiscal crisis to one of fiscal solvency. He states that with the line-item veto—and I am not trying to parrot the words of the Senator from South Carolina, who is far more eloquent than I—he was able to govern

his State effectively with that very valuable tool.

The Senator from Missouri, a former Governor of his State, who has spoken on the floor here on several occasions—both have talked and talked about the absolute criticality of the ability to exercise a line-item veto; not only exercise it, but having that tool in shaping the budget of their States.

You know, it is interesting, I do not detect in either one of these individuals and other former Governors who are Members of this body this desire to twist arms, threaten, blackmail—and ''extortion'' I have heard used a couple of times—and I cannot believe that the American people would sit by and watch a President of the United States practice extortion or blackmail on Members of the Senate or Members of Congress.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. MCCAIN. Yes, I am happy to yield for a question.

Mr. LAUTENBERG. Does the Senator believe that the only ones who know how to manage an enterprise are Governors? Or does the Senator believe that business experience is of value as well, business experience that developed an entire industry known as the computing industry, which I modestly had a hand in and am a member of the Hall of Fame of Information and Processing. I ran a terrific company with an excellent record, one of the best in the country. I assume the Senator would yield to the fact that someone who has other experience besides Governors can make a contribution; is that not so?

Mr. MCCAIN. I suggest, I say to my friend from New Jersey, not only is it a very important and valuable credential to address any issue—especially where the free enterprise system is concerned—I, along with my colleagues, share admiration for the enormous contributions the Senator from New Jersey made to the primary generator of business and employment and commerce not only nationally but throughout the world.

But I do suggest there is some difference in that, as Governors of States, they were required—and I might say a fairly significant size—to administer those States. In fact, they had oversight of the businesses that resided in their States, in a regulatory and other fashion, working in partnership with the legislature.

I suggest that, as the head of a very successful corporation, the Senator from New Jersey had more than a line-item veto. The Senator from New Jersey had a total veto, and there was no chance of his being overridden, except by his board of directors or his stockholders. I view this situation—and I am sure, knowing how gentle the Senator from New Jersey is, from time to time he had to exercise that veto; otherwise, he would not have achieved the pinnacle of success that he reached.

So I do think there is a certain comparability, and I believe that, if there were outrageous expenditures in his company and corporation and if the Senator from New Jersey, then a president and CEO, felt helpless to bring into check those extravagances, I think it would have harmed his ability to achieve the enormous and very laudable degree of success that he achieved.

Mr. LAUTENBERG. I thank the Senator.

Mr. MCCAIN. I thank the Senator from New Jersey for his question. I also would like to again state that it is of interest that in 43 States in America out of 50, those Governors do exercise the line-item veto.

Again, in response to a very legitimate question from the Senator from New Jersey, when there is a military issue, I try to get the opinion of people who are military experts. When there is an issue of aviation, I try to go to those experts. I try to consult with—due to my narrow experience and knowledge and background—those people who are experts and have had experience in areas where, frankly, I am not as well informed as others. And so it seems to me that it would be logical to consult the Senator from South Carolina, who was judged by many as the most successful Governor in the history of that State. He literally brought it into the 20th century in more ways than one. And there is the Senator from Missouri, who presently occupies the chair, as well as many other Senators who were Governors. Another example is the present Governor of California, who was a Member of this body before he became Governor, who has stated unequivocally, as Governor of the State of California, that without the capacity to exercise the line-item veto, he would have enormous and indeed insurmountable difficulties.

So I have to rely on the judgment and experience of Members of this body and people who are not Members of this body that have actually had the experience of governing. And governing, I think, is a unique challenge and experience. I am very pleased to have the input and the benefit and knowledge and experience of the Senator from South Carolina, as well as the Senator from Missouri, as well as many other Senators.

I read a few days ago, Mr. President, a survey done by the Cato Institute, where approximately 88 percent of the former Governors—it was a very large number of former Governors, of both the Democratic Party and Republican Party—when asked, stated that the line-item veto was a ''very useful tool.'' Those are the people whose judgment I think we not necessarily rely on, but certainly the benefit of their experience cannot be ignored.

I would like to address the issue of the Hollings amendment. Obviously, what the Senator from South Carolina is trying to achieve here is laudable. I just find, however, that it is not germane. This bill is about process reform; it is about separate enrollment—a concept long advocated by the Senator from South Carolina. Additionally, the chairman of the Budget Committee announced that he is going to have a hearing on this amendment in the Budget Committee. We have announced that we are prepared to accept the Exon amendment which affects this bill. The Hollings amendment raises many valid issues, but I believe it would be better offered on more appropriate legislation. I note that the Hollings amendment was defeated in the Budget Committee by a 12-to-10 vote. So the Budget Committee has spoken on this issue, which, by the way, by no means precludes the Senator from South Carolina from bringing this to the floor, as we all know. But I would, at the proper time, make a motion to table the Hollings amendment. I believe that the time for a vote will be established very soon.

Mr. President, I paid attention to the remarks of the Senator from Maryland and the Senator from New Jersey. Their concerns have been raised many times in the past and they will be raised again before we finally enact this bill, which I now am feeling some optimism about, although we have a number of wickets to go through before we reach that goal.

Mr. President, in all due respect to my colleagues, I do believe that it is an argument for pretty much the status quo. I do not think that the American people are satisfied with the status quo. I do not believe they are satisfied with a debt that will accumulate to $5.2 trillion. I do not believe they will be satisfied with $200 billion-plus annual deficits.

Mr. President, I do believe that it is important again to restate, as I have over and over and over again, that from 1801 when Thomas Jefferson—which is becoming a famous anecdote, probably far more famous than Thomas Jefferson ever envisioned—in 1801, when Thomas Jefferson impounded the $50,000 that Congress appropriated to purchase gunboats, that a practice for the next 174 years was continued by Chief Executives of this country and that was impounding funds that they did not wish to spend.

Now we all know our history, and that is, in 1974, with a weakened President, who had, in the view of many, and probably accurately, abused the impoundment powers by impounding enormous sums of money for entire programs that had been authorized and appropriated by the Congress, the Congress repealed the Budget Impoundment Act. And we know what has happened since.

I have quoted for the record before rescissions that come over from the President of the United States. They are either ignored or other rescissions are substituted for them so that basically the Chief Executive, the President of the United States, is at the mercy of the whim or the desires, which is more accurate, the desires of the Congress as related to a rescission.

And more and more often since 1974, rescission requests on the part of Presidents of the United States, both Republican and Democrat, have been ignored by the legislative branch.

So when my colleagues argue, as the Senator from Maryland and the Senator from New Jersey did, that this is an enormous shift of power, I will agree that it is a shift of power. I also argue that it is a much needed shift of power, but it is not new. It is not new. It is a restoration of, basically, the powers that the Executive had from 1801 to 1974.

(Mr. DEWINE assumed the chair.)

Mr. MCCAIN. I also know, Mr. President, that almost everything that we and the executive branch do is under the scrutiny of the media. The media pay attention and report on almost everything we do. In fact, there is a cottage industry now, as we all know, that describe private conversations that the President had with another individual, that describe the innermost counsels, both in the executive branch, the President of the United States and the White House, and in the Congress of the United States.

If it became known to the people of the United States that the President of the United States was calling the Senator from South Carolina over and said, ''I want you to support my effort to provide housing for Russian officers or I am going to kill a project in South Carolina,'' it would be over. In a New York minute, it would be over. Because the Senator from South Carolina or the Senator from Arizona or the Senator from Ohio would walk out to that group of microphones and cameras in front of the White House and say, ''I have just been blackmailed by the President of the United States.''

And if there is one thing that I think would reassure my reelection, if I sought reelection, it would be to go out and tell the people of Arizona that I stood up to a threat of blackmail by the President of the United States.

So, yes, I admired in many ways the persuasive powers of President Lyndon Johnson, which was referred to in the remarks by the Senator from New Jersey. I admire the persuasive powers of President Reagan. But I do not believe that any President of the United States is going to engage in political blackmail.

And in these 43 out of 50 States where Governors have line-item vetoes, I have yet to hear of a single instance where a Governor—although it may have happened on a rare occasion or two, I just have not heard of it, nor have I ever read or heard it reported—has exercised this kind of extortion or blackmail, as it is described.

Now, I saw a little item today that ever child born in America now has a $13,000 debt. I am not sure how that is computed, Mr. President. I would be interested in knowing how you figure that out.

But I do know this: That with a $5.2 trillion debt, which is the estimate of what this Nation will carry next year, I believe that every child in America is now inflicted with a huge debt burden that they are going to have to pay off sooner or later.

We could, Mr. President, turn down the line-item veto. We could continue these unending debts and annual deficits, I think, for some years. But there is going to come a time where the bill is going to become due.

Some experts attribute the fall of the dollar to the failure of the balanced budget amendment. I do not know if that is the case or not. I do not claim to have that kind of expertise.

But if I were a foreign investor and I was looking around the world where to invest my money and I saw a country that is growing more and more dependent upon foreign investment in order to have the Treasury bills, which are floated quite frequently, in order to secure funds because of the annual deficit we are running, I think I would be less than confident not only in the economy of this country but I would lose some confidence in the validity of its currency.

Now maybe that is too dire a picture. Maybe the strong American economy and the overall strength and economic strength of this country would override that. But I cannot believe, at the end of the day, that it is attractive to invest or hold the currency of a country that forever, forever, which is the case now, is going to be running annual deficits and accumulating an ever larger and larger debt.

And I want to add, again, Mr. President, the line-item veto does not balance the budget. We all admit to that. But I do not see a balanced budget without the line-item veto. I think that is the important part of this discourse.

I have displayed a chart here on several occasions that shows that in 1974, when the President of the United States lost the impoundment power, revenues and expenditures began to diverge and they have continued almost unendingly to diverge for a very long period of time, for the last 21 years, with no end in sight.

I will say that we have had a short period—and I think it is due to the leadership of the President of the United States and efforts that were made—where we have had a temporary reduction in the annual deficit. That is the good news. The bad news is there is no place that anyone envisions where that deficit is zero or that we even begin to pay off the debt we have accumulated.

Mr. President, sooner or later, we are going to have to do that. We are now paying nearly as much on interest on the national debt as we are on national defense. People born a generation ago would find that an incredible and bizarre situation.

I see the Senator from South Carolina on his feet, Mr. President. I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank my distinguished colleague from Arizona, and the distinguished Presiding Officer.

I ask unanimous consent that Senator KERREY of Nebraska be added as a cosponsor of my amendment.

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

Mr. HOLLINGS. Mr. President, I ask the sincere reconsideration by the distinguished Senator from Arizona on his motion to table our amendment.

What happened, Mr. President, is that we brought it up dutifully before the Budget Committee. It was not approved, as has been pointed out. But, having done that, now is the time.

If we do not do this now, which is relevant to the budget resolution, if we do not do it now, then what we really are going to do is avoid truth in budgeting because the next time we really sit down to consider the budget, we will be considering it under the old rules.

So it is very appropriate and, incidentally, more so than perhaps the underlying amendment.

The distinguished Senator from Arizona said, ''Wait a minute, now; he had his vote and he lost.'' He did not refer to the other vote I lost, namely, the line-item veto. The present bill under consideration is the substitute measure.

On the rationale of my distinguished colleague, we ought to table the whole bloomin' line-item veto.

Mr. McCAIN. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. McCAIN. Another testimony to the incredible clairvoyance of the Senator from South Carolina. I thank him.

Mr. HOLLINGS. I hope he will stick with me on the line-item veto and not table it under that same logic.

Now, with respect to germaneness, I happen to have a record that was generally respected as the presiding officer at the State level, and having come to the U.S. Senate, I spent my 28 going on 29 years trying to forget parliamentary procedure.

I will never forget when I first presided and I got two Golden Gavel Awards—200 hours. We used to start the Presiding Officer about 5 o'clock in the afternoon. The distinguished Senator from Oregon, Wayne Morse, would get up and characterize the President of the United States, who had just been lauded with respect for his muscle power in getting things done, President Lyndon Johnson. He would refer to him as a murderer, and that would go on from about 5 o'clock until about 9:30 or 10 o'clock each evening, with respect to the war in Vietnam.

But I immediately recognized someone who first rose to be recognized. That is the fundamental parliamentary rule in all bodies in the world, save this one. Here you recognize the majority leader. You could have been out here for 3 hours or 2 days, whatever it is, sitting in your seat, and stand to be

recognized, but the majority leader at that particular time comes to the door, forget about you. Under the rules of the Senate, you recognize him.

In that light, I had the duty of trying to forget rules, but I never forgot the one of germaneness. I refer specifically here to the short title ''The Separate Enrollment and Line-item Veto Act of 1995,'' which I hope to amend.

Under the section 5 subsection (a) I refer, the term ''targeted tax benefit'' means any provision estimated by the Joint Committee on Taxation as losing revenue within the period specified in the most recently adopted concurrent resolution on the budget pursuant to section 301 of the Congressional Budget and Impoundment Control Act of 1974.

Now, that is amending section 301 of the Congressional Budget and Impoundment Control Act 1974 and specifically the title with respect to within the periods specified.

So, it is a limited one with respect to the overall subject—namely, a line-item veto for the President—but with respect to the general subject of the Congressional Budget and Impoundment Control Act, it is definitely germane. With respect to ''within the period specified in the most recently adopted concurrent resolution'', that is what my amendment is amending so that budgets hereafter will be subject to that 10-year rule.

So on both points, I will ask the distinguished Senator from Arizona to reconsider and rejoin his Republican leadership of approximately a year ago.

I again read from the document ''Fiscal Year 1995 Senate Budget Committee Republican Alternative'', prepared by the Republican staff of the U.S. Senate Budget Committee and presented last year by none other than the distinguished chairman of the Budget Committee, Senator DOMENICI of New Mexico.

If we turn to the second-to-last page, it has ''Miscellaneous provisions.'' Fiscal year 1995 Republican budget resolution, ''miscellaneous provisions,'' description and the first bullet there, ''Strengthens the 10-year pay-as-you-go point of order while the 10-year pay-as-you-go point of order that was established by last year's budget resolution is determined does not currently apply to budget resolutions and could be repealed by a subsequent budget resolution. This proposal would make future budget resolutions subject to this point of order.''

They talk about partisanship. I am delighted to get bipartisan here today on not only the line-item veto, which I have been trying for 10 years. It was a bipartisan initiative back in 1985, and was rightly quoted as such by the distinguished majority leader said earlier this week. He referred to the Hollings–Mattingly line-item veto, that we had a pretty good healthy vote on in 1985.

Mr. President, let me also ask that the distinguished ranking member of our Budget Committee, the distinguished Senator from Nebraska, Senator EXON, also be added as a cosponsor.

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

Mr. HOLLINGS. Mr. President, with him being a cosponsor, I go back to that vote.

We had the line-item veto up in the Budget Committee. My particular introduction of the line-item veto already in this session is now resting in the Rules Committee. I have had it before in the Budget Committee. In fact, I had a successful vote in 1990 of the line-item veto out of the Budget Committee by a vote of 13 to 6.

Now, I want to one more time elaborate so it is clearly understood what is happening here with respect not only to the line-item veto and referring to future generations as the Senator from Arizona just previously did, but what we have done in order to try and secure the Social Security of future generations.

Along this line, Mr. President, I ask unanimous consent to have printed at this point a very short title of ''Off-Budget Status of OASDI Trust Funds,'' section 13301(b). I want to print this in the RECORD at this particular point.

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

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.''.[1831]

FOOTNOTE

[1831] The statement of managers accompanying the conference report on the Budget Enforcement Act explains generally the amendments made by subtitle C:

VI. TREATMENT OF SOCIAL SECURITY

Current law

Under current law, the Social Security trust funds are off-budget but are included in deficit estimates and calculations made for purposes of the sequestration process. However, Social Security benefit payments are exempt from any sequestration order.

Section 310(g) of the Congressional Budget Act of 1974 prohibits the consideration of reconciliation legislation ''that contains recommendations'' with respect to Social Security. (A motion to waive this point of order requires 60 votes in the Senate and a simple majority in the House.)

House bill

The House bill reaffirms the off-budget status of Social Security and removes the trust funds—excluding interest receipts—from the deficit estimates and calculations made in the sequestration process. The House bill retains the current law exemption of Social Security benefit payments from any sequestration order.

The House bill creates a ''fire wall'' point of order (as free-standing legislation) to prohibit the consideration of legislation that would change the actuarial balance of the Social Security trust funds over a 5-year or 75-year period. In the case of legislation decreasing Social Security revenues, the prohibition would not apply if the legislation also included an equivalent increase in Medicare taxes for the period covered by the legislation.

Senate amendment

The Senate amendment also reaffirms the off-budget status of Social Security and removes the trust funds from the deficit estimates and calculations made in the sequestration process. However, unlike the House bill, the Senate amendment removes the gross trust fund transactions—including interest receipts—from the sequestration deficit calculations. The Senate amendment also retains the current law exemption of Social Security benefit payments from any sequestration order.

The Senate amendment also creates a procedural fire wall to protect Social Security financing, but does so by expanding certain budget enforcement provisions of the Congressional Budget Act of 1974. The Senate amendment expands the prohibition in Section 310(g) of the Budget Act to specifically protect Social Security financing, prohibits the consideration of a reported budget resolution calling for a reduction in Social Security surplus, and includes Social Security in the enforcement procedures under Sections 302 and 311 of the Budget Act. The Senate amendment also requires the Secretary of Health and Human Services to provide an actuarial analysis of any legislation affecting Social Security, and generally prohibits the consideration of legislation lacking such an analysis.

For more on the budgetary treatment of Social Security under current law and historically, see Senate Comm. on the Budget, Social Security Preservation Act, S. Rep. No. 101–426, 101st Cong. 2d Sess. (1990).

Conference agreement

The conference agreement incorporates the Senate position on the budgetary treatment of the Social Security trust funds, reaffirming their offbudget status and removing all their transactions from the deficit estimates and calculations made in the sequestration process.

Further, the conference agreement provides that the ''fire wall'' procedure proposed by the House shall apply only to the House and that the ''fire wall'' procedures proposed by the Senate shall apply only to the Senate. H.R. Conf. Rep. No. 101–964, 101st Cong., 2d Sess. 1160–61 (1990), *reprinted in* 1990 U.S.C.C.A.N. 2374, 2865–66.

For legislative history of the effort to remove Social Security from the budget, see generally 136 Cong. Rec. 15,777–81 (daily ed. Oct. 18, 1990) (Senate debate on the related amendment to the Omnibus Budget Reconciliation Act of 1990); Senate Comm. on the Budget, Social Security Preservation Act, S. Rep. No. 101–426, 101st Cong. 2d Sess. (1990); Congressional Research Serv., Social Security, Medicare, and the Unified Budget, S. Print No. 83, 99th Cong., 1 Sess. (Sen.

Comm. on Budget Print 1985); *Concurrent Resolution on the Budget for Fiscal Year 1989: Hearings Before the Senate Comm. on the Budget*, 100th Cong., 2d Sess. 85–160 (1988) (S. Hrg. No. 578, Vol. III) (hearing March 24, 1988, on ''Social Security, Deficits, and the Baby Boomers' Retirement''); *Budget Reform Proposals: Joint Hearings Before the Senate Comm. on Governmental Affairs & Comm. on the Budget*, 101st Cong., 1st Sess. 30–42 (S. Hrg. No. 101–560) (1989) (testimony of Sen. Heinz Oct. 18, 1989, on S. 1752); 129 Cong. Rec. S3587–603 (daily ed. Mar. 22, 1983) (Heinz amendment to remove Social Security trust funds from the unified budget); 135 Cong. Rec. S15,137–47 (daily ed. Nov. 7, 1989) (statements of Sen. Heinz, Majority Leader Mitchell, and others regarding scheduling of legislation regarding Social Security); 136 Cong. Rec. S7935–6, S7949–50, S7956–59, S7974–79 (daily ed. June 14, 1990) (same); 136 Cong. Rec. S8153–56 (daily ed. June 18, 1990) (statement of Sen. Heinz on his amendment requiring Congressional action on Social Security before action on the debt limit); 136 Cong. Rec. S8192–210 (daily ed. June 19, 1990) (debate on the Heinz amendment); S. 2211, 100th Cong., 2d Sess., 134 Cong. Rec. S3038–39 (daily ed. Mar. 24, 1988) (Sen. Sanford); S. 2914, 100th Cong., 2d Sess., 134 Cong. Rec. S16,889–95 (daily ed. Oct. 19, 1988) (Sen. Moynihan); S. 101, 101st Cong., 1st Sess., 135 Cong. Rec. S170, S425–29 (daily ed. Jan. 25, 1989) (Sen. Sanford); S. 219, 101st Cong., 1st Sess., 135 Cong. Rec. S173, S636–37 (daily ed. Jan. 25, 1989) (Sen. Moynihan); S. 240, 101st Cong., 1st Sess., 135 Cong. Rec. S173, S682–84 (daily ed. Jan. 25, 1989) (Sen. Heinz); S. 401, 101st Cong., 1st Sess., 135 Cong. Rec. S1413, S1421–22 (daily ed. Feb. 9, 1989) (Sen. Hollings); S. 852, 101st Cong., 1st Sess., 135 Cong. Rec. S4384, S4419 (daily ed. Apr. 19, 1989) (Sen. Bryan); S. 1752, 101st Cong., 1st Sess., 135 Cong. Rec. S13,297, S13,299–300 (daily ed. Oct. 12, 1989) (Sen Heinz); S. 1785, 101st Cong., 1st Sess., 135 Cong. Rec. S13,893 (daily ed. Oct. 24, 1989) (Sen. Moynihan); S. 1795, 101st Cong., 1st Sess., 135 Cong. Rec. S14,129, S14,137–38 (daily ed. Oct. 25, 1989) (Sen. Hollings).

For a general discussion of the removal of Social Security from the budget and its consequences, see David Koitz, Social Security: Its Removal from the Budget and Procedures for Considering Changes to the Program (Jan. 4, 1993) (Cong. Res. Serv. rep. no. 93–23 EPW).

Some have argued that section 13301 conflicts with the listing of discretionary accounts set forth in the joint statement of managers accompanying the conference report on the Budget Enforcement Act. *See supra* p. 466. In a letter to the Director of the Office of Management and Budget, the Chairman of the Budget Committee argued that the congressional intent is plain:

''I am writing to express my concern regarding a possible interpretation of the Budget Enforcement Act of 1990 with respect to the budgetary treatment of Social Security. I understand that your Office is considering whether the administrative expenses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be counted in the deficit and as part of the domestic discretionary caps for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings). I wish to express in the strongest terms my view that these administrative expenses should not be included in either the deficit or the domestic discretionary cap for purposes of Gramm-Rudman-Hollings.

''Section 13301(a) of the Budget Enforcement Act states:

* * * * *

''The all-inclusive breadth of this language could not be more clear. The subsection heading speaks of 'exclusion . . . from *all* budgets.' The operative language is unambiguous: 'the receipts and disbursements . . . shall not be counted.' Paragraph (3) specifically mentions the Gramm-Rudman-Hollings law as one of the purposes for which Social Security must be excluded.

''The joint statement of managers accompanying the conference report on the legislation that includes the Budget Enforcement Act similarly makes clear the intent of section 13301:

'''The conference agreement incorporates the Senate position on the budgetary treatment of the Social Security trust funds, reaffirming their off-budget status and removing *all their transactions* from the deficit estimates and calculations made in the sequestration process.'

H.R. Conf. Rep. No. 101–964, 101st Cong., 2d Sess. 1161 (1990)[,*reprinted in* 1990 U.S.C.C.A.N. 2017, 2865–66] (emphasis added).

''I understand that it may be argued that statement of managers language specifically includes references to the Social Security trust funds as two account items in a 39-page listing of accounts incorporated by reference in the definition of the term 'category' for purposes of the Gramm-Rudman-Hollings law. It would strain credulity to argue that this reference overcomes the plain language of section 13301(a). Although I conceded that some conflict between these two provisions may exist, that conflict must be resolved in favor of implementing the intent of Congress as evident in section 13301(a).

''The legislative intent to remove Social Security completely from all budgets is clear. The language of section 13301 indicates that it must apply '[n]otwithstanding any other provisions of law.' The Senate debated the removal of Social Security at length. The Senate voted 98–2 in favor of the amendment—sponsored by Senators Hollings, Heinz, and Moynihan, among others—that specifically took Social Security out of the Gramm-Rudman-Hollings process. (*See* 136 Cong. Rec. 15,777–81 (Oct. 18, 1990).) Congressional examination of the 39-page listing in the statement of managers is nowhere evident in the debates.

''I urge you to follow section 13301(a) of the Budget Enforcement Act and remove the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds from the budget in their entirety. I recommend that the President use his authority under section 251(b)(1)(A) of the Gramm-Rudman-Hollings law to recognize any adjustments to the discretionary spending limits that such a position would require as a change in a concept or definition. I believe that this is the approach needed to ensure that all of Social Security is taken off budget.''

Letter from Sen. Jim Sesser to Richard G. Darman (Jan. 4, 1991).

The acting general counsel of the Office of Management and Budget replied to Chairman Sasser as follows:

''You expressed the view that the administrative costs of the social security program should be excluded from the domestic discretionary spending category.

We recognize that the Omnibus Budget Reconciliation Act (OBRA) contains a provision generally excluding the social security trust funds from the budget as well as the Gramm-Rudman-Hollings Act. Social security was previously excluded from the budget, but not from the deficit calculations under the Gramm-Rudman-Hollings Act (GRH).

However, other provisions of OBRA specifically address whether social security administrative expenses are included in the domestic discretionary spending category. The portion of the social security trust funds that are annually appropriated as administrative expenses are specifically identified in the list of domestic discretionary programs that is part of the Joint Statement of Managers Accompanying the Conference Report on OBRA. OBRA expressly provides that discretionary appropriations in each of the three categories ''shall be those so designated in the joint statement of managers.'' Section 250(c)(4)(A) of GRH, as amended by OBRA. Because of this express designation of social security administrative expenses in the list of accounts that are required to be included in the domestic discretionary category identified in the law, we have concluded that the expenses must be so included.

While the OBRA provision excluding Social Security (section 13301(1)) applies as a general matter, it does not directly conflict with the specific OBRA provisions directing the treatment of one element of social security only for certain purposes. For example, Section 13303 of OBRA specifically requires that the congressional budget include social security revenue and outlays for purposes of enforcement of the Senate social security firewall points of order. This specific provision should not be disregarded simply because the general social security exclusion provision states that social security outlays and receipts ''shall not be counted'' for purposes of ''the congressional budget.'' Section 13301 (a). The name is true of the specific provision on administrative expenses. Indeed, even if there were a direct conflict between the general and specific provisions, the result would be the same. It is a basic principle of statutory construction that ''Where there is inescapable conflict between general and specific terms or provisions of a statute, the specific will prevail.'' 2A Sutherland, Statutory Construction Sec. 46.05 at p. 92 (4th Ed.).

The Congressional Budget Office (CBO) included social security administrative expenses within the domestic discretionary category in its Final Sequestration Report for Fiscal Year 1991, issued on November 6, 1990. OMB did the same in its Final OMB Sequester Report To The President and Congress for Fiscal Year 1991, issued on November 9, 1990. The Comptroller General of the United States, in his statutorily required report on the extent to which the CBO and OMB reports complied with law, issued December 10, 1990, did not state that OMB or CBO failed to comply with OBRA or committed any error by including social security administrative expenses in the domestic discretionary category. General Accounting Office, The Budget for Fiscal Year 1991—Compliance with the Balanced Budget and Emergency Deficit Control Act of 1985'' B–221498 (December 10, 1990).

In view of the specific direction on the subject contained in OBRA, OMB will continue to classify social security program administrative expenses as within the domestic discretionary spending category.''

Letter from Robert G. Damus to Sen. Jim Sasser (Jan. 24, 1991).

Mr. HOLLINGS. Mr. President, I thank the distinguished chair.

I will read the opening paragraph (b) here entitled ''Exclusion of Social Security From Congressional Budget.'' Let me repeat that: The law, the law itself, three readings in the House, three readings in the Senate, signed into law on November 5, 1990, by President George Herbert Walker Bush.

It passed in the Senate, incidentally, by a vote of 98 to 2. And they talk about flip-floppers. Here is the law:

Exclusion of Social Security from congressional budget. Congressional Budget Act of 1974 is amended by adding the following: ''The concurrent resolution shall not include the outlay and revenue totals of the Old Age and Survivors Disability Insurance established under title XXII of the Social Security Act and related provisions of the Internal Revenue Code.''

In other words, not include as part of outlays and revenues.

Along comes the constitutional amendment for a balanced budget, voted on in this body just a few weeks ago, and section 7 says:

Total receipts shall include all receipts and shall include all outlays of the United States Government.

A positive, affirmative repeal of section 13301.

Now you go right to how this comes out in the press. In Time magazine, in a summary at the conclusion of a cover article—a March 20 copy, it said:

So long as the crisis is not about to burst next month, Democrats will see political profits in portraying any proposal to change Social Security as a Republican conspiracy to starve the poor and elderly. Republicans will think the only defense is to swear eternal fealty to the system as it is.

They treat it as demagoguery. They treat it as just a political thing. Here is the cover article; never once do they cite section 13301. They never once cite the law.

When we passed those Social Security taxes back in 1983, it was definitely understood that we were not just balancing the Social Security budget, but the affirmative intent was to provide surpluses to make the Social Security fund fiscally sound into the middle of the next century.

At a previous time, I inserted a letter from former Chairman Ball of the Social Security Commission. His letter said the Social Security fund is not in any fiscal trouble, it has surpluses, as it appears by the fund. But as it appears by the political treatment by the news media and by Members of this particular body and by President Clinton and the administration, it is a political slush fund.

I quote the distinguished majority whip, the distinguished Senator from Mississippi, on ''Face the Nation,'' Senator TRENT LOTT said on February 5:

Nobody, Republican, Democrat, conservative, liberal, moderate is even thinking about using Social Security to balance the budget.

Do I have to invite him into the Republican caucuses so that he can understand what they are thinking because those thinkings are finally oozing out into the RECORD.

On ''Larry King Live'' around that time, Senator GRAMM said, and I quote:

I think we ought to balance the budget counting Social Security first, and then if we want to balance it without counting it, do it second.

So they are thinking about using it either first or second, according to the Senator from Texas.

I quote again the distinguished chairman of the Budget Committee, Senator DOMENICI:

You can't leave the biggest American program off budget.

It is off budget. The law says it is off budget. Here is the leader of fiscal responsibility in the U.S. Senate in contradiction to the law saying you cannot leave it off budget when the law requires it be off budget.

And then, of course, the distinguished Senator from Iowa, Senator GRASSLEY:

The leadership of the House of Representatives and the Senate have promised not to touch the Social Security retirement program for at least 5 years.

Well, 5 years; that means maybe after that then, but they are thinking about Social Security.

Or the distinguished Senator from Idaho, Senator CRAIG, and I quote:

Without access to the Social Security surpluses, you would create a much higher hurdle in trying to balance the budget.

Mr. President, we are not talking about hurdles, we are talking about truth in budgeting. I remember the saying of Mark Twain. He said that truth was such a precious thing it should be used very sparingly.

Is that the credo that we are going to use in the for budget laws in the U.S. Senate?

Or the distinguished majority leader on February 5, Senator DOLE:

I also believe that we can't keep Social Security off the table forever.

Now, Mr. President, they are thinking about it. And, in fact, yesterday, Tuesday, March 21, reported on page A4 of the Washington Post, Senator PACKWOOD, the chairman of the Finance Committee said:

''But in considering budgets,'' nothing is sacred, including Social Security and other entitlement programs.''

How do you do it? You can do as the Speaker of the House says: If we cannot get what we want out of the Bureau of Labor Statistics, we will give it to Treasury, we will give it to Federal Reserve, we will give it to somebody to get it right.

One entity they are going to give it to get it right may be the new Director of the Congressional Budget Office. I do not have the exact quote here, but I know it is accurate. She said she could be using dynamic scoring when she has to. Ah, now you get in a CBO Director who uses dynamic scoring. Added to that, instead of a CPI of, let us say of 4 percent, you get one of 2 percent. But what we should understand, Mr. President, is that any savings in Social Security from changing the CPI should be put back into the reserves, back into the trust fund.

People say it is going to be difficult to really meet the target of reducing spending $1.2 trillion by the year 2002. But that, in and of itself, is an inaccurate figure because they are using Social Security moneys. To really balance the budget you need $1.7 trillion; saying otherwise means that you are contemplating using the surpluses that the trust funds will take in over the next 7 years.

But let me get back to my amendment. You can well see that we are trying to get back to truth in budgeting under this particular Hollings-Kerrey-Exon amendment. It was endorsed last year by the Republican Members of the Budget Committee under the leadership of our distinguished chairman of the Budget Committee, Senator DOMENICI, when they included that in their Republican alternative.

Now, it all of a sudden becomes untimely this year? I do not know what committees the distinguished Senator from Indiana is on, but you can bet your boots whatever committee, it has a 10-year rule. If you are on Agriculture, if you are on Interior, if you are on Banking, if you are on Commerce, if you are on Indian Affairs, wherever it is. The Finance Committee faced up to it with the General Agreement on Tariffs and Trade; we had a 10-year rule that created a 60-vote point of order requirement on that vote.

But for the budget resolution, you do not have to live under the restrictions of the 10-year rule. I am trying to get truth in budgeting. I am trying to get the very custodians of fiscal responsibility here to come under the same rules. The very first bill that we passed here in January was to make Congress comply with the laws that everybody else has to follow.

It was a very good initiative. Well, why not follow the same logic? The 10-year rule promotes fiscal responsibility. It promotes truth in budgeting. Nevertheless, it was voted down in the Budget Committee on a partisan vote of 12 to 10 and Members come to the floor now to say, ''Let's just go along with the Budget Committee.''

Well, Mr. President, if we are going by that logic I should point out another amendment that I offered in the Budget Committee. In addition to the 10-year rule I offered a separate enrollment line-item veto, the very kind of measure now under consideration, but only got 4 votes, all from Democrats, in the Budget Committee. Under that logic, we would not be voting on the underlying bill.

Let us not table. Let us adopt this amendment. Let us send it to the House and to the President for his signature. The President of the United States favors the line-item veto. I am sure that if he were asked whether he favors truth in budgeting, his answer would be ''yes.'' Then let us give it to him.

If you want to really get it done, let us not think and hide behind procedure and process. Let us get the truth in budgeting and make sure that the 10-year rule applies to the budget resolution as it applies to all other legislation.

I yield the floor.

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. DASCHLE. 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. DASCHLE. Mr. President, I would like to use the remainder of my leader time for a statement unrelated to the pending legislation.

The PRESIDING OFFICER. The Senator has that right.

The Democratic leader is recognized.

Mr. DASCHLE. I thank the Chair.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 588 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that I might proceed for 3 minutes as if in morning business.

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

THE RETIREMENT ANNOUNCEMENT OF SENATOR JIM EXON

Mr. FORD. Mr. President, I would like to say just a few words about my good friend and colleague Senator EXON's announcement on Friday that he would be retiring from the Senate.

As soon as Senator EXON announced his decision, the political pundits were predicting who would run in his place, and which party stands to win or lose the most. There will be plenty of time to survey the political fallout. Instead, today we should lament the loss of a dedicated public servant and the factors that led to his decision. Let me underscore the facts that led to his decision.

I believe the entire institution of the Senate loses when a devoted public servant like Senator EXON chooses to leave. But more importantly, his reasons for leaving signify an even greater loss than his singular contributions.

Citing the ''ever-increasing vicious polarization of the electorate,'' Senator EXON said the ''us-against-them mentality has all but swept aside the former preponderance of reasonable discussions of the pros and cons of the many legitimate issues,'' eroding the ''essence of democracy'' in the process.

Refusing to answer the bell for another race, Senator EXON sent out a warning to the citizens of this country that the democratic process has become seriously flawed—that using the ''hate level'' in attack ads as the ''measurement of a successful campaign,'' can only mean the deterioration of the notion of compromise ''for the ultimate good of all.''

It was a price the statesman in him was no longer willing to pay.

And there can be no doubt that he leaves here a statesman. President Eisenhower once said that ''The opportunist thinks of me and today. The statesman thinks of us and tomorrow.''

I know Senator EXON came to the Senate looking only to do what was in the best interests of his State and country. He knew that his decisions had to pass the test of time, not simply grab attention on the evening news. He spent each day meeting that test, knowing, as he said last week, that he ''never reached a decision that (he) didn't believe to be in the best interests of Nebraska and the United States of America.''

So perhaps the pundits will put aside their political score cards for a moment, and will consider that in his decision to leave, Senator EXON the statesman was again thinking of ''us and tomorrow.''

I certainly hope so, because his intellect, legislative skills, and commitment to service will be sorely missed in the U.S. Senate.

I yield the floor.

ORDER OF PROCEDURE

Mr. COATS. Mr. President, I ask unanimous consent to proceed as if in morning business for 5 minutes.

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

The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Mr. COATS pertaining to the introduction of S. 589 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 362 TO AMENDMENT NO. 347

Mr. KOHL. Mr. President, I rise in opposition to the amendment by the junior Senator from Wisconsin. I am unhappy that I have to do so because I have the greatest respect for Senator FEINGOLD and for his dedication to deficit reduction. And though I agree with 99 percent of the substance of this sense-of-the-Senate, I cannot agree with the final statement that ''enacting a * * * so-called middle-class tax cut during the 104th Congress would hinder efforts to reduce the Federal deficit.''

I would like to state for the RECORD that I do believe that deficit reduction is this Congress highest priority. If proposals for tax breaks—such as the $200 billion in tax breaks moving through the House—get in the way of further progress in reducing the deficit, I will oppose them. However, I believe it is possible to both make the Tax Code fairer to low- and middle-income working families and significantly reduce the deficit.

For example, Congress could engage in wholesale tax reform, lowering rates for middle and lower income taxpayers while eliminating wasteful tax loopholes that benefit the rich. Such reform could be designed to reduce the deficit and make the Tax Code more equitable. I do not think the Senate should go on record right now with a sense-of-the-Senate that implies such reform is out of the question.

Though this Congress has discussed in great detail the problems with our Federal budget, we have yet to start the debate on the fiscal year 1996 budget plan. At this early point in the debate, I do not believe it wise to start ruling out options—such as providing some tax relief to working families. Therefore, I will reluctantly oppose the pending sense-of-the-Senate.

AMENDMENT NO. 403

Mr. KOHL. Mr. President, I rise today to support the amendment offered by my colleague from New Jersey. If adopted, the Bradley amendment will allow the President to eliminate tax loopholes that benefit special interests at the expense of the American people. And while the tax expenditure language in the Dole substitute is a good first step in the right direction, the amendment offered by Senator BRADLEY offers definitive protection against future wasteful tax spending.

Mr. President, when it comes to creative spending, the Federal Government is second to none. And one of the most creative ways that Washington spends money is through special breaks and hidden expenditures in the Tax Code. The Tax Code contains loopholes large and small that benefit every type of special interest, including, among others, an exclusion of income for rentals of 2 weeks or less and deferrals of income of foreign-controlled corporations.

Mr. President, there is not enough time this morning to go through the entire list of loopholes that permeates our tax laws, but you may be assured that there is a credit, break, or write-off for every conceivable purpose. There may have been a time when our country could afford these expenditures, but that time is over. Today, we have the opportunity to begin the process of eliminating this hidden spending if we adopt the clear and unambiguous language offered by my colleague from New Jersey.

Mr. President, we are at a critical time in our Nation's history: We can act now to balance our Federal budget or we can pass the buck to our children and leave them a legacy of debt, depression, and continued economic decline. In order to regain control of our financial situation, we need to make tough choices, and the time has arrived for the special interests to pay their dues along with the rest of us. Mr. President, at a time when we are asking the American people to accept sacrifices in the areas of housing, school lunches, and education, I believe we in Congress need to subject tax spending to the same level of scrutiny. So I urge my colleagues to support the Bradley amendment and I yield the floor.

VOTE ON MOTION TO TABLE AMENDMENT NO. 403

The PRESIDING OFFICER. The hour of 2 p.m. having arrived, under the previous order, the question now occurs on the motion to table amendment No. 403, offered by the Senator from New Jersey [Mr. BRADLEY].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—50

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

NAYS—48

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

NOT VOTING—2

Heflin	Shelby

So the motion to lay on the table the amendment (No. 403) was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 362

Mr. COATS. Mr. President, I move to table the pending amendment No. 362 offered by Senator FEINGOLD and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COATS. Mr. President, I ask that the next two votes be 10-minute votes.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 362 offered by the Senator from Wisconsin [Mr. FEINGOLD]. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—54

Abraham	Frist	Lugar
Ashcroft	Gorton	Mack
Baucus	Gramm	McCain
Bennett	Grams	McConnell
Biden	Grassley	Murkowski
Bond	Gregg	Nickles
Bradley	Hatch	Pressler
Brown	Hatfield	Rockefeller
Burns	Helms	Roth
Coats	Hutchison	Santorum
Cochran	Inhofe	Simpson
Coverdell	Kempthorne	Smith
Craig	Kennedy	Snowe
D'Amato	Kohl	Stevens
DeWine	Kyl	Thomas
Dole	Lautenberg	Thompson
Domenici	Lieberman	Thurmond
Faircloth	Lott	Warner

NAYS—44

Akaka	Feingold	Mikulski
Bingaman	Feinstein	Moseley-Braun
Boxer	Ford	Moynihan
Breaux	Glenn	Murray
Bryan	Graham	Nunn
Bumpers	Harkin	Packwood
Byrd	Hollings	Pell
Campbell	Inouye	Pryor
Chafee	Jeffords	Reid
Cohen	Johnston	Robb
Conrad	Kassebaum	Sarbanes
Daschle	Kerrey	Simon
Dodd	Kerry	Specter
Dorgan	Leahy	Wellstone
Exon	Levin	

NOT VOTING—2

Heflin	Shelby

So the motion to lay on the table the amendment (No. 362) was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 404

Mr. COATS. Mr. President, I move to table the pending amendment No. 404 offered by Senator HOLLINGS and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to table amendment No. 404 offered by the Senator from South Carolina [Mr. HOLLINGS]. The yeas and nays have been ordered.

The Chair will advise Senators that this is a 10-minute vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—52

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

NAYS—46

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

NOT VOTING—2

Heflin	Shelby

The motion to table the amendment (No. 404) was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 373 TO AMENDMENT NO. 347

(Purpose: To include in the definition of ''targeted tax benefits'' provisions that worsen the deficit in periods beyond those covered by the budget resolution)

Mr. EXON. Mr. President, I call up amendment No. 373, which the clerk has at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself and Mr. DASCHLE, proposes an amendment numbered 373 to amendment No. 347.

Mr. EXON. 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:

On page 5, strike lines 14 through 17 and insert:

''(A) estimated by the Joint Committee on Taxation as losing revenue for any one of the three following periods—

''(1) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

''(2) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

''(3) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget; and''.

Mr. EXON. Mr. President, we have debated this amendment already so I will be very, very brief. This amendment would apply the line-item veto to tax loopholes that lost money in the 6th through the 10th years. I believe there is broad bipartisan support for this amendment and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 373) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I wish to inquire of the distinguished majority manager if he is ready to proceed with the Feingold amendment regarding emergency spending that I understand has been cleared on both sides. Is that correct?

Mr. MCCAIN. Mr. President, I would say to my friend, we are just about there. I think in about 1 or 2 more minutes. I think the Senator from South Carolina was waiting to make remarks and I think we will be ready by the time he is finished with his remarks.

Mr. EXON. I thank the Chair. I yield the floor.

Mr. MCCAIN. Mr. President, I thank the Senator from Nebraska for his amendment. I think it helps the bill. I am glad we were able to agree on it.

Mr. EXON. I thank my friend from Arizona. I appreciate his cooperation.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the able Senators, and the managers of the bill.

Mr. President, I rise in support of the Line-Item Veto Act, which is presently before this body. For many years, I have been a supporter of giving authority to the President to disapprove specific items of appropriation presented to him. On the first legislative day of this Congress, I introduced Senate Joint Resolution 2, proposing a constitutional amendment to give the President line-item veto authority.

Presidential authority for a line-item veto is a significant fiscal tool which would provide a valuable means to reduce and restrain excessive appropriations. This proposal will give the President the opportunity to approve or disapprove individual items of appropriation which have passed the Congress. It does not grant power to simply reduce the dollar amount legislated by the Congress.

Mr. President, 43 Governors currently have constitutional authority to reduce or eliminate items or provisions in appropriation measures. My home State of South Carolina provides this authority, and I found it most useful during my service as Governor in the late 1940's. Surely the President should have authority that 43 Governors now have to check unbridled spending.

It is widely recognized that Federal spending is out of control. The Federal budget has been balanced only once in the last 34 years. Over the past 20 years, Federal receipts, in current dollars, have grown from $279 billion to nearly $1.3 trillion, an increase of $978 billion. In the meantime, Federal outlays have grown from $332 billion in 1975, to over $1.4 trillion last year, an increase of over $1.1 trillion. The annual budget deficits have risen to over $200 billion each year, with the national debt growing to over $4.8 trillion.

Mr. President, it is clear that neither the Congress nor the President are effectively dealing with the budget crisis. The President continues to submit budgets which contain little spending reform and project annual deficits of nearly $200 billion. I am hopeful that this year Congress will undertake serious efforts to restrain Federal spending by reducing or eliminating funding of ineffective programs.

If we are to have sustained economic growth, Government spending must be significantly reduced. A balanced budget amendment and line-item veto authority would do much to bring about fiscal responsibility. I regret that earlier this year the Senate failed to pass the balanced budget amendment.

Mr. President, it would be a mistake to fail to pass this measure. It is my hope that this Congress will swiftly approve the line-item veto and send a clear message to the American people that we are making a serious effort to get our Nation's fiscal house in order. Finally, Mr. President, we must get on with the serious business of reducing spending. I thank the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nebraska.

ORDER OF PROCEDURE

Mr. EXON. Mr. President, I ask unanimous consent that we proceed as if in morning business for a short period of time to accommodate the Senator from New Jersey.

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

CRIME IN AMERICA

Mr. LAUTENBERG. Mr. President, I thank my friend from Nebraska for yielding the time, and particularly the distinguished Senator from Indiana for interrupting the flow of the discussion, because there are matters of great importance that are under review.

But I would like to talk for a minute about an incident that took place in the last couple of days that has been across the newspapers in this country and through all means of communication—television, radio, and so forth. It is about an incident in Montclair, NJ, which is where my home has been since 1968. My children were brought up in this community, all four of them, and there is still a Lautenberg house in the town. The community is shocked by the turn of events—four people killed, four innocent people, two who worked in the post office, long-time employees, and two residents of the community, one I am told, 38 years of age, and one 59 years of age, customers of the post office. They were on an innocent piece of business, and suddenly carnage broke out. It is established that a 9 mm weapon was used, and the culprit has been captured and is now in custody. This afternoon, the U.S. attorney and other law enforcement people will be making a full statement.

Mr. President, we have seen violence all over this country ourselves, gun violence, people shot randomly. As a matter of fact, unless it gets to be in your neighborhood or your community, or you know someone who is the victim, it is almost greeted with a yawn. We watch the incredible spectacle of Colin Ferguson, the man who murdered and assaulted people on the Long Island Railroad, make a fool out of the system, and he is ready now perhaps this day for sentencing.

But I watched in shock as some of the victims' families addressed this individual, trying to describe their pain and their anguish, including one person that I know, also from New Jersey, a man named Jake LaCicero, who lost his daughter, Amy, on that train. She was in her late twenties, innocently traveling back and forth to work from where she then lived, and she died needlessly.

And not too long ago, at a post office in Richwood, NJ, a quiet, high-income community, principally commuters, people who took pride in their community and people who believed so deeply in America and the American way—the town that I am talking about now, Montclair, NJ, is a fairly high-income

community, a fully integrated community, with a minority African-American portion, about 30 percent, living side by side, house to house, and everybody getting along well.

Mr. President, last weekend, we heard about an incident—and I had the occasion to visit the victim, a woman named Gilespie, 66 years old, who had her car hijacked by two young men who, as she described it to me, is an incredibly courageous woman, fighting back against all odds, because she was shot right almost in the middle of her face just at the eyebrow line. She had a black-and-blue mark. The bullet is still apparently lodged in her head. She will have lost the sight of one eye, but she is going to live. And she is remarkably strong.

I was there to visit a trauma unit at our University Hospital and Medical School in Newark. She said she cannot understand why she was shot. She said, ''I was ready to surrender my car.'' It was in the evening. She went to visit her daughter in the suburbs. She said, ''I was ready to surrender my car. I was ready to surrender my pocketbook.'' She said, ''I did not want to fight with these two fellows.'' She said not a word was exchanged. The only thing that was exchanged was a gunshot, a gun pointed at her head, and the trigger pulled. And she had enough strength and enough courage to get to a telephone and the police, in quick response, from Montclair, NJ, were able to capture two young men. These men, by the way, Mr. President, had no previous record of criminality—young men; one was 17, one was 19. One already finished with high school; the other was in high school. These were not the traditional criminals. These were not the people who we talk about when we say, ''Guns do not kill people; people kill people.''

Mr. President, we are hearing ruminations on this floor about removing the ban that exists on assault weapons—a ban that was fought over day after day, hour after hour before it became essentially a part of the crime bill that was passed and signed last year by the President of the United States. We hear now that that bill is being reviewed, perhaps, with the purpose of removing the ban on assault weapons. It almost is shocking beyond belief that we, at this point in time, could be talking about removal, repeal of a ban on weapons that were designed to kill people, to be used by military and law enforcement people. And we are discussing it because the NRA has a gun at the head of this Congress. The NRA has a gun at the head of this Senate. The gun reaches into the pocketbook, Mr. President. That is where the power comes from. It is the power of the purse used to pervert and to twist the intentions of the American people, and to analyze the second amendment in such a way that it permits every loony in the world, in the States, and in this country of ours to get their hands on a gun. The Brady bill was fought against so hard here. I read in the paper recently, it stopped 45,000 applications for gun ownership from being executed. And we fought tooth and nail here. It was like a battle over whether or not we continue to operate as a democratic society. We fought over that, and—how many escaped we do not know, but 45,000 people were denied applications for gun ownership.

Mr. President, I do not know what it is going to take to stop this gun mad necessary. I hope it does not visit families here. Though, we have had it. The Senator from North Dakota watched his wife being taken away by a man with a gun at her head, not far from the Capitol, where we have multiple police departments. He was powerless because the man had a gun and was able to blow his wife's head off. What is it going to take for our society to respond and say ''no'' to the NRA, that we are not going to let you own this country, we are not going to let you own this Congress. We ought to turn out every Congressman and Senator who supports the NRA, unless there is a change in their attitude.

Mr. President, it is a terrible day, terrible occasion when we have to reminisce about those who lost their lives. Anybody who saw the victims talking to Colin Ferguson this morning, where one woman who lost her husband and her son was shot, to be permanently disabled, this young man weeping uncontrollably because his life had been torn apart. I hope that we do not have to recite in the years ahead those who are victims of gunfire—random gunfire, in many cases, and botched burglaries.

Mr. President, people say that it is not guns, that it is people who do the killing. But if you look at the United Kingdom, look at Japan, countries westernized in their customs like ours, and you see that in our country 13.5 thousand people died from gunshots, and in the other countries just mentioned, the numbers are less than 100. One of those populations is two-thirds of ours—Japan. I believe they had less than 100 people die by gunshot. In the United Kingdom the numbers were less than 100. In Canada they were less than 50. But we here in the United States, who want to protect the rights under the second amendment for people to own guns, are not standing up for people to be able to live freely, to walk down the street. In Los Angeles, it is said that most of the gunshot damage done is done by drive-by, random shootings. If there are no guns around, I assure you that we would not see the damage, because it is awful hard to have a drive-by clubbing or a drive-by stabbing.

It is time that we woke up to the problem that we have here and get rid of this menace for the safety and well-being of our children, our families, our homes, our stores, and our businesses, and get on with letting this democracy perform as it should.

I thank the Senators from Nebraska and Indiana for giving me these few minutes.

A TRAGEDY IN MONTCLAIR

Mr. BRADLEY. Mr. President, yesterday in Montclair, NJ, four people were gunned down and a fifth was wounded when a man entered a postal substation and opened fire. Montclair is a wonderful community. It is like so many other towns in New Jersey where neighbors know each other, care for one another, and are proud of the community spirit that they share. That should not change, even in the wake of this tragedy.

What occurred yesterday also reminds us that there are no town borders around violence. Montclair, West Caldwell, Franklin Township, Piscataway—it finds us all. It is always senseless. It is always painful.

I offer my deepest sympathy to the families and friends and neighbors of each of the victims of yesterday's violence. I have just talked to the mayor and the police chief and they have apprehended the individual they think could be responsible. I applaud them for their action.

My sympathy goes to the families of these victims.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 356 TO AMENDMENT NO. 347

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I brought up amendment No. 356 last night and it was laid aside.

I ask unanimous consent that we return to that now. It is my understanding that the managers have no objection to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. EXON. Please proceed. I was not aware that this had been cleared now. I have no objection.

Mr. FEINGOLD. I will reiterate that there is no objection on either side to this. It has to do with changing the rules for emergency spending bills. It is making sure that extraneous matters are not attached to them, as has happened in the past. I understand both sides have agreed to voice vote on that.

Mr. COATS. If the Senator from Wisconsin will yield, I just say to the Senator from Wisconsin that we think it is a meritorious amendment. It is consistent with the goals and the intent of the line-item veto legislation before us. We are happy to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 356) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I want to take a moment to thank the managers and all the people that were involved in this amendment. It is an excellent example of bipartisan cooperation to, in effect, try to prevent the pork from getting over to the President in the first place. The line-item veto is about getting rid of those items after the President has them on his desk. I think this will prove to be a useful tool in eliminating some of the things that have happened in Congress that have been held up really to public ridicule. I am grateful to the Senators who helped move it along.

AMENDMENT NO. 402 TO AMENDMENT NO. 347

The PRESIDING OFFICER. The question now before the Senate is amendment No. 402.

Mr. EXON. Mr. President, I want to take a moment to thank my friend and colleague from Wisconsin for an excellent amendment, well presented. I am very pleased that it has been accepted on the other side.

We are moving along very well now. As I understand it, from conversations I have just had with the Senator from Indiana, the manager of the bill on the other side of the aisle, the lockbox amendment that I presented last night has now been cleared on each side.

What is the pending business, Mr. President?

The PRESIDING OFFICER. The Senator's amendment No. 402.

Mr. EXON. With that, I would like to call up that amendment for a vote at this time. We have finished debate on the amendment. I believe it has been cleared on each side.

Mr. COATS. Mr. President, we have had trouble putting our fingers on 402. I want to make sure amendment 402 is the lockbox amendment.

Mr. EXON. I think we can assure the Senator that it is the EXON lockbox amendment.

Mr. COATS. I had just heard a minute ago that it was not. That is why I wanted to verify that.

We are satisfied, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 402) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I thank my colleague from Indiana, the floor manager, for his help on this.

Mr. President, I believe we have made really good progress. Last night and so far today, we have either adopted or tabled seven amendments. The majority has inquired with regard to three amendments on their side, and we are attempting to work those out.

Beyond that, I think that there are in the neighborhood of only 8 or 10 amendments left that I know of here. So that is excellent progress.

I would simply take this opportunity to once again state what I stated this morning. And after my statement this morning, we had some good cooperation. So I would simply alert all Senators to the fact that we are now moving very, very aggressively and very, very quickly. I urge Senators who have amendments that are outstanding or, if there are any—hopefully, there are not—if there are any we do not know about, I think this would be an excellent time for Senators to come to the floor and offer any amendments that any Senator on either side of the aisle has on the measure before us so we can keep the momentum going and not get slowed down to where we sag back into situations that we have been in before on bills where we think we are moving and all at once we slow down and seemingly never get started up again.

So I certainly urge any Senator, this is a very, very good time to come forward with the 8 or 10 amendments that we believe are serious amendments that are pending. This would be a good time to move on them. Certainly, it is not a time to go to third reading, but this is a time I think for everybody to understand that, with a little cooperation, we can stay away from any consideration of a cloture vote. As far as I know, the cloture vote has not been vitiated yet, has it?

Mr. COATS. It has not.

Mr. EXON. I am advised that the majority leader has not vitiated the cloture vote. That is currently scheduled, I believe, for 5 p.m. I believe we will not need that if the feeling of the majority leader is that we are making sufficient progress. But that is a possibility.

So since it is now about 3:22, this would be a excellent time for someone to come over and offer an amendment. I would be very glad to have someone show up.

I have been advised I was wrong on the 5 o'clock time. The 5 o'clock time was to have been for 1 hour of debate and the vote was scheduled to be at 6 o'clock, as presently scheduled.

We hope somewhere along the line in the next hour or so we might have a chance of going to the majority leader and having that vitiated. But I think it all depends. The first thing the majority leader is going to ask is, ''Well, how are you coming along?'' I suspect my friend from Indiana would agree with that.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would agree with that. We obviously hope to be able to vitiate the cloture vote that is now scheduled for 6 p.m.

We are making excellent progress on these amendments. We hope that Members will come to the floor and continue to offer amendments. Our goal is to expedite the debate and consideration of this bill that is before us.

We have had considerable debate not only on this particular issue but on similar issues for the past several years. I think Members have had an ample opportunity to express their thoughts and opinions.

We now actively encourage those amendments. Obviously, as the Senator from Nebraska said, the more amendments that we can consider before 6 o'clock, perhaps the more favorable consideration the majority leader can give to that vote which is ordered for 6 p.m.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the cloture motions on the majority leader's amendment be vitiated; that the following be the only first-degree amendments remaining in order to either S. 4 or to Senator DOLE's amendment; that they be subject to relevant second-degree amendments following a failed tabling motion; that all amendments on this list must be offered by 10 a.m., Thursday, March 23; that upon the disposition of these amendments, Senator DOLE's substitute amendment, as amended, if amended, be agreed to; that the bill be read a third time, and at that time there be 2 hours of debate under Senator BYRD's control; and that upon the conclusion or yielding back of that time, the Senate vote on final passage of S. 4, as amended, with the preceding all occurring without any intervening action or debate, and that no motion to recommit be in order.

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

Mr. DOLE. Let me indicate the list which I will send to the desk: One amendment by Senator BINGAMAN, two amendments by Senator BYRD, two by Senator DASCHLE, one amendment by Senator MURRAY, one amendment by Senator EXON, one amendment by Senator GLENN, one amendment by Senator LEVIN, one amendment by Senator DOLE, one amendment by Senator ABRAHAM, one amendment by Senator MURKOWSKI, one amendment by Senator HATCH, one amendment by Senator D'AMATO.

These are relevant amendments. One is a substitute, others relate to authorized programs or exemptions, and one is a fencing amendment. We can provide further details if any of our colleagues want details on the amendments.

Mr. DASCHLE. Mr. President, I commend many of the Senators whose cooperation was important in receiving this agreement.

We started out with a large double-digit list and we are now down to virtually a single-digit list with as many Republican as Democratic amendments. I am very hopeful that we can work through these amendments.

For the information of colleagues, I intend to offer our substitute this evening, and hope we can have a good debate on that. I am sure we can work through many of these, even with time agreements, but I do appreciate the accommodation by many Senators. I appreciated having the opportunity to work through this agreement with the majority leader.

I think this will allow Members to do what we have indicated we would like to do, and that is reach final passage this week.

I appreciate the cooperation of all Senators, and I look forward to the remaining debate on the amendments that have just been listed.

Mr. DOLE. Mr. President, I thank the Democratic leader, Senator DASCHLE, for his cooperation. I think he is correct. I think it is in a condition now where it can be passed, maybe late tomorrow night if not sometime early Friday.

I would hope following disposition, as I have not yet discussed it with the Democratic leader, one thing we have to do is the self-employed tax matter. Maybe we could start on that Friday. I will discuss that with the minority leader later. I asked Senator PACKWOOD to check with Senator MOYNIHAN to see if they would be available on Friday.

I would ask my colleagues if they have amendments, certainly, this would be a good time to offer amendments because the Democratic leader has indicated later today he will offer the substitute. I urge my colleagues on either side of the aisle if they have amendments, I am certain that the managers would be happy to engage them in debate. Perhaps we can dispose of four or five additional amendments before late afternoon.

Mr. DASCHLE. 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. ROTH. 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. ROTH. Mr. President, I ask unanimous consent to speak as in morning business.

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

PRESIDENT CLINTON'S ACCEPTANCE OF YELTSIN INVITATION

Mr. ROTH. Mr. President, yesterday President Clinton announced his acceptance of Russian President Boris Yeltsin's invitation to participate in Moscow's anniversary of the 50th anniversary of V–E Day.

He has accepted this invitation, despite the fact that I—and many of my colleagues concerned about the foreign policy implications—urged him to seek another time for a summit.

I continue to believe that his participation in this commemoration does not further American interests in Europe and in our relationship with Russia.

First, this commemorative event is morally ambiguous. I recognize the valor and sacrifices of the Russian people in their defense against Nazi aggression. However, it is equally important to remember that the Soviet leaders, through the Molotov-Ribbentrop pact laid the foundation not only for World War II, but also for Soviet hegemony over Eastern Europe during the cold war.

Joseph Stalin unleashed Soviet forces against Poland in collusion with the Nazis, and during the first 2 years of World War II the Soviet Union provided the Nazi Reich with strategic war materials as well as with political and propaganda support.

Moreover, the Soviet Union committed war crimes as brutal as those of the Nazis.

One need only to recall the Soviet's massacre of thousands of Polish officers at Katyn; the deportation to concentration camps and murder of thousands of civilians, including Lithuanians, Estonians, Latvians, Tatars, Chechyns, and others. After World War II, the survivors in Eastern Europe did not benefit from freedom and liberty, but were subjected to the brutal hegemony of the Soviet Union.

If the President persists in going to celebrate the end of World War II in Europe with the Russians, I believe he should at least make some reference to the fact that the United States, as a whole, has not forgotten these, or any, crimes committed during the war.

The second reason why we encouraged the President not to accept this invitation is because the commemoration in Moscow will reinforce the growing nostalgia among some Russians for the Soviet past and its imperial ambitions, not to mention the leader who epitomized all this, Joseph Stalin.

The presence of the President of the United States risks further legitimizing such nostalgia, thereby encouraging Russians to concentrate on reacquiring great power status at a time when Moscow should be directing its efforts and energy inward, toward democratic and market reform.

Third, this invitation arrives in the midst of the war in Chechnya. President Clinton's participation in this celebration will convey American indifference to the atrocities committed against the Chechyn peoples.

Indeed, Moscow's management of the Chechyn autonomy movement is depressingly reminiscent of the policies that Stalin, himself, used to terrorize the peoples incorporated into the former Soviet Union.

Mr. President, I strongly support efforts to deepen American-Russian relations. Indeed, this is especially important today as both nations adjust to the post-cold-war era. However, the symbolism associated with the Moscow celebration makes it a poor forum through which to pursue the type of relationship the United States must have with Russia.

But since President Clinton has made his decision, I hope he will emphasize the following themes in the course of his Moscow meetings:

The President should speak forthrightly to the Russian people, not hiding the fact that America condemns the brutal use of military force against Chechnya. Human rights is an international issue. If Russia avows to be a member of the community of democracies founded upon respect for inalienable human rights, it must live up to those standards.

The President should make clear that America is more interested in the future of Russian democracy than in the fate of a single leader. I hope that President Clinton will spend his time not only with government officials and the leadership of the Russian Duma, but also with Russia's leading supporters of democracy.

This must include members of Russia's beleaguered press and those democratically minded legislators—particularly Sergei Kovalyov, the former Human Rights Commissioner who was most recently relieved of his duties because of his courageous criticism of the Russian Government's Chechnyn policy.

In order for a true strategic partnership to evolve between the United States and Russia, Moscow must abandon hegemonic aspirations, particularly those toward the non-Russian nations of the former Soviet Union.

In this regard, I applaud the President's decision to visit Ukraine. A Kiev summit will be an important signal of America's commitment to assist the consolidation of Ukraine's newly attained independence. In light of Ukraine's intertwined history with Russia, the success of Ukrainian independence and integration into the Western community of nations will be a critical determinant of Russia's evolution into a post-imperial state.

Finally, I hope that the President will emphasize that NATO enlargement will contribute to greater peace and stability in post-cold-war Europe.

By further ensuring stability in Central and Eastern Europe, NATO enlargement should allow Moscow to spend more of its energy on the internal challenges of political and economic reform. I hope that our President will underscore the fact that Moscow cannot and will not have any veto over the future membership of NATO.

Mr. President, although I regret President Clinton's pilgrimage to Moscow, I believe that if these three

themes—human rights, democracy, and rejection of empire—prevail, they will help ensure that the Moscow summit is not an exercise in propitiation, but a realistically constructive undertaking.

Mr. President, I yield the floor.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

Mr. HATFIELD. Mr. President, I have listened to the debate so far on the line-item veto, the proposal which is before the Senate, and I have read the compromise language offered by the majority leader. I would like to commend the majority leader and those who worked with him, long-time supporters of the proposal, and the sponsors. This proposal, as is my assessment at least, is much improved over the previous proposals. This improvement comes from the inclusion of new entitlements and targeted tax breaks along with appropriations spending items.

As I have stated in the past, if the Congress is serious about attacking our annual deficits, it must expand its view beyond discretionary spending. Discretionary spending, Mr. President, accounts in 1995 for 36 percent of the total spending of our Government. The Congress cannot balance the budget, let alone reduce the national debt, by focusing on 36 percent of the total budget.

The proposal before us makes great strides by also including in its purview new entitlements and direct spending. Entitlement spending will make up 49 percent of the budget in 1995.

This proposal also includes targeted tax benefits as being subjected to a Presidential line-item veto. According to the Senate Budget Committee, it was projected that the Treasury will lose $453 billion in revenue through tax expenditures in 1995 alone. That number is twice the size of the projected budget deficit.

At a time when our country is fast approaching the debt ceiling limit of $4.9 trillion, which could occur as early as August, according to the Treasury Department, it is important to send the message that, to attack the deficit, there must be a shared commitment from all sectors of the Federal budget including entitlement spending and tax preferences. I commend the authors of this proposal for this improvement over earlier versions.

Now, while this proposal is greatly improved in some respects, it causes me grave concern in other areas. The point which causes me the greatest concern is the impact of the massive shift of power from the Congress to the executive branch which could occur under this bill.

I might say, Mr. President, it is totally contrary to historic Republicanism. This is some strange new doctrine, to suggest that we have to abdicate responsibility to the Chief Executive of this country. I do not care whether he is a Democrat or a Republican.

While many supporters of this legislation have attempted to address this concern during the debate, I must raise this issue again as I believe it should be of grave concern to all the Members of the Congress, the House, the Senate, Republican and Democrat.

Mr. President, the legislation would actually allow the President of the United States, with the support of only one-third of either body, to eliminate funding for myriad Federal spending, departments, and programs authorized and enacted by the Congress.

Supporters of this proposal continually highlight it as a way to get at the so-called pet projects of interest to individual Members or to individual States. I will point out, as I have done in the past, Members can exercise their rights under the rules to raise objections, offer amendments, and round up votes to defeat such proposals.

Members should identify provisions of appropriations bills and reports that they find objectionable and craft amendments to resolve those objections. Members should also encourage the President to come forward with a rescission proposal pursuant to title X of the Budget Act to strip that funding.

We have that power. We have those tools. It must also be highlighted that the line-item veto can also be used to reduce funding or even eliminate completely, funding for projects and agencies that I doubt few would call congressional pork.

Let me remind you, a President with one-third of either Chamber—hardly a majority—could effectively eliminate funding for an entire agency such as HUD, the Interior Department, the Education Department, the EPA—any Department. While some Members may argue in favor of such a move, I doubt that many of us would call these agencies pet projects. Do not forget, we have had Presidents offer and express a desire to abolish such departments. This is not a hypothetical situation—entire departments. President Reagan wanted to absolutely eliminate the Department of Education, the Department of Energy, and others. And we have heard that from other Presidents. That could happen. With a one-third vote of the House and the Senate, the President would prevail to eliminate entire departments. So do not get this idea that somehow what has been identified as pork here or pork there is the only target we have to worry about.

Now, while these examples may be extreme, a similar scenario was described by a Member during this debate. It was mentioned that on an issue such as ground-based missile defenses, a President may disagree on the line of funding, and this line-item veto would allow the President, with one-third of either Chamber, to simply line out all the funding for such a program.

At a time when many Members have raised concerns about funding levels of the military, are those same Members willing to defer to the judgment of whichever President occupies the White House regarding defense spending levels? The same point can be made regarding housing policy, nutrition programs, or spending to combat crime.

That is an awesome shift of power which some may be willing to relinquish to the executive branch of Government, but I am not. I am not as willing to bestow that type of power on the executive branch. The Framers of the Constitution were very concerned about the abuses of an Executive which possesses too much power. That is why the power to spend was placed in the branch of Government which is most accountable to and representative of each citizen, the Congress of the United States. The purse strings are placed here. In my opinion, the Framers were right on target. There are no sound reasons why the legislative branch should shift such an important constitutionally created responsibility to the Chief Executive.

Perhaps I am burdened by history, either by generation or by being a history buff, but I recall when a President of the United States wanted to usurp the power of the Supreme Court, a third coequal branch of Government. It was not just a little line item in an appropriations bill or a tax bill. He wanted to dominate the Supreme Court. That was called the Court-packing plan of Franklin D. Roosevelt. Thank God, there were enough Democrats at that time to join with the corpus guard of 17 Republicans to block that.

Nevertheless, it is illustrative of the kind of power that is a desire of the Chief Executive that has taken place in our history. Now we are going to say the President of the United States and one-third of the membership of this Congress, you make these vital, and important decisions.

And let us not forget when you had 17 Republicans here at one time in the Senate, and they called it the Cherokee Strip because the Democrats could not all sit on that side. They had a whole row, two rows of Democrats on this side, and the Republicans were huddled down here under Senator Charles McNary from Oregon trying to survive. You can imagine the kind of domination that Franklin Roosevelt had of the Congress that first term and part of the second term. Thank God, we had a Supreme Court. It was the only check and balance we had in our governmental system. That is just history, but it also makes me a little leery about ever handing too much power to any branch of Government.

I would also like to take a moment to explain what separate enrollments of bills would entail. While I understand that many Americans support the concept of a line-item veto, I think it is important to explain what that means in the context of separate enrollment.

Separate enrollment would take individual appropriations bills, as passed

by the House and the Senate, and separate these bills into thousands of individual bills for the President to sign or to veto. Apart from a reference to a bill number, these new individual bills would bear no resemblance to the original bill which was voted on by the Congress. I question the soundness of this approach based on practical as well as on constitutional grounds. According to the Constitution, article I, section 7:

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated. . . .

I assume that the supporters of separate enrollment are confident that the courts will uphold the constitutionality of this approach, I however have not yet been convinced that will be the courts' conclusion.

I would also like to mention that while the vast majority of States do have some version of a line-item veto, none of the versions include the separate enrollment language contained in the bill before us. Passage of this bill will send the Federal Government into uncharted legislative waters.

Mr. President, I shall vote ''no'' on the final passage of the line-item veto.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the senior Senator from Oregon, my good friend, for his statement. I, too, have a number of serious concerns and questions about the majority leader's substitute line-item veto amendment, the Separate Enrollment and Item Veto Act of 1995.

I have the same question as has just been stated here on the floor about the constitutional aspects of it, whether it passes constitutional muster. The presentment clause of the Constitution is very clear. The distinguished Senator from Oregon read it into the RECORD, but it is clause 2 of article I section 7. It says:

Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal and proceed to reconsider it.

Walter Dellinger, the very well respected constitutional scholar, and Assistant Attorney General, says:

This language mandates a fairly straightforward procedure. After both Houses of Congress have passed a ''Bill'' they must present it to the President, who can either ''approve'' . . . it . . . or ''not . . . .'' In either event, the bill is treated as a single unit; nothing in the text permits the President to approve and sign one portion while disapproving and returning another portion.

I might ask, Madam President, if we have something that raises on its face such a constitutional issue, where is the congressional testimony that explains why this legislative separate enrollment version of a line-item veto is constitutional? I am a member of the Judiciary Committee, as is the distinguished Presiding Officer. There has not been a word of testimony in our committee on that. I think if we adopted something like this, Congress will spend too much time in the court trying to defend separate enrollments, instead of concentrating on reducing the deficit.

Even if it was not unconstitutional, which I am convinced it is, it is, I suspect, unworkable. The enrollment clerk would have to enroll each item in an appropriations or revenue measure as a separate bill. Then the President can either veto or sign it. But this would require the enrollment clerk to enroll hundreds, if not thousands, of separate bills. I thought the new majority wanted to reduce Government paperwork.

(Mrs. HUTCHISON assumed the Chair.)

Mr. LEAHY. I would suggest, Madam President, that we call this amendment the Tree Cutting and Paperwork Promotion Act. As a tree farm owner myself, I should probably vote for it because of all the extra paper and paperwork we will have around here. We do sell trees to make paper on my farm.

But then I might ask, how is the clerk going to decide what is an item to be enrolled as a separate bill? The amendment defines an item as ''any numbered section, any unnumbered paragraph, or any allocation or suballocation * * * contained in a numbered section or unnumbered paragraph .'' What if you write an appropriations bill that is just one paragraph? It may be 38 pages long, but it could be written as one.

Or I can see Members taking items, a popular and an unpopular item, and put them into a single numbered section or unnumbered paragraph so they would be enrolled together as one item. That protects it from a Presidential veto.

And what is an allocation or suballocation? There is no definition in the amendment. Is that up to the discretion of the clerk? If so, then the unelected enrollment clerk becomes far more powerful than a lot of Members of Congress.

There is no clear answer to this. We have never had hearings on it. The so-called compromise agreement was dug up from the past to break a deadlock that the majority has over two different line-item veto bills, S. 4 and S. 14.

These two bills were debated. They were marked up. They were reported by two different committees—the Budget Committee and the Government Affairs Committee. It would have been helpful if at least one of these two committees had seen this substitute before it hit the floor.

And, like S. 4, the so-called compromise amendment encourages minority rule. It allows a Presidential item veto to stand with the support of only 34 Senators, or 146 Representatives.

If you are from a State that only has a few representatives, like mine, only 1, I do not know how you could possibly vote for something like this. Basically it says your State becomes immaterial—immaterial in any determination. It is not majority rule. We are back to anti-Democratic supermajority requirements. I thought that was dismissed during the balanced budget amendment debate.

By imposing a two-thirds supermajority vote to override a Presidential item veto, the Dole amendment undermines the fundamental principle of majority rule. Our Founders rejected such supermajority voting and I oppose this. I do not care whether we have a Democratic President, as we do right now, or a Republican President. I am sure President Clinton would probably be delighted to have this. I can think of some times when I would probably be delighted as a Democrat that he would have it. But as a principle, I do not want any President to have this. The Congress might as well just pack up and go home.

Maybe some might like that, but I do not think that, as powerful a country as ours is, we want to see a situation where one of the three independent branches of Government is put in a position where they can basically override the other two branches of Government. That is not how we stayed a democracy after we gained that power.

Alexander Hamilton talked of the supermajority requirements as a ''poison'' that serves ''* * * to destroy the energy of the government, and to substitute the pleasure, caprice or artifices of an insignificant, turbulent or corrupt junto to the regular deliberations and decisions of a respectable majority.''

Such a supermajority requirement not only shows a distrust of the Congress but the electorate. As an American, as one who believes in our majority rule in our country—one who believes in our democracy and that our democracy exists because of our three branches of Government, I reject this notion and this basic distrust.

I think it is overkill. Over the course of our history, in 200 years, something we overlook in this—the President has vetoed 2,513 bills.

Congress overrode 104 times out of 2,513. The supermajority veto is an extraordinarily effective executive power. It is not needed to strike wasteful line items. Majority votes are enough to kill any wasteful line item.

In fact, if someone were to hear a number of the Members who stand up here and say how much they want this line-item veto when so many of those same Members have made sure that they have line items in appropriations bills or authorizing bills to help them with their constituents or their State, you would think that a Senator could not require separate votes on items in a bill. But they can. All they have to

do is object to committee amendments to be considered en bloc and then vote on them one by one and have a rollcall vote on them. But some of the same Senators who talk about such wasteful spending do not do that. They do not want to call up these particular items.

Let us not say we are going to muddy up our constitutional form of government by tossing the buck to the President if we are unable to do it, unwilling to do it, ourselves.

Then, of course, we have tax breaks. Now the rubber hits the road. If it is an item that may actually help your State, we could take that out. But if it is an item that might help some wealthy special interest and we do not want the President to ever touch that, the amendment only allows the President to veto a targeted tax benefit.

A ''targeted tax benefit'' is defined as any provision that is estimated to lose any revenue and has ''the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.''

I am a lawyer. I have looked at that. I have looked at it about 10 different ways. I have asked other lawyers to look at it. Nobody seems to know what this means other than to say they would love to be involved in litigation on it. They could keep the clock running forever on that. It would produce endless litigation over what is a ''practical effect'' and who is a ''similarly situated taxpayer.'' These terms, of course, are not defined in the bill. In fact, the definition of ''targeted tax benefit'' sounds like a tax loophole itself.

Would the President also have a line-item veto authority over the capital gains tax cut described in the House Republican Contract With America? It is going to lose revenue. The bipartisan Joint Committee on Taxation has estimated that the Contract With America's capital gains tax cut would lose almost $32 billion from 1995 to 2000.

I have a feeling that is not intended to be touched by the line-item veto. Why not quit this shell game? Just state in plain language that the President has line-item authority over all tax expenditures.

So I have too many problems about this substitute. I think it is just a fix to pick up a vote or two. We saw that during the balanced budget amendment debate. We would pull things out on Social Security, or whatnot, to try to get a vote here or there—no hearings, no discussion of the final effect of it.

I cast a procedural vote for cloture in 1985 to allow an up-or-down vote on a separate-enrollment line-item-veto bill. But that was because there had been hearings on a bill. There was a report on it, and we knew when we were going to vote on it. There have been a lot of changes since then.

There is no need to gamble on a questionable version of a line-item-veto bill. Thanks to the bipartisan leadership of Senators DOMENICI and EXON, we have a better line-item veto—the original S. 14 bill.

I have already said publicly on national television that I find this very appealing. I believe I could vote for it. But we ought to, if we are going to pass a line-item-veto bill, base it on the original bipartisan expedited rescission measure, one that has been carefully studied.

That I am willing to take a chance on. I am willing to take a chance on it with a sunset provision, but also because most of the questions that have been asked have been answered. I am not willing to take a plunge in faith on an amendment that is out here basically just to pick up a few extra votes.

Madam President, I see no one else seeking recognition. So 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. ABRAHAM. 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. 401 TO AMENDMENT NO. 347

Mr. ABRAHAM. I ask unanimous consent that we return to the consideration of my amendment No. 401, which I submitted yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] proposes an amendment numbered 401 to amendment No. 347.

The amendment is as follows:

On p. 3, line 17, strike everything after word ''measure'' through the word ''generally'' on p. 4, line 14 and insert the following in its place: first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the bill into items and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections.

(2) A bill that is required to be disaggregated into separate bills pursuant to subsection (a)—

(A) shall be disaggregated without substantive revision, and

(B) shall bear the designation of the measure of which it was an item prior to such disaggregation, together with such other designation as may be necessary to distinguish such measure from other measures disaggregated pursuant to paragraph (1) with respect to the same measure.

(b) The new bills resulting from the disaggregation described in paragraph 1 of subsection (a) shall be immediately placed on the calendar of both Houses. They shall be the next order of business in each House and they shall be considered en bloc and shall not be subject to amendment. A motion to proceed to the bills shall be nondebatable. Debate in the House of Representatives or the Senate on the bills shall be limited to not more than 1 hour, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the bills is not in order, and it is not in order to move to reconsider the vote by which the bills are agreed to or disagreed to.

AMENDMENT NO. 401, AS MODIFIED

Mr. ABRAHAM. Madam President, I send a modification to amendment No. 401 to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 401), as modified, is as follows:

On p. 3, line 17, strike everything after word ''measure'' through the word ''generally'' on p. 4, line 14 and insert the following in its place: first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the bill into items and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections.

(2) A bill that is required to be disaggregated into separate bills pursuant to subsection (a)—

(A) shall be disaggregated without substantive revision, and

(B) shall bear the designation of the measure of which it was an item prior to such disaggregation, together with such other designation as may be necessary to distinguish such measure from other measures disaggregated pursuant to paragraph (1) with respect to the same measure.

(b) The new bills resulting from the disaggregation described in paragraph 1 of subsection (a) shall be immediately placed on the appropriate calendar in the House of origination, and upon passage, placed on the appropriate calendar in the other House. They shall be the next order of business in each House and they shall be considered en bloc and shall not be subject to amendment. A motion to proceed to the bills shall be nondebatable. Debate in the House of Representatives or the Senate on the bills shall be limited to not more than 1 hour, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the bills is not in order, and it is not in order to move to reconsider the vote by which the bills are agreed to or disagreed to.

Mr. ABRAHAM. Madam President, the purpose of this amendment is straightforward. Rather than deeming the work product of the Clerk of the House or the Secretary of the Senate to be separate bills and transmitting them to the President directly, my amendment calls for one last single vote on the entire package of bills by both Houses of Congress after the bills have been disaggregated.

This will not appreciably slow the work of the Congress, since it will only require one vote on the whole package. In addition, the amendment provides for highly expedited procedures that would allow only one hour of debate on the entire package with no other business being in order.

On the other hand, in my view this amendment greatly strengthens the likelihood that this legislation will be upheld by the Supreme Court. Indeed, although I did not know this at the

time I was preparing this amendment, that is the view that the Department of Justice's Assistant Attorney General for the Office of Legal Counsel, Walter Dellinger, expressed in advising President Clinton regarding the constitutionality of S. 137, an earlier proposal containing enrollment procedures similar to those in the substitute. His letter states:

> Furthermore, there appear to be ways to refine S. 137 so as to avoid the objection that what must be presented to the President is the ''bill'' in exactly the form voted on by each House. So long as the Houses of Congress have treated each bill subsequently presented to the President as a bill at the time of each of their respective final votes, this objection would not arise. Thus, for example, internal House and Senate procedures that provided for disaggregating an appropriations bill into separate bills and then voting en bloc on those bills would result in the President's being presented with exactly [what was] voted on by each House. The chances of S. 137's being sustained would be improved were the bill amended to incorporate such refinements.

In short, in my view, we stand a much better chance of all the hard work that has been done by our colleagues over the years on this matter not being undone by the courts if my amendment is adopted.

I believe it would directly address, and satisfactorily address, the concerns that were earlier expressed by several Senators on the floor today as to the constitutionality of this legislation with respect to its presentment to the President.

For these reasons, I urge my colleagues who support this legislation to support this amendment.

I yield the floor.

Mr. COATS. I thank my friend and colleague from Michigan for offering this amendment. While I do not believe this amendment is necessary, I believe it does address a concern that was raised yesterday relative to the constitutionality of a process which would deem an appropriations bill which was enrolled separately to incorporate all of the provisions of the original bill.

For reasons that I outlined at length yesterday, and on the basis of some respected constitutional scholars, as well as others who have researched this area, we strongly feel and believe that our conclusions that the constitutionality of the Dole substitute, as originally presented, meet constitutional muster, that those provisions are adhered to and that no constitutional question exists.

Nevertheless, the amendment of the Senator from Michigan is acceptable to this Senator and to the proponents of the Dole substitute, in that it clarifies any ambiguity that might exist or concerns that might exist among some Members who have questioned the constitutionality of that procedure.

For that reason, I think the amendment of the Senator from Michigan is appropriate and I trust and hope that it will be adopted by this body.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I am pleased that the Senator from Michigan has brought up this particular amendment, which we would like to take a further look at. Senator BYRD is a recognized constitutional scholar, as he demonstrated, I think, very vividly yesterday, and I am sure he will have some questions or comments on this.

I would simply like to say, though, that I am particularly happy that this has been brought up, because it allows me to raise some questions as to why in the world, with all of the other problems that we have had over the years in enacting some kind of an enhanced rescission or expedited rescission or line-item veto—call it what you will, we all know what we are talking about—why in the world are we bringing up matters that I think are extraneous, that I think are not necessary.

I think this whole enrollment proposition is ludicrous from the standpoint that I believe, as much as anything else, it could cause us a great deal of difficulty with regard to the courts.

I still do not understand why, all of the sudden, after S. 4 and S. 14, the two mainline bills in this regard were considered and introduced in the Senate, hearings held on them in the Budget Committee, in the Governmental Affairs Committee, and talk back and forth about which should be advanced and which should not be and in what form—at least in the Budget Committee a number of amendments were offered on a whole series of issues—but never once to my knowledge in any of the committees of the Congress of the United States this year did we ever touch on or think about this enrollment mechanism that has come out of nowhere to be one of the central parts of the bill finally introduced by the majority leader and, as near as I can tell, endorsed and backed by all 54 Members of the Senate on the Republican side of the aisle.

I would simply also point out that this enrollment mechanism, regardless of its merits or lack thereof, can be agreed by all to be cumbersome, to be laborious, and I do not see the need for it. Certainly, the House of Representatives did not think this was important. We, in the U.S. Senate, did not think it was important when we introduced S. 4 and S. 14 and had all those hearings. It was not in the Contract With America, as far as I know. And those who wrote and signed the Contract With America, of which the line-item veto or enhanced rescissions or expedited rescissions, call it what you will, they did not think it was important.

It comes over to the U.S. Senate and out of the blue comes this very difficult system that I thought that my friend from Indiana did a pretty good job of trying to explain yesterday. He went to the enrolling clerk. And he said he can do this with computers and it is going to be very easy to do.

Basically, again, I am not a constitutional scholar, I am not even a lawyer, but I listened with great interest to the presentation of one who is, Senator BYRD. When I was listening to Senator BYRD yesterday, I thought, you know, thank God for the people of West Virginia sending us a man of the talent and the intellect with regard to the constitutional problems that might come up.

Basically, it seems to me, if you pass a bill in the U.S. Senate and then you present that to the President of the United States in a different form, at least you are asking for some problems from the courts. It might well be that the amendment offered by the distinguished Senator from Michigan might clarify that somewhat. I would be very much interested in what Senator BYRD and others that have studied this from a constitutional standpoint might feel about it.

Suffice it to say, it seems to me, Madam President, that the fact that we seem to be somewhat concerned about this, at least some on that side of the aisle must be somewhat concerned because they have talked about it a great deal, and now we have an amendment offered by the Senator from Michigan that tries to clarify it a little bit more, why clarify it? Why do we not pass the measure before us, which is termed the majority leader's bill or the revision of S. 4? Why do we not pass it and go back to the simple, direct, and understandable form that we had in this regard in S. 4, in S. 14, and in the measure that came over from the House of Representatives? Why do we not go back to that which I do not believe anybody has any objection to if they are for this?

I would think that Senator MCCAIN, the original proponent of S. 4, would feel that he had thought this through quite carefully. I suspect that Senator DOMENICI and this Senator, who combined as original cosponsors of S. 14 and thought about it, we thought that the more simple form with regard to how this was presented to the President would be in the line-item form that Senator THURMOND talked about that he used as Governor, as this Senator has talked about from the time that I have served as Governor of Nebraska. I do not know why that kind of a form and process is not good if we are going to pass some kind of a line-item veto or, once again, call it what you will.

So I simply say that I thank my distinguished friend from Michigan for advancing this thought. But it gave this Senator an opportunity to say, why are we going through all these exercises in futility, when it would seem to me that the main sponsors of the amendment that was offered by the majority leader should recognize it would be to the good of all of us who would like to see some type of a line-item veto passed to go back to a sounder footing that I think we would have both from the standpoint of expediting the process

and from the standpoint of probably not being challenged constitutionally on this particular item, and go back to the way line-item vetoes have generally been handled in the past without some of these special, complicated enrollment procedures that have been thrown into this measure at the last minute for reasons that I do not begin to understand?

With that, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I would just point out to my colleague and friend from Nebraska that the separate enrollment procedure is not something that is new. In fact, it is a procedure which has enjoyed support not only from Republicans but also from Democrats.

Senator HOLLINGS, more than a decade ago, suggested, discussed, proposed the separate enrollment procedure. Senator BIDEN, then chairman of the Judiciary Committee, spoke very articulately in favor of the separate enrollment procedure and its constitutionality.

It is a means by which we attempt to accomplish the end that I think most now are admitting needs to be accomplished. That is, to provide a means by which we can check the unnecessary pork-barrel spending that has come out of this Chamber and the House Chamber and sent to the desk, to the President, in increasing amounts ever since the adoption of the Budget Act of 1974.

It is a practice that Members have used, and I suggest many have abused, of attaching to otherwise necessary legislation that the President needs to sign items that are designed to favor a few or favor a parochial, narrow interest.

So as we have struggled to define the vehicle that will achieve the necessary number of votes to grant a check and balance against this practice of Congress, we have looked at various forms—enhanced rescission is one; constitutional amendment is another; separate enrollment is the third.

Modern technology has allowed us to accomplish separate enrollment in a means and way in which we could not a few years ago. Five or six years ago, it was a valid complaint and a valid objection to say that it would lead to an incredibly difficult and complex process which would require the enrolling clerk to go through all kinds of machinations and additional work in order to accomplish the breakdown of a particular piece of legislation into individual items which could then be enrolled and sent to the President.

Today, computer programs allow that to be accomplished in a matter of hours, if not minutes—depending on the size of the bill. What used to be described as a nightmare of a procedure now is a routine procedure, accomplished both in the Senate and in the House.

Separate enrollment has the advantage of allowing the President to know exactly what is laid on his or her desk, what item constitutes additional spending for a particular purpose.

Rather than the obfuscation and rather than the confusion over how taxpayers' money is going to be spent we now, under separate enrollment, pick up a piece of paper which contains a single item, incorporated in a form which the President can either accept or reject.

No longer will we have the excuse of saying, ''I didn't know what was in that massive bill. I thought we were voting on an emergency appropriation. I thought we were voting on something of national interest. It was only later I discovered, to my horror, that it included all kinds of special tax benefits for single individuals, for limited interests, special breaks for special interests.''

Or, ''I didn't know that the appropriations that went forward provided what is often characterized as embarrassing expenditures of something that can only be described as pork-barrel spending.

''Even had I known it, I'm afraid I would have had to vote for the bill, because it provided emergency funding for our national defense; it provided emergency funding for hurting Americans as a consequence of a hurricane or floods or an earthquake, or necessary spending for essential functions of Government.''

Or, ''I didn't want to shut the whole Government down. We were right up against the deadline.''

Yes, those rascals always slip a few things in there at the end, but we were up against the deadline and we had a massive bill that we had to pass or send to the President.

The President is faced with the choice of either accepting the entire bill or rejecting the entire bill. The President—each President in this century with one exception—has formally asked the Congress, ''Let me have line-item veto authority so that I am not''—as Harry Truman said—''blackmailed by the legislature into either accepting the bill with all of its extraneous, nonrelevant spending, or rejecting the bill and sending it back.''

By the way, you send a lot of these major appropriations up at the very end of the fiscal year with hours to go, sometimes, before the fiscal year runs out, and then you put me in a position of saying if I do not like something in that legislation, I have to send the entire bill back and close every office, and all the horror stories about the essential functions of Government are then raised. That is, as Harry Truman said, legislative blackmail.

Madam President, what we are attempting to do is to fashion a procedure, a process which will allow the President to say ''I'll accept 99 percent of that bill or 94 percent of that bill, but I can't accept it with these dozen items in there that do not have anything to do with the bill, that do not go toward any national interest, that are simply attached because Members knew that this is the way to get their pork-barrel spending through, that I had to accept the bill.''

By the same token, this is a process which will change the way Members behave, the way Members act. Because now, knowing that the President would have the power under line-item veto to single out their particular item, to single it out on one page of paper for everyone to see, and knowing that the only way that item could become law is if this Congress brought it back up and that Member were forced to come to the floor, debate, and explain what was in the bill, what the spending was for, and turn to his colleagues and say, ''I need your support but, by the way, you will have to put your 'yes' or your 'no' on public record so that your constituents understand how you feel about that particular item,'' knowing that, I predict most Members will say, ''I don't think that particular spending item is so important that I want to risk having to debate that or putting other Members on notice.'' Or, ''I don't think I can get the necessary votes to achieve that particular purpose.''

Separate enrollment brings forward into the light of public scrutiny the particular item of expenditure, and no longer will we be able to hide that item.

Madam President, I note that the Senator from West Virginia has arrived on the floor, and I am more than happy to yield.

Mr. EXON. Madam President, I just remind my colleague that the Presiding Officer still has the right to decide the floor.

Madam President, I have been listening with great interest to my friend and colleague from Indiana. I would remind him that before he and many other people came to the Senate, former Senator Quayle, former Vice President Quayle, and this Senator, were up appealing on the floor of the U.S. Senate along the same identical lines that the Senator from Indiana just mentioned.

I listened very much to his remarks in response to the suggestion that I had made, but maybe he did not understand what I was talking about. There is nothing wrong in using computers to try to ferret out so that all—including Members of the House, Members of the Senate, the President pro tempore of the Senate, who has to sign each one of these measures, the Speaker of the House—so that he or she is fully informed, and the President of the United States, so that they are fully informed.

So we are not against the use of computers to furnish information and break down the figure. There is nothing wrong with that.

Much of the excellent remarks that were just made by my colleague from Indiana emphasized the need for a line-

item veto, enhanced rescission, expedited rescission—call it what you will. So I do not think that is the debate that I was trying to enter into, nor do I believe that is the intent of the amendment offered, that we are now on, by the Senator from Michigan.

What we are talking about is whether or not it is wise to use the enrollment procedure that has come out of the blue. I agree with my friend from Indiana. This is new. It has not been talked about before. It has been suggested by Senator HOLLINGS, it has been suggested by Senator BIDEN, as I understand it, and possibly others. But it was just one suggestion that was made somewhere down the line.

I happen to believe that the House of Representatives, which studied this matter, did not feel that the bill was unworkable unless we used the enrollment process that suddenly has been instigated here as a key part. I do not believe that the Budget Committee or the other committee of jurisdiction that considered this matter felt that the measures that were advanced were inoperative or had not been thought through because we did not come through this magical enrollment procedure.

I will simply say that most of the remarks that the Senator from Indiana made were with regard to the merits and why we need a line-item veto of some type. He did not, I think, adequately address the concerns that I was trying to bring up with regard to this enrollment process that I think could cause us some serious constitutional problems, those of us who are now for and have been for a line-item veto of some type for a long, long time.

So I simply want to focus, if it was not understood, on the concerns of this Senator with regard to this cumbersome procedure to carry out the line-item veto.

For the life of me, I have not been able to understand yet how the President pro tempore and the Speaker and the President can carry out their duties by signing something that is on a computer. There is nothing wrong with using a computer to make sure that everybody knows what every item is from 1 cent to trillions of dollars. But I do not believe that that particular enrollment process is the key to success at all. In fact, I think that kind of a process, as I say once again, could cause us some considerable difficulties in the courts. No one knows how they would decide that.

I simply wanted to make it clear, Madam President, that I was not in conflict with what the Senator from Indiana said with regard to the necessity for a line-item veto. I am trying to focus on the fact that I believe that the enrollment process is also causing some concern to Senators on that side of the aisle, as evidenced by the fact that the Senator from Michigan must have some concerns about it or he would not be in here offering his amendment.

So I simply warn and would like to have some consideration given to why can we not pass a cleaner, simpler, more direct line-item veto, a la what was sent to us by the House, a la what was incorporated in S. 4, what was incorporated in S. 14? I do not believe that all of the people that touched those different propositions had not thought through the process to the point that all is forsaken unless somehow we accept this concept that has been brought into this body for the first time, as I know it, under the present consideration of a line-item veto or something akin to it in this current session of the Congress.

I happen to think that it is ill-advised to go that far, but the majority has a right to work its will.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Chair in her capacity as a Senator from Texas suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to proceed as in morning business.

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

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 592 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. HUTCHISON. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 401, AS MODIFIED, TO AMENDMENT NO. 347

Mr. McCAIN. Now may I ask what the parliamentary situation is?

The PRESIDING OFFICER. The pending amendment at the present time is the amendment of the Senator from Michigan [Mr. ABRAHAM].

Mr. McCAIN. Mr. President, if there is no further debate on the amendment, I move the amendment.

Mr. BYRD. Mr. President, there is no such motion under the Senate rules.

There is no such motion in the Senate rules, moving adoption of an amendment.

The PRESIDING OFFICER. Does someone seek recognition?

Mr. McCAIN. I move adoption of the amendment.

Mr. BYRD. Mr. President, there is no such motion under Senate rules.

The PRESIDING OFFICER. Does someone seek recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, the majority leader has made it quite clear, as has the Democratic leader, that we want to finish this bill tomorrow. We have now 14 amendments pending on the bill. We have spent a long time on the bill. We would like to have debate on this amendment. Any Member of this body can put the Senate into a quorum call if they wish.

I would like to go ahead and debate the Abraham amendment and be able to move on to other amendments, if that is possible. If it is not possible, then obviously we may have to inconvenience Members by staying here very late tonight so that we can keep consonance with the desires of the majority leader and the rest of the Members of the body to finish this legislation tomorrow and not spend 3 and 4 weeks on a single piece of legislation as we did with the balanced budget amendment and other amendments since we have gone into session here.

So, Mr. President, I hope that we can move forward with this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am not ready at this moment to debate the amendment, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. 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. McCAIN. Mr. President, I again advise my colleagues that we have 14 amendments pending. We would like to get those done. An amendment is before the Senate. I would like to move forward with it.

The PRESIDING OFFICER. Does someone seek recognition for debate on the Abraham amendment?

If not, all those in favor of the amendment——

Mr. BYRD addressed the chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I do not seek to delay action on the amendment, nor do I seek to delay action on the bill. But this is an amendment that has just been called up and the author of the amendment is not in the Chamber. I was hoping to ask the author of the amendment some questions. If Senators want me to begin, I can talk at length, but I do not seek to do that. That is not my purpose. I wanted to ask some questions about the amendment. I wanted to ask some questions of the author.

Now, the Senator from Arizona, of course, is seeking to convey the impression that I am trying to delay the bill. I am not doing that. I am not quite ready yet to discuss this amendment, but I am also not ready yet to allow a vote on it, until I have an opportunity to ask a few questions.

So I will suggest if Senators wish to get on with the amendment, get the author of the amendment over to the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I say to my colleague from West Virginia, the Senator from Michigan, who is the author of the amendment, is on the floor now if the Senator chooses to proceed.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I have noted the amendment by Mr. ABRAHAM to the substitute offered by Mr. DOLE.

I ask unanimous consent that I may be able to ask questions of other Senators, notwithstanding that I have the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. My first question to the distinguished Senator would be, why does the Senator feel that it is necessary to offer this amendment to the Dole substitute?

Mr. ABRAHAM. I have watched the debate as it has proceeded here. And certainly during the period of time after the compromise version of this legislation was developed, I have heard various Members of the Senate express concerns about its constitutionality and it struck me that the area in which the concerns were primarily focused was, as earlier expressed, I think, by Senator LEAHY, the presentment issues that I have tried to address here.

My feelings were, although I believe as drafted the legislation could sustain a constitutional test, that it was in our interests to make the changes I am proposing in this amendment to try to further address any concerns people might have.

Mr. BYRD. Mr. President, on yesterday I spoke at some length with respect to what I consider to be some constitutional flaws in the Dole substitute. One area which I discussed at some length was that which pertained to the presentation clause; the fact that under the legislation that is before the Senate, each of the bills or joint resolutions that will have been enrolled by the enrolling clerk of the House of origination will not have had action by either House, specifically, on that particular enrolled bill. Consequently, I felt that the legislation was constitutionally vulnerable. The pending legislation deems that each such bill has passed both Houses, when in reality, each such bill would not have passed either House, to say nothing of both Houses.

So I take it that it is that perception of the unconstitutionality of the legislation by Mr. DOLE that has led the distinguished Senator to offer the amendment which is presently before the Senate?

Mr. ABRAHAM. As I said, the concerns that had been expressed in the period of time during which this compromise was worked out and were expressed, I think by you yesterday and by others here today, were concerns I felt could be adequately addressed and resolved in this fashion. So I thought in developing this amendment we could effectively handle the concerns that had been raised, although, as I say, I do not necessarily accept the notion that the legislation would not pass constitutional muster as is. But I thought this would allay fears and concerns that had been brought up.

Mr. BYRD. But I think, Mr. President, that the amendment by the distinguished Senator will have certainly improved the legislation if the amendment is agreed to, and I have no doubt that it will be.

Let me ask the Senator a further question. His amendment reads as follows:

On p. 3, line 17, strike everything after the word ''measure'' through the word ''generally'' on p. 4, line 14 and insert the following in its place:

This is the language, now, that would be inserted by Mr. Abraham:

first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the bill into items and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections.

And so on.

The amendment of the Senator speaks not only with reference to appropriations bills but also with reference to authorization measures, does it not?

Mr. ABRAHAM. Yes, it does.

Mr. BYRD. And on page 5 of the substitute offered by Mr. DOLE and other Senators, under the section on definitions:

For purposes of this Act:

(2) The term ''authorization measure'' means any measure, other than an appropriations measure, that contains a provision providing direct spending or targeted tax benefits.

Now, would that include a reconciliation bill?

Mr. ABRAHAM. I am sorry?

Mr. BYRD. The definition of authorization measure, on page 5 of the Dole substitute, under section 5 titled ''Definitions,'' paragraph (2):

The term ''authorization measure'' means any measure other than an appropriations measure that contains a provision providing direct spending or targeted tax benefits.

Does that language include a reconciliation bill?

Mr. ABRAHAM. I would defer that interpretation to the manager.

Mr. BYRD. What does the Senator think it means, the Senator who offered the amendment? Does he believe the term ''authorization measure'' includes a reconciliation bill?

Mr. President, I am left alone on the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor. As I understand it, he is waiting for a response from the Senator from Michigan.

Mr. BYRD. That is the first question I have ever asked in the Senate that caused the whole Senate to vanish, other than the Presiding Officer and myself.

What am I to do?

The PRESIDING OFFICER. Senator, you have my complete attention.

Mr. BYRD. There was all this great hurry to get on with this bill and I have asked a question, but all Senators have left the floor.

Oh, they are returning now.

The PRESIDING OFFICER. The Senator from West Virginia has the floor and continues to have unanimous consent to proceed with questions to another Senator.

Mr. ABRAHAM. After consultation with the manager of the bill, it is our interpretation that, yes, it would include reconciliation.

Mr. BYRD. It would include a reconciliation bill.

Then, I will read the amendment of the Senator further. According to the amendment of the distinguished Senator, ''the Clerk of the House of Representatives''—in most instances these measures would originate in the House.

The Clerk of the House of Representatives then would disaggregate the bill, meaning a reconciliation bill, would disaggregate the bill into items and assign each item a new bill number. In reconciliation bills there is almost always direct spending. There are targeted tax benefits. With the Senator's

amendment then, I take it that a reconciliation bill that has in it provisions providing direct spending or targeted tax benefits—such bills would have to be disaggregated. Am I correct?

Mr. ABRAHAM. Yes.

Mr. BYRD. Meaning the whole bill has to be disaggregated. So, if there are direct spending items in the bill, if there are targeted tax benefits, the entire reconciliation bill under the Senator's amendment has to be broken down, disaggregated for all of the items, assigned new bill numbers, and enrolled as separate bills. Am I correct?

Mr. ABRAHAM. Yes. It would have to be disaggregated.

Mr. BYRD. Is not the purpose of a reconciliation bill the bringing into proper balance spending and the raising of revenues in such a way as to moderate or to reduce the deficit? Am I correct?

Mr. ABRAHAM. That is correct. As I interpret the question, our amendment is designed in a mechanical sense to call for a yes-no vote on the question of all those separately disaggregated portions whether it is a reconciliation bill or other.

Mr. BYRD. Yes. So each of the items in the reconciliation bill would be enrolled separately and be sent to the President. If the President chooses to veto certain items in the reconciliation bill, would this not then have the undesired result of bringing into imbalance the reconciliation bill, rather than balancing the effects of revenue increases and direct spending costs?

Mr. ABRAHAM. I defer on this to the Senator from Arizona. I yield to him at this time.

Mr. MCCAIN. I thank the Senator from Michigan.

I would say to the distinguished Senator from West Virginia that this bill effects new spending, new taxes, or new entitlements. If the intention of reconciliation bills are to bring the deficit down, then we should find another vehicle because the deficit has not come down. The deficit has gone up. The deficit has gone up.

So I suggest that we invent a new vehicle. But a reconciliation bill, like any other bill that has new spending, new taxes, or new entitlements associated with it, would be subject to a line-item veto.

Mr. BYRD. But the term ''authorization measure'' under section 5, entitled ''definitions,'' does not confine it to new spending or new targeted tax benefits. The term ''authorization'' means any measure other than an appropriations measure that contains a provision providing direct spending or targeted tax benefits. It does not say anything about new direct spending.

Mr. MCCAIN. If the Senator will turn to the next page, where it says the term ''item'' means with respect to an appropriations measure, any numbered section, any numbered paragraph, any allocation or suballocation of an appropriation made in compliance with section (2)(a) containing a numbered section and an unnumbered paragraph, and with respect to an authorization measure, any numbered or unnumbered paragraph that contains new direct spending or a new direct tax benefit presented and identified in a conformance with (2)(b).

So I ask the distinguished Senator from West Virginia to look at next page for the explanation which seems to have eluded him.

Mr. BYRD. But the Senator's amendment said that the bill shall be disaggregated. That means broken down. A reconciliation bill shall be separated into all of its distinct parts and enrolled as separate bills and sent to the President.

Mr. MCCAIN. The Senator is correct.

Mr. BYRD. Whether there is ''new direct spending'' or just ''direct spending.''

Mr. MCCAIN. Only those items in the reconciliation bill which would contain new direct spending or new targeted tax benefits identified in conformance with section (2)(b).

In addition to that, I do not see in light of a reconciliation bill any new entitlement or expansion of existing entitlement would also be covered.

Mr. BYRD. What about a defense authorization bill? Would the entire bill have to be broken down?

Mr. MCCAIN. I would say no.

Mr. BYRD. Only if it contained new direct spending or a new targeted tax benefit or an expansion or new entitlement. Defense authorization bills do include direct spending for retirement.

What I am really trying to get at is that it seems to me that this amendment certainly has as its good purpose, the effort to cure what appears to be a constitutional vulnerability. But in the attempt, it raises as many questions as it answers.

Mr. MCCAIN. Could I respond to that? If I may ask the indulgence of the Senator from West Virginia to try to respond very briefly to that?

Mr. BYRD. Yes.

Mr. MCCAIN. I say to the Senator from West Virginia that we received from the Congressional Research Service from Mr. Johnny Killian, Senior Specialist in American Constitutional Law, who I know that the distinguished Senator from West Virginia is familiar with, and I will not read the entire opinion. I would like to read the last paragraph which I think pretty much sums up the situation in my view.

In conclusion, we have argued that the deeming procedure—

We know what the deeming procedure is.

may present a political question unsuited for judicial review, and, thus, that Congress would not be subject to judicial review.

I will not read the whole thing because there is some ambiguity here, I say to my colleague from West Virginia.

We have considered, on the other hand, that the courts may find they are not precluded from exercising authority to review this proposal. If the proposal is reviewed by the courts, and, even, if it is not, we have presented an argument leading to sustaining the deeming procedure as not in violation of a principle that bill, in order to become law, must be passed in identical version by the House of Representatives and the Senate. Because of the lack of available precedent, we cannot argue that any of the three versions of the argument is indisputably correct. Indeed, there are questions about all three.

I repeat—questions about all three. The arguments concerning the separate enrollment. He concludes by saying: ''In the end, Congress must exercise a constitutional judgment when deciding on passage of a proposal.''

The Senator from Michigan felt, as he stated, that there might be some ambiguities in judging this, and he felt that although it may or may not—the language of the legislation is probably constitutional as presently framed. By his amendment, he could remove some of the ambiguities associated with the constitutional question.

I do understand, and I paid attention yesterday to the very learned exposition of the Senator from West Virginia, about the constitutionality of this issue. I suggest that perhaps one of the conclusions we might reach in this debate would be the final sentence of Mr. Killian's opinion which says: ''In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal,'' because as the Senator from West Virginia well knows, according to article I, what the Congress deems as a bill has always been taken by the courts as a bill.

Mr. BYRD. Well, Mr. President, I appreciate what the distinguished Senator has just stated. But I think we are missing something; what we are saying is going by one another. I do not think the Senator's response goes to the point I raised. I agree that the distinguished Senator, Mr. ABRAHAM, is seeking to cure the vulnerability of the language from a constitutional standpoint in the Dole substitute, especially as it referred to the presentation clause. He is seeking to get around the deeming feature of that language. That is not what I am questioning here. On that point, I am saying that I think his amendment is an improvement to the legislation.

But what I am trying to find out is whether or not this language contemplates a reconciliation bill. And in one instance under the section 5 definition, it reads: ''The term 'authorization measure' ''—which includes a reconciliation bill—''means any measure other than an appropriations measure that contains a provision providing direct spending or targeted tax benefits.'' That would indeed include a reconciliation bill.

I think Senators ought to be aware of that when they vote on this substitute. It is not just talking about appropriations bills. It is talking about reconciliation bills as well. And Senators need to understand that the language

of the amendment by Mr. ABRAHAM instructs that the bill—the whole reconciliation bill—must be disaggregated if there is one item in it, one provision, that provides for direct spending or targeted tax benefits. The whole bill then must be broken down into several hundred, or perhaps thousands of separate ''billettes.''

Mr. MCCAIN. I ask the Senator from West Virginia if he will yield.

Mr. BYRD. Yes.

Mr. MCCAIN. I apologize if I did not directly respond to his question. On March 22, there was a letter sent in to the Honorable TOM DASCHLE, JAMES EXON, and JOHN GLENN in response to a letter that was sent to the majority leader and it had a series of 11 questions. The last question, I say to my colleague from West Virginia, stated:

Finally, would the veto authority provided in the amendment extend to reconciliation measures? The current Byrd rule formulation appears to protect reconciliation titles that meet the Budget Committee's savings instruction, even if the titles contain the deficit increasing measures. Would this bill change that approach?

Does that get to the question that the Senator from West Virginia is asking?

Mr. BYRD. I am not sure that it does. Will the Senator be kind enough to read that again?

Mr. MCCAIN. It says,

Would the veto authority provided in the amendment extend to reconciliation measures? The current Byrd rule formulation appears to protect reconciliation titles that meet the Budget Committee's savings instruction, even if the titles contain the deficit increasing measures. Would this bill change that approach?

I believe that might be the question. Fundamentally, the amendment of the Senator from Michigan basically calls for just an added step in the procedure. But it would not change the fundamental question about a reconciliation bill. Is that an accurate description of what is in the mind of the Senator from West Virginia as to the impact of the amendment from the Senator from Michigan?

Mr. BYRD. I am not sure it is. My next question was, if the Senator sees any impact, what impact does this legislation have on the Byrd rule?

Mr. MCCAIN. ''The pending line-item veto bill applies to reconciliation bills only if the reconciliation bill includes new direct spending for a new targeted tax benefit provisions,'' as I have stated before. It goes on to say,

The line-item veto bill is independent of the Budget Act and does not change the application of section 313 of the Budget Act the Byrd rule to reconciliation bills. Compliance with the Byrd rule, section 313 of the Budget Act, or the budget resolutions reconciliation instructions, do not protect the reconciliation bill from separate enrollment. Just as appropriations bills are subject to the line-item veto procedures, even if they comply with the Budget Act, statutory caps, and the budget resolution's budget allocations, reconciliation bills are subject to the line-item veto procedures even if they comply with the budget resolution's reconciliation directives and the Byrd rule.

In other words, what I think the Senator from West Virginia is getting at—and I am hesitant, obviously, to try to articulate what he does far better than I do—is that a reconciliation bill is an attempt by the Congress to balance certain competing priorities.

What the Senator from West Virginia is concerned about is, if you take out part of that, then it destroys the intent of the reconciliation process. I do believe that that would probably be one of the impacts if the line-item veto were misused by a President of the United States.

But I would find it very difficult to believe that Congress would not override a President who would abuse his authority in that fashion. But if that is the point the Senator is trying to make, I think that answers it.

Mr. BYRD. I thank the distinguished Senator. I believe that we are focusing on one and the same object now. I would not, however, have that much faith in any President, that he might not veto items that would result in an imbalance of the reconciliation measure.

Another question that I have: I note that the distinguished Senator's amendment provides for 1 hour of debate—not to exceed 1 hour—and that, of course, can be further limited. Suppose that it is discovered after the enrolling clerk has disaggregated the entire bill—remember, it must be disaggregated, and each item is to be assigned a new bill number. Suppose it is found that the enrolling clerk has made some errors, and that is certainly not entirely out of the question. We all make errors.

I note that there could be no motion to recommit, it is not in order to reconsider the vote, and there must be an up or down vote then on the matter; is that correct?

Mr. MCCAIN. That is correct.

Mr. BYRD. What do we do in instances where the enrolling clerk has made errors in the enrolling of the billettes? Will we have any way to make the corrections or are we left with no choice?

Mr. MCCAIN. If I might respond to the Senator, as the Senator from West Virginia well knows, at the beginning of every session, there is an authorization passed for the enrolling clerk to make ''technical corrections.'' Those technical corrections many times, as the Senator from West Virginia well knows, are pretty interesting. Sometimes we have amendments that are written on the back of an envelope and the instructions to the enrolling clerk are, ''At the proper place shall be inserted.'' It is very standard at the end of the passage of a bill that staff and others will make technical corrections to bring the bill into proper legislative language.

I believe that if the enrolling clerk had made a mistake and it came to light that he or she did that, then that would fall under the technical corrections aspect of the rules of the Senate that are adopted each session.

Mr. BYRD. Mr. President, it seems to me that the Senate ought to have the opportunity to make corrections or to order corrections if such are found in the many hundreds of bills that result from the enrolling clerk's action, yet, the Senate would be deprived of the ability to do so. Which all goes to the point that this is a measure that has been brought to the Senate in a hurry.

The legislation was introduced in the Senate on Monday of this week by the distinguished majority leader. As far as I know, there was no input into it by the minority—none—and immediately a cloture motion was offered.

There was no committee report. There had been no committee hearings. If there were committee hearings, I know of none. They certainly have not been printed and placed on the desks.

But here is a wide-ranging, far-reaching piece of legislation that is being rammed through the Senate without enough time to carefully explore and probe and scrutinize and study and debate and question the various provisions that are in the bill.

I think it is fortunate that the distinguished Senator from Michigan, who has offered this amendment, has had an opportunity to at least get the amendment in before we finally vote on the bill. It certainly, as I have already indicated, is an improvement over the legislation that was ordered.

Now, there may be other improvements needed. But we are going to be expected to vote on this legislation by no later than Friday.

I do not know what will happen to this measure in conference. It will certainly undergo or can undergo many changes in conference. The House may hold out for the version of the bill that passed that body. What we get back from conference may be a blending of the two measures, or it may be one or the other, or it may not have a great resemblance to either.

I think it is unfortunate that the situation has developed whereby we cannot take more time and study and amend. This is an instance in which there is an effort to clarify and treat one of the rather glaring flaws in the legislation. I compliment the Senator on his offering of the amendment. I think that much has to be said for taking some time to examine the measure and debate it. But I still think that the legislation has many problems.

I hope that Senators will take a look at the RECORD and questions that have been raised today about this amendment. And there may be other questions that will occur to other Senators. I doubt that I have explored this matter to its fullest extent. But I hope it will cause other Senators to at least have a better understanding of what we are about to pass here.

This is going to be a first-class mess, where we break down the bill into hundreds of little bills and have them enrolled by the clerk of the originating body. They do not go through the usual procedures of having each bill or joint resolution read three times. We do not, indeed, debate each of the bills or have an opportunity to amend each of the little billettes.

And when they are vetoed by the President, as many as may be vetoed by the President, is it the opinion of those who are managing the bill that the several billettes that are vetoed by the President, will they come back to the Congress all at once within a 10-day period, or will some come the first day, some the second day, some the third day? And if there are three or four appropriations bills that happen to hit the Senate and the House for passage and are sent to the President about the same time, will the originating body be expected to vote on each of these little vetoed measures, or will the originating body have an opportunity to collect them, put them into one package to be overridden or not?

Mr. MCCAIN. Mr. President, I would say to the Senator from West Virginia that, first of all, as to how those bills might come over, as the Senator knows, the President has a certain number of days in order to consider a veto, so it would be strictly up to the President as to how he would want to do that. He might want to send some over early and some over later on. Of course, as the Senator knows, since each, as he calls them, ''billettes'' are viewed as a separate bill, they would be considered separately by the originating body.

I would like to make one additional comment about the problem if the enrolling clerk made a mistake. I would remind the Senator, as he well knows, it happens from time to time around here that the enrolling clerk makes an error. By concurrent resolution we correct those technical errors in both Houses, and I envision we could do that.

I think, again—and I hesitate to put words into the mouth of the most knowledgeable person in the Senate on these issues—I think the argument of the Senator from West Virginia is that if they came over in certain ways, separate or staggered, then perhaps the body that has to consider them would be deprived of the ability of considering them as a whole, as they did on the initial passage of the bill.

I think that, again, is a valid concern. But I would also hope that in coordination with the President of the United States, he would inform those bodies as to which bills he was going to veto and in what context. I think the communications are good between here and 1600 Pennsylvania Avenue.

Again, as the Senator from West Virginia did yesterday, those are valid concerns that I think need to be addressed, and I also believe that this kind of exposition of these aspects of the bill is very important for the record as far as the illumination of our colleagues.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arizona. I like to believe, too, that this kind of debate is informative and illuminating and helpful. I think it does generate additional thinking, which in turn may generate some additional amendments if such could be offered. I suppose the list has now been completed.

But in any event, it seems to me it is going to be a massive undertaking for the enrolling clerks. They have not been accustomed to anything like this, I do not believe. The idea of breaking down, for example, the bill that I mentioned yesterday, energy-water bill, breaking that down into 2,000 pieces, and each of the other 12 appropriations bills—which include the legislative branch, I assume, so the President could have an opportunity to line item out some parts of the legislative appropriation bill that either or both bodies might jealously want to guard. This is quite a load to put on the enrolling clerks. In all of the 13 appropriation bills, as I indicated yesterday, my staff estimated something like 10,000 little billettes that would accrue from the disaggregation of the 13 fiscal year 1995 appropriations bills. Now, that is quite an additional burden over and above what the enrolling clerks, I think, usually have to contend with.

Mr. MCCAIN. Will the Senator allow me to make a response to that, even if it is not totally adequate?

Mr. BYRD. Mr. President, yes.

Mr. MCCAIN. Mr. President, first of all, I went down to see the enrolling clerk here in the Senate, who is equipped with a computer system which basically cranks these things out about every 30 seconds. The computer can be programmed in such fashion.

I do agree with the Senator from West Virginia that this does increase the legislative load considerably. From my perspective—and I know it is not the perspective of the Senator from West Virginia—what I am exactly seeking is separate bills that can be examined separately so that there is no doubt as to what the Congress of the United States has passed.

Again, I know that the Senator from West Virginia does not agree with this viewpoint because we have had many hours of debate on this very issue. I believe that one of the problems is that we pass these massive bills which perhaps only the Senator from West Virginia is thoroughly familiar with and the rest of the body is not.

What happens is, we find—all too often, in my opinion—that we pass an appropriations bill, especially, and many times an authorization bill or even a reconciliation bill, and tucked away somewhere in there is—or a tax bill. I think the Senator from West Virginia would agree that some of the most egregious offenses as far as special interests are concerned occur in the consideration and passage of tax bills around here. There are items that are tucked in there that we do not know about, and weeks, months or years may pass by before the American people and we as a body who have passed this legislation are aware of it.

I certainly understand what the Senator is saying about the large amount of paperwork, but at the same time, we are also trying to cure what many Americans believe is an unhealthy habit of putting things into bills—though they be authorization, or in the case of new entitlements, et cetera, or appropriations bills or tax bills—that are not for the good of all Americans but are for the good of special interests.

Now, whether that is actually true or not, the opinion of the Senator from West Virginia is obviously different from mine.

Mr. BYRD. Mr. President, I think there is undoubtedly a great deal of truth in what the Senator is saying. No question of that.

I personally favor the approach that is envisioned in the substitute that is being offered by Mr. DASCHLE, the distinguished minority leader. I intend to vote for something along that line.

I do not see in the original Domenici-Exon approach a shifting of power from the legislative branch to the executive branch. I do see in the Domenici-Exon approach which has been built upon by the distinguished majority leader in his substitute, I do see an opportunity for the President to register his opinion by rescinding certain items in appropriation and having a vote up or down on those items that he proposes to rescind.

It is a majority vote, that is true, and I am sure the distinguished Senator from Arizona prefers a two-thirds supermajority. But I favor that approach. I have no problem with giving the President another opportunity to select from appropriation bills certain items which he feels, for his reasons, whatever they may be, they may be political or for whatever reasons, I have no problem with his sending them to the two Houses and our giving him a vote.

I see in this, I say to the Senator, I see a shifting of the legislative power to the Executive. I think that power over the purse is so clearly vested in the legislative branch by the Constitution that we ought to be hesitant to enact legislation the effect of which will be to expand the President's powers. There is no question but the President's powers are somewhat expanded. To that extent, whatever the expansion of the President's powers are, the powers of the legislative branch are thereby decreased.

I also, as I said yesterday, am concerned about the breaking down of the balance between the two Houses under any of these measures which we are likely to pass.

I hope the measure that the distinguished minority leader introduces will be the one that will pass, but that remains to be seen. I kind of have my doubts. But under the other measures, it seems to me that the Senate, to a considerable extent, loses. It no longer remains an equal partner in the decision.

The Senator well knows that the Senate adds a lot of amendments to appropriation bills, and those amendments, when they are enrolled separately, they go to the President. The President vetoes them. They actually originated in this body. But if they are vetoed, they are going to be sent back to the other body, and the other body will have the option of trying to override or not trying to override. If the other body chooses not to attempt to override, then the Senate has no voice at all. So to that extent I think the Senate is subordinated to the other body.

Mr. MCCAIN. May I respond without interrupting?

Mr. BYRD. Yes; I will be glad to yield.

Mr. MCCAIN. I am sure the Senator from West Virginia will let me know when I am interrupting.

On the first point that the Senator from West Virginia makes about the majority versus two-thirds, I, first of all, have engaged in that debate with the Senator from West Virginia. But I also think that if we are going to call it, if it is going to be a veto by the President, that the Constitution is clear on what a veto is—a two-thirds majority. So I would even have a constitutional problem with the majority override.

My second response is that it only took a majority of both Houses to put the measure into one of these bills, so it seems to me it would not be very difficult to get a majority of both Houses to override that veto.

Now, I understand the argument that if a bill were given, under this scenario, the light of day and it was improper, then a majority of both bodies would probably not support such a thing, if it were wasteful or irrelevant. But I am not so sure of that. I think that it would be much more appropriate for a two-thirds override.

When the distinguished Senator from West Virginia talks about a shift in power, which was what he spoke about initially, I know that the Senator from West Virginia knows, because he was one of the few who was around here when the President of the United States had basically impoundment authority, when the President of the United States basically could say, ''I don't care what the Congress of the United States appropriates. I'm not going to spend that money.''

That, as the Senator well knows, goes back to Thomas Jefferson, in 1801, who impounded $50,000 that was appropriated for gunboats.

So it is my view, as I have stated to the Senator from West Virginia many times in the past, that when that impoundment act power disappeared, there was that shift, a significant shift from the executive to the legislative branch and consequently, in my opinion—and I know it is not shared by the Senator from West Virginia—the revenues and expenditures began to grow apart in a rather dramatic fashion.

Mr. BYRD. When was this?

Mr. MCCAIN. In 1974.

Mr. BYRD. They actually started the big increase in 1981 after the election of Mr. Reagan. That is when the precipitous increases began.

Mr. MCCAIN. I do have a chart I think that shows a very steady increase. And I can bring it out. I think it is a valid chart.

Mr. BYRD. I have seen it. I think it is an excellent chart. I think he very adroitly and expertly——

Mr. MCCAIN. Yes.

Mr. BYRD. Describes it.

Mr. MCCAIN. May I just finally respond to the aspect as far as which House might have some advantage.

Again, I think there is some validity to that argument. I think our Founding Fathers said that all revenue bills would begin with the other body. And although we are obviously allowed to amend those bills, the primary responsibility was placed in the other body, as responsibility for approval of treaties, confirmation of nominees, et cetera, was different. So the responsibility in the view of our Founding Fathers did lie in the other body, in my view.

And also, if there are amendments that are passed on this side and attached to the bill, they are accepted in conference, I believe that that acceptance in conference puts the stamp of approval on both bodies.

Now, in reality would a vote in the other body be as fervent or as committed to an amendment that originated in this body? Perhaps not. But I would also suggest that it would be a quick way of retaliation if they started doing that in the other body. Even though it originated there, it would still have to come here, and there might be less enthusiasm for overriding the President's veto when those that originated in that body got over here. So it is my view that it would probably balance out in the long run.

Mr. BYRD. I thank the Senator. I am not so sure progress is always the end result when retaliation is taken by one body against another. That works both ways. And the first thing we know the other body retaliates.

With respect to the approach that is being utilized by Mr. DASCHLE and which was envisioned in S. 14, I believe it was, that did not contemplate a veto. That contemplated the rescissions of items by the President, and it was not a matter of overriding rescissions by two-thirds vote. It was a matter of rejecting the proposed rescissions by a majority vote.

On an override of the veto, I agree, that should be a two-thirds vote.

Mr. BROWN. Will the Senator from West Virginia yield?

Mr. BYRD. One final point and then I am going to yield because Senator GLENN is waiting.

The other point I wish to make here is that under this proposal, under this substitute whereby each subsection, paragraph, item, allocation, suballocation, and all these things are enrolled separately, will it not be possible for the President to strike a section or a paragraph that imposes a condition on the expenditure of certain sums?

Suppose we appropriate certain amounts of money to the Department of Defense with a condition that it not send troops to Somalia, or that if troops are sent to Somalia the Senate and House decide that there should be a condition included that they be withdrawn no later than 60 days. Would it not be possible for the President simply to strike the condition and leave in the amounts, thereby deciding policy which would not have as its purpose the saving of moneys or the reduction of the deficit? Would we not be handing the President a policymaking tool which would be exceedingly difficult for us to correct if he chose to line item out that condition?

Mr. MCCAIN. I say to my colleague from West Virginia that that would not be possible. What the Senator is referring to is what we normally call fencing language, which is commonplace. The money would stay with the fencing language. He could not veto out the money and leave the language in, or vice versa. They would be attached to one another. And that will be clarified.

Mr. BYRD. I thank the Senator for his response. I feel I must disagree with him. I am sure the Congress could so provide the language that they would stay together, but Congress could also provide the language in such a way that would make it possible for the President to strike out the conditioning, the conditioning proviso, I believe. And that gives me cause for concern.

I have no desire to keep the floor any longer. I thank the Senator from Arizona. I thank the Senator who is the author of the amendment.

I thank all Senators and I yield the floor.

The PRESIDING OFFICER (Ms. SNOWE). The Chair recognizes the Senator from Ohio.

Mr. GLENN. Madam President, I ask unanimous consent to lay aside the pending amendment.

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

AMENDMENT NO. 405 TO AMENDMENT NO. 347

(Purpose: To provide for the evaluation and sunset of tax expenditures)

Mr. GLENN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 405 to amendment No. 347.

Mr. GLENN. Madam 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. . EVALUATION AND SUNSET OF TAX EXPENDITURES

(a) LEGISLATION FOR SUNSETTING TAX EXPENDITURES.—The President shall submit legislation for the periodic review, reauthorization, and sunset of tax expenditures with his fiscal year 1997 budget.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

''(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.''.

(c) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking ''and'' after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

''(3) describe the framework to be utilized by the director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and''.

(d) CONGRESSIONAL BUDGET ACT.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

''TAX EXPENDITURES

''SEC. 409. It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains a tax expenditure unless the bill, joint resolution, amendment, motion, or conference report provides that the tax expenditure will terminate not later than 10 years after the date of enactment of the tax expenditure.''.

Mr. GLENN. Madam President, I believe this amendment has been accepted, cleared on both sides. It has three major parts. It requires the President in next year's budget to submit legislation for an orderly sunset or reconsideration of existing tax expenditures; No. 2, it requires the administration to conduct performance reviews of tax expenditures just as they do now with regular discretionary spending; and three, it makes it out of order to consider a new tax expenditure if it does not consider a sunset or reconsideration, of course before that sunset time.

The amendment will increase scrutiny of tax expenditures and help make the line-item veto more effective.

I am happy that the Dole substitute to S. 4 provides the President with the authority to item veto some new tax breaks. There seems to be some disagreement about the scope of authority under the current language. I believe that it should be interpreted quite broadly.

However, regardless of how broadly you read the language, it still does not include the $453 billion in existing tax expenditures which still remain off limits. Now if you divide up the budget pie, tax expenditures are a huge slice.

Tax expenditures are growing at a rate six times faster than discretionary spending. And unlike discretionary spending, these tax expenditures generally do not receive regular scrutiny. Since the first corporate tax law of 1909, special provisions have been placed in the Code and generally forgotten. In fact, many would be surprised to learn that nearly half of the revenue losses from these expenditures stem from provisions placed in the Code before 1920.

I do not believe that all of these expenditures are unnecessary. In fact, I support many of them. But I believe that—after some of them have been in the Code for the better part of a century—it is time we set up a review process to determine whether budget savings and program improvements are achievable.

My amendment utilizes a concept that we have mandated for discretionary spending—performance review. It would require the President to determine just how well these programs are achieving their goals. Are we getting our money's worth? We have spent a lot of time talking about instituting cost-benefit analyses for Federal regulations. Would it not make sense to have a similar process for programs that cost $453 billion this year.

This was first suggested in Governmental Affairs Committee report language that accompanied the Government Performance and Results Act of 1993. the distinguished chairman of the Governmental Affairs, the senior Senator from Delaware, was the father of that important law which for the first time established measurable objectives for agency programs. My amendment codifies report language of that bill to include expenditures.

While providing a better understanding of the effectiveness of current tax expenditures, it will also help the President to determine when it may be advisable to item veto new tax expenditures and even new spending. Under performance review, the President will be able to better identify where current tax expenditures overlap or duplicate newly proposed tax expenditures. And it will help him to identify whether new spending programs are unnecessary because existing tax expenditures are adequately achieving the same policy goals.

My amendment also requires the President to submit legislation to Congress which lays out an orderly schedule for the sunset and reauthorization of current tax expenditures. Just because something was placed in the code at the beginning of the century does not mean that it should be exempt from any congressional review. We might be surprised with what we find if we are forced to sit down and reauthorize many of these programs.

The President would not have to propose the sunset off all tax expenditures. There may be some that he will suggest remain permanent. But it will provide us with a roadmap for more comprehensive congressional review of tax expenditures. The tax expenditures that the Congress determines should come under a reauthorization process, will also be subject to the President's veto pen in the future.

In addition, under my amendment, it would be out of order to consider new tax expenditures that did not include a sunset date at least within 10 years. I don't think we should go through another century before the taxes we enact today are reviewed.

I think this merely sets forth a good Government approach on tax expenditures. It is high time we shed some light on this area of the budget. I understand that my amendment has been cleared by both the minority and majority leaders and I hope my colleagues will join me in support of this amendment.

Madam President, I think it has been accepted on the other side. I ask my distinguished colleague, the Senator from Arizona, if he has any comments? I would be prepared to urge the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, we are prepared to accept the amendment on this side. I think it is a good amendment and one which I think will be very helpful.

Madam President, may I say for the information of all Senators, I have been asked by the majority leader to state there will be no further votes today. However, I hope Members who have amendments will remain this evening to offer them.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I congratulate the Senator from Ohio for offering the amendment. The amendment provides for a process for periodically assessing the effects of tax loopholes and requires that all new loopholes have sunset provisions.

As I understand it, the language of his amendment has been negotiated, it has been agreed to on both sides. I urge its adoption at this time.

Mr. GLENN. Madam President, I urge the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 405) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Madam President, I ask unanimous consent the record show that the pending Abraham amendment was set aside in order to consider the Glenn amendment, and I ask unanimous consent that the Abraham amendment be set aside.

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

Mr. MCCAIN. Madam 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. LEVIN. Madam 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. 406 TO AMENDMENT NO. 347

(Purpose: To clarify the definition of items of appropriations)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. MURKOWSKI and Mr. EXON, proposes an amendment numbered 406 to amendment No. 347.

The amendment is as follows:

At the end of section 5(4)(A), strike ''; and'' and add the following: ''but shall not include a provision which does not appropriate funds, direct the President to expend funds for any specific project, or create an express or implied obligation to expend funds and—

''(i) rescinds or cancels existing budget authority;

''(ii) only limits, conditions, or otherwise restricts the President's authority to spend otherwise appropriated funds; or

''(iii) conditions on an item of appropriation not involving a positive allocation of funds by explicitly prohibiting the use of any funds; and''.

Mr. LEVIN. Madam President, under the substitute before us, the line-item veto authority is not limited to appropriations. That may come as a surprise to many of us, but that is the way the substitute is now worded. The line-item authority in the substitute, which is effectively given to the President, is not limited to appropriations. That is because a line item in an appropriations bill would be separately enrolled and would be subject to a veto. That would include not only the appropriations themselves but also all limits on appropriations, conditions on appropriations, rescissions of appropriations. They would all be treated in the same way as appropriations themselves. The purpose of this bill is to try to reduce the add-ons of Congress that cannot in some minds be justified. The purpose of the bill is to reduce spending, not to increase spending. But if we treat limits on appropriations and rescissions of appropriations in the same way as we treat appropriations which are added by the Congress, we are effectively going to be increasing spending and not reducing spending.

The rescissions that the Congress adds and puts into an appropriations bill, the limitations on appropriations that we put in appropriations bills, the conditions that we place on appropriations are all going to be treated as separate items from the appropriations themselves. This process in the substitute is going to splinter the condition on an appropriation into a separate bill. It will not be in the same bill as the appropriations. So the President would be able to veto the limit on the appropriation and leave the appropriation itself thereby saving no money, indeed quite the opposite frequently, and giving himself more authority in the process.

If the President can veto the limitations and the conditions placed on appropriations without vetoing the appropriations itself, we have had the exact opposite effect, I believe, of what was intended by this bill, and we have ceded great power to the President, without any gain, in terms of cutting spending. He can veto a rescission that we add to a bill and spend the money. He can veto a limitation on spending that we put in the bill and spend all the money.

Why should we give this special veto authority to the President when the provisions of the bill that he would be vetoing cut spending instead of adding to spending?

Let me give some examples. Suppose we put in a provision, as we have, which states that none of the funds appropriated shall be spent to keep American troops in a particular country after a specified date? The President can veto that provision and then continue to spend the appropriated funds for the purpose that Congress voted to prohibit. Suppose we put a provision into a bill, as we have, which says none of the funds in the foregoing paragraph shall be available to promote the sale of tobacco or tobacco products? The President could veto that restriction and limitation and spend the money as he pleases, for the prohibited purpose. We would not have saved any money, but the President would be given the power to spend money for a purpose that we explicitly prohibited—no savings to the Treasury and loss of congressional authority at the same time. Suppose we put a provision into a bill, as we have, stating that none of the funds appropriated shall be spent to provide an incentive for the purpose of inducing a company to relocate outside the United States? The President could veto the provision and continue to spend money on the program that Congress intended to prohibit.

Say we put a provision into a bill, as we have, which says that of the large appropriation, no more than *x*-million dollars can be spent on consultants? We put a lot of provisions in like that. The Senator from Arkansas, Senator PRYOR, has been a leader to limit appropriated funds spent on consultants. The way the bill is currently written, without this amendment, the President could veto that limit on spending for consultants and then use the larger amount for any purpose he wanted, including all the money, if he wanted, for consultants. We will not have saved any money. We will have lost the power to restrict the spending of money, with no gain to the Treasury.

We have put restrictions on entertainment. We have put restrictions on travel, first-class travel. And if, again, those restrictions are put in separate bills, as they are under the current version of this substitute, and the President can veto those restrictions, the Treasury gains nothing, the taxpayers are out money that we did not want them to be out, for instance, for first-class travel, and we will have lost the power of the purse, for no gain to the Treasury.

As I said, Madam President, almost more remarkable than the power that would be yielded to the President under the version before us, without this amendment, is the fact that there would be no purpose served in terms of saving money. And in the many cases I have given, and in many other cases, as a matter of fact, we would be losing and spending money that otherwise would not be spent.

Last night on the floor, I gave a few examples from a real appropriations bill—State, Commerce, and Justice. I want to give one of those examples again to show how this would work since I did bring this up on the floor last night.

We had a provision in last year's appropriation bill for State, Commerce, Justice, that no more than $11 million would be spent on furniture and furnishings related to new space alteration and construction projects. That is a limitation on spending. That says the President cannot spend more than that. That is part of a larger appropriations bill, a $2.3 billion appropriations bill. But it says that out of that $2.3 billion, the maximum that can be spent for that new furniture is $11 million. I had a chart up here on the floor last night. If the President could veto the ''not to exceed $11 million,'' which would be in a separate enrolled bill, he would have then vetoed the restriction on the spending, leaving himself the $2.3 billion appropriation of which he could spend all he wanted on furniture, without any limit. We would not have saved the money. It would have been spent on something we did not want it to be spent on. The Treasury does not gain a dime, but instead, something that we did not want because we did not think it was a high enough priority, would happen.

The Defense supplemental appropriations bill that we passed just last week contained 20 separate paragraphs of Defense rescissions and 18 paragraphs of rescissions of nondefense funds, for a total of roughly $3 billion in spending cuts. This was in an appropriations bill, but these are spending cuts, rescissions. For instance, the bill contained provisions that would cut spending for

FAA facilities by $35 million. It cut spending for highway projects by $140 million. But under the substitute before us, unless this amendment is adopted, each of these provisions would be enrolled as a separate bill and sent to the President for signature. Each could be vetoed by the President, and if he exercised that authority given to him by the substitute, the result would be more Government spending rather than less.

Madam President, the amendment which I have sent to the desk on behalf of myself, and Senators MURKOWSKI and EXON, addresses this issue the best that we can in this bill. In my opinion, it can be addressed far better in an expedited or enhanced rescission bill. But that is not the issue before us. The issue before us is this substitute which, in all likelihood, is going to pass. We should avoid having in this substitute language which I believe has the unintended consequence of eliminating all of the restrictions and the limits on spending, and the rescissions of spending that we put in appropriations bills.

So while I do not think that all of the problems I see in the substitute are cured, at least this would prevent the President from using this separate enrollment power to increase spending, or to avoid congressional restrictions and limitations on spending. And it is my hope that this amendment will be adopted because, again, I think it does address some of the unintended consequences of this substitute.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 407 TO AMENDMENT NO. 347

(Purpose: To exempt items of appropriation provided for the judicial branch from enrollment in separate bills for presentment to the President)

Mr. HATCH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself, Mr. ROTH, Mr. HEFLIN, and Mr. ABRAHAM, proposes an amendment numbered 407 to amendment No. 347.

Mr. HATCH. Madam 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:

On page 3, line 21, after ''separately'' insert '', except for items of appropriation provided for the judicial branch, which shall be enrolled together in a single measure. For purposes of this paragraph, the term 'items of appropriation provided for the judicial branch' means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary, as those accounts are listed and described in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 104–317).

Mr. HATCH. Madam President, as I understand it, I now have that amendment pending, and it can be set-aside and we will vote on it tomorrow sometime?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. I yield the floor.

AMENDMENT NO. 406 TO AMENDMENT NO. 347

Mr. MCCAIN. Madam President, I want to congratulate the Senator from Michigan, Senator LEVIN, and the Senator from Alaska, Senator MURKOWSKI, on working out this, I think, very important agreement. It is well thought out. The amendment reaffirms that any and all provisos or fencing language, including all limitations on spending, such as caps, be tied to dollar amounts and not be enrolled freestanding.

The bill, as currently drafted, would not cause policy provisos to be separately enrolled. However, if the Congress were to place caps on spending within an allocation, such language might be separately enrolled. This amendment clarifies that it would not. It is a good amendment and we are prepared to accept it on this side.

I understand from my friend from Michigan that there may be concern by a Member or Members on his side of the aisle. So we will not seek its adoption until such time as it is either resolved or those who are in disagreement call for further debate and ensuing vote.

But again, I want to say to the Senator from Michigan—this is probably not the appropriate time—whenever there is an issue, the Senator from Michigan goes into it in depth. He understands the legislation. He find areas that need to be improved, and he is willing to reach accommodation with those who have similar but sometimes slightly differing views, as has just happened between Senator LEVIN and Senator MURKOWSKI.

That is one of the reasons why it is a pleasure to work with him in this body, as I have for many years on the Armed Services Committee and on the Governmental Affairs Committee.

I believe there may be additional amendments by the distinguished Democratic leader coming up, so I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, let me thank the Senator for his comments, which are very reciprocal on my part in terms of working with him over the years on the Armed Services Committee. We have had a very good relationship. I thank him for the support of the amendment.

There is, indeed, as I mentioned, perhaps a Member on this side who may oppose the amendment. We are not sure. We want to clarify that. It would be better, therefore, that any vote on this be delayed until we can ascertain whether there is objection on this side or not.

Mr. MURKOWSKI. Madam President, I am pleased to join Senator LEVIN in offering this amendment that would clarify the extent and scope of the President's ability to veto items in appropriations bills. This amendments ensures that when Congress imposes a condition that prevents spending in a particular area, or imposes conditions on such spending, such a restriction will not be considered an item that can be separately vetoed.

All of us recognize that approval of the Dole substitute line-item veto amendment or any other line-item veto proposal including S. 4, represents an historic shift of authority from Congress to the President. We are providing the President with very broad authority to pick and choose which individual items in appropriations bills he deems an improper use of taxpayer funds. He will have the authority to veto those items of spending that he disapproves of.

The substitute also gives the President authority to item veto authority in spending authorization bills and in tax bills. However, the only tax items that the President can item veto are a narrow range of provisions that affect only a limited group of taxpayers. More importantly, the tax-item veto can only be used if the provision loses revenue. A tax increase that targets a narrow class of taxpayers cannot be item vetoed.

I believe the tax item veto represents an appropriate restrictions on the President's ability to item veto because it is restricted to measures that lose revenue. The reason that I support the whole concept of the item-veto is that Congress has demonstrated an inability to control spending both through the Tax Code and the appropriations process. Today we are more than $4.8 trillion in debt. Unless we take drastic action, our national debt will double in the next 10 years.

Part of the reason our debt is nearly $5 trillion is because appropriators in both the House and Senate have devised ingenious ways to bury wasteful pork barrel spending in legislation designed to maintain the operations of Government. Weeks and months after the President has signed an appropriations bill we learn that buried in the bill are tens of millions of dollars of wasteful spending programs. My colleague from Arizona has already identified many of these wasteful spending programs. And under the current Presidential veto power, the President must approve these wasteful programs if he is to keep the Government running.

So the predicate, Madam President, for the line-item veto is to give the President the authority to veto spending programs that waste the taxpayers' money.

However, just as the President only should be able to veto tax provisions

that lose revenue, I believe the President should not be permitted to item-veto congressional prohibitions on appropriations spending. As all Senators know, Congress routinely includes prohibitions on particular spending as a check on unrestricted and arbitrary spending by the President. Most often, such prohibitions represent a conscious policy choice by Congress explicitly restricting the President's discretion.

For example, last year's foreign operations appropriations bill contains more than a dozen such restrictions. These restrictions prevent the President from providing money to an international organization that supports programs for ''coercive abortion or involuntary sterilization.'' Another provision prevents funds from being used for assistance to a country that is not in compliance with the U.N. Security Council sanctions against Iraq.

These are just two of hundreds of examples of the legitimate power of the Congress to prevent the President from spending money on programs and policies that the Congress disapproves of. These restrictions do not increase the deficit. They do not represent pork barrel politics. They are legitimate congressional checks on the President that are consistent with the intent of the Founding Fathers when they created our constitutional system of separated powers and checks and balances.

Madam President, our amendment is intended to make clear that when Congress imposes a condition that prevents spending in a particular area, or conditions spending, that restriction will not be considered an item that can be separately vetoed. It ensures that a condition restricting or prohibiting the use of funds must be enrolled with the item of appropriation to which the condition applies.

Madam President, this amendment preserves congressional power to restrict the President from acting contrary to the wishes of the majority of Congress on important policy issues. I believe it is fundamentally necessary that we retain this authority and I hope my colleagues will vote for this amendment.

Mr. EXON. Madam President, I rise in support of the amendment offered by the senior Senator from Michigan. This amendment only makes good sense.

It would keep rescissions and cancellations of spending from being transmitted to the Presidents as separate items. Thus it would make it more difficult for the President to veto items that help to reduce the deficit.

As well, the amendment would ensure that limitations on spending stay together with the spending provisions that they limit. To do otherwise would allow the kind of nonsensical divisions of items that the Senator from Michigan so eloquently described yesterday evening.

I support the amendment and urge my colleagues to join in voting for it when it does come to a vote.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, on behalf of the Senator from Utah, I ask unanimous consent that he be added as an original cosponsor of the Abraham amendment.

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

Mr. McCAIN. Madam President, I also ask unanimous consent that the pending Levin amendment be set aside.

The PRESIDING OFFICER. Without objection, the Hatch amendment will be set aside.

Mr. McCAIN. The Levin amendment.

The PRESIDING OFFICER. Without objection, both amendments will be set aside.

Mr. McCAIN. Madam President, the Hatch amendment, for purposes of complying with the unanimous-consent agreement, was presented and the debate and vote will be held on it probably tomorrow.

Mr. LEVIN. If the Senator will yield, our friend from Alaska has additional materials which I would like to ask unanimous consent be printed in the RECORD, if available, tonight. If not, we will make that same unanimous-consent request tomorrow.

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

Mr. McCAIN. Madam President, if that is available tonight, it would be inserted in the RECORD immediately following the remarks of the Senator from Michigan.

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

Mr. McCAIN. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I wish to make some brief remarks with regard to support of the amendment offered by the Senator from Michigan, but at this time I yield the floor because I believe Senator BYRD would like to make some remarks not on the matter at hand.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair and I thank the distinguished Senator from Nebraska, Mr. EXON.

SPRING RETURNS TO THE WEST VIRGINIA MOUNTAINS

Mr. BYRD. Mr. President, 2 days ago, the first day of spring officially came to Washington. Here in Washington, the change from one season to another is often dramatic. One morning, D.C. temperatures might be in the freezing range, while the following day might find young men and women out on the Mall playing volleyball in shorts and tee shirts. Here, tulips and magnolias burst forth from nowhere, and the cherry blossoms transform the city as if by overnight magic.

But a few miles west of us—among the peaks and plateaus of the high Appalachians in West Virginia, spring dawns like a beautiful young woman awakening from a long sleep.

If the geologists are correct, spring has awakened in the same fashion in West Virginia for millions of years.

High on Alpine West Virginia ridges—once, we are told, the equivalent in altitude of some caps among the Himalayas today—crystal ice and deep-packed snow begin their melt, the run-off seeking the sea first as droplets, then as rivulets, next as springs and brooks, then as creeks and streams, and finally as flooding branches that find their routes either into the widening Potomac on the eastern slopes of the Alleghenies and the western sides of the Blue Ridge, or into the mighty Ohio and Mississippi farther west—dependable flows of water of that helped to create the shores of Tidewater Virginia and Maryland's Eastern Shore through the millennia, on one hand, and that has built up the Mississippi Delta since before the bison crossed into North America, on the other hand.

But more subtle changes accompany spring's approach in West Virginia—changes too often observed only by the sparkling eyes of squirrels and of the first adventurous rabbits out of their winter burrows—changes such as tiny blossoms in greening meadows, minuscule leaves emerging on bare maple branches, cardinals, and robins announcing in concert the impending arrival of a new season, and graceful deer grazing on tender blades of new grass—and all proclaiming the marvels of the Creator's bounty and brilliance.

Oh, to be a child once again in West Virginia—a child who, on his or her way to school in the cool of the morning air, can perhaps feast his or her senses on the dawning spring as most adults can no longer—a child who catches the first perfume of cherry blossoms on young fruit trees or who pauses to listen to the symphony of the songbirds or who savors the gentle breezes on his or her cheek, where but days before the cruel winter wind bit and chapped.

And soon, Mr. President, the mountains and hills of West Virginia will again be enfolded in new foliage from base to summit, and the sunrises and sunsets will put even the ceiling of the Sistine Chapel to shame with their incandescent colors and shafts of spun gold streaking across the early morning and evening vault of the West Virginia firmament.

There we may see,

The marigold that goes to bed wi' the Sun,
And with him rises weeping . . . daffodils,
That come before the swallow dares, and take
The winds of March with beauty; violets dim,
But sweeter than the lids of Juno's eyes
Or Cytherea's breath; pale primroses,
That die unmarried, ere they can behold
Bright Phoebus in his strength. . . .

Mr. President, I invite all of our colleagues to visit West Virginia at any time, but particularly during this special season of rebirth among the mountains, down the valleys, and across the

whole Appalachian Plateau. But if anybody accepts my invitation, I suggest that they visit West Virginia in a recapturement of their childhood—with the open eyes and trusting heart of a child, with the pure hearing of a child, and with the joy and wonder with which we were born—all of these things that permit children to listen, perceive, and relish the beauties and mysteries of life that the Creator shares every year with all of his offspring, but that, too often, as hardened and sometimes insensitive men and women, we lose the capacity to enjoy, much less to appreciate.

The year's at the spring
And day's at the morn;
Morning's at seven;
The hillside's dew-pearled;
The lark's on the wing;
The snail's on the thorn:
God's in his heaven—
All's right with the world.

Madam President, I yield the floor, and I suggest the absence of a quorum.

Mr. NUNN. Madam President, if the Senator would withhold, I would like to make a few remarks.

Mr. BYRD. Madam President, I withhold.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I have listened with care in the last few days to the debate on the so-called line-item veto. I have not heard all of it, but I have heard, I think, enough to understand the parameters we are talking about. And we are now debating the proposed substitute—the Separate Enrollment and Line-Item Veto Act of 1995.

The sponsors have claimed that this bill will provide the means to remove, among other things, a particular focus on what is known around the country as pork-barrel spending from appropriations bills. The language of the proposal, however, does not live up to the sponsors' claims.

I am going to raise several questions tonight that I hope can be clarified or answered. Although the sponsors have aimed at certain expenditures, as I see it, they have missed.

In fact, this proposal provides the President with significantly less authority to control pork-barrel spending than would have been provided under either the Domenici-Exon expedited rescission proposal or the McCain enhanced rescission proposal.

Madam President, I see at least five serious problems with the proposed substitute. First, it contains loopholes so large that the proponents of pork will be able to insulate whole barrels of pork from a Presidential veto if they choose to do so. Second, the separate enrollment procedures would allow the President to veto funding limitations as well as funding amounts, which would inhibit the ability of Congress to address legitimate policy differences with the President.

Third, this proposal permits the President to increase, as well as decrease spending, by allowing him to sign into law those portions of an appropriation bill that increase spending, and to veto those portions of an appropriation bill that rescind or reduce spending.

So, in other words, if a President chose to, under this authority, he could take an appropriation bill that had been passed by the Congress and he could basically increase the amount in that appropriation bill by doing away or vetoing the rescissions in that bill that reduce funding.

So just the opposite of what the sponsors have intended could occur. This is just saying to the President, we think you are a whole lot better at this than we are, so we give you the authority. You make the decisions—increase or decrease. You do whatever you want. I do not think that is what is intended, but that is what the proposal does.

Fourth, the proposed substitute, if not undermined by the use of loopholes—and I do not assume that these loopholes would be used by people with good faith, but I think that we have to assume that at some point they will be—if not undermined by the loopholes, this substitute will lead to what Senator ROTH and the Republican members of the Governmental Affairs Committee describe as ''undesirable rigidity'' in the management of the executive branch and the legislative process.

Finally, the proposed substitute does nothing to enhance the ability of Congress to address the real problems here—that is, the legislative practices such as unauthorized appropriations, legislative earmarks, and adding items in conference even though they have not been approved by the House or the Senate.

Those are the abuses in the process. This proposal does nothing to get at those abuses. Those are the problems, but the target here has been missed.

Madam President, to place my concerns in context, I would like to briefly summarize the current appropriations process. There are two types of documents that are produced by Congress in the appropriation process, and I really do not believe a whole lot of our Members understand this.

The first document is an appropriation bill which is passed by both Houses of Congress. It is signed into law by the President. Last year's defense appropriation bill, for example, was 61 pages long. The bill is legally binding upon the executive branch.

The second type of document is the reports issued by the appropriation committees and the House-Senate conferees. The three reports issued in connection with last year's defense bill are 853 pages, covering over 2,300 different line items.

The policy directions in these reports is not binding on the executive branch. There is no requirement in law or Senate rule that an appropriation bill or report contain any specific level of detail. Most appropriation bills, particularly in the defense arena, set forth large lump-sum amounts that are not tied to specific programs, projects, or activities.

Looking at an example from last year's Department of Defense Appropriation Act, the Act provides a specific sum for Army aircraft procurement, $1,063,164,000. The text of the act does not require the Army to spend that money on any particular type of aircraft.

The detail is set forth in the committee and conference reports which specify the amounts for production or modification of a dozen different types of aircraft. Those report items are not legally binding on the Department of Defense. The Department, as a matter of law, can spend that $1 billion on any type of army aircraft selected by the Army or the Department of Defense, regardless of the types that are specified in the Appropriations Committee reports.

Any restrictions, earmarks, or other special conditions that are in the committee report are not binding on the Department of Defense. As a matter of comity and custom, the Department of Defense generally, but not always, follows the guidance in the committee reports, but it is not required to do so.

The Department of Defense routinely reprograms funds between various lines in the Appropriations Committee reports without any congressional involvement. Above certain thresholds, however, for example, operation and maintenance reprogrammings that exceed $20 million, there is a custom of obtaining prior approval for reprogrammings from the congressional defense committees.

That is, when they shift funds from one account to the other. In the Department of Defense this happens hundreds of times in a year because there are certain programs that get behind schedule—they cannot be completed on time. Therefore, the money is not needed as originally anticipated. The money is needed somewhere else. They shift back and forth, back and forth. Over certain thresholds, they have to come back here for informal approval.

There is nothing binding about reprogramming. They do not even have to come to us for reprogramming approval as a matter of law. That also is a matter of comity. Moreover, if Congress were to insist on such prior committee approvals, it would likely constitute an unconstitutional legislative veto.

In summary, Madam President, there is no requirement for an appropriation bill or report to contain any specific level of detail. And the material in the committee and conference reports is not legally binding on the executive branch. Much—not all—but much of the pork, perhaps most, but at least much of the pork identified in the news media that we dwell on in here and that disturbs all members—and I know the Senator from Arizona has been particularly vigilant in that respect and I

think over the years I have, also—that pork, much of it, is not binding on the President but is spent as a matter of comity between the two branches.

I am often amused when Presidents are talking about how their hands are bound and they can not do certain things because of Congress, and a whole lot of things they complain about are not binding on the Presidents of the United States.

As a matter of comity, if they disregarded the reports year in and year out, they would be jeopardizing some of their own programs, but in my opinion we have had several Presidents who have basically talked about the line-item veto because they wanted to give the appearance that they had to accept things beyond their control, when they knew they had control, if they wanted to do something about it. Most of them do not want to do anything about it because they want their own pet projects. And it ends up being spent as a matter of comity between the two branches of Government.

I know that is not going to change people's minds here, but that is the way the system works. We need to understand that we are trying to correct something and we are shooting at a target that is not really a target.

In summary, Madam President, there is no requirement for an appropriation bill or report to contain any specific level of detail, and the material in committee and conference reports is not legally binding on the executive branch. Much of the pork identified in the media is not binding on the President but is spent as a matter of comity between the two branches.

Now, committee reports that explain legislative provisions are legislative history, and they do have an effect. But what we are talking about now is committee reports that talk about expenditures and how that money would be spent, and that is not binding.

Madam President, with that background, I would like to turn to the loopholes in the proposed substitute. The supporters of the proposed substitute assert that it will require pork-barrel projects to be set forth in the text of appropriation bills and enrolled as separate enactments. There is no such requirement in the proposed substitute. As drafted, the substitute merely provides that—I am quoting directly from it—''The committee on Appropriations of either the House or the Senate shall not report an appropriation measure that fails to contain such level of detail on the allocation of an item of appropriation proposed by that House as is set forth in the committee report accompanying such bill.''

The first defect is there is no requirement in current law, Senate rules, or the proposed substitute that the Appropriations Committee provide any specific level of detail in the committee report. The committee report does not have to have any specific level of detail in it. So the very heart of this proposal ties it to details in the committee report, but the detail does not have to be in there. If we enact the proposed substitute, the Appropriations Committee, if they choose to, can easily avoid a line-item veto by providing lump sum appropriations and then setting forth the detail in separate documents other than the committee report. These documents could include a floor statement by the managers of the bill, an agreed joint statement of the managers of the conference which is placed in the CONGRESSIONAL RECORD in lieu of or in addition to the formal conference report, or a simple letter from the leadership of the committee to the head of an agency.

And I assume and I believe, based on previous practice and observations, that within a year or two that will begin to happen.

In other words, there is no requirement that the committee report or a conference report contain a specific level of detail. No line-item detail is required, and there is no requirement that there be anything for the President to veto beyond a lump sum appropriation.

(Mr. GRAMS assumed the Chair.)

Mr. NUNN. Using the example I discussed earlier, the appropriation bill could simply provide $1 billion for army aircraft procurement. It could set forth minimal descriptive material in the committee report and then provide all the details, including a pork-barrel earmark, in a floor statement or a letter to the Department of Defense.

Alternatively, the committee could include all noncontroversial materials in the committee report and then address a pork-barrel earmark in a floor statement or letter to the DOD. In either case, Mr. President, the President of the United States under the proposed substitute would have nothing to veto except the big lump sum procurement. That is all he would have to veto. He would not have the detail in there.

The substitute appears to be based on the mistaken premise that the only way Congress can earmark a pork-barrel project is through bill or report language. Mr. President, that is naive and ignores both legislative history and precedent. Unlike report language that interprets a legislative provision, a line item in a committee report which sets forth a committee's policy direction on expenditures has no legal standing. It has no more legal effect than a speech in the Chamber, a letter from a committee, or a phone call from a committee chairman. Therefore, those who want to earmark or add pork do not need report language. They can use any other form of communication to the executive branch.

The likely effect of the substitute will be to drive the pork into underground shelters where it will be hidden from scrutiny. If the substitute is enacted, the really egregious earmarks no longer will be set forth in committee reports. The earmarks will be described in floor statements, letters from committees, or even phone calls from committee chairmen to the heads of agencies. The proposed substitute will not eliminate pork. It will drive it underground.

A related loophole is the failure of the substitute to cover floor amendments. It is not unusual for an amendment to be offered in this Chamber to increase a lump sum appropriation by a specified amount without stating the purpose in legislative language. The purpose is often set forth in the statement of a sponsor.

Under the proposed substitute, an amendment that increased a lump sum appropriation would not be enrolled as a separate bill even if the sponsor stated that the purpose of the increase was to earmark funds for a pork-barrel project. Once the amendment is adopted by the Senate, there is no requirement that the purpose of the amendment be discussed even in the conference report.

Mr. President, let us look at how a pork-barrel earmark would fare under the proposed substitute as compared to how it would fare under the Domenici-Exon expedited rescission bill or under the original McCain bill.

Under the proposed substitute, if the earmark is set forth in a floor statement or committee letter, there is no requirement that the item be set forth separately in the bill or separately enrolled. Unless the item is set forth in the bill, the President could not veto it.

Under the Domenici-Exon expedited rescission proposal or under the McCain original proposal, however, the President would not be limited to items expressly set forth in the bill. The President could propose rescission of a specified amount of money for a specified purpose. The President would be guaranteed a vote in the House and the Senate in a specified period of time. That would not only serve as improvement in the current law in the case of the Domenici-Exon proposal, but it would also be a great improvement over the proposed substitute, which has enormous loopholes.

Ironically, the proposed substitute would enable the President to veto items that reflect legitimate policy differences between the President and the Congress. When we have major disagreements on matters of policy, we must express our requirements in legislation in order to ensure that the President carries out the will of Congress.

Let us take, for example, an item that both of my colleagues in the Chamber, the Senator from Nebraska and the Senator from Arizona, are very familiar with, the V–22 aircraft. The 3sprey, or the V–22 aircraft, has been a controversial item for several years. The V–22 has had strong bipartisan support in the Congress, yet the Bush administration wanted to cancel it. Congress insisted on authorizing and appropriating funds for the V–22 because we believed the funds were genuinely

necessary for a strong national defense. We had to include specific legislative provisions to ensure that the program was not canceled.

Under the proposed substitute, however, the President could have vetoed the V–22. He could have vetoed the strategic sealift program that Congress initiated. He could have vetoed congressional increases for weapons systems that had not been in the President's budget but which made a crucial difference in Operation Desert Storm, such as Stealth fighters and the Patriot missile. He could have vetoed the $1 billion LHD–6 ship that was added by the Congress even though it was not in the President's budget. Many of our colleagues want to increase and restructure our missile defense program. That is another item ripe for a Presidential veto under the proposed substitute.

The separate enrollment proposal allows the President to veto any paragraph of the appropriation bill. The proposal is not limited to provisions containing pork-barrel earmarks. In fact, it is not limited to funding items. The proposal applies to any numbered section or any unnumbered paragraph.

That means the President can veto funding limitations as well as funding amounts. In doing so, he could approve the appropriation bill but he could veto conditions under which the appropriation was provided.

The President, for example, could veto a provision such as section 8135 of last year's appropriation bill. And I believe Senator LEVIN has been talking about that, the Senator from Michigan. That provision stated, ''None of the funds appropriated by this act may be used for the continuous presence in Somalia of United States personnel, except for the protection of United States personnel after September 30, 1994.''

That provision was strongly supported by many of those who now back separate enrollment. The President did not want the provision. I am sure he would have loved to have had the ability to veto that provision without affecting the underlying DOD appropriations.

Have any of the supporters of the proposed substitute, especially those who opposed the operations in Somalia or Haiti, considered the war powers implications of the drastic new restrictions on the congressional power of the purse?

The power of the purse is the only thing we have to deal with. The War Powers Act does not work. Everybody over here knows it. The power of the purse is the only way that Congress has to enforce restrictions on foreign troop deployments. That power under this bill as now drafted in my opinion will be largely gone.

Another part of the DOD appropriation bill, section 8008, last year provided:

> Funds appropriated by this act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

Those special access programs, as other programs, are very highly classified programs that I will not discuss here on the floor. But I have no doubt the President, any President, would welcome the ability to veto that provision. This was a limitation on Presidential expenditures, saying you cannot spend this money except under certain limited conditions. The President could keep the money, veto the conditions, and off we go—more expenditure, not less, as people want when they say they want a line-item veto.

Under the substitute there is just as much chance, over a period of years, that the President, any President, would veto a restraint on spending as well as an increase in spending. This is not what the public has in mind when they say they support a line-item veto.

In my opinion, there is just as much chance this provision, this bill, will cause an increase in spending as there is a decrease. That does not even take into account the ability of the President under this new power to basically take certain provisions in a Senator's State and say, ''You have these five provisions and if you do not vote with me on, for instance, health care, my proposal on health care, I am going to make sure these proposals do not go into law unless you can produce two-thirds of the vote in both bodies to do so.''

It is a huge power shift to the President. But I am not even dwelling on that in this speech today. It is a huge power shift to the President. And any President that has a pet project—health care, or whatever they want to get through—will have a very greatly enhanced ability to do that. Not by saving the public money, which is what they want, but by threatening to veto those provisions in exchange for Senators and Members of the House basically voting to increase spending on one of the President's proposals. It could be billions of dollars.

In my opinion what we are setting up here, the way we are heading—we are setting up provisions which give the President of the United States a chance to threaten millions of dollars in exchange for getting votes for billions of dollars. That is not what the public intends. That is exactly where this proposal is headed.

Mr. President, to take another example, the President could veto the so-called Hyde amendment restricting the use of Federal funds for abortion that has been included in the Labor-HHS appropriation bills over the years because it would be enrolled as a separate bill under the proposed substitute.

The Hyde amendment was included as section 509 of the fiscal year 1995 Labor-HHS appropriations bill, and reads as follows:

> Section 509. None of the funds appropriated under this act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

I wonder if the people who are so enthused about this amendment, and this proposal, have really thought through what they are doing.

Mr. MCCAIN. If the Senator will yield, I will be happy to answer that question.

Mr. NUNN. I will go ahead and yield, yes, sir.

Mr. MCCAIN. Yes, we are. Fortunately, a substantial part of the Senator's argument against this legislation has been taken care of by the Levin-Murkowski-Exon amendment. I will be glad to quote it to him. It adds:

> * * * but shall not include a provision which does not appropriate funds, direct the President to expend funds for any specific project, or create an express or implied obligation to expend funds and
>
> (i) rescinds or cancels existing budget authority;
>
> (ii) only limits, conditions, or otherwise restricts the President's authority to spend otherwise appropriated funds; or
>
> (iii) conditions on an item of appropriation not involving a positive allocation of funds by explicitly prohibiting the use of any funds.

Basically what that does, I would say to the Senator from Georgia, it prohibits most of the scenarios that the Senator from Georgia just described about being able to separate language from funds, funds from language, and being able to so-called fence other areas.

I would like to let the Senator from Georgia finish, but I did want to point out this amendment, which I believe is going to be accepted, does address some of the major concerns the Senator raised.

Mr. NUNN. I thank my friend from Arizona. It is my understanding that has not yet been adopted. Has that been adopted?

Mr. MCCAIN. It is my understanding it has not been adopted. As well, I have no doubt it will be.

Mr. NUNN. I am speaking of the proposal we now have before us. I thank my friend. I am glad the authors are considering that, because I can assure you, if we debate this bill another 2 or 3 days, another 3 or 4 days, there are going to be a lot of other things that people are going to point out because this has not been thought through.

I believe the original proposals, the rescission proposals, have been thought through by the authors. I did not agree with the McCain proposal because of the two-thirds vote, but I think it had been thought through, the rescission part. This proposal has not been thought through. You are going to find one problem after another with this.

For it to come on the floor of the Senate of the United States with a cloture motion at the same time, bypassing committees, bypassing the rescission proposals that had come out of the

Governmental Affairs Committee and Budget Committee, and come up as a compromise with the threat of a cloture motion—this proposal has not been thought through. It is riddled with loopholes.

I am glad that particular amendment is being strongly considered, but it has not been adopted and of course I have no way of knowing what is going to be adopted so my remarks have to be addressed to the bill, the underlying bill as it now stands. But I thank my friend from Arizona. I hope there will be that clarification as well as others that take place.

The rescission proposals would not have that problem. The President would send up rescissions on money items. He would not be sending up language revisions. Those are totally different animals than what we have here on the floor. This hybrid that has been put together as a compromise has injected whole new areas that were not contemplated in the rescission bill and present totally different problems. For us to pass this bill in a week or 4 or 5 days to me is very bad legislative procedure and will come back to haunt us if we continue to legislate this way on these things that are this important. It is obvious this matter has not been thought through.

In short, Mr. President, the proposed substitute is likely to give us the worst of both worlds. It does not subject to veto the earmarks that are buried in floor statements, committee letters, and phone calls to Cabinet Members. Those could be addressed in rescission bills. They will not be able to be addressed in this bill.

It does subject to veto legitimate policy disagreements between Congress and the executive branch that have to be addressed in statute. I hope my friend from Arizona is correct on that, that policy disagreements are going to be addressed in an amendment. I have not had a chance to study the amendment and I do want to study that.

I believe the impact of the substitute proposal will be almost the opposite of what the Members of Congress and the American public had in mind when they said—and say in polls and in their letters and phone calls—they want a line-item veto.

Mr. President, I think it is also important to note, as I mentioned earlier in my summary remarks, that the substitute we have before us and that we may vote on even as early as tomorrow night, permits the President to increase Federal spending. The proposed substitute has been justified as a means to decrease Federal spending. This claim overlooks the fact that the substitute as drafted also permits the President to increase Federal spending.

As Members will recall, we acted last week on a defense supplemental bill to address urgent readiness problems.

That bill not only contained increases in spending for readiness, it also contained rescissions—decreases in spending—to minimize the impact on the deficit. A number of those offsets, were strongly opposed by the President, such as the reductions in environmental spending and reductions in the Technology Reinvestment Program.

Under the proposed substitute, each paragraph in the supplemental would be enrolled as a separate bill, including the rescissions. As a result, the President would be free to sign into law all the increases in spending and to veto any or all of the rescissions. In other words, the President could increase the deficit by hundreds of millions or billions of dollars without congressional approval. Only a two-thirds vote of both Houses could override these actions. Is it any wonder that any President would desire to have this power?

Obviously, any President would want these powers because he can take a rescission and an appropriations bill that decreases an expenditure, veto the rescission, and keep the appropriations. What are we doing here? Do we really know what we are doing in this proposal?

In that regard, the proposed substitute is clearly inferior to the Domenici-Exon expedited rescission proposal. Under an expedited rescission, the President could only propose decreases in spending.

I must say I believe that is also the way the amendment of the Senator from Arizona would have worked.

The President could not obtain any increases under the Domenici-Exon expedited rescission procedure. Why do those who support reductions in Federal spending want to give the President the authority, under the proposed substitute, to increase Federal spending instead of restricting his power to reductions in spending? I can only conclude that this proposal has not been carefully thought through.

The proposed substitute if implemented in good faith, if none of these loopholes is taken advantage of by this Congress or a future Congress, will, in my opinion, result in rigidity, inflexibility, and in some cases chaos in the management of the Government's fiscal affairs in the executive branch.

Mr. President, the problem with the proposed substitute is that if it is administered in good faith with line-item appropriations, and if no loopholes are used by the Appropriations Committees—and I have already described the gigantic loopholes that could be used—I believe it will cause chaos in the management of Government's fiscal affairs.

The most telling critique of the proposed substitute comes from the Republican majority on the Governmental Affairs Committee.

This was the report that came out with the rescission bill that had been brought out of the Governmental Affairs Committee just about 10 days ago.

In explaining why it was better to have lump sum appropriations rather than line-item appropriations. Senator ROTH and the Republican majority on the Governmental Affairs Committee made the following observations in their report on S. 4, which was the original proposal before this substitute came in.

Quoting from that majority report in the Governmental Affairs Committee:

> Congress and the executive agencies are in broad agreement that lump-sum financing is an effective way to manage the Federal Government. Because of lump sum appropriations, federal agencies are able to shift funds within large appropriations accounts and therefore adjust to changing conditions during the course of a fiscal year. By making these shifts inside the account, the overall dollar figure for the activity is not violated and therefore there is no need to seek remedial legislation from Congress. Fund shifting takes place under established reprogramming procedures, with agencies notifying designated committees of the shifts and in some cases seeking the advance approval of those committees. * * *
>
> This flexibility is important for the agency and for Congress in its oversight capacity.
>
> It is possible, although not desirable, to apply the state budgeting system to the Federal Government and give Presidents the kind of line-item veto available to governors. To maximize item-veto authority for the President, the details in conference reports, agency justification materials, and other nonstatutory sources could be transferred to appropriations bills * * *.

At this point I am not quoting. This majority report is describing the problem exactly with the substitute we have before us. Back to the quote:

> * * * However, placing items in appropriations bills would produce an undesirable rigidity to agency operations and legislative procedures. If Congress placed items in appropriations bills, agencies would have to implement the bill precisely as defined in the individual items. In cases where the specific amounts detailed in the appropriations statutes proved to be insufficient as the fiscal year progressed, agencies could not spend above the specified level. Doing so would violate the law. Agencies and departments would have to come to Congress and request supplemental funds for some items and rescissions for others, or request a transfer of funds between accounts. Neither Congress nor the agencies want this inflexibility and added workload for the regular legislative process.

If we want further argument against this substitute, let us turn to what the Republican majority on the House Committee on Government Reform and Oversight said in making similar observations in their report on the line-item veto legislation that they passed, which I must say is totally different from the substitute we have before us now.

Quoting from the House Government Reform and Oversight Committee, Republican majority:

> We do not itemize appropriation bills and see no reason to do so. . . . The details do not appear in the law. . . . We could take the details from nonstatutory sources and place them in appropriations bills, but that would add an undesirable rigidity to agency operations. Executive officials would have to implement highly detailed bills no matter the magnitude of change that occurs over the course of [a] fiscal year. Their only opportunity for relief would be to come to Congress and request legislation to increase

funds for some items and eliminate them for others. Agencies would be forced to seek large numbers of statutory amendments to the original appropriations bill. No one in either branch wants that.

Item-veto authority, as practiced at the state level, would require the Federal Government to itemize appropriations bills. Such a step would disrupt and undermine effective agency management.

What we have, Mr. President, is both the Republican majority on the Senate side in Governmental Affairs, and the Republican majority on the House side in Governmental Affairs, have written reports in connection with line-item veto that directly critiques and criticizes and describes as rigid and unworkable, in my words, the proposal that we are now about to vote on and will probably pass. It is an amazing legislative performance.

I have never seen anything quite like it to have a committee report by the majority come out and basically to decry and criticize a later proposal that is on the floor as a substitute for the ones brought out of committee.

Let me illustrate the problems described by the Republican majority on the Governmental Affairs Committee. Assuming the Appropriations Committee set forth all the line items for defense in the defense appropriations bill, this would mean that a single defense appropriations bill, as we now know it, would be enrolled as over 2,300 separate public laws. Reprogrammings between these public laws would no longer be possible. Reprogramming could not take place because each item would be in a separate law. As a result, fiscal managers would no longer be able to move funds from a program that is in trouble to a program that is ahead of schedule. Overseas pay and benefits shortfalls caused by devaluation of the dollar could not be addressed through reprogramming in the defense arena.

To the extent that Congress requires an agency to eat a pay raise—or absorb the cost by shifting funds from other programs—the agency would be unable to provide for the pay increase through reprogrammings.

Increases in operational tempo in time of international tension could not be funded through a reprogramming from lower priority programs.

Readiness shortfalls would go unaddressed because money could not be moved from lower priority O&M accounts into training activities.

We know how long it takes us to get through a supplemental appropriations bill. We are going to have to have supplemental after supplemental after supplemental based on this legislation, if we pass it. There is going to be no end to the number of supplementals that we are going to have just in the Department of Defense alone.

The legislative activity load is going to just go up astronomically if we pass this legislation.

If military personnel accounts experienced temporary shortages—as they did last year in the Air Force Reserve just before Christmas—funds could not be reprogrammed to meet payrolls.

In other words, Mr. President, the executive branch would be faced with fiscal gridlock. Like Gulliver, they would be bound by Lilliputians in the form of thousands of minute appropriation bills.

Our fiscal managers would be unable to make reasonable adjustments during the course of a year to spend the money wisely, and would be forced to delay actions needed to obtain savings or meet other critical military needs. Moreover, because they could not move the money between line items, there would be a great incentive to spend all of the funds appropriated to a particular line, even if the money could be used more wisely in another program—just exactly the opposite of the incentives we want to give the managers in DOD, or any other department. They would know that they could not move it because they could not reprogram. They would know if they come to the Congress, they might have to wait sometimes months, maybe even before the fiscal year is over, to be able to come up here and get another law passed so they could spend the money in some other category. Are they going to be great managers and turn it back in? We all know what happens when people have money to spend in agencies. It is a problem every government faces. They spend it or lose it. Usually, unfortunately, they spend it. That is what is going to happen here, multiplied by thousands of line items.

In other words, Mr. President, a proposal that started out to try to save the taxpayers money, to try to delete waste, fraud, abuse, and pork out of all sorts of legislation—a worthy objective and I think one that could be achieved with something like the Domenici-Exon proposal—is now in the form of a substitute that we are about to vote on. That is a formula for delay, inefficiency, and waste. That is how this process has evolved—an amazing process.

Mr. President, the final comment on this proposal that I will make is that the substitute we will probably vote on tomorrow does not address the main problems criticized by its supporters. I must say, these are legitimate criticisms of our current process. I am not a defender of the current process. I think for us to have rescissions come from the President and, by doing nothing over here, allow those rescissions to have no meaning at all, is unacceptable. We must change that. But the way to change it is not this proposed substitute. It is to require us to put the spotlight on and to vote again, as is provided in the Domenici-Exon proposal. That should be what we are really voting on here.

I hope we are going to have a chance to vote on that. I hope some people will change their minds, because we still have a chance to pull this ox out of the ditch. Anybody who does not believe these are real problems has not studied this very seriously, in my view. The substitute does not address a lot of the problems that really need addressing in the Congress.

Proponents of the substitute really hope the President will use it to correct the problems in the legislative process. I do not mind the President correcting problems in the legislative process under the right kind of proposal. Why do we not try to correct our own problems? Why turn it all over to the President and say, Mr. President, we have all these problems and we do not handle this right, we are pretty sloppy, we have a lot of pork in legislation, and we have unauthorized appropriations and earmarks, we cannot solve it. We will send it down for you to solve it. As a consequence, we will shift a lot of power from one branch to the other. I suggest we ought to address the problems ourselves.

Unauthorized appropriations, for instance, are a significant problem. Why do we not establish an effective point of order against unauthorized appropriations? I know the Senator from Arizona would agree with that. Earmarks that avoid the competitive process are wrong. Why do we not establish an effective point of order against earmarks that avoid merit-based selection procedures?

Adding a project in conference that was not included in either bill, House or Senate, is another significant problem. I think it is a terrible practice. Why do we not establish an effective point of order against projects added in conference that were not in either bill?

Conference reports that are not available for review prior to debate are a further problem. This particularly happens at the end of the session on appropriations bills. Why do we not require conference reports to be available 2 or 3 days before debate? The proposed substitute addresses none of these problems. On the contrary, the substitute presumes that Congress will continue to employ procedures that fail to constrain unnecessary spending.

Mr. President, we are putting the cart before the horse. Before we ask the President to exercise our own responsibilities, we need to make every reasonable effort to clean up our own act. This is not just a matter of congressional prerogative. If we fail to restrain ourselves, we can hardly expect the President to do it for us. And if we give him these tools, we are going to be surprised over the years—I am not talking about President Clinton, and I am not talking about any specific President, but there is going to be a tremendous disillusionment with the American public, because they are going to find over the years that we are going to convert pork that costs millions of dollars into strong-arm tactics by some President down the line that is going to cost the country billions of dollars—threatening to take out millions in order to get people to vote for billions. Believe me, it is going to happen.

It would be the height of cynicism for Congress to continue to earmark funds for pork barrel projects and then blame the President if he does not veto the very projects we approve.

Mr. President, I know that many who support the proposed substitute do so out of strong conviction that something must be done to control Federal spending, and I agree. I agree with that point. But in our zeal to control spending, we must not lose sight of our duty to exercise our constitutional legislative responsibilities with care. The history of this legislation is not particularly edifying. The committees of jurisdiction, the Budget Committee and Governmental Affairs Committee, have marked up bills based on the use of a rescission process, not a separate enrollment process. I will repeat that. These bills brought out of committee, at least with committee deliberation, are totally different from what we have before us now that is a substitute.

Mr. President, the proposed substitute may be written on tablets of stone in terms of the way the votes are around here, but that does not make it good legislation. As I have pointed out, it has enormous loopholes that will permit continued pork barrel earmarks—the very earmarks that we could capture if we use the Domenici-Exon expedited rescission proposal. The proposed substitute gives the President the authority to increase spending by vetoing rescissions, a power that he would not have under the Domenici-Exon expedited rescission proposal, or under the McCain proposal. Again, I do not favor the McCain proposal because of the enormous shift of power to the President. But it would certainly not have the defects we have out here today. This substitute creates the potential for chaos in Federal fiscal management, a problem that would not arise under the Domenici-Exon expedited rescission proposal. It does nothing to address the legislative problems that encourage earmarks such as unauthorized appropriations, additions in conference reports, and conference reports that are not available in advance of debate for examination.

Mr. President, there are numerous other problems with the proposed substitute which have been pointed out by others. My friend from West Virginia pointed out numerous problems. These include the constitutionally questionable practice of delegating legislative power to the enrolling clerk and the enormous burden placed on the President of having to sign nearly 10,000 separate appropriations acts. I visualize in the future where we will have candidates seeing who can sign the most pieces of paper the fastest, because that is going to require an enormous amount of Presidential time. We are going to have thousands and thousands of signing ceremonies, I suppose, and a lot of pens. It is going to be good for the fountain pen industry but not for Government.

Presidential time management is a serious problem. I would rather have a President working on correcting abuses in Government rather than signing 10,000 or 12,000 bills a year. Mr. President, we have a choice in this debate. We can give the President and the Congress the tools needed to effectively address wasteful spending, or we can vote for a bill that is an invitation for Congress to exploit loopholes as well—if that does not happen—as an invitation to fiscal gridlock in the executive branch. We should reject the proposed substitute and work in a bipartisan fashion, which is entirely possible here in this bill. I think both the majority of the House, the majority of the Senate, Republicans as well as Democrats, really want an effective tool here. But, Mr. President, this is not it.

This substitute should be rejected, and we should work together on an effective rescission bill that gives the President the authority to address wasteful appropriations and unnecessary tax expenditures but does not cause the kind of mess that is going to be caused by this legislation.

Mr. President, I yield the floor.

Mr. MCCAIN. Mr. President, I was intrigued and somewhat amused by the thoughtful remarks of the Senator from Georgia. I was amused by his prospect that if the pork barrel spending or egregious appropriations were somehow brought to the attention of the Members of this body, we would rise up in righteous indignation and vote those down.

Well, apparently the Senator from Georgia has not been around when I have come to this floor time after time after time after time with amendments to do away with pork that was put in in conference reports, with earmarks, with the most outrageous and egregious abuses of the system and been voted down time after time after time.

And I will tell the Senator from Georgia why. Because there is an iron rice bowl around here that if you take care of your pet project, I will take care of mine, and we will all vote down any attempt to do away with these because then that might start this whole system to unravel.

I can show the Senator from Georgia a record of vote after vote where I have come down here and clearly identified, including highway demonstration projects to the tune of hundreds of millions of dollars, including earmarks for universities. I will provide him with the record of outrageous appropriations that have taken place, many of them stuffed in in conference, stuffed in in conference, which neither body sought, and I sought a majority vote to overturn them and could not do it, time after time after time.

So if the Senator from Georgia thinks that a simple majority vote will be sufficient around here the way business is done, then he has not had the same experience that I have.

Mr. NUNN. Will the Senator yield on that?

Mr. MCCAIN. I will be glad to yield on that.

Mr. NUNN. I do not remember using the word the Senator attributed to me, because I do not think it would be easy. But I think it will be a lot easier if the Senate sent up a rescission bill. And I think if we stuck to either the Domenici-Exon bill or the McCain bill on rescissions, that is the way to go about it.

I do not question what the Senator is trying to do. I agree. I do not question the problem you have identified. I agree.

Mr. MCCAIN. If I might reclaim the floor, the fact is, then, that the Senator cannot support a simple majority vote to override because that has been tried. I tried it specifically. I tried it specifically on numerous occasions and it has failed. And I can provide the Senator from Georgia with ample evidence of that—hundreds of millions of dollars in highway demonstration projects which have no relation whatsoever to the needs of the States, but are put in. And I showed in the debates the direct relation between those highway demonstration projects and people who happen to be on the relevant committee. We attempted to overturn those. We failed time after time after time.

So then I do not understand what would lead the Senator from Georgia to the conclusion that if they came over here vetoed by the President a simple majority override would do the job. It would not. It would not.

So even if the Senator from Georgia thinks that it would, I have evidence by standing on this floor hour after hour, day after day, week after week trying to do away with these egregious pork barrel projects and failing to do so, just as we would fail to do it if it was not brought up by me but it would be sent over by the President of the United States.

So I soundly reject the thesis on the part of the Senator from Georgia that a simple majority vote would somehow put a brake to the egregious practices which the American people, at least on November 8, said they were sick and tired of—sick and tired of.

As far as comparing letters and phone calls to the Pentagon from committee chairmen, I do not see how any legislation prevents that. I do not see how you stop that. I do not do it. I do not believe in it. I do not think it is appropriate to do so. And I am sorry to hear from the Senator from Georgia that it is such a common practice.

But the fact is that the real crux of this issue, as I have said many times on this floor, is whether it is going to take a real veto, a real veto which is a two-thirds vote, as opposed to a majority vote. All the rest I felt was very negotiable. But I have had the experience, I have the experience and I will provide for the RECORD the actual number of times I came down here and sought to draw an amendment to kill particular projects that were put in in

the conference report which had no relation whatsoever to national security needs and lost those votes.

I would also like to remind the Senator from Georgia that the Congressional Research Service identified for me—the Congressional Research Service—$62 billion in 5 years that was put in in defense appropriations bills which had nothing to do with defense; not any relation whatsoever.

Now, I understand, as chairman or a senior member of the committee, that you have a lot of latitude and a lot of power. And I know what reprogramming is about, too. It is a phone call to a chairman or a ranking member, or both, sometimes just to one person, and millions of dollars are reprogrammed.

I do not believe in that, either, I will tell the Senator from Georgia. I do not believe that is appropriate. And if we are going to do away with that, then hooray, I am all for it, because too much of that goes on. If we put some rigidity in how many of our departments of Government spend their money, then I am very happy about that.

As far as us now encouraging people to spend money, that this legislation would encourage departments to not to give money back because they would be feel it is incumbent upon them to spend the money, I would ask the Senator from Georgia when is the last time the Department of Defense gave any money back to the Treasury under the present system? I am not aware of any occasion in which that was the case.

Mr. NUNN. Will the Senator yield to me?

Mr. MCCAIN. I did not interrupt the Senator.

Go ahead.

Mr. NUNN. That is OK.

Mr. MCCAIN. Go ahead.

Mr. NUNN. I would say it happens all the time. We have all sorts of programs that are either in trouble one way or the other that we go through reprogramming.

Mr. MCCAIN. Did any of the money ever go back to the Treasury?

Mr. NUNN. The money is spent on other Defense Department needs.

Mr. MCCAIN. The Senator from Georgia put his finger right on it. None of it goes back in the Treasury, but they find a way to spend it. With this, they would not be able to spend it because of a veto and the money would go back to the taxpayers of America rather than them deciding to find another place to spend it, which is the case today.

So perhaps the Senator from Georgia believes that it is a good idea that if a program is not worthwhile and the money is not spent that it go to another project without the knowledge of a majority of the Congress. Maybe with the knowledge of the Senator from Georgia when he was chairman of the Armed Services Committee, but not with the knowledge of this Member, who I felt had an equal voice in what the decision should be as the expenditure of America's tax dollars.

So if, as the Senator from Georgia states, this would stop this reprogramming, then I say I am very, very glad to hear that information that it would stop the reprogramming.

Mr. NUNN. Will the Senator yield for a brief comment?

Mr. MCCAIN. I am glad to yield.

Mr. NUNN. As the Senator knows, on reprogramming, the reprogramming comes up by written request. It goes to four different committees. It is examined by the committees. All the members of the committees have access to that information if they want it.

The reprogramming is not done by telephone. And if the Senator wants to prevent reprogramming, the Senator is going to actually basically have the Department of Defense come up with one bill after another all year long. There will not be time for anything else.

I do not think the Senator has thought through this proposal.

I think the Senator has thought through the problem and I think he has thought through it very carefully and I admire him for his fights on that. I think he will find I voted with him on his amendments most of the time. And I think he would recall the challenge to the appropriations earmarks. I started that on the floor of the Senate. We actually won a majority vote on three different occasions. We have had the money taken out of the earmarks on the Senate side. In the final analysis, it usually gets put back in at the end of the conference.

So I agree with the Senator's frustration. But the problem is every time you see a problem around here, that does not mean whatever solution you throw at it is going to be the answer. I am saying that there is a problem. The Senator is right, there is a problem. There are ways to address that problem. But these solutions are going to create a whole other set of problems that are worse than the problems that the Senator is describing. That is my case.

Mr. MCCAIN. I appreciate the remarks of the Senator from Georgia, and he would be welcome to interrupt again.

As far as this issue not being examined sufficiently, I would remind the Senator from Georgia that a former colleague of his from Georgia brought this bill, this very same bill, with a few changes to it in 1985 to the floor of the Senate. I know that the Senator from Georgia was then in the Senate. I am sorry that he did not take part in the debate and become illuminated on the issue at that time.

It was passed a couple years ago as a sense-of-the-Senate resolution.

Mr. NUNN. It was a different proposal. I examined that proposal. It was the Mattingly proposal. It did not have anything like the level of lines required in this one. It was a different proposal.

Mr. MCCAIN. It is fundamentally the same, and the Senator knows it as well as I do.

The fact is the Mattingly amendment, plus a sense-of-the-Senate amendment that was passed not too long ago, I believe it was in 1993, basically said the same thing. So this is not a new issue. It is not a new item and it is not a new problem.

It is not a new problem. The fact is that if we do not address this problem, then the American people's confidence will be far more eroded than it is today, if that is possible.

I am convinced that if we adopt the so-called now Exon—since Senator DOMENICI no longer supports that proposal and supports this proposal—that it will fail. And the Senator from Georgia probably knows that, too, because in the other body, the line-item veto, what he knows of as the Domenici-Exon, was defeated by an overwhelming number, and it was defeated because it only required a majority to overrule the line-item veto.

Most of our colleagues on the other side, and I hope most of my colleagues here, understand that a simple majority does not do it. And it does not do it for the reasons I cited earlier to my colleague from Georgia.

These items have been exposed to the light of day. Votes have been taken, and they have been rejected. Even though those provisions may have been snuck in, in a covert fashion initially, even when they were exposed, we still could not get a sufficient number of votes to remove them through the amending process, which is basically what the President of the United States said.

I am amending this bill in order to take out what I find objectionable, and then there is a vote. I am convinced if it is a majority vote that overturns it, it is business as usual in this body, and in the Congress, and our colleagues on the other side, clearly—as the Senator from Nebraska has stated very accurately quite often—is very different from this body.

Our Founding Fathers meant for that to be the case. But they feel very strongly, and perhaps it is because they have had more bitter experience than we have had over here, that a two-thirds majority is required.

Now, Mr. President, I will not talk too much longer. I know the Senator from Nebraska wants to speak, and the Senator from Indiana is here.

This issue is well-known. This issue is not brand new. Separate enrollment goes back as far as 1985. The issue of line-item veto goes back in the last century. There have been debates and discussions of different forms of line-item veto for years. I have been part of many of them.

To convey the impression that this is a brand new thing that Members of this body have not considered, frankly, I believe, is an inaccurate depiction of our knowledge of this issue of the line-item veto.

Any members that go home, who have a town hall meeting, not an hour goes by without someone standing up and saying, ''Why can't we have the line-item veto, Senator or Congressman?'' Obviously there is a discussion at that time because the American people feel that we are spending too much of their dollars that they send to Washington in a wasteful fashion.

I would like to say the Senator from Georgia made an excellent point: Why not solve the problems ourselves? I think he made an excellent point there, and I have seen effort after effort after effort to solve the problems ourselves. We cannot. We do not show the political courage to do so.

I have sought, as the Senator from Georgia has, to attempt to not allow appropriations to be put in conferences. I try to have criteria set up for military construction projects, which are one of the most egregious areas where pork shows up all the time. We tried to do away with highway demonstration projects. We tried to do away with the land transfers that are done—directly related to the influence of certain Members of this body. I tried to do away with outrageous courthouse costs.

We have not been able it do it, and we have run up a $5 trillion debt and laid it on few generations of Americans. There are very few people in this body that I respect more than the Senator from Georgia. There are times when he and I are in disagreement. This is one of them.

He contributes to the debate, as always. I feel that the points that he raised, as well as the points raised by the Senator from West Virginia earlier, are very important ones. I am glad we are having this opportunity to debate these points on the floor prior to passage of the bill.

I yield the floor.

Mr. EXON. Mr. President, I would like to compliment my friend and great colleague from the State of Georgia. I think that all Members who have known and worked with SAM NUNN know that he is historically one of the most thoughtful Members of our body, and I think that that statement would be agreed to by most people on either side of the aisle.

Senator NUNN, unfortunately, brought forth his carefully thought out, well-researched speech tonight to a U.S. Senate where only four Members were on the floor. It was after it had been announced that we would have no more votes. Therefore, as of this moment there are many people outside of the U.S. Senate who know much more about the reasoned arguments made by the Senator from Georgia than is known by most U.S. Senators. For the most part, I suspect that as usual, when we announce there are no more votes, there are not a large number of Senators in their offices listening to the debate, as is frequently the case.

I just wish that every Senator would read the statements made by the Senator from Georgia tonight, tomorrow. I do not know how much press we will pick up on the statements made by the Senator from Georgia.

I am looking in the press gallery and I see one person, maybe somebody else is hiding up there. I suppose that maybe some of the press may be watching on television, but unfortunately the tremendously throughtful remarks of the Senator from Georgia which were critical of what we are trying to do here may fall on deaf ears.

I have been closely associated with him for the 16 years that I have been here. I sit next to him on the Armed Services Committee. I simply know that SAM NUNN takes the time and effort to do the research as he has done on this measure. I hope it will give some pause and some consideration to those that may not have studied the proposition, clearly, as much as Mr. NUNN of Georgia.

I think that the Senator from Georgia clearly was not trying to pick on anyone. Clearly, he was not trying to destroy anything. Clearly, as is his nature, SAM NUNN was saying to Members, ''Stop, look, and listen before you leap at the proposal offered by the majority leader, without hearing any discussion.''

What Senator NUNN brought out are some shortcomings in the measure that I think we should take a look at. There might not be total agreement on every point that Senator NUNN made. But I notice that during his discussion, the main argument that was made, some of the salient points he was making, was an amendment to the Dole substitute that was not in the Dole substitute, probably never had been thought of by those who put the Dole substitute together. In fact, they were offered by the Senator from Michigan, Senator LEVIN.

I just hope, therefore, that we would not jump to a conclusion that SAM NUNN does not care. I think no one could say that with any great understanding. No one has said that yet.

I think that SAM NUNN has made a very excellent point. I think he summed it up best by saying he supported the substitute amendment that is basically S. 14, the Domenici-Exon proposal that has been made, and will be offered by the democratic leader in just a few moments. We will have an opportunity to vote on that.

It has been said that Senator DOMENICI no longer supports the Domenici-Exon proposal. Well, that might be. But I believe that after listening to the remarks by a man whom Senator DOMENICI has stood with time after time after time on many matters, including matters to try and straighten out the fiscal policies of the United States of America, I am not sure that Senator DOMENICI would dismiss out of hand the Domenici-Exon proposal. A commitment has been made by the Republicans meeting in caucus and everything necessary was done to get the commitment of 54 solid votes—at least on cloture, and I assume 54 votes for the measure. But perhaps my colleagues have listened to some of the debate that has been going on, if we would listen to SAM NUNN, if we would reflect on the thoughtful comments that have been made by Senator BYRD, whom most would recognize as a scholar and a historian and certainly a very well read and accepted critic and expert on the Constitution, we can still correct ourselves.

I hope that at least with the actions that have taken place today we would take another look at the Democratic leader's proposal that is back to Domenici-Exon—maybe it is only the Exon amendment now, but I still think it is a good amendment, worthy of consideration.

I would also add that I think it is very clear Senator NUNN was supportive of either Domenici-Exon, which was S. 14, and prefers S. 4, which was the McCain amendment to the separate enrollment substitute. I listened very carefully to Senator NUNN, and while Senator NUNN clearly favored the Domenici-Exon S. 14, he clearly indicated that the McCain S. 4 was far superior, far, far superior to the substitute amendment that was offered by the majority leader. So I think SAM NUNN, as usual, was trying to say let us stop and think about this.

This new gimmick that I have criticized and Senator BYRD has criticized and others have criticized, known as the enrollment procedure, is an absolute disaster, if people will stop and take a look at it, they will see it is a disaster for lots of reasons. I do not think there is any question but that if we incorporate the enrolling clerk in this measure we will open ourselves up to a challenge by the courts that might sink a line-item veto that this Senator has been working on for a long, long time—as I said earlier, prior to the time that many people came here. I believe one of the first times that I remember doing anything about this was in consort with then Senator Dan Quayle of Indiana. Dan Quayle, of course, was later the Vice President of the United States.

I simply say it is not fair, in my opinion, since I know something about the Mattingly amendment, to say that the Mattingly amendment was essentially the same thing as the enrollment today. The Mattingly amendment clearly called for a division by section and paragraph. In contrast, the Dole substitute amendment calls for a division by section, paragraph, allocation, or suballocation. The Dole amendment calls for far greater detail than the Mattingly amendment, and therein lies some of the concern, and I think legitimate concern, offered by our distinguished colleague from Georgia.

One other point or two. It has been said that, oh, the House of Representatives would never go for anything like Domenici-Exon, and maybe now just Exon, about to become Daschle-Exon—call it what you will, they would never

go for anything like it. I submit, Mr. President, that H.R. 4600 passed July 14, 1994, on a vote of 342 to 69 in the House of Representatives was essentially the Domenici-Exon bill, the Exon bill, the Daschle-Exon bill, the bill that Senator NUNN recommends that we take a look at. That happened last year. Now, it is true that there has been a change in the makeup of the House of Representatives since that time but not enough of a change to make that much difference in the vote that I have just outlined.

I just hope that we could also understand—and I congratulate my friend from Arizona. It is true that he has been here time and time again trying to point out pork barrel spending. I salute him for that, and many, many times I have been with him, and I think that I have cosponsored some of these measures with him. And he said but he has not gotten anywhere, and that is why you have to have more than a majority vote as provided in the bill that I will refer to as S. 14 so I will not have to mention all those names over and over again.

Well, I can understand his frustration and I share in that frustration. I would simply say to Members of the Senate that S. 14 does not call for one Member of the Senate—and as big and as important as we sometimes think we are, to begin to wield the same influence and the spotlight as the President. We do not have the bully pulpit of the President of the United States. So I think I should assure all that if the President of the United States under S. 14 would highlight, would veto, call something pork and send it back over here, with that kind of a spotlight shining on it, rather than the spotlight of only one or two or three Senators spotlighting it. It would be well known around the United States of America, and I daresay that with the spotlight of the President of the United States exercising a veto as in S. 14, I do not think there would be the courage or lack thereof in this Chamber or the House of Representatives to override it as easily as they have in the past.

I would simply say, Mr. President, in closing that we can still have a good line-item veto, but I share and have spoken previously on what Senator NUNN outlined again tonight. Some of the things that Senator NUNN outlined would be a disaster for the United States of America.

Here a measure came forth out of a Republican caucus without any consultation with Democrats, without any hearings, without ever being discussed in the committees let alone holding hearings.

It is brought forth, it has been draped in a mantle of gold that cannot be touched because, if you touch it, you scratch it, and if you scratch it, you destroy it.

I do not think that is a very good way to legislate in the United States of America. There is a better way, and the better way that I hope we will take another look at is in the form of the amendment that the Democratic leader will be introducing tonight. I do not think the Democratic leader is going to say this is sacrosanct. I do not think the Democratic leader is going to say that there can be no changes made in it. I believe the Democratic leader will outline something tonight that I hope we will further discuss tomorrow and invite the Republicans in to see if we can come up with something that is more workable, that overcomes the constitutional objections that Senator BYRD, a constitutional expert, has outlined; to overcome the objections and concerns that have been highlighted by the Senator from Georgia. We can work it out.

I think there is no pride in authorship. We are trying to pass a line-item veto that, as best as we can fashion it, can reduce unnecessary pork-barrel spending. I think that is what the Republicans want to do, and I think that is what the Democrats want to do. But I, for one, have been raising concerns about the process, concerns about the majority leader and his actions of bringing forth this that had never been discussed with the Democrats, never had any hearings held on it, and immediately to file a cloture petition on it. That is a railroading type of thing that I think does not bode well for what is generally considered to be the most deliberative body in the world.

Now, rather than being accused of being too deliberative and too talkative, I yield the floor and hope, if there is no one seeking recognition, the Democratic leader could rise to introduce the bill that he is going to introduce, and call it what you will.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

AMENDMENT NO. 348 TO AMENDMENT NO. 347

(Purpose: To propose a substitute amendment)

Mr. DASCHLE. Mr. President, I call up amendment No. 348 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. EXON and Mr. GLENN, proposes an amendment numbered 348 to amendment No. 347.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Legislative Line Item Veto Act''.

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

''EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

''SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in any Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

''(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

''(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

''(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

''(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates.

''(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

''(A) the amount that the President proposes be canceled;

''(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

''(C) the reasons why the budget item should be canceled;

''(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

''(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

''(4) DEFICIT REDUCTION.—

''(A) DISCRETIONARY SPENDING LIMITS AND ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

''(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

''(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

''(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date

of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—

''(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) MOTION TO STRIKE.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

''(C) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(D) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(E) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) MOTION TO STRIKE.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

''(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(G) PLACED ON CALENDAR.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

''(H) CONSIDERATION OF HOUSE COMPANION BILL.—

''(i) IN GENERAL.—Following the vote on the Senate bill required under paragraph (1)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

''(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

''(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

''(ii) AMENDMENTS.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

''(4) CONFERENCE.—

''(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

''(B) FAILURE OF CONFERENCE TO ACT.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

''(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

''(e) TEMPORARY PRESIDENTIAL AUTHORITY TO CANCEL.—At the same time as the President transmits to Congress a special message under subsection (b)(1)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

''(f) DEFINITIONS.—For purposes of this section—

''(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

''(2) The term 'budget item' means—

''(A) an amount, in whole or in part, of budget authority provided in an appropriation Act except to fund direct spending programs and the administrative expenses social security; or

''(B) a targeted tax benefit.

''(3) The term 'cancellation of a budget item' means—

''(A) the rescission of any budget authority provided in an appropriation Act; or

''(B) the repeal of any targeted tax benefit.

''(4) The term 'companion bill' means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message.

''(5) The term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1012A, and 1017''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1012A and 1017''.

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

''Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.''.

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

Mr. DASCHLE. Mr. President, let me begin by calling it what it ought to be called. This is the Domenici-Exon amendment. It is on the basis of the expertise of the two most able budgetary leaders in this body at this time that we bring forth this amendment with some confidence.

The distinguished Senator from Nebraska, our ranking member, has very capably and eloquently characterized the remarks made earlier by the distinguished Senator from Georgia. In both cases, the remarks made by the distinguished Senator from Nebraska and certainly those made by the ranking member of the Armed Services Committee, the distinguished Senator from Georgia, lay out precisely why this amendment is necessary and why we bring it forth with the best intentions this evening.

I will have more to say about this tomorrow, but I would like to begin this evening by talking about our motivation and about why we view this to be a superior alternative to the substitute which was laid down by the majority leader on Monday night.

As I have said, and as the distinguished Senator from Nebraska has reiterated on many occasions, the debate all week long has not been about a line-item veto. There is no debate among most Senators in that regard. Most Senators would agree that a line-item veto in concept is something we ought to have. Forty-three States have it. Democrats and Republicans have recognized for years it would be a good thing for us to have as well.

The question really is, What is our most effective approach? What in concept would work the most effectively? It is really on the basis of that desire—to bring forth the most practical and the most prudent approach—that I am sure Senator DOMENICI and Senator EXON originally proposed S. 14.

The chairman of the Budget Committee and the ranking member of the Budget Committee, who have looked at all the options, and have studied this issue, as the distinguished Senator from Nebraska has said, for years and years. On the basis of their considered judgment, and on the basis of their expertise, concluded some time ago that S. 14, the proposal that they introduced earlier this year, is by far and away the single most appropriate approach to something we all say we want. And they were so compelling in their reasons earlier this year that the majority leader cosponsored S. 14.

There must have been a time at some point this year that the majority leader looked at the options as well and came to the conclusion that they were right; that, indeed, having looked at all the different alternatives, S. 14 made the most sense.

There has been a good deal of discussion in recent weeks about Democrats who voted one way for a balanced budget amendment and then voted a different way this year. Obviously, going from one Congress to the next on an issue of some importance, changing one's position is understandable. It happens here all the time. But to go from a cosponsored measure, one which enjoyed broad-based bipartisan support, and in the same Congress decide even though it was cosponsored, even though publicly one is associated with it as the author, and then to vote against it would require a good deal of explanation, it would seem to me.

Regardless of what may ultimately come as a result of our debate over the course of the next day, what S. 14 is appropriately described as is expedited rescission, because it forces Congress to vote on spending cuts proposed by the President.

An almost identical proposal was passed in the House last year on a totally bipartisan basis. That vote was 342 to 69. Every one of the 169 Republican Members of the House at that time supported it. So the history of S. 14 is very clear. Republicans by wide margins in the past—in the past Congress as well as in the past months—have demonstrated their conviction that this is a very appropriate way with which to achieve what we all say we want—line-item veto.

The proposal gives the President authority to force Congress to vote on both spending and tax provisions that he considers wasteful. I will go into that in a little while. Under current law, Congress can ignore the President. We do not have to deal with rescissions the President sends to us. The current process is obviously very inadequate. It has not worked. Current law is clearly too weak.

Overwhelmingly, I think, colleagues on both sides of the aisle would come to that conclusion. So our amendment requires that Congress not ignore the President. It creates a fast-track procedure which forces Congress to deal with the President's proposed cuts in a very limited period of time. It is not enough for the President to send something back. We could continue to ignore it and, in the waning days of a Congress, come to some conclusion about dealing with the President's rescission and technically, avoid having to make the tough decisions. But what this measure says is that within 20 days the President must notify the Congress, after passage of a spending or a tax bill, what he wants to see cut. Twenty days is all he has. Then, 2 days later, a bill with the President's proposals has to be introduced and 10 days later the Congress votes.

So, Mr. President, within little over one month's time the entire process must be complete. The President has 20 days to notify the Congress of whatever changes he wants to make. Two days later, a proposal has to be made within the body to ensure that the President's recommendations are considered, and then Congress must act within 10 days after that to make it happen. That is it. It is over. Within a month, it all has to happen.

There are no filibusters because we limit debate, once it comes to the floor, to 10 hours.

Mr. President, there is a locked-in procedure here requiring from the very beginning of the process all the way to the end the certainty that Members of Congress must take action once the President makes his decision. Both Houses are forced to act. Both Houses would ensure an open public debate to place huge pressures on Congress itself to cut wasteful spending.

Mr. President, that is the process. I do not know how it can get much simpler than that. I do not know how it can be any less complicated, any more certain, and any more streamlined a process as we consider legislative proposals in this body.

So our amendment, in my view, has four main advantages over the pending Dole substitute. I want to address those with a little more elaboration. But let me just articulate them first.

It is more practical. We will not see the legislative process tied up in knots, as I foresee the Dole substitute doing.

It is clearly constitutional. It would not be challenged in court. We know that. Senator NUNN made quite a point of talking about the concerns he has in that regard.

Third, it protects majority rule, a central principle of democracy. It does not permit a minority in Congress, as the Dole substitute would, to hold the majority hostage. It protects the balance of power between the President and the Congress. We all want review. We all want the opportunity to ensure that in an expedited process we can be forced to deal with the proposals made by the President with regard to rescissions. But we also recognize how important it is that majority rule be maintained and protected during the legislative process.

Finally, it clearly and unambiguously puts tax breaks on the table subject to Presidential review. There is no question here. I am going to get into that in a little more detail tomorrow. But there is no question with regard to the Exon proposal. Tax breaks

are on the table, as spending measures are in all other cases.

Let me go back to the issue of practicality. Our amendment, as I said, would be so much easier to administer. I have described it in as simple a way as I can. I do not know that anyone would have any difficulty understanding what happened; 20 days, 2 days, 10 days. That is it. It is over.

The Appropriations Committee last year estimated that the 13 appropriations bills would ultimately be split into nearly 10,000 separated minibills under the Dole amendment. Let me repeat that.

The Appropriations Committee estimates that last year's 13 appropriations bills, which would be subject under the Exon approach to a simple process of reconsideration when the President sends them back, if he would choose to do so, would be changed from 13 bills to nearly 10,000 separate minibills under the Dole amendment.

I do not have the paper to adequately represent the stacks, the truckloads of paper we are going to need to do what the Dole substitute would require. But coming on the heels of the Paperwork Reduction Act, for the life of me, I do not understand how anybody can advocate going from 13 bills to 10,000. Here we are just talking about the appropriations process. We are still trying to determine the degree to which we will have scope on taxes. But on appropriations bills alone, that is the question, do we want to go from 13 to 10,000?

As I indicated in an earlier speech on the Senate floor, the Energy and Water Development Appropriations Act is a pretty good example. That act was about 30 pages. The 30 pages, if we use that bill as an example this year, would be split into 1,746 separate bills—1,746 separate bills.

So on the basis of prudence or practicality, does it make sense for any of us who voted for and have advocated paper reduction to take a simple measure, and provide the complicated extraordinary burdensome process of going from 13 to 10,000 or in this case 1 page to 1,700? I do not think so, Mr. President.

Second, let me address the issue I raised with regard to constitutionality. We have not had the chance to properly evaluate the constitutionality of this approach because it has not been considered by any committee, as the distinguished Senator from Nebraska has indicated. But the last time a separate enrollment proposal was considered was 1985. It was voted out unfavorably by unanimous vote in the Rules Committee, then chaired by a Republican.

Several witnesses at the hearings held by the Rules Committee in 1985 raised serious questions as to the constitutionality of separate enrollment. The distinguished senior Senator from West Virginia has spent a good deal of time on the floor over the course of the last several days talking about this issue, so I will not elaborate.

But let me just say how pleased I am that the amendment offered by the senior Senator from Illinois, Senator SIMON, was adopted in order to expedite the judicial review of this bill. That is important. Certainly with judicial review, we will cut to the heart and go right to the question of constitutionality at some point in the not too distant future.

While we will not know until the courts finally determine the constitutionality of this legislation, it would certainly be better to enact our amendment which raises no questions at all. On the one hand, we have a question of taking a chance, rolling the dice with regard to constitutionality. On the other hand, with this amendment, there is no roll of the dice. There is no question of constitutionality. We know it is constitutional. We have that confidence.

So beyond the practicality of going from 13 to 10,000, then we question the constitutionality and say, look. On that side there is a doubt. On this side, there is none.

If this legislation is struck down by the courts, what do we have? We go back to ground zero. We probably enact the Exon bill. But why should we go through that process? Why should we go back to step one?

Mr. President, based upon that, I would say that Senators ought to give pause before they come to any final conclusions on the Dole substitute, which while it has merits, is not as good of a solution as the amendment we have offered. I would certainly hope that they will take a close look at what the chairman of the Budget Committee himself proposed earlier this year along with the ranking member.

Third, I indicated that majority rule and the balance of power is a concern of many of us. Our amendment would require that a majority of Congress approve cuts that are proposed by the President using the principle of majority rule which has been in existence for 200 years. For 200 years we have said majority rule ought to be our modus operandi, our approach to passing laws in this country. We would not allow a supermajority to hold hostage legislation that otherwise deserves fair consideration.

Under the alternative, the President wins, if he gets the support of just one more than a third of either House of Congress. It is all over with. A President wins if he can convince one more than one-third of either body of the propriety of his action. That is all it takes and it is over.

Do we really want to move that much power to the White House? Do we want to see that kind of an imbalance between the executive and legislative branches? Mr. President, I do not think so. That is not a partisan issue. Obviously, we have a Democratic President and a Republican Congress. The roles could be reversed some day. But regardless of who dominates either branch, I really question whether we want to push that kind of power, that kind of an imbalance, created now after over 200 years. I would hope that Members, too, would give a great deal of careful thought to allowing the President to use that kind of influence.

I can recall so many occasions over the course of the last 16 years where Presidents have called me to urge my vote on a specific issue. They have called me saying, ''It is in the national interest for you to do something, Senator DASCHLE,'' or ''Congressman DASCHLE, that I know you do not want to do.'' There have been times when I have had a fundamental philosophical disagreement with my own President, sometimes, with a Democratic President, not to mention a Republican President, and I have had to tell the President, ''No, I am not going to support you.'' But I wonder whether anybody could ever imagine—hopefully, it will never happen, but I wonder if a President might some day say, ''Senator DASCHLE, you have some water projects in South Dakota that I am going to line-item veto unless * * *''—God forbid that it happens. I hope it will not. But putting the power of the President in the position it will be in, under that substitute, gives me pause. If I know that I can convince the majority of my colleagues of the appropriateness of a given line item, I am going to be safe and say, ''Mr. President, you can do anything you want to. I can convince my colleagues of the merit of this particular position, so go ahead and veto it.'' I will convince the majority. But if all he needs is a third, if that is all he needs, I am not sure I will ever get anywhere with issues of great importance to this Senator or to anybody else.

Mr. President, the final issue has to do with tax breaks and the language that the Exon proposal provides, as opposed to the language provided in the Dole substitute. I must say I am very pleased that the Republican majority has come a long way in meeting many of our concerns with regard to adopting a provision which allows the President to veto special interest tax breaks. While I am pleased with this progress, the language in our amendment is much clearer and freer of ambiguity. That is what we really want. It says clearly and forcefully: Tax breaks are on the table, period; no questions asked, no doubt at all about where we stand with regard to putting tax breaks on the table, in the same way that appropriations bills are offered. That is a given.

But I must say, I am hopeful that Republicans and Democrats can come to some closure on this issue of tax expenditures. It is gratifying that the tax expenditure language that Republicans now propose is similar to language that Senator BRADLEY has introduced and has made very clear is his No. 1 priority with regard to the line-item veto. I am very pleased that the distinguished Senator from Indiana has made that

point in a colloquy with Senator BRADLEY. I will just read into the RECORD what he had to say about this issue, because I think it confirms what we have been hoping we can accomplish. Quoting now, Senator COATS on March 21, in a colloquy with Senator BRADLEY. He says:

I say to the Senator from New Jersey, our goal, I believe, is the same—to address the same items that he attempts to address. I hope that as we debate through this and work through this, we can clarify so that Members know exactly what we are after. It is hard to get the exact words in place so that we understand just exactly how this applies to tax items. But I believe that the targeted tax expenditures which are targeted in the Dole amendment very closely parallel what the Senator from New Jersey has tried for so long to accomplish.

Mr. President, that clarification is very helpful. I commend the Senator from Indiana for making it. Republicans would subject a tax break to potential veto, and it provides more favorable tax treatment to a particular taxpayer or limited group of taxpayers ''when compared with other similarly situated taxpayers.'' The only way a tax expenditure would not be subject to potential veto under this language is if we define ''similarly situated'' as meaning identical. Our Republicans colleagues have assured us that that is not their intent.

Suppose we proposed a $500 tax credit for all employees of Senate offices. Everyone would agree that this proposal should be subject to a Presidential veto. But if we define ''similarly situated'' as all employees of Senate offices, then we would have the ridiculous result that the proposal would not be subject to any line-item veto. What if we provided a tax deduction to all businesses in Fairfax County, VA. We would agree that the President should have the authority to review the provision for possible line-item veto. If we only compare the taxpayers who benefit from this deduction to businesses in Fairfax County, then we end up with a nonsensical result that the deduction would not be subject to the line-item veto.

So, Mr. President, as these examples show, defining ''similarly situated taxpayers'' to mean the identical group of taxpayers leads to a ridiculous result. But applying common sense to the term ''similarly situated'' leads inevitably to a broad interpretation of that term, which is what I am sure our Republican colleagues have intended.

They have confirmed and assured us that it is not their intent to have the line-item veto operate in the manner I just described with these examples. Thus, similarly situated taxpayer should be interpreted broadly, thereby subjecting a wide range of tax breaks to a Presidential veto.

Again, Mr. President, that is the question. Why should we have to go through an interpretation of broad or narrow scope with regard to tax breaks? Why not put all tax breaks on the table? Why not recognize that a tax break is an expenditure, an expenditure that has to be offset, an expenditure that ought to be treated just like an appropriation? That is what the Democratic substitute does, very clearly.

So, in closing, Mr. President, let me just say that we will have more of an opportunity tomorrow to talk about these issues. But we need to go back to the original Domenici-Exon language, cosponsored by the majority leader. We appreciate very much that Republicans have come toward our view on tax breaks. Now they should come back to their own language that is part of our substitute. We support giving the President new authority to compel consideration of cuts in spending and tax breaks, and the best way to do it is to adopt this amendment. It is workable, it is constitutional, it protects majority rule, and it clearly puts special interest tax breaks on the table.

I hope that in the spirit of bipartisanship, recognizing that the origin of this legislation came from Republicans and Democrats, and not only just any Republican or Democrat, but it came from the chairman of the Budget Committee and the ranking member of the Budget Committee, people who know this issue better than the rest of us, I hope that colleagues on both sides of the aisle can recognize the wisdom of that approach and support it tomorrow when we have the rollcall vote.

With that, I yield the floor.

Mr. COATS. Mr. President, in one very real sense, I welcome the remarks of the minority leader and welcome the support that the minority leader and others have offered on this floor for the concept that we are attempting to advance; namely, how do we make it harder to spend the taxpayers' dollars? And how can we end a practice which most of us recognize as not a practice that brings credit to this institution, but one which annually causes us significant embarrassment?

The disclosure of certain types of spending, certain types of tax benefits to the public severely undermines their confidence in us as an institution, severely enhances their criticism and their cynicism toward this institution, as they regularly see expenditures for items that are not considered to be in the national interest or in any sense of the measure a broad interest, but are targeted to just a few.

And it is a time honored, some would say—I would say time dishonored—process that we have engaged in over the years to slip those little provisions in, sometimes in the back room, sometimes in conference, when there really is no chance to amend a bill that we know the President has to sign.

And so we are encouraged that our colleagues from across the aisle have recognized that this is a practice that needs to be limited or stopped.

But for the past 6 years, during my service in the Senate, I have been part of an effort led by Republicans to attempt to address this issue. And we failed each time. Really, going all the way back to 1985, there have been six separate efforts to address line-item veto in which we had votes. And in each one of those efforts, the number of Democrats supporting Republicans or supporting the effort in general can be counted generally on one hand. We have failed again and again and again. We have failed because we have not had support from across the aisle.

Oh, it is wonderful now to hear all these statements about how Democrats support line-item veto; how they support enhanced rescission; how they are trying to work toward the same goals as we are. Well, we welcome their support. It is a little late, but it is not too late. And we hope that that translates into finally arriving at a measure which will get at this practice of tax pork and spending pork.

In 1985, when the measure was offered by Senator Mattingly, Republican from Georgia, only seven Democrats supported the effort. And in 1990, when I offered not the line-item veto or a separate enrollment, but when I offered enhanced rescission, only four Democrats supported the effort and we failed, as did Senator Mattingly in 1985.

We failed because the effort was filibustered. We failed because points of order were raised forcing us to achieve 60 votes to even get to debate. We did not even get to the debate of the issue.

In 1990, my colleague and partner in this effort, Senator MCCAIN, also offered enhanced rescission and he only got four Democrat votes. And in 1992, Senator MCCAIN offered it again and this time he got seven. So there was some movement in our direction.

But then a year later, in 1993, I offered it, the same bill, enhanced rescission—the rescission process that the Democrats are now talking about as the alternative and the substitute to what we are attempting to do—and we only got five. So I must not have been as persuasive as Senator MCCAIN because we lost two Democrats.

And even in 1993, when Senator BRADLEY changed his position on this issue from being opposed to it but recognizing that something had to be done, something had to be done to stop this runaway spending and this runaway deficit and this runaway national debt, even then Senator BRADLEY, as a Democrat, could only secure 13 Democrats and the measure fell once again.

And so we have had a decade of resistance—a decade of efforts to block our attempts to pass rescission, enhanced rescission, separate enrollment, line-item veto. And every one of those efforts has been defeated not by the votes of Republicans but defeated by the votes of Democrats.

So it is a little difficult to sit here through this debate and hear the protestations that, ''If Republicans would just cooperate. If they would just lean a little more our way and see the bill as we see it, we could have line-item veto or we could have enhanced rescission. And somehow the Republicans are

blocking a measure to give the President this authority.'' When the fact of the matter is that it is only the persistence of Republicans, the persistence of those who continue to offer this year after year after year, that finally has translated into an election last November which gave us the necessary new Members to have a chance at succeeding on this item.

Now a great deal has been said about why do we not take the Domenici-Exon package; that the chairman of the Budget Committee at one time sponsored a provision which is being offered now as an alternative, and it must have been a pretty good effort in putting that bill together because both the chairman and the ranking member supported it.

Well, Senator DOMENICI did offer that alternative to the McCain-Coats enhanced rescission. He offered expedited rescission. And it was pointed out that expedited rescission really was not a major change from the status quo. It was a modest improvement, but it did not really have the strength of fundamentally changing the way we do business in this body and it lacked the two-thirds vote necessary to override the President's decision. As such, the conclusion was the same 51 votes that passed the appropriation in the first place, that voted for the appropriation, could overturn the President's decision and retain the very items that raised the questions about pork-barrel spending in the first place.

And so, it was Senator DOMENICI who said, ''Why don't we look at an alternative that will be even stronger, that will expand the scope?''

In fact, Senator DOMENICI said, ''My problem with the McCain-Coats effort is that it only focuses on the appropriated items. And the appropriated items, once you separate out defense, amounts to less than 20 percent of the budget.'' He thought that was unfairly targeted to a certain segment of spending and it would ignore other areas. That is the reason he crafted the alternative bill.

And so we sat down with Senator DOMENICI and said, ''Well, let's examine some ways that we could expand this and address the question that you raised because that is a legitimate question.'' And Senator STEVENS weighed in on it and he had the same concerns.

Out of that came the product that we are now debating that has been offered by Senator DOLE, the majority leader, as the Dole amendment, the product around which we have secured the support of nearly every Republican because it was expanded to include additional items and not just the appropriated items.

And it was Senator DOMENICI, right after the introduction of the DOLE amendment, the separate enrollment provision, that came to the floor and made a lengthy statement as to why the Dole amendment was so superior to his own product and why he was withdrawing his amendment that had been reported out of the Budget Committee, his bill, his product, why he was withdrawing support for that in favor of a much better version, a much more effective version, a much tougher version, a version with real teeth. He outlined that, and I want to quote from his remarks.

As my colleagues have said, the alternative that they are providing must be a good one because it was Senator DOMENICI's original proposal. Yes, it was his original proposal, in response to a measure that he did not think was strong enough because it did not include enough categories.

As a result of that, we met and we crafted a much stronger version, and Senator DOMENICI came down here and said, ''This is what I was really looking for and this is a much superior product.''

I quote from him where he said, reading from the CONGRESSIONAL RECORD of March 20, 1995, Senator DOMENICI said ''I support the objective of Senator MCCAIN's bill,'' enhanced recision, ''but I felt the McCain bill shifted too much power over the budget of the President and focused too much attention on just the appropriated accounts, which excluding defense, represents less than 20 percent of total spending. The Dole amendment provides a less cumbersome process to overturn Presidential rescissions.''

The McCain-Coats bill has a two-stage process where Congress would have to vote two times if the President vetoed the first effort. He said the new Dole amendment offers a one-hurdle process, and for that reason it is superior to the product that he had originally sponsored.

Second, he said, ''The Dole amendment applies to all spending. It applies to new spending and legislation, not just appropriations legislation. In addition, it applies to any new very narrow targeted tax benefit legislation and new entitlements.'' Third, he says, ''It provides for congressional review. It contained a sunset in the year 2000.'' I quote again, ''I congratulate Senator DOLE. He has found an approach that significantly expands the President's authority over spending, without unduly disrupting the delicate balance of power.''

The minority leader suggests this evening that this is some kind of a surprise because it is a substitute to the previously reported bills. The truth of the matter is that every provision in this has either been voted on by the Senate or discussed thoroughly in committee. And he goes on to state why it is not a surprise, and I will get to that in a moment.

I will conclude Senator DOMENICI's remarks by quoting one more time: ''This product,'' referring to Senator DOLE's amendment, ''is as close as we will ever get to a fair line-item veto that has a chance of working and that is broader than we originally conceived but fair in that respect. It is fair. I will suggest that if there are some who think that the old bill which I introduced should be revisited, and perhaps the President supports it, let me set that one aside.''

Let me repeat that. Senator DOMENICI, the one who wrote the bill along with Senator EXON, that was his initial effort, came to this floor and said, ''I will suggest that if there are some who think that the old bill which I introduced should be revisited, let me set that one aside,'' and he withdrew that bill and signed on to the Dole bill because it was a much superior, much tougher, much broader, much more effective, and as Senator DOMENICI said, fairer to a line-item veto that has a chance of actually working.

We have talked a lot about the practicality of this bill and it seems that the opposition—Democrats opposing this bill—keep using the question of process and mechanics, and how this is going to complicate the effort.

Well, the President of the United States does not think it will complicate the effort. They worry about sending too many pieces of paper down to the White House. The President of the United States said in his statement released on March 20, ''I urge the Senate to pass the strongest possible line-item veto.'' He did not say, ''I urge the Senate to pass expedited rescission.'' Expedited rescission does not begin to resemble a line-item veto. Veto means two-thirds override. It does not mean majority vote. It does not mean the same votes that pass the appropriation in the first place are necessary to overturn what the President has vetoed. It means two-thirds. Give me the line-item veto, the President said, in his letter.

This is about closing the door on business as usual in Washington. Business as usual in Washington is 51 votes to pass tax benefits, which I call tax pork, that go to certain individuals or specialized interest that do not apply to broad classes. And it is spending pork which go to special individuals, special interests, and do not apply to the broad, public interest.

The President wants the real thing because he knows the real thing is the only thing that will make a difference. He knows if we will change the spending habits of Congress, if we are going to change the process of blackmail in sending him—what I should call ''legislative blackmail''—in sending him bills, where it is a take-it-or-leave-it proposition, he knows that he has to have some tool that will have some teeth in it, and some authority that has some clout in it. That is what the President understands. That is what he has asked for.

We Republicans do not give him very much of what he asks for or do not like to give him very much that he asks for, but this is something we have been trying to support, and trying to give him for a very considerable amount of time.

The fact of the matter is that the Dole substitute grants the President

true veto authority. It requires a two-thirds vote by Congress to continue spending. Short of an amendment to the Constitution, which we are not able to secure enough votes to pass —I wish we could—it is the strongest tool we can grant the President. It is similar to the authority that 43 other Governors currently enjoy.

The Exon expedited recision package does little to restore the President's authority to withhold spending that he enjoyed prior to 1974. At that time, Congress decisively grabbed the absolute power of the purse. The only thing they gave the President was the power to propose rescissions. Most of those recissions that the President and subsequent Presidents proposed, never saw the light of day.

In 1974, the President sent up recissions and Congress ignored every one of them. One hundred percent. They said, ''No thank you, Mr. President. Everything we passed, stands.'' In 1976, 86 percent of the President's rescissions were ignored. In 1983, 100 percent of the President's recissions were ignored. In 1986, 95 percent. In 1987, 97 percent.

Now, the Exon legislation, the expedited rescission just offered by the minority leader, is a modest improvement because it says that at least the President's rescissions are going to get a vote. But it is only going to get a vote of the same people who passed it in the first place, and it is hard to see how that will change what Congress had previously done.

If we are ever going to reverse spending trends in this body, we do not need modest improvements. We need fundamental change. To continue spending under the substitute or appropriately, under the amendment offered by the minority leader, the only standard they are proposing is that Congress needs a simple majority, and if it fails to enact a bill within 45 days, the funds are automatically released.

What is being offered as a poor substitute, a weak substitute, to the closest thing we can get to line-item veto is, simply put, too little too late.

It does nothing to restore that healthy tension necessary between the legislative and executive branch necessary to impose fiscal discipline on Members of the Congress. Some have said that the veto standard, the two-thirds is too high a standard, that it is too difficult to muster the numbers to override it.

To those, I would say that the greater challenge today is to reduce our Nation's debt and balance our Nation's books. In this day, it should be tougher. It should be a formidable challenge to continue to spend money. It is time for a higher standard.

If we get the job done by the year 2000, then maybe we will want to revisit this. Maybe we will want to look at this and see whether or not it has been abused, this new authority of the President has been abused as some say that it might be. I do not think it will. It certainly has not been at the State level. There are no State legislators calling for repeal of the line-item veto power that their governors have.

It sets up a healthy tension, a healthy tension, a necessary tension that can restore some discipline to this body.

The Dole bill is the strongest line-item veto bill. It presumes that funding is rescinded unless the elimination of spending is specifically disapproved. It requires a two-thirds majority in the House and Senate to override a subsequent veto.

Let us show the American people we are serious about fundamentally changing the way this Congress does business. Let us show them that we intend to present appropriations bills and tax bills without embarrassment. Let us show them that we intend to send a message to the taxpayers that under our guidance their dollars will not be wasted. Let us act boldly to eliminate the dual deficits of public funds and public trust and let us resist the urge to continue business as usual.

The alternative offered by the minority leader is essentially business as usual. The Dole amendment is a real meaningful, fundamental change in the way this Congress spends taxpayers' dollars. It makes it tougher. It makes it a lot tougher. It ought to make it tougher because we have abused the privilege that we have had as Members of this body by being irresponsible in the way we spend those dollars, by running up a debt and by sending to the President items which we in our hearts know do not deserve to be in those appropriations or in those tax bills.

So while I urge my colleagues to reject the proposal offered by the minority leader, we welcome their support for the concept. What they have offered is too little too late.

Let us pass something that will make a difference.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

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

Mr. EXON. Mr. President, I am going to be very brief because we have been at it a long time today, and I am sure that I am not going to score very many points at this time of the night and we will start again tomorrow.

I would just like to briefly sum up if I can. Although it has not been mentioned in the lengthy debate tonight, I believe that any objective Republicans, if we can find one up in this Chamber this time of night, would probably concede that the Senator from Nebraska has been one of those with a pretty strong career of voting for line-item veto matters in this Chamber. So all of us cannot be accused of being Johnny-come-latelies.

What has happened in the past, though, is not nearly as important as what we are doing here tonight. And I would simply say that Senator NUNN in a remarkable, well thought out speech, that could in no way could be considered a partisan statement at all, outlined some concerns.

Regardless of the intent of the Dole amendment—and it may be described correctly as what came out of a meeting of the Republican caucus, this was the product that came out of it—that does not necessarily guarantee the product is not faulty and probably should receive some further corrections.

I wish to thank my colleagues on that side of the aisle who on more than one occasion today have agreed to amendments that I thought were absolutely critical and essential, and we have had them to come our way. I hope they would agree we are trying to be constructive and not destructive in trying to fashion something in the form of a line-item veto that would be as safe as it possibly could be from a court challenge that I am certain will follow if we eventually pass the Dole substitute amendment.

I happen to feel that with the comments again tonight about the constitutionality problem and the operational problems manifold outlined by Senator NUNN, many of which I think had obviously not been considered when this product was put together, we must continue to reason together if we can and keep this as nonpartisan as possible and try and pass a piece of legislation that is not going to be thrown out by the courts.

If that happens, it will not be an exercise, indeed, in futility. And since I have indicated I have had more than my share of futility on this very matter time and time again before with many of the key able players in this line-item veto we are talking about tonight, I just hope we can get something done rather than one more exercise in futility and disappointment.

That is why I appeal, I appeal once again to let us reason together and not stick by the basic principle that what came out of the Republican caucus—because I think the Republicans would even admit it—just because it came out of a Republican caucus of the majority party in the Senate is a guarantee it is perfect.

Let me appeal once again, Mr. President, that on tomorrow when the sun comes up, as it will, when we will be back here again, let us see if debate and reason and sound statements on the floor of the Senate mean something and they are not going to be automatically shunted aside on a strictly party line Republican vote, 54 people marching in lockstep because the product which came out of their caucus is somehow sacrosanct and must not be tampered with.

AMENDMENT NO. 350 TO AMENDMENT NO. 347

(Purpose: To prohibit the use of savings achieved through lowering the discretionary spending caps to offset revenue decreases subject to pay-as-you-go requirements)

Mr. EXON. Mr. President, on another matter, on behalf of the senior Senator

from West Virginia, I call up amendment No. 350, which the clerk has at the desk, and ask for its report.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. BYRD, proposes an amendment numbered 350 to amendment No. 347.

Mr. EXON. 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. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(A) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.''.

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting ''301(j),'' after ''301(i),''.

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

''(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.''.

Mr. EXON. Mr. President, this amendment would prohibit the use of cuts in the appropriation caps to pay for tax cuts. The Senator from West Virginia has asked me to call up this amendment to ensure that it will qualify for consideration under the unanimous consent agreement governing consideration of the main proposition before us.

Mr. President, I ask unanimous consent that now that this has been called up, the pending amendment be temporarily set aside.

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

ORDER OF PROCEDURE

Mr. COATS. Mr. President, I ask unanimous consent that at 10 a.m. the Senate resume consideration of the Daschle substitute on which there be the following time limitation prior to a motion to table: 2 hours to be equally divided in the usual form.

Mr. EXON. There is no objection here.

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

MORNING BUSINESS

Mr. COATS. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

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

THE SOARING TRADE DEFICIT

Mr. DOLE. Mr. President, the numbers are now in for the trade deficit for January, and they are not good. In fact, we set a new deficit record for a single month. The trade deficit surged over 68 percent, to a highest ever mark of $12.2 billion.

Mr. President, I never have met two economists who agree on everything. Some say you should not pay too much attention to trade deficit numbers. But most economists will tell you that continuously rising deficits in merchandise and services trade, year upon year, are unsustainable. Last year's overall merchandise trade deficit reached a record high $166 billion. The figures just released for January of this year indicate that the growth is not slowing. The growth in our trade deficit is in fact accelerating. This is deeply troubling.

Mr. President, the soaring trade deficit is not just a matter of the volume of imports from abroad. A ballooning trade deficit affects the strength of the dollar, interest rates, the stock and bond markets, and the long-term attractiveness of the U.S. as a destination for investment. In other words, it threatens the standard of living of every American.

Despite the potential enormity of this problem, the administration has yet to focus on it as a real threat to working Americans. I am reminded that in the months and weeks leading up to the Mexico crisis, it seemed that no one in the administration was minding the store. We do not yet know the full extent of the fallout from that catastrophe. Mr. President, I hope we are not today headed down the same road with regard to our growing trade deficit. I hope those in the administration charged with watchfulness are not asleep a the witch.

Mr. President, we must not place our economic stability at risk. We must not allow warning signs to go unheeded. No single month's figures are conclusive, but when the bad numbers pile up month after month, they must not be ignored.

RETIREMENT OF JOHN LAHR

Mr. BAUCUS. Mr. President, yesterday's edition of the Montana Standard contained an article that I especially enjoyed reading. Let me share part of this article with my colleagues:

A special passenger train ran from Helena to Garrison and back Sunday to honor retiring Montana Power Company lobbyist John Lahr, a train buff * * *. Montana Rail Link furnished the engines; Burlington Northern provided several refurbished passenger cars * * * and the engineers union furnished the engineers for what was billed with banners on the engines as the ''John Lahr Special.''

When I read this I could not help but think how appropriate this tribute is; a special train to honor a very special man.

We hear a lot of bad talk about lobbyists these days. And, both in Helena and in Washington, there are some bad lobbyists; some who use strong-arm tactics; some who urge elected representatives to vote against the public interest.

But anybody who knows John Lahr has seen living proof that lobbying can be a noble profession. He is a class act. He's a Montanan through-and-through. And he wants what is best for our State.

For almost 30 years, John has represented Montana Power Co. Legislative session after legislative session, John has been there in Helena working tirelessly. And, while he has always been an advocate for Montana Power, he sticks to the facts; he's honest; he levels with people; and he's got what may be the best—and certainly the driest—sense of humor in all of Montana.

So perhaps it is not surprising that John—though a lifelong Democrat—enjoys universal respect from both Republicans and Democrats in Helena.

While John may be retiring from the power company, I have no doubt he will continue to play an important role in the life of our State. He has too many friends; he has too much talent and he cares too deeply about Montana to quietly retire.

I wish both John and his wife, Beverly, the best of luck as they begin a new chapter in their lives. And I feel very fortunate to count them as friends and trusted advisers.

TRIBUTE TO JEFF GRIFFITH

Mr. WELLSTONE. Mr. President, I ask unanimous consent that a tribute to Jeff Griffith, one of my former staffers who died recently here in Washington, DC be printed in the RECORD.

Jeff was one of the original members of my Senate staff, and I was deeply saddened by his death. While I know his family, friends and former colleagues will miss him terribly, as I will, I hope we will also remember his many accomplishments, and his passion for justice.

The tribute was offered on my behalf at the funeral service this past weekend.

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

TRIBUTE TO JEFF GRIFFITH

My name is Colin McGinnis, and I am a staffer for U.S. Senator Paul Wellstone. I was a friend and colleague of Jeff's. Paul was very sad that he wasn't able to be with Jeff's family and friends here because of several longstanding commitments in Minnesota, and has asked me to be here to represent him and my Wellstone staff colleagues. Paul asked me to read a message to you from him. He writes:

''While I cannot be with you today, I send my prayers and my heartfelt sympathies to Jeff's family and friends. Jeff was one of the first members of my Senate staff. I had known him for several years, and had worked with him on the Reverend Jesse Jackson's Presidential campaign and on the Rainbow Coalition's other important work for justice, so I knew that when the chance came to bring him on to my staff, I should jump at the chance. I did.

''He was talented, energetic, and creative in his work, and was admired and respected by his colleagues on staff, who often came to him for advice. He was also a fierce advocate for social justice.

''As one of my press assistants, Jeff did a wonderful job under often difficult circumstances. During the sometimes chaotic days of the Gulf War crisis, Jeff helped to establish our press operation; no easy task. He was also instrumental in the founding of my ''First Friday'' radio show. Thanks to his hard work in laying its foundation, it has been very successful. It still provides one of the most important ways that I communicate directly with Minnesotans.

''It is not by chance that this was Jeff's idea. The direct and participatory nature of this live radio program was a hallmark of his style, which always sought to bring people, real people, into the political process, and to make sure they were heard, even above the din and background static that often passes for political debate in our country.

''Jeff had a unique gift for hearing and amplifying the voices of regular people, and lifting up those voices for people in the wider community to hear.

''He knew instinctively that communication, if it is authentic, is always two-way, that his job was not just to sell my ideas and programs and policies to those whom I represent, but also to make sure I heard what the people were saying, to heed their voices and be accountable to them—especially those who are at society's margins. He never lost sight of these people, and always struggled to do what he could to bring them in toward the center. That was one of his life's most important missions: to bring those at the margins of our society back toward the center.

''As we celebrate Jeff's life and accomplishments today, and mourn his death, my wife Sheila and I, and the members of my staff, extend our deepest sympathy and condolences to his mother, Mrs. Ella Evans, his other family members, and to all his many friends who cared so much for him. We will miss Jeff very much, and keep you all in our prayers.''

I'd like to add a short personal note to Paul's letter, from my own experience working with Jeff. he was a strong, thoughtful, decent man, a person of integrity, and real commitment to people. He had a quiet grace and wisdom that was often striking. And because he had lived through his own struggles, he was always willing to listen to his friends and colleagues, in our struggles. He'd packed a lot of living into his young life, and was not unscarred by it. But that's just the point.

He knew suffering, and yet could look beyond it, redeem it, and get others to do the same. He was a wounded healer. A wounded healer whose life reminds us of how careful we must be with one another. And this concern for people translated from Jeff's personal life into his political life. In fact, people were at the center of his vision.

He was once asked, during a particularly stressful period, why he had decided to work in the political arena, and why he was willing to put up with all the long hours and struggles and stress that sometimes accompanies political life.

Without skipping a beat, he said simply, ''Because I build bridges. And Lord knows we need bridges now.'' I will remember him as a bridge-builder, with a warmth, generosity of spirit, sense of humor and passion for justice that is rare. I hope you will, too.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again. Today's question, again, is: How many million dollars are in $1 trillion? When you arrive at an answer, bear in mind that it was Congress that ran up a debt now exceeding $4.8 trillion.

Now then, to be exact, as of the close of business yesterday, Tuesday, March 21, the total federal debt—down to the penny—stood at $4,843,694,087,008.02—meaning that every man, woman and child in America now owes $18,386.75 computed on a per capita basis.

Mr. President, back to that pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the monstrous Federal debt exceeding $4.8 trillion.

TRIBUTE TO HELEN KAMM HATCH

Mr. BENNETT. Mr. President, I pay tribute today to an extraordinary woman. She was not famous. She was not wealthy. She was not formally educated. She won none of the coveted awards or accolades that we usually associate with achievement.

And yet, by anyone's measure, she was a rare and successful individual. She looked at life, both the good and the bad, and chose to shape her existence around the possible. She married and raised children in relative poverty, but taught her family what the wealth of love and hope means. She educated herself in life's classroom, constantly reading and absorbing. She reached out to those in need and gave kindness where none was expected.

Four of her nine children met early and untimely deaths. Still she looked forward. She expanded not only her mind but her many talents. She overcame challenges and embraced life's opportunities as they came, no matter what her age.

She was a woman of devout faith. Small in stature, she was large of heart and warm in spirit. Her home was a haven for friends and family.

Earlier this month, at the age of 89—and independent till her very last day—she completed her mortality. She is survived by 5 children, 39 grandchildren, 92 great-grandchildren, and 3 great, great-grandchildren.

Her name was Helen Kamm Hatch. And she was the mother of my friend and fellow colleague from Utah, Senator ORRIN G. HATCH. I am proud to be able to honor her memory. She will be sorely missed.

AN AUSPICIOUS ST. PATRICK'S DAY

Mr. KENNEDY. Mr. President, last week, friends of Ireland celebrated St. Patrick's Day in an atmosphere of hope. The guns have been silent in Northern Ireland for 6 months and it appears that the people of that conflict-torn land may at long last be on the irreversible road to peace.

Today, the British Government's Minister of State at the Northern Ireland Office, Michael Ancram, met with Loyalist paramilitary representatives, and Sinn Fein representatives and the British Government appear close to an agreement on an agenda for Ministerial talks to begin soon.

Most important, the people of Northern Ireland themselves are hopeful that this peace will last. The vast majority believe it is time to get on with talks. Irish citizens from Dublin and other parts of Ireland are traveling to Belfast in greater numbers because the fear of violence is disappearing. The people of Northern Ireland are going out in the evenings without fear of terrorist attacks. Peace is pervasive, and each day makes it harder for violence to return.

The United States has played a significant role in achieving this emerging peace, and great credit for it goes to President Clinton. He has taken risks for peace in Northern Ireland. He has embraced all those in Ireland who are willing to do the same. His foresight and judgment have been vindicated. Irish Americans congratulate him—but most of all, we thank him, and so do the people of Ireland, Protestant and Catholic alike.

The President and Mrs. Clinton hosted a reception on St. Patrick's Day at the White House which was an historic occasion itself. John Hume, John Alderdice, Gerry Adams and Gary McMichael—four men representing vastly different political views in Northern Ireland—were all in attendance. The evening was brought to a close when John Hume and Gerry Adams sang the poignant song, ''The Town I loved So Well.'' The final verses of the song, which is about John Hume's home town of Derry in Northern Ireland speaks to everyone who cares about this issue:

Now the music's gone but they carry on,
For their spirit's been bruised, never broken.
They will not forget, but their hearts are set
On tomorrow and peace once again.

For what's done is done, and what's won is won;
And what's lost is lost and gone forever.
I can only pray for a bright, brand new day
In the town I love so well.

Mr. President, only time will tell whether the bright, brand new day is finally here. But several recent articles verify the new optimistic mood and praise President Clinton for the role he has played. I ask unanimous consent that excellent articles by James F. Clarity in the New York Times, David Nyhan in the Boston Globe, Mary McGrory in the Washington Post, and Patrick J. Sloyan in Newsday, as well as the lyrics to ''The Town I Loved So Well,'' and an ad thanking President Clinton which appeared in the New York Times on St. Patrick's Day, may be printed in the RECORD.

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

[From the New York Times, Mar. 22, 1995]

THE I.R.A.'S POLITICAL STRONGMAN

GERRY ADAMS SEEMS ABLE TO SUSTAIN TRUCE AND ADVANCE AIMS

(By James F. Clarity)

DUBLIN, March 21.—As a result of his delicate and much-publicized visit last week to New York, Washington and the White House, Gerry Adams appears to have strengthened himself considerably as the political leader of the Irish Republican Army, the man most Irish people think has great influence in sustaining the I.R.A. cease-fire now in its seventh month.

And Mr. Adams, back in Dublin, also seems to have achieved significant success on a number of tactical goals of Sinn Fein, the I.R.A.'s political arm.

At home, in the military council of the I.R.A., Mr. Adams, the president of Sinn Fein, has shown once again that his political efforts are bringing the Republican movement benefits and concessions it could not even dream of if the I.R.A. re-started the guerrilla warfare in Northern Ireland.

In addition to gaining the right to raise funds for political purposes in America, Mr. Adams was invited to meet and chat with the President of the United States, to talk and have his picture taken with Senator Edward M. Kennedy, to attend a White House party in a tuxedo, all proud signs that he and his movement have come a long way from the days when he led the I.R.A.'s Belfast Brigade and was interned by the British for his trouble. On television screens all over the world he achieved the major Republican goal of getting international attention for his argument that the British should relinquish power in their Northern Ireland province.

Perhaps the most significant result of all this, according to Irish officials and independent experts, is that Mr. Adams' influence with the I.R.A. has probably never been stronger, and that he seems to be easily strong enough in army councils to sustain the cease-fire, at least for several months. Tim Pat Coogan, a historian whose writings on the I.R.A. are standard reference material, said Mr. Adams and his No. 2 in Sinn Fein, Martin McGuinness, who also has a guerrilla background, now have effective control of the military organization.

Mr. Adams' diplomatic victories, the experts say, have made it more difficult for any I.R.A. commanders who may still be restless with the peace effort to gain support among their fighters for a resumption of attacks on military and civilian targets in the North. While the I.R.A. reportedly keeps going through the training motions of selecting putative targets, the Roman Catholics in the North, particularly in Belfast, press for continuing the talks, for trying to negotiate the early release of I.R.A. prisoners and for the reform of the overwhelmingly Protestant Royal Ulster constabulary, the police force.

Mr. Coogan, who has many friends in Sinn Fein, and other experts said that Northern Catholics and Protestants want negotiations that could bring their imprisoned fathers, husbands and sons home rather than military operations that risk more death and imprisonment. And, among politicians, the need to keep talking also reflects the rarely spoken fear that a particularly heinous violation of the cease-fire, one that killed several civilians or British police or soldiers, could still collapse the peace effort.

Mr. Coogan and Irish officials said that Mr. Adams was compelled to make a worth-the-price concession to the British in order to gain Mr. Clinton's approval of his visit: his agreement to discuss I.R.A. disarmament with British ministers. Asked this week if he was still ready to discuss I.R.A. disarmament at such talks, Mr. Adams said, ''Absolutely,'' but he declined to say how soon that might happen. Previously, Mr. Adams had insisted that disarmament could only be discussed at all-party talks, including Northern Ireland's Protestant leaders, as part of a final peace settlement.

Two weeks before he left for America, Mr. Adams said, ''Republicans are fairly patient,'' and would not expect to be included in all-party political tasks on disarmament, for three or four months.

Politically, outside the I.R.A., Mr. Adams has also won concessions. Until he and John Hume, the influential leader of the Catholic-dominated Social Democratic Labor Party, began a secret peace initiative two years ago, Sinn Fein was banned from the United States as a front for a terrorist organization.

Now Mr. Hume, once a political enemy whose candidate defeated Mr. Adams in the 1992 British Parlimentary election, has personally introduced Mr. Adams to Mr. Clinton in Washington. And Mr. Adams can visit America, raise money, and, most important, he was achieved an old Sinn Fein objective: pulling the White House directly and openly into-a mediator's role between the I.R.A. and the British. American pressure on London delights Sinn Fein and the I.R.A. because it influences, and sometimes vexes, the British Government.

Mr. Adam's agreement, under White House pressure, to discuss disarmament with British ministers was followed in a matter of days by a British concession on the issue Mr. Adams calls ''demilitarization'': the promised withdrawal of 400 British troops from the North.

And Mr. Adams has held on to the political support of the Irish Government of Prime Minister John Bruton, support that seemed weakened when Mr. Bruton replaced Albert Reynolds three months ago. Mr. Reynolds had urged Britain and the United States to trust the I.R.A.'s stated good intentions, to keep the cease-fire going even though they refused to renounce forever the option of returning to violence.

Mr. Reynolds welcomed Mr. Adams to Dublin to discuss peace at an open Government forum. Mr. Bruton had long been accused of being more sympathetic to the Protestants in the North who want to remain part of Britain than to the I.R.A. goal of a united Ireland free of British control.

Mr. Bruton has continued to nudge Mr. Adams on disarmament and on a categorial renunciation of violence, and he has emphasized that the Protestant unionist majority in the North has a right to reject a united Ireland in a referendum.

But Mr. Bruton has also given Mr. Adams a symbolic hand-shake and talked with him privately, and he urged the White House to let him visit last week. Some experts, invoking the Nixon-and-China principle, see Mr. Bruton as the Irish leader who has the best chance of gaining trust among Protestant unionists and persuading them to talk to Sinn Fein, eventually.

And Prime Minister Bruton, with the approval of all sides, seems willing to continue to play the role of referee in the sparring match between Sinn Fein and Britain, making sure that the predictable but sometimes sharp jabs are not struck too low and, with most of the audience hoping anxiously for a draw, that neither side tries for a knockout.

[From the Boston Globe, Mar. 22, 1955]

IRISH EYES SMILE ON CLINTON'S PEACEMAKING

(By David Nyhan)

But when I returned, Oh how my eyes did burn
To see how a town could be brought to its knees
By the armored cars and the bombed-out bars
And the gas that hangs on every breeze. . .
''The Town That I Love So Well''

President Clinton put it as plainly as it can be put Friday night: ''Those who take risks for peace are always welcome under this roof.''

The largely Hibernian crowd in the East Room for the White House St. Patrick's Day bash erupted. While some of the Ulster Orangemen may fulminate and Britain's John Major keeps Clinton's phone call on hold and the British papers go berserk, Clinton's daring little Irish play is working, and the crowd gave the boyish president his due.

The president was straight-faced, but you knew he had to be winking inside, when he said: ''The Irish knew then (in Thomas Jefferson's day) how to back a winner (the fledgling United States).'' But no one missed the irony: Major's Tory party had bet big on a George Bush victory, and Clinton's overture to the Irish Republican Army and its political mouthpiece, Gerry Adams, was a longshot that paid off handsomely.

It was John Hume who prevailed upon Ted Kennedy and his sister, Jean Smith, the U.S. ambassador to the Republic of Ireland: Convince Clinton to lift the visa restriction on Adams, the Sinn Fein spokesman, and allow him into the United States to raise money and visibility—and to hell with the British. Because Ted Kennedy is arguably Clinton's biggest bulwark on the left, Hume's initiative prevailed, Adams arrived here a year ago, and the pace was set for the cease-fire that now obtains.

Any president, who can, with some dextrous diplomatic jujitsu, end a 25-year-old, guerrilla war deserves some credit. And this crowd gave it to him. Irish Prime Minister John Bruton, a veteran back-bencher who suddenly emerged to lead the government, lavished gratitude upon Clinton ''for the role you have played personally, Mr. President.''

Four times as many Dubliners now travel north to Ulster every day to shop and spend and renew kinship ties, he said. ''There's a whole weight lifted off our shoulders,'' said Bruton. ''We're a happy land now.''

And it was the United States and ''the stand for decency the United States has taken on so many occasions'' that made the difference, Ireland's leader testified. ''The courage of the US has been the key factor in preserving the peace (in Europe) over 50 years. Thank you again for the tremendous good you have done for our country.''

Ireland may be grateful; Britain is hopping mad, if last weeks' London newspapers were any indication. To Britons, Adams' is the bearded visage of terrorism, the voice defending heinous bombers who killed kids, civilians, contractors, cab drivers, who blew up Harrods and Airey Neave and tried to kill Thatcher and did kill Mountbatten. Would

America like it if Britain's ruler invited the Lockerbie bombers to 10 Downing St. for tea? Not hardly.

But Clinton's gamble paid off. And he was toasted for it by a crowd that included plenty from around here. There were three O'Neills, enough Dunfeys to fill a bus and pairs of the following: Bulgers (the Senate president and son Bill), Flynns (Ambassador to the Vatican Ray and son Eddie), Kings (administration personnel czar Jim and son Patrick) and at least two Jesuits (BC President J. Donald Monan and former US Rep. Robert F. Drinan).

But the real pair of the evening came late, when many had left, and after Mark Gearan, the top Bay Stater on Clinton's staff, prevailed upon Bill Bulger Sr. to give us a tune. He responded with, ''I come from the County Kerry; I'm a typical Irish-man.'' But then, Bulger said yesterday, ''I saw John Hume give me the sign he had a song. So I called him up, and he did ''The Town I Love So Well.'' That tune is the traditional lament for Derry, Hume's battle-scarred hometown in the North.

Bulger: ''So then I gave Gerry Adams the sign to come up, and they did it as a duet.'' The sight and sound of Hume and Adams singing under Bulger's benign tutelage in the East Room, with the cease-fire holding, is all due to Clinton.

Bulger, back in Boston, said: ''This is a real success. It's incredible. Everyone had said 'no' to Adams. It was a real bold thing to do. The president broke that stalemate.''

[From the Washington Post, Mar. 21, 1995]

(By Mary McGrory)

IRISH EYES HAVE REASON TO SMILE

Bill Clinton had a grand moment in the East Room at his second St. Patrick's Day party. The Prime Minister of Ireland, John Bruton, said to him, ''We're a happy land now, thanks to the stand and courage that you and your colleagues have shown, Mr. President.'' He further told his host that he had been right and Dublin had been wrong about taking a chance on Sinn Fein. It was the kind of ungrudging, overflowing approval and vindication Clinton seldom hears. It was the stuff of ethnic campaign commercials.

But he missed a moment of triumph, a tableau of Irish unity and harmony that sent the audience into roaring raptures and left them with a memory for the generations.

The Clintons had left. The guests lingered. The Clintons, who forgot that the Irish rarely ''go gentle into that good night'' from a good party, sent down instructions for music to say good night to. Communications director Mark Gearan went to the piano, Billy Bolger, the little Caesar of the Massachusetts Senate and an eager tenor, was easily recruited and ''When Irish Eyes Are Smiling'' was heard once again. Suddenly Bolger stopped. ''I think we should hear from John Hume,'' he said.

Hume, the valiant leader of the Catholic party in Northern Ireland, came up and began to sing his theme song, ''The Town that I Love So Well.'' He was into the second or third verse when a dark, bearded figure joined him on the stage. It was Gerry Adams, and with arms around each other, they finished the song. The audience went wild. As soon as they recognized Adams, they began cheering, and as the pair continued, they stood up applauding. Adams's smile, for once, was not mocking or supercilious. 'History,'' they told each other, a settlement in song in the Clinton White House.

''Those who take risks for peace are always welcome under this roof,'' Clinton had said in his welcome to the prime minister. No one took a greater chance than Hume, the bright, careworn favorite of Irish-American politicians, who sought out the spokesman and Sinn Fein, the political arm of the terrorist IRA, was discovered, harassed, threatened to the point when he spent weeks in a hospital with a bleeding ulcer and a bad case of despair. Hume convinced our ambassador Jean Kennedy Smith and her brother, Sen. Edward M. Kennedy, that Adams was the key. Kennedy prevailed upon the president, and a year ago February, while the British raged, Clinton gave Adams a visa for a 48-hour U.S. stay.

Adams maddens many because he insists on talking about Sinn Fein as if it were a stamp club. When arms and bombs and kneecappings and hideous murders of parents before the eyes of their children come up, he looks pained and recoils. What would he know about all that? But last August, he came through. A cease-fire came into effect, the Catholics and Protestants of Ulster began to breathe. The shadow of the gunman disappeared from the streets of Belfast. Plans for Anglo-Irish talks were resumed.

It's still a long way to Tipperary, but another milestone was passed when Clinton again leaned into the wind from London, and not only let Adams come to Washington and the White House, but let him raise money for Sinn Fein. Britain saw it as a cheap bid for the votes of America's 40 million Irish. Outrage led the British press. Adams raised $80,000 at one New York lunch, and the British boiled over with warnings that the money would go to buy arms to replace those that are supposed to be ''decommissioned.'' Not a farthing, Adams promised. John Major refused to take Clinton's calls.

But everyone at the White House gala was happy and hopeful, particularly the Bostonians, who outnumbered all others. Ray Flynn, Boston's erstwhile mayor and now Clinton's envoy to the Vatican, was telling people the good news that while on a confidential political mission to Pennsylvania, he had found out that Reagan Democrats had put aside their differences on gays in the military and such, and are coming home.

A number of nervous Irishmen seemed to have checked their misgivings at the door. They were delighted to be able to give their views in the splendors of the Executive Mansion. Gary McMichael of the Ulster Democratic Party had a good chat with Sen. Kennedy. Outside a handful of members of the Families Against Intimidation and Terror picketed and leafletted passersby. They were protesting the 46 beatings that have been administered by both sides, Unionists and IRA, since the cease-fire. Iron bars and clubs with nails are used. The protesters had hoped to be invited in, they were not but were assuaged by a visit to the Security Council the following morning.

On Sunday, Major resumed speaking to the president and expressed the hope of putting it all behind. Adams landed in Dublin and said, with his usual surprise that anyone would ask, that no one had pressured him on decommissioning arms.

[From Newsday, Feb. 27, 1995]

SINN FEIN BALKS AT DISARMING

(By Patrick J. Sloyan)

DUBLIN.—A plump dove, white on a purple backdrop, flew over the conference, streaming the Irish tricolor wrapped around the slogan: ''Create Peace: Unite Ireland.''

''Does anyone want to speak?'' Gerry Adams, president of Sinn Fein, asked delegates to its annual conference. ''We welcome your criticism.''

As the meeting of the Irish Republican Army's political wing droned to a close yesterday, Adams seemed miffed over news accounts of grumbling delegates. Some were dismayed by the tepid tone of freedom fighters turned peacemongers.

Owen Bennett stalked to the Mansion House microphone. ''No one can promise some future generation will not resort to arms to win self-determination,'' Bennett said. He was from south Armagh, a hotbed of IRA warfare for the past quarter of a century. A roar filled the hall.

Until the IRA ceasefire last August, many of the delegates lived by nationalist-intellectual Patrick Pearse's slogan: ''Life springs from death. And from the graves of patriot men and women spring living nations.'' It was on a banner set discreetly to one side in the conference hall and was decorated not with doves but crossed rifles, a revolver and a pike.

Only a few blocks away is the Dublin post office seized on Easter 1916 by Pearse and comrades determined to end England's rule of Ireland. Now, 79 years later, Adams and the heirs to that uprising were closer than ever to that goal.

But handling doves, as Adams is learning, is far trickier than wielding a pike. The next step toward a permanent peace in Northern Ireland and the beginning of an eventual union between Irish north and south could be a difficult one for the IRA.

Before starting negotiations on the Belfast framework announced last week, British Prime Minister John Major wants the Sinn Fein to give up thousands of IRA rifles, rocket launchers, pistols and grenades and tons of hidden explosives.

''There has to be substantial progress made on the decommissioning of arms,'' Sir Patrick Mayhew said yesterday. He is the British government's Secretary of Northern Ireland and has refused to talk with Sinn Fein. Instead, his staff conducted preliminary talks on Mayor's behalf with Sinn Fein emissaries.

''We have told the British that Sinn Fein does not have any weapons,'' said Martin McGuinness, who represented the organization in talks with Mayhew's staff. Most delegates at Mission House will wink at that one. McGuinness is reputed to be military commander of the IRA, succeeding Adams in directing attacks in Northern Ireland.

But McGuinness drew applause with a reminder that it was Sinn Fein's unilateral initiative that produced the cease fire that has sparked the peace process.

''We told them, just in case the reality had escaped them, that the British government and the British army had not defeated the IRA; that the IRA had not surrendered and that the British government could not even remotely expect Sinn Fein to deliver that surrender for them,'' McGuinness said to cheers.

Adams has a counterproposal: decommission British and Unionist guns as well as IRA weapons. And demilitarize the province by eliminating 13,500 Royal Ulster Constabulary police at 161 stations and removing 19,000 British troops at 135 forts.

London is inching toward Sinn Fein demands. Border checkpoints have become largely unmanned traffic snarls. British army patrols have decreased dramatically, and soldiers have vanished from some areas. Some British government officials say troops could be withdrawn as security needs subside.

Dublin government officials see a precedent for Sinn Fein disarmament. When the 26 counties of the south won independence in 1937, the IRA turned over many of their weapons to help equip a new Irish army. ''But it would be difficult now,'' said an aide to Deputy Irish Prime Minister Dick Spring. ''Gerry Adams has to deal with the 'hard men' [extremists] in the Sinn Fein.''

One possible compromise would be the release of an estimated 600 IRA prisoners in Ulster and British prisons coinciding with a Dublin decommisssioning of IRA weapons.

In the meantime, Adams and Major's demand for IRA weapons is merely a dodge to stall the start of all-party talks, including Sinn Fein and Unionist paramilitary leaders as well as government officials from Dublin, Belfast, and London.

In response to Mayhew's statement yesterday demanding progress on disarmament, Adams said: ''He wants to make up his mind. It is a precondition of talks or it's not a precondition.''

The Sinn Fein leader was daring Major to obstruct an Irish peace process that has revived his slipping political fortunes in Britain. A Gallup Poll financed by the London Telegraph showed 92 percent of Britain voters supported the Belfast framework and 68 percent believed Ulster Unionists were wrong not to participate in the talks.

Another poll, commissioned by British television among Northern Ireland's Unionist voters, approved the plan. Ulster Marketing found 81 percent of the more moderate Unionist party members favored the framework, which also was supported by 61 percent on the more conservative Democratic Unionist Party.

''The British government position [on IRA disarmament] is untenable,'' said Sinn Fein's McGuinness. ''It has to change.''

THE TOWN I LOVED SO WELL

(Words and Music by Phil Coulter)

In my memory, I will always see
The town that I have loved so well,
Where our school played ball by the gas yard wall
And we laughed through the smoke and the smell.
Going home in the rain, running up the dark lane,
Past the jail and down behind the fountain—
There were happy days in so many, many ways
In the town I loved so well.

In the early morning the shirt factory horn
Called women from Creggan, the Moor and the Bog;
While the men on the dole played a mother's role,
Fed the children, and then walked the dog;
And when times got tough, there was just about enough;
And they saw it through without complaining:
For deep inside was a burning pride
In the town I loved so well.

There was music there in the Derry air
Like a language that we all could understand;
I remember the day that I earned my first pay
When I played in a small pick-up band.
There I spent my youth, and to tell you the truth,
I was sad to leave it all behind me:
For I'd learned about life, and I'd found a wife
In the town I loved so well.

But when I've returned how my eyes have burned
To see how a town could be brought to its knees;
By the armoured cars and the bombed-out bars,
And the gas that hangs on to every breeze:
Now the army's installed by that old gas yard wall
And the damned barbed wire gets higher and higher;
With their tanks and their guns, Oh my God what have they done
To the town I loved so well.

Now the music's gone but they carry on
For their spirit's been bruised, never broken;
They will not forget, but their hearts are set
On tomorrow and peace once again.
For what's done is done, and what's won is won;
And what's lost is lost and gone forever:
I can only pray for a bright, brand new day
In the town I love so well.

[From the New York Times, March 17, 1995]

IRISH EYES ARE SMILING

PRESIDENT CLINTON—THANK YOU VERY MUCH

(National Committee on American Foreign Policy, Inc.)

For the first time in a generation, 44 million Irish Americans can celebrate peace in Ireland.

This ''emergent vision of peace,'' as the poet Seamus Heaney has called it, allows us to celebrate St. Patrick's Day with a pride in our heart and warmth in our soul.

Many brave men and women, Protestant and Catholic, Irish and British, helped bring about this peace process.

So did their respective governments.

Countless Americans of all traditions and from every walk of life, worked so hard to make this miracle happens.

Moreover, the important role played by the men and women of the United States Congress, from both parties can never be forgotten.

Above all, Mr. President, we celebrate your role in making this peace possible.

Since your first day in office, you have shown a rare commitment to bringing peace to that ancestral land of your mother's roots.

Your involvement in encouraging all the political parties in Northern Ireland to come together was crucial.

Your vision in granting U.S. visas to leaders of the Republican and Loyalist communities, who now wish to take the gun forever out of Irish politics, was vital.

Your overall encouragement of the British and Irish governments as they signed their historic Joint Framework Document was inspiring.

By your actions, you have made clear how much the United States wants to help create the conditions for peace, justice and reconciliation in Ireland.

By your words, you have made clear your personal commitment to the framework for an agreed Ireland that can allow all of its people to live in peace.

By your support, you have inspired your fellow Irish Americans who will now redouble their efforts to ensure that the peace continues.

Another great Irish American, President Kennedy, stated that peace must be ''dynamic, not static, changing to meet the challenges confronting it, for peace is a process, a way of solving problems.''

With your help, Mr. President, we can keep that peace and that process moving forward.

We salute you for your concern and for your caring.

And we thank you from the bottom of our hearts.

William J. Flynn, Chairman.

Dr. George D. Schwab, President.

We, the undersigned, wish to add our voice to that of the National Committee on American Foreign Policy.

Tom Barton, President, Marz Inc.

Charles J. Boyle, Executive Director, Ireland Chamber of Commerce in the USA, Inc.

Hon. Hugh L. Carey, former governor, State of New York, Executive Vice President, W.R. Grace & Co.

Stanley Q. Casey, Richardson, Mahon & Casey.

William J. Chambers, Chairman, Eirlink International.

Ed Cleary, AFL–CIO.

Elliot H. Cole, Esq., Partner, Patton Boggs, LLP.

John J. Connorton, Jr., Partner, Hawkins, Delafield & Wood.

Frank D. Cooney, Jr., Treasurer, County Asphalt, Inc.

John T. Cooney, Sr., Vice President, County Asphalt, Inc.

Robert A. Cooney, Associate Dean, Loyola Law School, Los Angeles, CA.

Gerald Cummins, Chairman, Mancum Graphics, Inc.

Joanne Toor Cummings, Sr. Vice President, NCAFP

John T. Dee, President, Service America Corporation.

Thomas J. Degnan, President, In Progress Environment.

Roy E. Disney, Vice Chairman of the Board, The Walt Disney Company.

Robert J. Donahue, President, Patrons of the John F. Kennedy Trust, Inc.

Thomas R. Donohue, Secretary-Treasurer, AFL–CIO.

Cornelius (Connie) S. Doolan, Director, Trade Relations North America, Guinness Import Co.

Eamonn Doran, Restauranteur, New York/Dublin.

John A. Doyle, President, the Doyle Group, Inc.

Raymond G. Duffy, Vice President, Jefferson Smurfit Corporation.

Hon. Angier Biddle Duke, Chairman, Appeal of Conscience Foundation.

John R. Dunne, former US Assistant Attorney General for Civil Rights

Seymour Maxwell Finger.

Hugh P. Finnegan, Partner, Siller, Wilk, & Mencher LLP.

John Fitzpatrick, CEO, North America, Fitzpatrick Family Group of Hotels.

Peter J. Flanagan, President, Life Insurance Council of New York.

Adrian Flannelly, President, Adrian Flannelly Irish Radio.

Edward T. Fogarty, President & CEO, Tambrands Inc.

Richard R. Fogarty, CEO & President, Labatt.

Michael J. Gibbons.

William P. Gibbons, Attorney at Law, Cleveland, Ohio.

Claire Grimes, CEO, Irish Echo Newspaper Corporation.

Dr. Os Guinness, The Trinity Forum.

Martin Hamrogue, General Manger, Operation Control, TWA.

Peter Hanrahan, partner, Keegan Hanrahan Architects, PC.

Patricia Harty, Editor-in-Chief, Irish America Magazine.

Margaret M. Heckler, former US Ambassador to Ireland.

John F. Henning, Executive Secretary-Treasurer, California Labor Federation, AFL–CIO.

Hon. Alan G. Hevesi, Comptroller, City of New York.

Ray Hogan, Hogan Fragrances.

Peter J. Hooper.

Abassador F. Hoveyda, Executive Committee, NCAFP.

Carl F. Hughes, Chairman President & CEO, Fahey Bank.

Tom Ivory, CEO, Baker Street Bread.

Richard R. Joaquim, President, International Conference Resorts.

Philip M. Keating, Esq., David & Hagner.

Kevin Keegan, partner, Keegan Hanrahan Architects, PC.

Martin P. & Mary Kehoe.

Denis P. Kelleher, CEO, Wall Street Investor Services.

Michael P. Kelley, Vice President, Sales, Norcom Electronics.
Daniel J. Kelly, Group Managing Partner, Deloitte & Touche.
Patrick J. Keogh, President & CEO, Ireland Chamber of Commerce in the USA, Inc.
Herbert Kurz, Chairman, Presidential Life Insurance Company.
Michael J. Larkin, Executive Vice President, The Great Atlantic & Pacific Tea Co., Inc.
Dr. Thomas J. Ledwith, Executive Director, United States Program, St. Patrick's College, Maynooth.
Edward S. Lewis, President, SPK/Lewis Inc.
Rev. Dr. Franklin H. Littell, Temple University.
Edmund E. Lynch, National Coordinator, Lawyers Alliance for Justice in Ireland, Inc.
Jack MacDonough, CEO, Miller Brewing Company.
Shirley Whelan MacRae, President, S.W. Management.
Edward G. Maher, Patrick J. Maher, President, Business Insurance Agency, Inc.
Annette Mahon, President, Belvedere Public Relations, Inc.
John F. X. Mannion, Chairman & CEO, Unity Mutual Life Insurance Company.
Edward I. Masterman, Esq., Masterman, Culbert & Tully.
John McCabe, Account Manager, Corporate Express.
Sean McCabe, Account Manager, Corporate Express.
James F. McCann, President, 1–800–Flowers.
William C. McCann, President & CEO, Allied Junction.
Jerome R. McDougal, President & CEO, River Bank America.
Gerald W. McEntee, President, The American Federation of State, County, & Municipal Employees.
Paschal McGuinness, 1st Vice President, International Brotherhood of Carpenters & President, Irish-American Labor Coalition.
Denis McInerney.
Mark P. McInerney, President, L.P. Cook Government Securities Inc.
Andrew J. McKenna, Chairman, President & CEO, Schwarz Paper Company.
William A. McKenna, Jr., Chairman & CEO, Ridgewood Savings Bank.
Hon. Timothy Connor McNamara, Columbia Consulting Group.
Thomas J. Moran, President & CEO, Mutual of America.
Bruce A. Morrison, former Member of Congress, Partner, Morrison & Swaine.
Sheillagh Mulready, Secretary/Treasurer, Patrons of the John F. Kennedy Trust, Inc.
James C. Nicholas, Executive Director, Connecticut World Trade Association, Inc.
Brian Nolan, Executive Vice President, Blarney Wollen Mills.
James J. O'Connon, President & CEO, The Annamor Group Ltd.
Niall O'Dowd, Publisher, Irish America Magazine.
Michael M. O'Driscoll, President, Cash's of Ireland.
John A. O'Malley, President, Executive Benefits Group. Inc.
Tice O'Sullivan, President, Diversified Management Services.
Joan Peters, Writer, Historian & Lecturer, Exec. Comm. Member & Trustee, NCAFP.
Ann Phillips, Member of the Board of Trustees, NCAFP.
William Pickens III, President, Bill Pickens Associates, Inc.
Edward J. Quinn, President, Worldwide Educational Services, Inc.
James L. Quinn, Law/CPA Offices of James J. Quinn.
Bryan Reidy, General Manager, Gallagher's Steak House, NYC.
Alan Richards.
Michael J. Roarty, President, Ireland-US Council for Commerce & Industry.
William J. Rudolf, Vice President, NCAFP.
Dennis G. Ruppel, President, MTD Technologies, Inc.
Dankwart A. Rustow, Distinguished Professor, City University of New York.
David L. Ryan, Vice President, The Doyle Group.
Kathleen Schmacht, Executive Vice President, E.C. Services, Inc.
Elizabeth Shannon, Writer, Boston University.
John T. Sharkey, New York City.
Stanley Shmishkiss, Chairman Emeritus, American Cancer Society Foundation.
John R. Silber, President, Boston University.
Richard Blake St. Francis.
Robert E. Sweeney, President, Robert E. Sweeney Co., L.P.A.
James D. Walker, Managing Director, VAT America.
Kevin J. Walsh, Partner, Kelley Drye & Warren.
Michael J. Walsh, President, Walsh Trading Company.
Stephanie Whiston.
Use of Organization name is solely for identification purposes.

MESSAGES FROM THE HOUSE

At 9:39, a.m., a message from the House of Representatives, delivered by Mr. Schaeffer, one of its clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 1158. An act making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1158. An act making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–644. A communication from the Director of Administration and Management, Department of Defense, transmitting, pursuant to law, a report entitled ''Extraordinary Contractual Actions to Facilitate the National Defense''; to the Committee on Armed Services.

EC–645. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the Commission's administrative and enforcement actions under the Fair Debt Collections Practices Act; to the Committee on Banking, Housing and Urban Affairs.

EC–646. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a report with respect to material violations of regulations relating to Treasury acutions; to the Committee on Banking, Housing and Urban Affairs.

EC–647. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction with the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC–648. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction with the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC–649. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report relative to the refunds of offshore lease revenues where a recoupment or refund is appropriate; to the Committee on Energy and Natural Resources.

EC–650. A communication from the Assistant Secretary of the Interior, Land and Minerals Management, transmitting, pursuant to law, a report relative to compensatory royalty agreements for oil and gas for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC–651. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the awarding of specific watershed restoration contracts within the range of the northern spotted owl; to the Committee on Energy and Natural Resources.

EC–652. A communication from the Chief Financial Officer of the Department of Energy, transmitting, pursuant to law, the CFO's annual report relative to Federal Facility Compliance; to the Committee on Environment and Public Works.

EC–653. A communication from the Secretary of Transportation, transmitting, pursuant to law, a fiscal year 1993 report relative to overweight vehicles; to the Committee on Environment and Public Works.

EC–654. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to volatile organic compound emmissions; to the Committee on Environment and Public Works.

EC–655. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to worker adjustment assistance training funds; to the Committee on Finance.

EC–656. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the 1994 report relative to the Treasury Forfeiture Fund; to the Committee on Finance.

EC–657. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report required under the Chemical and Biological Weapons Control and Warfare Elimincation Act; to the Committee on Foreign Relations.

EC–658. A communication from the Director of the Peace Corps, transmitting, a draft of proposed legislation to authorize appropriations for activities under the Peace Corps Act for fiscal years 1996 and 1997; to the Committee on Foreign Relations.

EC–659. A communication from the Chairman of the U.S. Advisory Commission on Public Diplomacy, transmitting, pursuant to law, a report on the public diplomacy activities of the U.S. Government; to the Committee on Foreign Relations.

EC–660. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to the revenue estimates with respect to the Mayor's budget's for fiscal years 1995 and 1996; to the Committee on Governmental Affairs.

EC–661. A communication from the Chairman, Cost Accounting Standards Board, Executive Office of the President, transmitting, pursuant to law, the Board's annual report for calendar year 1994; to the Committee on Governmental Affairs.

EC–662. A communication from the from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Managing Federal Information Resources: Twelfth Annual Report Under the Paperwork Reduction Act of 1980''; to the Committee on Governmental Affairs.

EC–663. A communication from the Chairman of the Board of Governors of the Federal Reserve, transmitting, pursuant to law, a report relative to the implementation of its administrative responsibilities during calendar year 1994; to the Committee on Governmental Affairs.

EC–664. A communication from the Chairman of the Board of the Tennessee Valley Authority, transmitting, pursuant to law, the report of the Board required under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC–665. A communication from the General Counsel of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report required under the Freedom of Information Act; to the Committee on the Judiciary.

EC–666. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a report relative to functional literacy requirements for inmates; to the Committee on the Judiciary.

EC–667. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report relative to the conversion of closed military installations into federal prison facilities; to the Committee on the Judiciary.

EC–668. A communication from the Chairperson of the U.S. Civil Rights Commission, transmitting, a draft of proposed legislation to authorize appropriations for fiscal year 1996 for the United States Commission on Civil Rights; to the Committee on the Judiciary.

EC–669. A communication from the Chairman of the Jacob K. Javits Fellowship Board, transmitting, pursuant to law, a report relative to modifications to the program; to the Committee on Labor and Human Resources.

EC–670. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Administration's 1993 annual report; to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S.J. Res. 29. A joint resolution expressing the sense of Congress with respect to North-South dialogue on the Korean Peninsula and the United States-North Korea Agreed Framework.

S. Con. Res. 3. A concurrent resolution relative to Taiwan and the United Nations.

S. Con. Res. 9. A concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Jacquelyn L. Williams-Bridgers, of Maryland, to be Inspector General, Department of State.

Philip C. Wilcox, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Coordinator for Counter Terrorism.

Ray L. Caldwell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Burdensharing.

Gloria Rose Ott, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996, vice Weldon W. Case, term expired.

Harvey Sigelbaum, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996, vice Carolyn D. Leavens, term expired.

George J. Kourpias, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997.

John Chrystal, of Iowa, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997.

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORD of January 11, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Luis E. Arreaga-Rodas, of Virginia

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Jeanne F. Bailey, of the District of Columbia

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Richard K. Bell, of Pennsylvania
Robert Emilio Gianfranceschi, of Florida
Steven Scott Giegerich, of New York
Russell W. Jones, Jr., of Illinois
Douglas David Jones, of Maryland
Robert Pearce Kepner, of Pennsylvania
Woo Chan Lee, of California
Duke G. Lokka, of California
Helen Osborne Lovejoy, of Virginia
Marcus Robert John Micheli, of Connecticut
Kimberly Haroz Murphy, of Texas
Michael J. Murphy, of Virginia
Christine M. Osage, of Virginia
Thomas C. Pierce, of Oregon
Debbie Lynn Potter, of Washington
Christopher John Rowan, of Tennessee
Leo Francis Voytko, Jr., of Virginia
Robert B. Waldrop, of Illinois
Amy P. Westling, of Wyoming
Craig Michael White, of Virginia
Elizabeth Moberly Wolfson, of Texas

The following-named Members of the Foreign Service of the Departments of State and Commerce to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

John Lowell Armstrong, of Minnesota
James L. Barnes, of the District of Columbia
Sharon E. Betzner, of Virginia
Deborah L. Bienstock, of Maryland
David Mark Birdsey, of New Jersey
Philip C. Bishop, of Virginia
Robert Allan Blum, of Maryland
Gary D. Brooks, of Virginia
Darryl J. Carson, of Virginia
Thomas Hartwell Carter, of New York
Daniel L. Chase, of Virginia
Ann Elizabeth Cody, of Virginia
David L. Cornelius, of Maryland
James M. Corr, of the District of Columbia
Richard R. Craig, of Connecticut
Glenda Cunningham, of Virginia
Philippa L. DeRamus, of Virginia
Eve M. Derrickson, of Maryland
David J. Dolaher, Jr., of Virginia
Katherine O'Brien Duffy, of South Carolina
Kyle Mark Dunlap, of Virginia
Joel Ehrendreich, of Wisconsin
Silvia Eiriz, of New York
Laura Evelyn Ewald, of Virginia
Herbert Ford, of Virginia
Thomas Fox, of Virginia
Thomas P. Gallagher, of California
Gregory Lawrence Garland, of Florida
Nicholas Joseph Giacobbe, Jr., of Virginia
Joseph Gionfriddo, of Virginia
Gordon R. Goetz, of Virginia
Christopher T. Griffin, of Virginia
Ronald C. Hammond, Jr., of Virginia
Keith A. Hansen, of Virginia
Bonita G. Harris, of Texas
Lawrence A. Hatch, of Virginia
Patrick Michael Heffernan, of New Hampshire
Kristi D. Hendricks, of Virginia
Donald K. Hepburn, of Virginia
G. Kathleen Hill, of Texas
Alan Rand Holst, of Minnesota
John W. Holton, Jr., of Virginia
Howell Hoffman Howard III, of Washington
Ty D. Hudson, of Virginia
Clarence Edward Hunt, of Virginia
Victor J. Huser, of Texas
Marc C. Johnson, of the District of Columbia
Joseph B. Kaesshaefer, of Florida
Tina S. Kaidanow, of Virginia
Thomas Alexander Kelsey, of Florida
Peter Kiemel, of Virginia
In Kuk Kim, of Virginia
Jessica Erin Lapenn, of New York
Dean LaRue, of Washington
Timothy Kent Lattig, of Virginia
Mark W. Libby, of Connecticut
John David Lippeatt, of California
Jennie S. Liston, of Virginia
Bruce A. Lohof, of Montana
Joe Bernard Lovejoy, Jr., of Texas
Michael Peter Macy, of Wisconsin
Larry W. Magnuson, M.D., of Virginia
Joseph L. Malpica, of Virginia
William L. Marshak, of Washington
Stephen P. McKeon, of Virginia

Karen Sue Miller, of Michigan
Elizabeth J. Mirabile, of Virginia
Robert A. Montgomery, of Virginia
John S. Moore, of Maryland
Michael K. Morris, of Virginia
Gerald Nau, of Virginia
Phillip Roderick Nelson, of Virginia
Elisha Edward Nyman, of Massachusetts
Peter B. Nyren, of Virginia
Mary J. Osborne, of Virginia
Joyce Ann Park, of Virginia
Benjamin Perez, Jr., of Virginia
Patricia Ellen Perrin, of California
Lynne G. Platt, of the District of Columbia
Michael F. Podratsky, of Virginia
Teresa St. Cin Podratsky, of Virginia
Jennifer Austrian Post, of Virginia
Timothy Joel Pounds, of Virginia
David Matthew Purl, of Alaska
Michael E. Quigley, of Delaware
Joel Richard Reifman, of Texas
Susan Longino Reinert, of California
Judith D. Russ, of Maryland
Mark M. Schlachter, of Nebraska
Jeffery D. Schoeneck, of Virginia
Mary Drake Scholl, of Oklahoma
Robert Kenneth Scott, of Maryland
Eric A. Shimp, of Iowa
Paul S. Silberstein, of Maryland
Fredric W. Stern, of California
Robin D. Stern, of California
Nan Forsyth Stewart, of Oregon
Thomas P. Teifke, of Virginia
Carolyn E. Tholan, of Virginia
Donn-Allan G. Titus, of Florida
Lynne M. Tracy, of Georgia
John C. Vance, of Montana
Kurt Frederick van der Walde, of Virginia
Elizabeth Walsh, of Virginia
William James Weissman, of California
Mark Lawrence Wenig, of Alaska
Edward A. White, of Georgia
Burke Alan Wiest, of Virginia
Anita D. Wilson, of Virginia
Scott R. Wright, of Virginia
Jeffrey A. Wuchenich, of the District of Columbia

The following-named Career Members of the Senior foreign Service of the United States Information Agency for promotion in the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Minister—Counselor:
John Thomas Burns, of Florida
Carl D. Howard, of Maryland
Thomas Neil Hull III, of New Hampshire
William Henry Maurer, Jr., of Virginia
Robert E. McCarthy, of Virginia
Marjorie Ann Ransom, of the District of Columbia
Stanley N. Schrager, of Virginia

The following-named Career Members of the Foreign Service of the United States Information Agency for promotion into the Senior Foreign Service as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:
Michael Hugh Anderson, of Minnesota
William R. Barr, of Maryland
James L. Bullock, of Texas
Anne M. Chermak, of California
Patrick J. Corcoran, of Virginia
Donna Millons Culpepper, of Virginia
Albert W. Dalgliesh, Jr., of Michigan
Carol Doerflein, of Florida
John Davis Hamill, of Ohio
Hugh H. Hara, of Maryland
Joe B. Johnson, of Texas
Katherine Inez Lee, of California
Jack Richard McCreary, of California
Lois Winner Mervyn, of Arizona
William M. Morgan, of California
Eugene A. Nojek, of Virginia
Helen B. Picard, of Virginia
Stephen R. Rounds, of New Hampshire
Craig Butler Springer, of Connecticut
Louise Taylor, of Virginia
Francis B. Ward III, of Virginia
Van S. Wunder III, of Florida

The following-named Career Members of the Senior Foreign Service of the Department of Agriculture for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:
Christopher E. Goldthwait, of New York

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:
Franklin D. Lee, of Virginia
Richard T. McDonnell, of Virginia

The following-named Career Member of the Foreign Service of the Department of Agriculture for promotion into the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:
William L. Brant II, of Oklahoma

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 103–25 Treaty Convention on Conventional Weapons (Exec. Rept. 104–1).

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. CAMPBELL (for himself, Mr. BROWN, Mr. BENNETT, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, and Mr. HATCH):

S. 587. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. WELLSTONE, and Mr. PRESSLER):

S. 588. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits; to the Committee on Labor and Human Resources.

By Mr. COATS (for himself, Mr. DOLE, Mr. SPECTER, Mr. LUGAR, and Mrs. KASSEBAUM):

S. 589. A bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 590. A bill for the relief of Matt Clawson; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 591. A bill for the relief of Ang Tsering Sherpa; to the Committee on the Judiciary.

By Mrs. HUTCHISON:

S. 592. A bill to amend the Occupational Safety and Health Act of 1970 and the National Labor Relations Act to modify certain provisions, to transfer certain occupational safety and health functions to the Secretary of Labor, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. GREGG, Mrs. KASSEBAUM, Mr. ABRAHAM, Mr. FRIST, and Mr. COATS):

S. 593. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 594. A bill to provide for the Administration of certain Presidio properties at minimal cost to the Federal taxpayer; to the Committee on Energy and Natural Resources.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 595. A bill to provide for the extension of a hydroelectric project located in the State of West Virginia; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. BRADLEY):

S. 596. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for advertising and promotional expenses for tobacco products; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. HARKIN):

S. 597. A bill to insure the long-term viability of the medicare, medicaid, and other federal health programs by establishing a dedicated trust fund to reimburse the government for the health care costs of individuals with diseases attributable to the use of tobacco products; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 598. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use a portion of the resulting revenues to fund a trust fund for tobacco diversification, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM:

S. 599. A bill to eliminate certain welfare benefits with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with law enforcment officers, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. BROWN, Mr. BENNETT, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, and Mr. HATCH):

S. 587. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

OLD SPANISH TRAIL DESIGNATION ACT

Mr. CAMPBELL. Mr. President, today I'm sending legislation to the desk to designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for study for potential addition to the National Trails System.

The Old Spanish Trail has been called the ''longest, crookedest, most arduous pack mule route in the history of America.'' Linking two quaint pueblo outposts, Villa Real de Sante Fe de San Francisco—now known as Santa Fe; and El Pueblo de Nuestra Senora La Reina de Los Angeles—present day Los Angeles—this 1,200 mile route was a well worn path 150 years ago as annual caravans traded woolen blankets from New Mexico for California horses and mules.

According to an early historian, the trail:

* * * Headed Northwest from Santa Fe * * * eased over the Continental Divide in northern New Mexico, cut through a spur of the Rocky Mountains into Colorado, forded two swift rivers (the Colorado and the Green above their junction), circled northward to avoid the Grand Canyon's sculptured country, dipped over the rim of the Great Basin into Utah, and crept southwest through desert stretches of Nevada and California to Los Angeles * * * Hoofs of pack animals leave but fleeting imprints. As soon as the last mule train and left the Trail, nature closed in to obliterate marks of human intrusion. Matted brush sprang up to hide the mountain paths. Flash floods gullied the gravel courses beside the streams. Chalky gypsum surfaced the dry lake bottoms, so welcome to the hoofs of foot-sore mules. Wind-born sand drifted over the shallow trace through the wastelands. Even the dry bones that marked the toll of an insatiable desert's greed crumbled to dust.

The trail entered present day Colorado south of Pagosa Springs and proceeded northwesterly past today's settlements of Arboles, Ignacio, Durango, Mancos, Dolores, and Dove Creek. This is essentially the route used by Fathers Dominguez and Escalante in 1776. Unlike Dominguez and Escalante, the trail continued to the northwest toward the site of present day Monticello and crossed the Grand (Colorado) River at Moab and the Green River, 5 miles north of today's settlement of Green River. It continued westerly and passed the present settlements of Castle Dale, Salina, Sevier, Parowan, Newcastle, and St. George in Utah.

Another historic trade route, known as the northern branch of the Old Spanish Trail, was used by trappers and traders to access northwestern Colorado and northeastern Utah. This route followed the east side of the Rio Grande river northward to Taos and into Colorado to the area near the present town of Alamosa. Another route of the northern branch followed the west side of the Rio Grande northward to Tres Piedras, New Mexico, and to Antonito, Colorado, and joined the other branch near Monte Vista. From the vicinity of Monte Vista, the trail continued northwesterly and passed the present day settlements of Saguache, Gunnison, Montrose, Delta, and Grand Junction. From Grand Junction, the trail followed the Grand (Colorado) River for some 50 miles through Fruita and Loma to near Dewey, UT, and then struck out northeast across the desert and joined the main Spanish Trail approximately 20 miles southeast of the Green River crossing.

The northern branch was less used than the main Spanish Trail and very little is recorded concerning its use. Antoine Robidoux's trading fort, near Delta, was a principal outpost on the trail.

The first person to record his journey from Santa Fe to Los Angeles was Antonio Armejo, who went on a trading expedition in 1829. His route had never been properly documented until 10 years ago when a historian from the University of Nevada began a study of the origins of the trail for her masters thesis. Much of what we know about the trail comes from recent scholarship and there is obviously much left to learn.

A journey over the Spanish Trail and the northern branch in 1848 was later recorded by Lt. George B. Brewerton. The young lieutenant accompanied a party of some 30 men which included the noted scout, Kit Carson. Carson was carrying mail from Los Angeles to the East Coast. The party left Los Angeles on May 4 and reached Santa Fe via Taos on June 14, 41 days later. Carson proceeded east, reaching Washington, DC in mid-August, bringing news of the discovery of gold in California, and the great gold rush was on.

Another description of the northern branch of the Old Spanish Trail in Colorado is told in the report of the Gunnison Expedition. In 1853, Capt. John Williams Gunnison, of the U.S. Corps of Topographic Engineers, was commissioned by the War Department to find a route for the railroad across the Colorado Rockies along the 38th Parallel. The party of 31 men and 32 U.S. Army Dragoons left Fort Leavenworth, KS, on June 23, 1853. Among the civilians were a topographer, an artist-topographer, an astronomer, a botanist, a geologist-surgeon, and a wagon master and his crew to manage the 18-unit wagon train.

After crossing the Sangre de Cristo Range, north of La Veta Pass, the Gunnison Expedition came upon the northern branch of the Spanish Trail in the San Luis Valley. Captain Gunnison followed this existing trade route of the northern branch of the Spanish Trail into eastern Utah where it joined the main Spanish Trail. The Gunnison Expedition came to a tragic end on October 26, 1853, when Gunnison and four of his men and three soldiers were killed in a skirmish with Indians near the present site of Delta, UT.

The Old Spanish Trail played a part in all the cultures that occupied the West: the Utes, Navajos, Spaniards, Mexicans, and American settlers, including the mormons. The trail's period of use, from 1830 to the 1880's spans the development of the West, from the Spaniard on foot to the great railways. Few routes, if any, pass through as much relatively pristine country as the Old Spanish Trail, particularly in northwest New Mexico, western Colorado, central Utah, southern Nevada and southern California. A number of independent scholars and various researchers have begun separate studies of different segments of the trail, and an Old Spanish Trail Assoc. was recently founded in Colorado to study and preserve this trail, and raise the public awareness of our country's diverse cultural heritage in this region. Some of the members of the association have already located wagon ruts and other vestiges of the trail's heyday, and a proper study is certain to produce more such exciting echoes of our shared heritage.

These is a groundswell of support for a study of the Old Spanish Trail. I've received resolutions to designate the trail as historic from over 20 municipalities in Colorado, as well as the Colorado General Assembly. There are also a number of volunteer groups along the trail who are anxious to offer their services, expertise and assistance to this very exciting and long overdue endeavor.

The time has come to acknowledge the national historical importance of the Old Spanish Trail. Mr. President, this bill to designate the Old Spanish Trail for study for potential addition to the National Trails System promotes the recognition, protection and interpretation of our history in the West. By introducing this legislation today, we pay tribute to the cultures of the West, and to an important period in American history.

I urge my colleagues to support swift passage of this 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. 587

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

SECTION 1. DESIGNATION.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

''(36) The Old Spanish Trail, beginning in Santa Fe, New Mexico, proceeding through Colorado and Utah, and ending in Los Angeles, California, and the Northern Branch of the Old Spanish Trail, beginning near Espanola, New Mexico, proceeding through Colorado, and ending near Crescent Junction, Utah.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. WELLSTONE, and Mr. PRESSLER):

S. 588. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction with respect to rules governing litigation contesting termination or reduction of retiree health benefits; to the Committee on Labor and Human Resources.

RETIREE HEALTH BENEFITS PROTECTION ACT

Mr. DASCHLE. Mr. President, last week on the floor of the Senate I spoke about the struggles of the 1,200 retirees

of the John Morrell meatpacking plant in Sioux Falls, who, along with over 2,000 other company retirees around the country, found out in January that their health benefits—benefits they believed they would have for life—were being abruptly terminated. These retirees, many of whom had accepted lower pensions in return for the promise of lifetime health benefits, were suddenly faced with the prospect of paying up to $500 a month per couple for health insurance or losing the benefits that they had assumed would be available during their retirement years.

Today I am introducing legislation to help these retirees and their families; legislation that would restore their health benefits as they seek redress in court and establish protections against such arbitrary behavior by employers in the future.

My bill would protect retirees' health benefits in two ways:

First, it would require employers to continue to provide retiree health benefits while a cancellation of benefits is being challenged in court. Anyone who has dealt with our legal system and its long waiting periods and delays knows the importance of this measure.

Why should anyone who has worked for 20 or 30 years be forced to spend his or her life savings on health insurance—or go without health insurance entirely—while their pleas for simple justice wind through the courts?

Second, my bill would eliminate the surprise nature of employee health benefit cancellations by requiring employers to prove they had warned workers in advance, before they retire, that their future benefits could be canceled at some time in the future. That seems only fair.

This legislation recognizes that health benefits are not charity. Many workers give up larger pensions and other benefits in exchange for them. It never occurs to these workers that their benefits could be taken away, with no increase in their pensions or other benefits to compensate for the loss.

Many workers stay with the same company for dozens of years, perhaps all of their adult lives. They believe that a company they help build will reward their loyalty, honesty, and hard work.

Unfortunately, this is not always the case, as the 3,300 retirees of John Morrell & Co. found out only a week before their benefits were terminated.

In this particular case, Morrell retirees received a simple, yet unexpected, letter stating their health insurance plan was being terminated, effective midnight, January 31, 1995—only a week later. The benefits being terminated, the letter said, included all hospital, major medical, and prescription drug coverage, Medicare supplemental insurance, vision care, and life insurance coverage.

For those retirees under 65, this action poses a particular problem. While Morrell gave them the option of paying for their own coverage for up to 1 year, few can afford the $500 monthly premium for a couple. And many cannot purchase coverage at any price, because of preexisting conditions like diabetes or heart disease. Medicare beneficiaries would have to buy expensive supplemental insurance on their own.

Morrell's decision was all the more painful to the retirees because it was so unexpected. These retirees believed they worked for a fair company; that a fair day's work resulted in a fair day's pay. Part of a fair day's pay is the retirement income and benefits employees earn through their service.

These retirees found out the hard way that the company they had helped to build had turned its back on them.

They also found out that the court system was not sympathetic to their cause. An Eighth Circuit Court of Appeals ruling allowed the company to take this action. The union representing the retirees plans to appeal the decision to the Supreme Court.

Sadly, some of the retirees won't live long enough to benefit from a possible reversal.

These proud and hard-working people now worry that high medical costs will impoverish them or force them to rely on their children or the government for financial help. Each day they live in fear of illness and injury because they have no health insurance.

Because this legislation is not just for the Morrell retirees, because what happened to these workers is not an isolated situation—it could happen to any of the 14 million retired workers who believe they and their families have life-long health insurance coverage through their employers.

Two-thirds of American companies surveyed recently had plans to reduce retiree health benefits or to shift more costs to retirees.

The Morrell dispute is one of 35 cases nationwide in which retirees are suing their former companies for slashing those benefits, or cutting them altogether.

As I have said repeatedly, the long-run solution is comprehensive health reform that guarantees every American—and employer—access to affordable health care.

I have fought over the years for this kind of comprehensive reform and was deeply disappointed when the 103d Congress was unable to pass legislation addressing some of our health care system's most serious problems. If we had passed health reform, the Morrell retirees would not be facing this loss of their health benefits today.

Clearly, the problems we talked about in last year's health reform debate did not solve themselves when the session ended.

And some of these problems, like the one the Morrell retirees face, cannot wait for the long-run. These retirees cannot wait for the resolution of the health reform debate.

The new majority in Congress seems to believe the solution to all our problems—economic, social, moral, you name it—is passing their so-called Contract With America.

I believe the solution is restoring the old contract between workers and employers. The contract that said if you work hard, you can get ahead. The contract that said if you give a company 20 or 30 years of loyal service, you can retire with dignity. The contract that said if you give someone your word, you will keep it.

Restoring that contract must be our ultimate aim.

In the meantime, I am determined to work with my colleagues in Congress to make sure retirees can keep their health insurance while they wait for their day in court, and to be sure that no other retirees get an unexpected letter in the mail, similar to the one the Morrell retirees received.

That is the goal of the legislation that I am introducing today.

I hope we can pass this measure expeditiously, to end the injustice of the Morrell situation, and so that others never have to face the problem Morrell retirees are grappling with today.

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. 588

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 ''Retiree Health Benefits Protection Act''.

SEC. 2. RULES GOVERNING LITIGATION INVOLVING RETIREE HEALTH BENEFITS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

''SEC. 516. RULES GOVERNING LITIGATION INVOLVING RETIREE HEALTH BENEFITS.

''(a) MAINTENANCE OF BENEFITS.—

''(1) IN GENERAL.—If—

''(A) retiree health benefits or plan or plan sponsor payments in connection with such benefits are to be or have been terminated or reduced under an employee welfare benefit plan; and

''(B) an action is brought by any participant or beneficiary to enjoin or otherwise modify such termination or reduction,

the court without requirement of any additional showing shall promptly order the plan and plan sponsor to maintain the retiree health benefits and payments at the level in effect immediately before the termination or reduction while the action is pending in any court. No security or other undertaking shall be required of any participant or beneficiary as a condition for issuance of such relief. An order requiring such maintenance of benefits may be refused or dissolved only upon determination by the court, on the basis of clear and convincing evidence, that the action is clearly without merit.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to any action if—

''(A) the termination or reduction of retiree health benefits is substantially similar to a termination or reduction in health benefits (if any) provided to current employees

which occurs either before, or at or about the same time as, the termination or reduction of retiree health benefits, or

''(B) the changes in benefits are in connection with the addition, expansion, or clarification of the delivery system, including utilization review requirements and restrictions, requirements that goods or services be obtained through managed care entities or specified providers or categories of providers, or other special major case management restrictions.

''(3) MODIFICATIONS.—Nothing in this section shall preclude a court from modifying the obligation of a plan or plan sponsor to the extent retiree benefits are otherwise being paid by the plan sponsor.

''(b) BURDEN OF PROOF.—In addition to the relief authorized in subsection (a) or otherwise available, if, in any action to which subsection (a)(1) applies, the terms of the employee welfare benefit plan summary plan description or, in the absence of such description, other materials distributed to employees at the time of a participant's retirement or disability, are silent or are ambiguous, either on their face or after consideration of extrinsic evidence, as to whether retiree health benefits and payments may be terminated or reduced for a participant and his or her beneficiaries after the participant's retirement or disability, then the benefits and payments shall not be terminated or reduced for the participant and his or her beneficiaries unless the plan or plan sponsor establishes by a preponderance of the evidence that the summary plan description or other materials about retiree benefits—

''(1) were distributed to the participant at least 90 days in advance of retirement or disability;

''(2) did not promise retiree health benefits for the lifetime of the participant and his or her spouse; and

''(3) clearly and specifically disclosed that the plan allowed such termination or reduction as to the participant after the time of his or her retirement or disability.

The disclosure described in paragraph (3) must have been made prominently and in language which can be understood by the average plan participant.

''(c) REPRESENTATION.—Notwithstanding any other provision of law, an employee representative of any retired employee or the employee's spouse or dependents may—

''(1) bring an action described in this section on behalf of such employee, spouse, or dependents; or

''(2) appear in such an action on behalf of such employee, spouse or dependents.

''(d) RETIREE HEALTH BENEFITS.—For the purposes of this section, the term 'retiree health benefits' means health benefits (including coverage) which are provided to—

''(1) retired or disabled employees who, immediately before the termination or reduction, have a reasonable expectation to receive such benefits upon retirement or becoming disabled; and

''(2) their spouses or dependents.''

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 515 the following new item:

''Sec. 516. Rules governing litigation involving retiree health benefits.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions relating to terminations or reductions of retiree health benefits which are pending or brought, on or after March 23, 1995.

By Mr. COATS (for himself, Mr. DOLE, Mr. SPECTER, Mr. LUGAR, and Mrs. KASSEBAUM):

S. 589. A bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes; to the Committee on Environment and Public Works.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE

Mr. COATS. Mr. President, today I rise to introduce the Interstate Transportation of Municipal Solid Waste Act of 1995. For the past 5 years, I have fought to give all States and local communities the right to say ''No'' to out-of-State trash. I am convinced that interstate waste legislation is necessary so that States and communities can intelligently plan their waste disposal needs.

As interstate waste legislation has traveled through the Senate and the House, we have learned important principles in the effort to protect importing States while allowing exporters sufficient time to adjust to new rules. My bill incorporates these important principles.

First, my bill allows the importing States to ratchet down the amount of trash they receive. Beginning in 1997, landfills and incinerators that receive more than 50,000 tons of trash may reduce the amount of out-of-State trash they import.

Second, my bill requires the exporting States to reduce the amount of trash that they export by certain target dates. This provision allows for a gradual adjustment on the part of the large exporting States.

Third, my bill allows all States to choose between 1993 and 1994 freeze levels. This provision ensures flexibility without sacrificing protection from flow levels that fluctuate.

Finally, my bill will provide additional backup authority to limit waste flows by allowing the State planning and permitting process to take into account local need when siting new capacity. Under this provision, a State could deny a permit for construction or operation of a new landfill based on the fact that there is no local or regional need.

The flow of waste across State lines is not a new problem. States like Michigan, Ohio, Pennsylvania, Virginia, and Indiana have suffered under the tremendous volumes of out-of-State waste. States have tried to stop the growing shipments of interstate waste by enacting legislation that restricts the flow. Yet, courts have held many of these laws in violation of the commerce clause and therefore unconstitutional. In order to address the constitutional question, Congress must legislate the issue.

During the past 5 years, Congress has come close to giving the States the power to enact interstate waste legislation. Many of my colleagues have worked very hard to see that this is finally accomplished. We have had to give and take on both sides. I am hopeful that this is the year that Congress can complete the task.

This legislation issues a simple plea for each community, each State, to be responsible for the environment, and accountable for the trash they generate.

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. 589

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 ''Interstate Transportation of Municipal Waste Act of 1995''.

SEC. 2. INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

''INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE

''SEC. 4011. (a) AUTHORITY TO RESTRICT OUT-OF-STATE MUNICIPAL WASTE.—(1)(A) Except as provided in subsection (b), if requested in writing by an affected local government, a Governor may prohibit the disposal of out-of-State municipal waste in any landfill or incinerator that is subject to the jurisdiction of the Governor or the affected local government.

''(B) Prior to submitting a request under this section, the affected local government shall—

''(i) provide notice and opportunity for public comment concerning any proposed request; and

''(ii) following notice and comment, take formal action on any proposed request at a public meeting.

''(2) Beginning with calendar year 1995, a Governor of a State may, with respect to landfills covered by the exceptions provided in subsection (b)—

''(A) notwithstanding the absence of a request in writing by the affected local government—

''(i) limit the quantity of out-of-State municipal waste received for disposal at each landfill in the State to an annual quantity equal to the quantity of out-of-State municipal waste received for disposal at the landfill during the calendar year 1993 or 1994, whichever is less; and

''(ii) limit the disposal of out-of-State municipal waste at landfills that received, during calendar year 1993, documented shipments of more than 50,000 tons of out-of-State municipal waste representing more than 30 percent of all municipal waste received at the landfill during the calendar year, by prohibiting at each such landfill the disposal, in any year, of a quantity of out-of-State municipal waste that is greater than 30 percent of all municipal waste received at the landfill during calendar year 1993; and

''(B) if requested in writing by the affected local government, prohibit the disposal of out-of-State municipal waste in landfill cells that do not meet the design and location standards and leachate collection and ground water monitoring requirements of State law and regulations in effect on January 1, 1993, for new landfills.

''(3)(A) In addition to the authorities provided in paragraph (1)(A), beginning with calendar year 1997, a Governor of any State, if requested in writing by the affected local government, may further limit the disposal of out-of-State municipal waste as provided

in paragraph (2)(A)(ii) by reducing the 30 percent annual quantity limitation to 20 percent in each of calendar years 1998 and 1999, and to 10 percent in each succeeding calendar year.

''(B)(i) A State may ban imports from large exporting States if the volumes of municipal solid waste exported by those States did not meet reduction targets.

''(ii) A ban under clause (i) may prohibit imports from States that export more than—

''(I) 3,500,000 tons in calendar year 1996;

''(II) 3,000,000 tons in calendar year 1997;

''(III) 3,000,000 tons in calendar year 1998;

''(IV) 2,500,000 tons in calendar year 1999;

''(V) 2,500,000 tons in calendar year 2000;

''(VI) 1,500,000 tons in calendar year 2001; or

''(VII) 1,500,000 tons in calendar year 2002;

''(VIII) 1,000,000 tons in any calendar year after 2002,

excluding any volume legitimately covered by a host community agreement.

''(4)(A) Any limitation imposed by the Governor under paragraph (2)(A)—

''(i) shall be applicable throughout the State;

''(ii) shall not discriminate against any particular landfill within the State; and

''(iii) shall not discriminate against any shipments of out-of-State municipal waste on the basis of State of origin.

''(B) In responding to requests by affected local governments under paragraphs (1)(A) and (2)(B), the Governor shall respond in a manner that does not discriminate against any particular landfill within the State and does not discriminate against any shipments of out-of-State municipal waste on the basis of State of origin.

''(5)(A) Any Governor who intends to exercise the authority provided in this paragraph shall, within 120 days after the date of enactment of this section, submit to the Administrator information documenting the quantity of out-of-State municipal waste received for disposal in the State of the Governor during calendar years 1993 and 1994.

''(B) On receipt of the information submitted pursuant to subparagraph (A), the Administrator shall notify the Governor of each State and the public and shall provide a comment period of not less than 30 days.

''(C) Not later than 60 days after receipt of information from a Governor under subparagraph (A), the Administrator shall determine the quantity of out-of-State municipal waste that was received at each landfill covered by the exceptions provided in subsection (b) for disposal in the State of the Governor during calendar years 1993 and 1994, and provide notice of the determination to the Governor of each State. A determination by the Administrator under this subparagraph shall be final and not subject to judicial review.

''(D) Not later than 180 days after the date of enactment of this section, the Administrator shall publish a list of the quantity of out-of-State municipal waste that was received during calendar years 1993 and 1994 at each landfill covered by the exceptions provided in subsection (b) for disposal in each State in which the Governor intends to exercise the authority provided in this paragraph, as determined in accordance with subparagraph (C).

''(b) EXCEPTIONS TO AUTHORITY TO PROHIBIT OUT-OF-STATE MUNICIPAL WASTE.—The authority to prohibit the disposal of out-of-State municipal waste provided under subsection (a)(1) shall not apply to—

''(1) landfills in operation on the date of enactment of this section that—

''(A) received during calendar year 1993 documented shipments of out-of-State municipal waste; and

''(B) are in compliance with all applicable State laws (including any State rule or regulation) relating to design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action;

''(2) proposed landfills that, prior to January 1, 1993, received—

''(A) an explicit authorization as part of a host community agreement from the affected local government to receive municipal waste generated out-of-State; and

''(B) a notice of decision from the State to grant a construction permit; or

''(3) incinerators in operation on the date of enactment of this section that—

''(A) received, during calendar year 1993, documented shipments of out-of-State municipal waste;

''(B) are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

''(C) are in compliance with all applicable State laws (including any State rule or regulation) relating to facility design and operations.

''(c) DENIAL OF PERMITS ON GROUND OF LACK OF NEED.—

''(1) DENIAL.—A State may deny a permit for the construction or operation of a new landfill or incinerator or a major modification of an existing landfill or incinerator if—

''(A) the State has approved a State or local comprehensive solid waste management plan developed under Federal or State law; and

''(B) the denial is based on the State's determination, pursuant to a State law authorizing such denial, that there is not a local or regional need of the landfill or incinerator in the State.

''(2) UNDUE BURDEN.—A denial of a permit under paragraph (1) shall not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

''(d) DEFINITIONS.—As used in this section:

''(1) The term 'affected local government' means—

''(A) the public body authorized by State law to plan for the management of municipal solid waste, a majority of the members of which are elected officials, for the area in which the landfill or incinerator is located or proposed to be located; or

''(B) if there is not such body created by State law, the elected officials of the city, town, township, borrough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or proposed to be located.

''(2) The term 'affected local solid waste planning unit' means a political subdivision of a State with authority relating to solid waste management planning in accordance with State law.

''(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside the State. To the extent that it is consistent with the United States-Canada Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal waste generated outside the United States.

''(4) The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out-of-State.

''(5) The term 'municipal waste' means refuse (and refuse-derived fuel) generated by the general public or from a residential, commercial, institutional, or industrial source (or any combination thereof), consisting of paper, wood, yard wastes, plastics, leather, rubber, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal waste' does not include—

''(A) any solid waste identified or listed as a hazardous waste under section 3001;

''(B) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606) or a corrective action taken under this Act;

''(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal waste and has been transported into the State for the purpose of recycling or reclamation;

''(D) any solid waste that is—

''(i) generated by an industrial facility; and

''(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator or a company with which the generator is affiliated;

''(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

''(F) any industrial waste that is not identical to municipal waste with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

''(G) any medical waste that is segregated from or not mixed with municipal waste; or

''(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.''.

SEC. 3. TABLE OF CONTENTS AMENDMENT.

The table of contents of the Solid Waste Disposal Act is amended by adding at the end of the items relating to subtitle D the following new item:

''Sec. 4011. Interstate transportation of municipal waste.''.

By Mr. CRAIG:

S. 590. A bill for the relief of Matt Clawson; to the Committee on Energy and Natural Resources.

PRIVATE RELIEF FOR MATT CLAWSON

Mr. CRAIG. Mr. President, today, I am introducing legislation on behalf of Matt Clawson of Pocatello, ID. Mr. Clawson has been required to pay dearly for mistakes made by his Government. His plaintive appeal for help is a proper place for Congress to begin redressing and reforming profligate regulatory excesses, abuses, and injustices by this Government against its citizens.

Mr. Clawson obtained from the U.S. Forest Service all of the required approvals for his mining claim and plan of operations on the Middle Fork of the Salmon River near the Frank Church River of No Return Wilderness in Idaho. He spend what was for him an enormous sum of money to develop and begin working the claim according to Forest Service requirements. Shortly thereafter, however, and before he could recover any of his investment, he was required to cease operations. The reason was a lawsuit and subsequent court rulings that found the Forest Service had erred in granting the approvals.

This bill simply reimburses Mr. Clawson's expenses with interest

added. It does not attempt to provide compensation for any purported value of the claim. He has exhausted all of his legal remedies, necessitating this private relief bill. I believe the compensation is more than warranted. Moreover, U.S. Claims Court Judge Wiese commented on the record that Mr. Clawson's case had ''been a very troubling case'' for him and he believed ''this man should be given some relief somewhere.'' That somewhere can only be, and must be, here.

By Mrs. HUTCHISON:

S. 592. A bill to amend the Occupational Safety and Health Act of 1970 and the National Labor Relations Act to modify certain provisions, to transfer certain occupational safety and health functions to the Secretary of Labor, and for other purposes; to the Committee on Labor and Human Resources.

OCCUPATIONAL SAFETY AND HEALTH REFORM ACT

Mrs. HUTCHISON. Mr. President, one issue about which all of us have heard from our constituents, over and over again, is the need for fundamental reform of the tortured and increasingly tangled web of Federal overregulation. Perhaps more than in any other area of Federal Government regulation, the Occupational Safety and Health Administration [OSHA] has come to symbolize what is wrong. Today I offer a bill to reform the laws that were originally intended to ensure workplace safety.

I have spoken on the floor of the Senate on numerous occasions in recent months on examples of Federal Government overregulation, of the unintended consequences of regulatory excess that puts Americans out of work, usurps our constitutional rights, and saps our productivity and economic competitiveness. OSHA problems are always at the top of my constituents' concerns.

For example, in my home State of Texas, an OSHA compliance officer from the Corpus Christi area office, stated under oath that OSHA area directors are under enormous pressure to produce high numbers of citations and penalties—that OSHA employees' job performance evaluations apparently depend on meeting de facto quotas. This same OSHA compliance officer also testified that his supervisor directed him to cite companies, even when both the supervisor and the inspector knew full well a company did not violate any regulation and did not warrant a citation. In the words of this conscientious officer, his supervisors told him to hit the employer.

In otherwords, Mr. President, one regulator can carry on a vendetta against an innocent business, thus jeopardizing that business and everyone who depends on that business to support themselves and their families. This sort of thing is not supposed to happen in America, and it is Congress' job to make sure it does not.

Congress originally established OSHA to protect Americans from the threat of injury in the workplace. OSHA was charged with investigating and, if necessary, penalizing businesses that willfully endangered its workers. Businesses and workers have a mutual interest in promoting workplace safety. No responsible businessman or businesswoman would intentionally put another human being at risk. Furthermore, accidents reduce productivity and cost money; they deprive businesses of their most important, hard-working, productive employees. No business prospers when its employees are ill or injured.

Congress founded OSHA with the hope and expectation that the Federal Government could encourage businesses and employees to work together to resolve problems and to foster safer working environments. Mr. President, this hope has been dashed—dashed by the congress' failure to update Federal safety laws to keep pace with changes in the workplace, dashed by the emergence of a culture of regulatory excess that eats away at the vitality of our economy.

Therefore, I introduce a bill today to restore what Congress intended 25 years ago, when OSHA was created, and to inject into our regulatory agencies some common sense and sound objective criteria. My bill aims to foment real cooperation between employer, employee and the Federal Government, and to ensure that OSHA's resources are focused on the safety issues the American people want to have protected—not on vendettas against certain businesses, not on quotas for Federal inspectors to meet, not on tearing down labor-management cooperation we must have if we are to continue as the world's most productive and dynamic economy.

A safe worksite is everybody's responsibility, but today that is not the case. Laws are enforced so that the responsibility rests exclusively on the employer. Employers must be held accountable, but the frivolousness manner in which safety laws are applied in many cases does nothing to improve safety and does incalculable harm to American's confidence in their Government.

Not long ago, the Indiana OSHA found the owner of an Indiana Handy Mart liable for not providing a safe workplace after an armed bandit robbed and killed an employee of the store. In other words, it is the store owner's fault that there are armed criminals on our streets. By this same logic, it is every robbery victim's fault, for not having taken sufficient precautions.

Mr. President, we all know how serious the problem of crime and violence are. But does anyone think the fault for this crisis and the responsibility for overcoming it lies with the victims?

This case highlights the way that regulatory excess has been allowed to drift into absurdity. Indeed, the absurd is becoming the norm, as millions of Americans who operate businesses and work for a living know. It is Congress that has refused to acknowledge how long overdue are the fundamental reforms needed to restore common sense.

My bill will also stop OSHA from citing an employer, even when he or she has provided the proper training and equipment to prevent an accident, and taken every conceivable step to assure safety.

In east Texas, after two workers—a supervisor and his assistant—died of asphyxiation after entering a confined space against strict company policy, originally OSHA concluded that there was no violation, and OSHA closed the case. However, OSHA reopened the case and issued several citations after a civil lawsuit was filed. The employer's insurance company panicked and settled the suit for $1.5 million. Subsequently, OSHA dropped the citations. But the harm was done.

This kind of case sets a very dangerous precedent. The mere fact that OSHA has cited a company is often enough to convince a jury of employer wrongdoing, and in many jurisdictions a citation is admissible as per se negligence. An employer has no choice but to challenge very OSHA citation for fear of civil liability if he or she complies. We must change that, and my bill does—by making OSHA citations and abatement efforts inadmissible as evidence in any private litigation or enhancement of recovery under worker's compensation law.

My bill also changes current OSHA practice of conducting wall-to-wall inspections of a business whenever an employee files a complaint about a specific workplace issue. Congress didn't intend for Federal regulators to tear a business apart every time a complaint is filed. OSHA's current policies threaten every business with a disgruntled employee.

To encourage more labor-management cooperation, my legislation also asks that an employee first notify his or her employer of a potential workplace hazard. Any responsible business operator will take steps to rectify problems before an accident occurs. If not, OSHA can step in and take action. Common sense, Mr. President, just plain common sense.

Another provision of my legislation borrows from the TEAM Act, introduced by my friend from Kansas, Senator KASSEBAUM, who chairs the Senate Labor and Human Resources Committee. Federal regulators currently prohibit employers and employees from forming employer-employee groups to discuss issues like workplace safety. The legislation I introduce today, just like the TEAM Act which Senator KASSEBAUM has authored—which I cosponsored—would permit such legitimate workplace cooperation.

Businesses, especially small businesses, are finding it increasingly difficult to endure the current regulatory environment. The same small business

sector that has always been the engine of economic growth, the creator of most new jobs in our country, is increasingly stifled and hamstrung by a rising tide of Federal overregulation.

But as I speak, OSHA is readying a gigantic expansion of its regulatory authority. Its so-called ergonomics rules will give OSHA authority to control virtually every aspect of a business' operations. Under the proposed new rules, OSHA would be able to set limits on employee productivity, to limit work shifts and overtime, to re-design machinery, even entire production lines, and to prohibit innovation.

At best, these proposed rules are based on the shakiest of scientific justification. But there is no doubt of the harm they will do. Initial estimates put the costs of compliance at $21 billion a year. Eventually, however, these new rules would guarantee our businesses and our workers would lose ground steadily in the vital areas of productivity and innovation, thus doing incalculable harm to our economy.

According to the Clinton administration's 1995 regulatory plan, OSHA is also working on eight other significant new regulations. I bureaucratic parlance, a significant action is one that will cost at least $100 million annually. It's no wonder the administration is requesting a more-than-10 percent increase in OSHA's budget. Enforcing all of these new regulations will require thousands of new inspectors, supervisors, and bureaucrats.

The administration also is fighting to maintain funding for the National Institute for Occupational Safety and Health, which I propose to end. NIOSH costs nearly $133 million this year, with no appreciable benefits for workplace safety or the national welfare.

Twenty-five years ago, this body helped to create a new agency, OSHA, to pursue a worthwhile goal—protecting American workers from avoidable injury in the work place. The idea was based upon a partnership between employers, employees and the Government. That experiment has not worked. The very legislation that was meant to free people from the everyday threat of accidental injury is now threatening to remove our freedoms.

Mr. President, we have the responsibility of averting threats to our freedoms. We can do so merely by doing what Congress intended to do in the first place. Through the application of common sense tests for Federal involvement and return to cooperation, we can make worksites both safer and better.

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. 592

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

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Occupational Safety and Health Reform Act of 1995''.

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. USE OF OSHA IN PRIVATE LITIGATION.

Section 4(b)(4) (29 U.S.C. 653(b)(4)) is amended by adding before the period the following: '', except that an allegation of a violation, a finding of a violation, or an abatement of an alleged violation, under this Act or the standards promulgated under this Act shall not be admissible as evidence in any civil action or used to increase the amount of payments received under any workmen's compensation law for any work-related injury''.

SEC. 3. DUTIES OF EMPLOYERS AND EMPLOYEES.

Section 5 (29 U.S.C. 654) is amended by adding at the end the following new subsection:

''(c) On multi-employer work sites, an employer may not be cited for a violation of this section if the employer—

''(1) has not created the condition that caused the violation; or

''(2) has no employees exposed to the violation and has not assumed responsibility for ensuring compliance by other employers on the work site.''.

SEC. 4. STANDARD SETTING.

(a) STANDARDS.—Section 6(b)(5) (29 U.S.C. 655(b)(5)) is amended to read as follows:

''(5) The development of standards under this section shall be based on the latest scientific data in the field and on research demonstrations, experiments, and other information that may be appropriate. In establishing the standards, the Secretary shall consider, and make findings, based on the following factors:

''(A) The standard shall be needed to address a significant risk of material impairment to workers and shall substantially reduce that risk.

''(B) The standard shall be technologically and economically feasible.

''(C) There shall be a reasonable relationship between the costs and benefits of the standard.

''(D) The standard shall provide protection to workers in the most cost-effective manner and minimize employment loss due to the standard in the affected industries and sectors of industries.

''(E) Whenever practicable, the standard shall be expressed in terms of objective criteria and of the performance desired.''.

(b) VARIANCES.—Section 6(d) (29 U.S.C. 655(d)) is amended by adding at the end the following new sentences: ''No citation shall be issued for a violation of an occupational safety and health standard that is the subject of a good faith application for a variance during the period the application is pending before the Secretary.''.

(c) STANDARD PRIORITIES.—The second sentence of section 6(g) (29 U.S.C. 655(g)) is amended to read as follows: ''In determining the priority for establishing standards dealing with toxic materials or the physical agents of toxic materials, the Secretary shall consider the number of workers exposed to the substance, the nature and severity of potential impairment, and the likelihood of such impairment based on information obtained by the Secretary from the Environmental Protection Agency, the Department of Health and Human Services, and other appropriate sources.''.

(d) REGULATORY FLEXIBILITY ANALYSIS.—Section 6 (29 U.S.C. 655) is amended by adding at the end the following new subsections:

''(h) In promulgating an occupational safety and health standard under subsection (b), the Secretary shall perform a regulatory flexibility analysis described in sections 603 and 604 of title 5, United States Code.

''(i) In promulgating any occupational safety and health standard under subsection (b), the Secretary shall minimize the time, effort, and costs involved in the retention, reporting, notifying, or disclosure of information to the Secretary, to third parties, or to the public to the extent consistent with the purpose of the standard. Compliance with the requirement of this subsection may be included in a review under subsection (f).''.

SEC. 5. INSPECTIONS.

(a) AUTHORITY OF SECRETARY.—Section 8(a)(2) (29 U.S.C. 657(a)(2)) is amended to read as follows:

''(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials in such place of employment.

In conducting inspections and investigations under paragraph (2), the Secretary may question any such employer, owner, operator, agent or employee. Interviews of employees may be in private if the employee so requests.''.

(b) RECORDKEEPING.—

(1) GENERAL MAINTENANCE.—The first sentence of section 8(c)(1) (29 U.S.C. 657(c)(i)) is amended to read as follows: ''Each employer shall make, keep and preserve, and make available upon reasonable request and within reasonable limits to the Secretary or the Secretary of Health and Human Services, such records regarding the activities of the employer relating to this Act as the Secretary, in cooperation with the Secretary of Health and Human Services, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses.''.

(2) RECORDS OR REPORTS ON INJURIES.—Section 8(c) (29 U.S.C. 657(c)) is amended by adding at the end the following new paragraphs:

''(4) In prescribing regulations under this subsection, the Secretary may not require employers to maintain records of, or to make reports on, injuries that do not involve lost work time or that involve employees of other employers.

''(5) In prescribing regulations requiring employers to report work-related deaths and multiple hospitalizations, the Secretary shall include provisions that provide an employer at least 24 hours in which to make such report.''.

(c) INSPECTIONS BASED ON EMPLOYEE COMPLAINTS.—Section 8(f) (29 U.S.C. 657(f)) is amended to read as follows:

''(f)(1)(A) An employee or representative of an employee who believes that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or an authorized representative of the Secretary of such violation or danger.

''(B) Notice under subparagraph (A) shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall state that the alleged violation or danger has been brought to the attention of the employer and the employer has

refused to take any action to correct the alleged violation or danger.

''(C)(i) The notice under subparagraph (A) shall be signed by the employees or representative of employees and a copy shall be provided to the employer or the agent of the employer no later than the time of arrival of an occupational safety and health agency inspector to conduct the inspection.

''(ii) Upon the request of the person giving the notice under subparagraph (A), the name of the person and the names of individual employees referred to in the notice shall not appear in the copy or on any record published, released, or made available pursuant to subsection (i), except that the Secretary may disclose this information during prehearing discovery in a contested case.

''(D) The Secretary may not make an inspection under this section except on request by an employee or representative of employees.

''(E) If upon receipt of the notice under subparagraph (A), the Secretary determines that the employee or employee representative has brought the alleged violation or danger to the attention of the employer and the employer has refused to take corrective action, and there are reasonable grounds to believe such violation or danger still exists, the Secretary shall make a special inspection in accordance with this section as soon as possible. The special inspection shall be conducted for the limited purpose of determining whether such violation or danger exists.

''(2) If the Secretary determines either before, or as a result of, an inspection that there are not reasonable grounds to believe a violation or danger exists, the Secretary shall notify the complaining employee or employee representative of the determination and, upon request by the employee or employee representative, shall provide a written statement of the reasons for the Secretary's final disposition of the case.''.

(d) TRAINING AND ENFORCEMENT.—Section 8 (29 U.S.C. 657) is amended—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

''(g) Inspections conducted under this section shall be conducted by at least one person who has training in, and is knowledgeable of, the industry or types of hazards being inspected.

''(h)(1) Except as provided in paragraph (2), the Secretary shall not conduct routine inspections of, or enforce any standard, rule, regulation, or order under this Act with respect to—

''(A) an employer who is engaged in a farming operation that does not maintain a temporary labor camp and employs 100 or fewer employees; or

''(B) an employer of not more than 100 employees if the employer is included within a category of employers having an occupational injury or a lost workday case rate (determined under the Standard Industrial Classification Code for which such data are published) which is less than the national average rate as most recently published by the Secretary acting through the Bureau of Labor Statistics under section 24.

''(2) In the case of an employer described in subparagraph (B) of paragraph (1), such paragraph shall not be construed to prohibit the Secretary from—

''(A) providing under this Act consultations, technical assistance, and educational and training services;

''(B) conducting under this Act surveys and studies;

''(C) conducting inspections or investigations in response to employee complaints, issuing citations for violations of this Act found during an inspection, and assessing a penalty for violations that are not corrected within a reasonable abatement period;

''(D) taking any action authorized by this Act with respect to imminent dangers;

''(E) taking any action authorized by this Act with respect to health standards;

''(F) taking any action authorized by this Act with respect to a report of an employment accident that is fatal to at least one employee or that results in hospitalization of at least three employees and taking any action pursuant to an investigation of such report; and

''(G) taking any action authorized by this Act with respect to complaint of discrimination against employees for exercising their rights under this Act.''.

SEC. 6. VOLUNTARY COMPLIANCE.

(a) PROGRAM.—The Occupational Safety and Health Act of 1970 (21 U.S.C. 651 et seq.) is amended by inserting after section 8 the following new section:

''SEC. 8A. VOLUNTARY COMPLIANCE.

''(a) IN GENERAL.—The Secretary shall by regulation establish a program to encourage voluntary employer and employee efforts to provide safe and healthful working conditions.

''(b) EXEMPTION.—In establishing a program under subsection (a), the Secretary shall, in accordance with subsection (c), provide an exemption from all safety and health inspections and investigations with respect to a place of employment maintained by an employer, except inspections and investigations conducted for the purpose of—

''(1) determining the cause of a workplace accident that resulted in the death of one or more employees or the hospitalization of three or more employees; or

''(2) responding to a request for an inspection pursuant to subsection (f)(1).

''(c) REQUIREMENTS FOR EXEMPTION.—In order to qualify for the exemption provided under subsection (b), an employer shall provide to the Secretary evidence that—

''(1) the place of employment or conditions of employment have, during the preceding year, been reviewed or inspected under—

''(A) a consultation program provided by any State agency relating to occupational safety and health;

''(B) a certification or consultation program provided by an insurance carrier or other private business entity pursuant to a State program, law, or regulation; or

''(C) a workplace consultation program provided by any other person certified by the Secretary for purposes of providing such consultations; or

''(2) the place of employment has an exemplary safety record and the employer maintains a safety and health program for the workplace that—

''(A) includes—

''(i) procedures for assessing hazards to the employees of the employer that are inherent to the operations or business of the employer;

''(ii) procedures for correcting or controlling the hazards in a timely manner based on the severity of the hazard; and

''(iii) employee participation in the program including, at a minimum—

''(I) regular consultation between the employer and nonsupervisory employees regarding safety and health issues; and

''(II) opportunity for nonsupervisory employees to make recommendations regarding hazards in the workplace and to receive responses or to implement improvements in response to such recommendations; and

''(B) provides assurances that participating nonsupervisory employees have training or expertise on safety and health issues consistent with the responsibilities of the employees.

A program under subparagraph (A) or (B) of paragraph (1) shall include methods that ensure that serious hazards identified in the consultation are corrected within an appropriate time.

''(d) CERTIFICATION.—The Secretary may require that an employer in order to claim the exemption under subsection (b) give certification to the Secretary and notice to the employees of the employer of the eligibility of the employer for an exemption.''.

(b) DEFINITION.—Section 3 (29 U.S.C. 652) is amended by adding at the end the following new paragraph:

''(15) The term 'exemplary safety record' means that an employer has had, in the most recent annual reporting of the employer required by the Occupational Safety and Health Administration, no employee death caused by occupational injury and fewer lost workdays due to occupational injury and illness than the average for the industry of which the employer is a part.''.

SEC. 7. EMPLOYER DEFENSES.

Section 9 (29 U.S.C. 658) is amended by adding at the end the following new subsections:

''(d) No citation may be issued under subsection (a) to an employer unless the employer knew or with the exercise of reasonable diligence would have known of the presence of the alleged violation. No citation shall be issued under subsection (a) to an employer for an alleged violation of section 5, any standard, rule, or order promulgated pursuant to section 6, any other regulation promulgated under this Act, or any other occupational safety and health standard, if such employer demonstrates that—

''(1) employees of such employer have been provided with the proper training and equipment to prevent such a violation;

''(2) work rules designed to prevent such a violation have been established and adequately communicated to employees by such employer; and

''(3) the failure of employees to observe work rules led to the violation.

''(e) A citation issued under subsection (a) to an employer that violates the requirements of any standard, rule, or order promulgated pursuant to section 6 or any other regulation promulgated under this Act shall be vacated if such employer demonstrates that employees of such employer were protected by alternative methods equally or more protective of the safety and health of the employee than the methods required by such standard, rule, order, or regulation in the factual circumstances underlying the citation.

''(f) Subsections (d) and (e) shall not be construed to eliminate or modify other defenses that may exist to any citation.''.

SEC. 8. THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) PROCEDURE FOR ENFORCEMENT.—

(1) NOTIFICATION.—The first sentence of section 10(b) (29 U.S.C. 659(b)) is amended to read as follows: ''If the Secretary has reason to believe an employer has failed to correct a violation for which a citation has been issued within the period permitted for the correction of such violation, the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 17 by reason of such failure, and that the employer has 15 working days within which to notify the Secretary that the employer desires to contest the notification of the Secretary or the proposed assessment of penalty. The period described in the first sentence shall not begin to run until the time for contestation has expired or the entry of a final order by the Commission in a contested case initiated by the employer in good faith and not solely for delay or avoidance of penalties.''.

(2) BURDEN OF PROOF.—Section 10 (29 U.S.C. 659) is further amended by adding at the end the following new subsection:

''(d) In all hearings before the Commission relating to a contested citation, the Secretary shall have the burden of proving by a preponderance of the evidence—

''(1) the existence of a violation;

''(2) that the violation for which the citation was issued constitutes a realistic hazard to the safety and health of the affected employees;

''(3) that there is a likelihood that such hazard will result in employee injury;

''(4) that the employer knew or with the exercise of reasonable diligence should have known of the hazard and violation; and

''(5) that a technically and economically feasible method of compliance exists.''.

(b) JUDICIAL REVIEW.—Section 11(a) (29 U.S.C. 660(a)) is amended by inserting after ''conclusive.'' at the end of the sixth sentence the following: ''The court shall make its own determination as to questions of law, including the reasonable interpretation of standards, and shall not accord deference to either the Commission or the Secretary.''.

SEC. 9. DISCRIMINATION.

(a) COMPLAINT.—Section 11(c)(2) (29 U.S.C. 660(c)(2)) is amended to read as follows:

''(2)(A)(i) Any employee who believes that such employee has been discharged or otherwise discriminated against by the employer of such employee in violation of this subsection may, within 30 days after such violation occurs, file a complaint with the Secretary alleging such discrimination.

''(ii) A complaint may not be filed under clause (i) after the expiration of the 30-day period described in such clause.

''(B)(i) Upon receipt of a complaint under subparagraph (A) and as the Secretary considers appropriate, the Secretary shall conduct an investigation.

''(ii) If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, the Secretary shall attempt to eliminate the alleged violation by informal methods.

''(iii) Nothing said or done, during the use of the informal methods applied under clause (ii) may be made public by the Secretary or used as evidence in any subsequent proceeding.

''(iv) The Secretary shall make a determination concerning the complaint as soon as possible and, in any event, not later than 90 days after the date of the filing of the complaint.

''(C) If the Secretary is unable to resolve the alleged violation through informal methods, the Secretary shall notify the parties in writing that conciliation efforts have failed.

''(D)(i) Not later than 90 days after the date on which the Secretary notifies the parties under subparagraph (C) in writing that conciliation efforts have failed, the Secretary may then bring an action in any appropriate United States district court against an employer described in subparagraph (A).

''(ii) The employer against whom an action under clause (i) is brought may demand that the issue of discrimination be determined by jury trial.

''(E) Upon a showing of discrimination under subparagraph (D)(ii), the Secretary may seek, and the court may award, any and all of the following types of relief:

''(i) An injunction to enjoin a continued violation of this subsection.

''(ii) Reinstatement of the employee to the same or equivalent position.

''(iii) Reinstatement of full benefits and seniority rights.

''(iv) Compensation for lost wages and benefits.

''(F) This subsection shall be the exclusive means of securing a remedy for any aggrieved employee.''.

(b) ACCESS TO RECORDS.—Section 11(c)(3) (29 U.S.C. 660(c)(3)) is amended to read as follows:

''(3) Any records of the Secretary, including the files of the Secretary, relating to investigations and enforcement proceedings pursuant to this subsection shall not be subject to inspection and examination by the public while such inspections and proceedings are open or pending in the United States district court.''.

SEC. 10. INJUNCTION AGAINST IMMINENT DANGER.

Section 13 (29 U.S.C. 662) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(3) by inserting before subsection (b) (as so redesignated by paragraph (2)) the following new subsection:

''(a)(1)(A)(i) If the Secretary determines, on the basis of an inspection or investigation under this section, that a condition or practice in a place of employment is such that an imminent danger to safety or health exists that could reasonably be expected to cause death or serious physical harm or permanent impairment of the health or functional capacity of employees if not corrected immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act, the Secretary—

''(I) may inform the employer, and provide notice by posting at the place of employment to the affected employees of the danger; and

''(II) shall request that the condition or practice be corrected immediately or that the affected employees be immediately removed from exposure to such danger.

''(ii) A notice under clause (i) shall be removed by the Secretary from the place of employment not later than 72 hours after the notice was first posted unless a court in an action brought under subsection (c) requires that the notice be maintained.

''(B) The Secretary shall not prevent the continued activity of employees whose presence is necessary to avoid, correct, or remove the imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a cessation of operations or where cessation of operations is necessary, to permit the cessation to be accomplished in a safe and orderly way.

''(2) No employer shall discharge, or in any manner discriminate against any employee, because the employee has refused to perform a duty that has been identified as the source of an imminent danger by a notice posted pursuant to paragraph (1).''.

SEC. 11. SMALL BUSINESS ASSISTANCE AND TRAINING.

Section 16 (29 U.S.C. 655) is amended—

(1) by inserting ''(a)'' after ''16.''; and

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

''(b) The Secretary shall publish and make available to employers a model injury prevention program that if completed by the employer shall be deemed to meet the requirement for an exemption under section 8A or a reduction in penalty under section 17(a)(2)(B).

''(c) The Secretary shall establish and implement a program to provide technical assistance and consultative services for employers and employees, either directly or by grant or contract, concerning work site safety and health and compliance with this Act. Such assistance shall be targeted at small employers and the most hazardous industries.

''(d) This subsection authorizes the provision of consultative services to employers through cooperative agreements between the States and the Occupational Safety and Health Administration. The consultative services provided under a cooperative agreement under this subsection shall be the same type of services described in part 1908 of title 39 of the Code of Federal Regulations.

''(e) Not less than one-fourth of the annual appropriation made to the Secretary to carry out this Act shall be expended for the purposes described in this section.''.

SEC. 12. PENALTIES.

(a) IN GENERAL.—Section 17 (29 U.S.C. 666) is amended—

(1) by striking out subsections (a), (b), (c), (f), (i), (j), and (k);

(2) by redesignating subsections (d), (e), (g), (h), and (l) as subsections (b), (c), (d), (e), and (f), respectively; and

(3) by inserting after ''17.'' the following:

''(a)(1) Any employer who violates the requirements of section 5, any standard, rule, or order promulgated pursuant to section 6, or any other regulation promulgated under this Act may be assessed a civil penalty of not more than $7,000. The Commission shall have authority to assess all civil penalties provided for in this section, giving due consideration to the appropriateness of the penalty with respect to—

''(A) the size of the employer;

''(B) the number of employees exposed to the violation;

''(C) the likely severity of any injuries directly resulting from such violation;

''(D) the probability that the violation could result in injury or illness;

''(E) the good faith of the employer in correcting the violation after the violation has been identified;

''(F) the extent to which employee misconduct was responsible for the violation; and

''(G) the effect of the penalty on the ability of the employee to stay in business.

''(2) In assessing penalties under this section the Commission shall have authority to determine whether violations should be classified as willful, repeated, serious, other than serious, or de minimus. Regardless of the classification of a violation, there shall be only one penalty assessed for each violation. The Commission may not enhance the penalty based on the number of employees exposed to the violation or the number of instances of the same violation.

''(3)(A) A penalty assessed under paragraph (1) shall be reduced by 25 percent in any case in which the employer—

''(i) maintains a written safety and health program for the work site at which the violation for which the penalty was assessed occurred; or

''(ii) shows that the work site at which the violation for which the penalty was assessed occurred has an exemplary safety record.

''(B) If the employer maintains a program described in subparagraph (A)(i) and has the record described in subparagraph (A)(ii), the penalty shall be reduced by 50 percent.

''(4) No penalty shall be assessed against an employer for a violation other than a violation previously cited by the Secretary or a violation that creates an imminent danger or has caused death or a willful violation that has caused serious injury to an employee.''.

(b) CRIMINAL PENALTIES.—Section 17(c) (29 U.S.C. 666(c)) (as so redesignated by subsection (a)) is amended by adding at the end the following new sentence: ''No employer shall be subject to any State or Federal criminal prosecution arising out of a workplace accident other than under this subsection.''.

SEC. 13. TRANSFER OF CERTAIN OCCUPATIONAL SAFETY AND HEALTH FUNCTIONS.

(a) TRANSFER OF FUNCTIONS; REPEAL.—

(1) NATIONAL INSTITUTE OF OCCUPATIONAL SAFETY AND HEALTH.—The functions and authorities provided to the National Institute of Occupational Safety and Health under section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) are transferred to the Secretary of Labor.

(2) SECRETARY OF HEALTH AND HUMAN SERVICES.—The responsibilities and authorities of the Secretary of Health and Human Services under sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669, 670, and 671) are transferred to the Secretary of Labor.

(3) REPEAL.—Section 22 (29 U.S.C. 671) is repealed.

(b) ADDITIONAL FUNCTIONS.—In carrying out the functions transferred under subsection (a), the Secretary of Labor shall take such actions as are necessary to avoid duplication of programs and to maximize training, education, and research under the Occupational Safety and Health Act of 1970 (29 U.S.C. 671 et seq.).

(c) REFERENCES.—

(1) IN GENERAL.—Each reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(A) the head of the transferred office, or the Secretary of Health and Human Services, with regard to functions transferred under subsection (a), shall be deemed to refer to the Secretary of Labor; and

(B) a transferred office with regard to functions transferred under subsection (a), shall be deemed to refer to the Department of Labor.

(2) DEFINITION.—For the purpose of this subsection, the term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(d) CONFORMING AMENDMENTS.—Not later than 180 days after the effective date of this Act, if the Secretary of Labor determines (after consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget) that technical and conforming amendments to Federal statutes are necessary to carry out the changes made by this section, the Secretary of Labor shall prepare and submit to Congress recommended legislation containing the amendments.

SEC. 14. PREVENTION OF ALCOHOL AND SUBSTANCE ABUSE.

The Occupational Safety and Health Act is amended—

(1) by striking sections 28 through 31;

(2) by redesignating sections 32, 33, and 34 as sections 29, 30, and 31, respectively; and

(3) by inserting after section 27, the following new section:

''SEC. 28. ALCOHOL AND SUBSTANCE ABUSE TESTING.

''(a) IN GENERAL.—Whenever there exists the reasonable probability that the safety or health of any employee could be endangered because of the use of alcohol or a controlled substance in the workplace, the employer of such employee may establish and implement an alcohol and substance abuse testing program in accordance with subsection (b).

''(b) STANDARDS.—The Secretary shall establish standards under section 6 for substance abuse and alcohol testing programs established under subsection (a) as follows:

''(1) The substance abuse testing program shall conform, to the maximum extent practicable, to subpart B of the mandatory guidelines for Federal workplace drug testing programs published on April 11, 1988, by the Secretary of Health and Human Services at 53 F.R. 11979 and any amendments adopted to such guidelines.

''(2) The alcohol testing program shall include an alcohol breath analysis and shall conform, to the maximum extent practicable; to any guidelines developed by the Secretary of Transportation for alcohol testing of mass transit employees under the Department of Transportation and Related Agencies Appropriations Act, 1992.

''(c) TESTING PRIOR TO EMPLOYMENT.—This section shall not be construed to prohibit an employer from requiring an employee to submit to and pass an alcohol or substance abuse test—

''(1) prior to employment by the employer;

''(2) on a for cause basis or where the employer has reasonable suspicion to believe that such employee is using or is under the influence of alcohol or a controlled substance;

''(3) where such test is administered as part of a scheduled medical examination;

''(4) in the case of an accident or incident involving the actual or potential loss of human life, bodily injury, or property damage; or

''(5) during and for a reasonable period of time (not to exceed 5 years) after the conclusion of an alcohol or substance abuse treatment program.''.

SEC. 15. ECONOMIC IMPACT ANALYSIS.

The Secretary of Labor shall conduct a continuing comprehensive analysis of the costs and benefits of each standard in effect under section 6 of the Occupational Safety and Health Act of 1970. The Secretary shall report the results of the analysis to Congress upon the expiration of the 2-year period beginning on the date of the enactment of this Act and every 2 years thereafter.

SEC. 16. LABOR RELATIONS.

(a) DEFINITIONS.—Paragraph (5) of section 2 of the National Labor Relations Act (29 U.S.C. 152(5)) is amended by adding at the end the following new sentence: ''The term does not include a safety committee that is comprised of an employer and the employees of the employer and that is jointly established by the employer and the employees of the employer, or by the employer and a labor organization representing the employees of the employer, to carry out efforts to reduce injuries and disease arising out of employment.''.

(b) UNFAIR LABOR PRACTICES.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the semicolon at the end thereof the following: ''*Provided, further,* That it shall not constitute an unfair practice under this paragraph for an employer and the employees of the employer, or for an employer and a labor organization representing the employees of the employer, to jointly establish a safety committee in which the employer and the employees of the employer carry out efforts to reduce injuries and disease arising out of employment;''.

By Mr. HATCH (for himself, Mr. GREGG, Mrs. KASSEBAUM, Mr. ABRAHAM, Mr. FRIST, and Mr. COATS):

S. 593. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs and for other purposes; to the Committee on Labor and Human Resources.

FDA EXPORT REFORM AND ENHANCEMENT ACT

Mr. HATCH. Mr. President, almost 10 years ago, the Congress had a good idea.

In 1986, we approved legislation which took the unprecedented step of allowing pharmaceutical manufacturers to export their products to 21 foreign nations, without prior FDA approval.

Many though it was a bold step at the time.

It turned out to be a good idea which worked well.

Today, 9 years later, I rise to introduce legislation to take another step in that process. I am joined in cosponsorship of this legislation by Senator GREGG, and by Senators KASSEBAUM, ABRAHAM, FRIST, and COATS.

Let me at this time recognize the outstanding leadership that our House colleague, Representative FRED UPTON, has shown in both drafting and marshalling considerable support for this legislation. This bill would not be possible without Mr. UPTON'S leadership.

Undoubtedly some will also consider this legislation bold. But I submit to my colleagues that it will also turn out to be a good idea which works well. Even better than the 1986 law, which I authorized.

The Hatch-Gregg legislation, the FDA Export Reform and Enhancement Act of 1995, has a simple premise: that the Food and Drug Administration cannot continue to be the traffic cop for world trade in medical goods.

Current Food and Drug Administration regulations significantly restrict the ability of U.S. manufacturers of human and animal drugs, biological, and medical devices to export their products to world markets.

Under section 801(e) of the Federal Food, Drug and Cosmetic Act, exporting a medical device that is not commercially distributed in the U.S. is subject to FDA receipt of the receiving country's approval of the device and FDA determination that the export would not be contrary to the public health and safety of the importing country.

The FDA requires an export permit for unapproved, class III devices, those requiring pre-market approval [PMA's]. Many countries also request a certificate of free sale from the United States indicating that the product has been approved in the United States. This is basically a rubber stamp provided by the FDA on a voluntary basis.

The irony in this situation is that a manufacturer cannot export certain unapproved medical devices, even if they have been approved by the foreign country with an established regulatory system.

Also under section 801(e) of the Food, Drug, and Cosmetic Act, pharmaceutical companies are only free to export unapproved drugs to 21 countries delineated in the law. Those countries are; Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

Prior to 1986, there was no authority for manufacturers of FDA-regulated

products to send those products overseas unless they were first approved by the FDA. The Pharmaceutical Export Act of 1986, allowed, for the first time, manufacturers to export their products to the above list of countries, provided the sponsor is pursuing a new drug application [NDA] in the United States.

Our experience since that time has shown that the law is still too rigid. The list of countries is too proscriptive, and the regulatory requirements unnecessarily burdensome.

For example, the list does not include Israel. It does not include Eastern European countries or most of the Pacific rim. There is near universal agreement this needs to be rectified.

Although the 1986 act represented a good step forward, it has led to the development of a patchwork quilt of bureaucracy that has forced U.S. manufacturers to establish and maintain facilities outside the United States.

For example, prior approval of export plans by FDA is required to ship products overseas. To ship bulk or finished products, companies must apply for prior approval from FDA, be granted approval, and ship the products. This process takes 3–12 months plus transportation time, creating costly delays that reduce market access and penetration by U.S. firms.

It is important to note that market conditions in importing companies may dictate the sale of products utilizing dosage strengths, e.g., 250 milligrams versus 125 milligrams, formulations—caplet, tablet, etc.—or inert ingredients different from those approved or being pursued in the U.S. export of similar, but not identical, products is currently prohibited.

Another problem is that FDA labeling requirements mandate that packaged exports be labeled in English for the FDA-approved indications, regardless of the linguistic or regulatory requirements of the importing country.

At the same time, the law imposes time-consuming requirements on FDA, whose resources should be better directed to reviewing new, life-saving medicines and technologies.

It is clear that FDA is making progress in speeding up review times for drugs and devices, although there still are problems.

For example, FDA says that its average processing time for export permits for medical devices has moved from 65 days in 1993 to 16 days in 1994. For export certificates, the FDA says its processing times have declined from 51.5 days in 1993 to 10 days in 1994.

I must commend the Center director, Dr. Bruce Burlington, and the Office of Device Evaluation Director, Dr. Susan Alpert, for that progress. Their work has really made a difference.

But the FDA statistics don't tell the whole story. These are average review times. In 1993, in some cases, it took the FDA over 270 days to approve export permits, and still up to 150 days for approval in 1994. In 1994 they processed 756 permit applications, and 1,469 certificates.

Not only can FDA review be time-consuming, but using it is a measure of export delays is misleading. Manufacturers have to compile the data to send to FDA requesting export. And, they have to go to the importing country and get a letter proving that the country has approved the device for import. This, too, adds substantial time to the process upfront.

Another concern we have is about the potential for FDA reprogramming its resources away from this activity to another. We have no assurance that the statistics will stay at the current rate.

But I feel compelled to raise the larger point.

I think we have to ask ourselves if this export review is how we want to be spending Government resources in this day and age. If other nations wish to receive the benefits of our technology, why must we insist on approving that technology first?

In a time of unprecedented harmony in worldwide trade, as reflected by recent passage of GATT, our laws relating to the export of foods, drugs, medical devices and cosmetics should reflect that comity as well. The paternalistic approach evidenced in our current law is no longer compatible with today's world marketplace.

The Hatch-Gregg bill remedies this situation by allowing manufacturers to export their products in any countries belonging to the World Trade Organization [WTO]. A second provision allows export to non-WTO countries unless the Secretary of Health and Human Services determines that the possibility of the reimportation of the device or drug into the United States presents an imminent hazard to the public health and safety of the United States and the only means of limiting the hazard is to prohibit the export of the device or drug.

The products to be exported must accord to the specifications of the foreign purchaser. They must not be in conflict with the laws of the country to which they are intended for export. They must be labeled for export on the outside of the shipping package. They must not be sold or offered for sale in domestic commerce. And they cannot have been ''banned,'' or turned down for approval here in the United States.

This is not a health bill, Mr. President, S. 593 is about exports and jobs. It is about U.S. competitiveness abroad.

The U.S. drug manufacturing industry accounts for about $60 billion in annual production, with a trade surplus of $800 million in 1993. Last year, U.S. drug companies accounted for about a third of total world production.

There are approximately 11,000 medical device companies in the United States which make between 60,000 and 80,000 different brands or models. Most of these companies are small. Two-thirds of the companies have fewer than 50 employees.

In Utah, we have over 100 device manufacturing companies, some of the finest in the Nation, and they are really feeling the pinch of our restrictive export policies.

The U.S. medical device manufacturing industry accounts for more than $50 billion in production and had a trade surplus in 1994 of $4.9 billion.

Last year, U.S. companies accounted for 46 percent of global production. Moreover, this industry has been a major source of employment and export growth in recent years.

Between 1988 and 1993, 32 percent of production growth for this industry went to serve strong overseas demand for medical technology. During the same period, employment grew by more than 4 percent a year in this industry.

In June 1944, the Gallup Organization surveyed 58 medical electronics manufacturing companies which—based on their estimates—serve as many as 76 million patients around the world with their products.

These companies indicated the following:

Eighty-three percent said they experienced excessive delays by FDA for approval of new products;

Forty percent said they reduced the number of employees in the United States due to FDA delays;

Twenty-nine percent said they increased their investment in non-U.S. operations; and

Twenty-two percent said they moved U.S. jobs overseas.

This provides compelling evidence that U.S. regulatory policies are driving medical device manufacturing companies offshore. The same thing is happening with pharmaceuticals.

Manufacturers experience so much red-tape in sending their products overseas, that they prefer to make them overseas. The United States is a net loser: in jobs and productivity.

We should not allow this to continue.

Mr. President, almost a week ago, the administration announced it was undertaking several FDA reforms, including a review of its export policy.

I am hopeful that the administration will seriously consider our legislation so that we may work together to see these needed changes in the law are made.

Mr. GREGG. Mr. President, the bill we are introducing today is designed to address a number of problems that currently prohibit American companies from competing in the international marketplace: the Food and Drug Administration's [FDA] export policies on the overseas sale of drugs, biological products, and medical devices. The FDA has repeatedly stated that export issues are not within their realm of expertise, and that they would not oppose a new standard as put forth by Congress.

We are here to submit that new standard. This bill does not call for radical measures that would jeopardize

the safety of citizens of other countries. This bill does not simply allow unapproved products to be randomly shipped around the world. It does not allow export products to be sold domestically.

What this bill does do is recognize the authority of our international trading partners by acknowledging that WTO [World Trade Organization] members have an evolved import system to control what products are being brought into their country, a step up from general GATT signatories. It permits WTO countries to decide for themselves whether or not they want to approve a product to be available to their citizens, and specifies a notification process by U.S. manufacturers to the FDA for those nations that are not WTO members. Our bill specifies that a device which is banned in the United States by the FDA cannot be exported. This legislation provides recourse to the Secretary of Health and Human Services to prohibit exports if she judges there to be an ''imminent hazard'' that the product would be shipped back into the United States, threatening to the health or safety of consumers.

These are all critical components and appropriate to promoting U.S. manufacturers in the international marketplace. The bill is designed to allow U.S. medical technology and products, the best in the world, to compete fairly with foreign manufacturers. And it allows autonomy among our trading partners.

I as pleased to hear the President address FDA reform in his speech on March 16 as part of ''Reinventing Government.'' This is a positive step in dealing with a number of issues that stem from the current regulatory climate at this, and many other, Federal agencies. I look forward to working with the administration and my colleagues here on the Hill to reform the policies and procedures of this important agency.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 594. A bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; to the Committee on Energy and Natural Resources.

PRESIDIO TRUST ESTABLISHMENT ACT

Mrs. BOXER. Mr. President, today I am introducing a bill to minimize the costs to the taxpayer of the newest addition to our National Park System, the Presidio of San Francisco.

In 1972, Congress recognized the park potential of the Presidio. At that time Congressman Phil Burton's legislation creating the Golden Gate National Recreation Area [GGNRA] was drawn to include the Presidio, and provided that the Presidio would become a national park when it was no longer needed by the Army. Thus when the Army vacated the base last September, the Park Service assumed responsibility for administering the Presidio as part of the GGNRA.

It is projected that the new park will attract 10 million or more visitors a year. Those visitors will enjoy one of the most beautiful and historic urban open spaces in the world. The park offers spectacular vistas of the Pacific Ocean, the Golden Gate, the Marin Headlands, San Francisco Bay, and the skyline of San Francisco.

The Presidio also offers over 200 years of military history, from its founding in 1776, through the Civil War, the Spanish-American War and World Wars I and II. Presidio architecture represents a remarkable collection of structures dating from the days of Mexican sovereignty over California. The entire Presidio was declared a national historic landmark in 1962.

The bill we introduce today will establish the Presidio Trust, a public entity modeled on the successful Pennsylvania Avenue Development Corporation.

The Trust will help us put the Presidio's buildings to work for the park. Rents and other revenues will be retained to restore and conserve the Presidio's extraordinary natural and historic resources.

The Trust will manage the facilities at the Presidio which are not of the type normally administered by the National Park Service. It will be responsible for leasing, maintenance, and property management—consistent with the park management plan and the legislation creating the Golden Gate National Recreation Area. The open space, forests, and recreational land will be managed by the Park Service as they are doing in other parts of the GGNRA.

Critical to the success of this undertaking will be the Presidio's ability to generate revenues to offset the costs of operation and capital improvement. The Trust will have the flexibility necessary to negotiate terms of leases and other contracts, to leverage lease revenues, and to utilize a staff qualified in financial management. It will be accountable to the public through a public-private governing board of directors, annual auditing and reporting requirements, and a requirement to adhere to the publicly approved general management plan for the Presidio and the GGNRA authorizing legislation.

According to expert analysis, the Presidio Trust established by this bill would produce savings of 20 to 30 percent when compared to the cost of total Federal management of the Presidio. The Presidio is an example of defense conversion that will be cost effective while serving an important national purpose.

The Presidio is one of the Nation's great treasures. If we act now, we can ensure its successful transformation from a military base into one of the world's outstanding urban parks.

Mr. President, I ask unanimous consent that the full 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. 594

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(2) the Presidio is the oldest continuously operating military post in the Nation dating from 1776, and was designated as National Historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92–589;

(5) as part of the Golden Gate National Recreation Area, the Presidio's outstanding natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area; and

(6) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources that could be utilized in the public interest.

SEC. 2. INTERIM LEASING AUTHORITY.

The Secretary of the Interior (hereinafter in this Act referred to as the ''Secretary'') is authorized to negotiate and enter into leases, at fair market rental and without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), for all or part of the Presidio of San Francisco that is under the administrative jurisdiction of the Secretary until such time as the property concerned is transferred to the administrative jurisdiction of the Presidio Trust. Notwithstanding sections 1341 and 3302 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and used for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. For purposes of any such lease, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties within the Presidio.

SEC. 3. THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a body corporate within the Department of the Interior to be known as the Presidio Trust (hereinafter in this Act referred to as the ''Trust'').

(b) TRANSFER.—(1) The Secretary shall transfer to the administrative jurisdiction of the Trust those areas commonly known as the Letterman/LAIR complex, Fort Scott, Main Post, Cavalry Stables, Presidio Hill, Wherry Housing, East Housing, the structures at Crissy Field, roads, utilities or other infrastructure servicing the properties and such other properties that the Secretary deems appropriate, as depicted on the map referred to in this subsection. The Trust and the Secretary shall agree on the use and occupancy of buildings and facilities necessary to house and support activities of the National Park Service at the Presidio.

(2) Within 60 days after enactment of this section, the Secretary shall prepare a map identifying properties to be conveyed to the Trust.

(3) The transfer for administrative jurisdiction shall occur within 60 days after appointments are made to the board of Directors.

(4) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, all leases, concessions, licenses, permits, programmatic agreements and other agreements affecting such property and any revenues and unobligated funds associated with such leases, concessions, licenses, permits, and agreements.

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors consisting of the following 5 members:

(A) The Secretary of the Interior or the Secretary's designee.

(B) 4 individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, and real estate. At least 3 of these individuals shall reside in the region in which the Presidio is located.

(2) TERMS.—The President shall make the appointments referred to in subparagraph (B) of paragraph (1) within 90 days and in such a manner as to ensure staggered 4-year terms. Any vacancy under subparagraph (B) of paragraph (1) shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. No appointed director may serve more than 8 years in consecutive terms. No member of the Board of Directors may have a financial interest in any tenant of the Presidio.

(3) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(4) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act.

(5) PUBLIC LIAISON.—The Board shall establish procedures whereby liaison with the public, through the Golden Gate National Recreation Area Advisory Commission, and the National Park Service, shall be maintained.

(d) DUTIES AND AUTHORITIES.—In accordance with the purposes set forth in this Act and in section 1 of the Act entitled ''An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes'', approved October 27, 1972 (Public Law 92–589; 86 Stat. 1299; 16 U.S.C. 460bb), the Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio which is under its administrative jurisdiction. The Trust may participate in the development of programs and activities at the properties that have been transferred to the Trust. In exercising its powers and duties, the Trust shall act in accordance with the approved General Management Plan, as amended, for the Presidio (hereinafter in this Act referred to as the ''Plan'') and shall have the following authorities:

(1) The Trust is authorized to manage, lease, maintain, rehabilitate and improve, either directly or by agreement, those properties within the Presidio which are transferred to the Trust by the Secretary.

(2)(A) The Trust is authorized to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation entities of Federal, State and local governments (except any agreement to convey fee title to any property located at the Presidio) as are necessary and appropriate to finance and carry out its authorized activities. Agreements under this paragraph may be entered into without regard to section 321 of the Act of June 30, 1992 (40 U.S.C. 303b).

(B) Except as provided in subparagraphs (C), (D), and (E), Federal laws and regulations governing procurement by Federal agencies shall apply to the Trust.

(C) The Secretary may authorize the Trust, in exercising authority under section 303(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 253(g)) relating to simplified purchase procedures, to use as the dollar limit of each purchase or contract under this subsection an amount which does not exceed $500,000.

(D) The Secretary may authorize the Trust, in carrying out the requirement of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to furnish the Secretary of Commerce for publication notices of proposed procurement actions, to use as the applicable dollar threshold for each expected procurement an amount which does not exceed $1,000,000.

(E) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Presidio facilities, including a requirement that in entering into such agreements the Trust shall obtain such competition as is practicable in the circumstances.

(3) The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code (relating to classification and General Schedule pay rates).

(4) To augment or encourage the use of non-Federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the following authorities:

(A) The authority to guarantee any lender against loss of principal or interest on any construction loan, provided that (i) the terms of the guarantee are approved by the Secretary of the Treasury, (ii) adequate guarantee authority is provided in appropriations Acts, and (iii) such guarantees are structured so as to minimize potential cost to the Federal Government.

(B) The authority, subject to available appropriations, to make loans to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

(C) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. The aggregate amount of obligations issued under this subparagraph which are outstanding at any one time may not exceed $150,000,000. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph. All obligations purchased under authority of this subparagraph must be authorized in advance in appropriations Acts.

(D) The Trust shall be deemed to be a public agency for the purpose of entering into joint exercise of powers agreements pursuant to California government code section 6500 and following.

(5) The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations and other private or public entities for the purpose of carrying out its duties. The Trust shall maintain philanthropic liaison with the Golden Gate National Park Association, the fund raising association for the Golden Gate National Recreation Area.

(6) All proceeds received by the Trust shall be retained by the Trust without further appropriation and used to offset the costs of administration, preservation, restoration, operation, maintenance, repair and related expenses incurred by the Trust with respect to such properties under its jurisdiction. Upon the request of the Trust, the Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities with maturities suitable to the needs of the Trust.

(7) The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General, as needed; the Trust may retain private attorneys to provide advice and counsel.

(8) The Trust shall have all necessary and proper powers for the exercise of the authorities invested in it.

(9) For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

(e) INSURANCE.—The Trust shall procure insurance against any loss in connection with the properties managed by it or its authorized activities as is reasonable and customary.

(f) BUILDING CODE COMPLIANCE.—The Trust shall ensure that all properties under its jurisdiction are brought into compliance with all applicable Federal building codes and regulations within 10 years after the enactment of this Act.

(g) TAXES.—The Trust shall be exempt from all taxes and special assessments of every kind in the State of California, and its political subdivisions, including the city and county of San Francisco to the same extent as the Secretary.

(h) FINANCIAL INFORMATION AND REPORT.—(1) Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) At the end of each calendar year, the Trust shall submit to the Secretary and the

Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

(i) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from exercising any of the Secretary's lawful powers within the Presidio.

(j) LEASING.—In managing and leasing the properties transferred to it, the Trust should consider the extent to which prospective tenants maximize the contribution to the implementation of the General Management Plan and to the generation of revenues to offset costs of the Presidio. The Trust shall give priority to the following categories of tenants: tenants that enhance the financial viability of the Presidio thereby contributing to the preservation of the scenic beauty and natural character of the area; tenants that facilitate the cost-effective preservation of historic buildings through their reuse of such buildings, or tenants that promote through their activities the general programmatic content of the plan.

(k) REVERSION.—In the event of failure or default, all interests and assets of the Trust shall revert to the United States to be administered by the Secretary.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the activities of the Trust.

(m) SEPARABILITY OF PROVISIONS.—If any provisions of this Act or the application thereof to any body, agency, situation, or circumstance is held invalid, the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 595. A bill to provide for the extension of a hydroelectric project located in the State of West Virginia; to the Committee on Energy and Natural Resources.

EXTENSION OF FERC LICENSE FOR GRAFTON, WV

Mr. BYRD. Mr. President, I introduce, on behalf of myself and Senator ROCKEFELLER, a bill to grant the city of Grafton, WV, a 4-year extension of its Federal Energy Regulatory Commission [FERC] license to begin construction of a hydroelectric power project at Tygart Dam in Taylor County. This project is to be financed entirely by the city of Grafton and its investors through nonpublic equity and debt. This extension is necessary because the license expires during the current year and over $3 million has already been invested in this project. The hydroelectric project takes advantage of the existing dam on the Tygart River in order to generate power and will also include the development of recreational facilities. Extensive environmental studies on the project have been conducted in coordination with interested regulatory agencies. Without any contribution from the Federal Government, the city and its investors will finance the project, which will include fishing piers, walkways, picnic facilities, and a parking area.

The city and its investors anticipate that the project would employ 200 staff during the peak of construction, with a $1 million monthly payroll. The total construction payroll for the project is expected to be $15 million. The Grafton hydropower project will provide substantial taxes and other payments to various governmental entities during construction and operation. The Federal Government will benefit from this project since it will receive annual payments of $200,000 from the hydroelectric project. The Federal Government also will receive income tax from the project, as it will be privately financed. It is hoped that the license extension made possible by this bill will bring significant economic development to the Taylor County region of West Virginia.

By Mr. HARKIN (for himself and Mr. BRADLEY):

S. 596. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for advertising and promotional expenses for tobacco products; to the Committee on Finance.

ELIMINATION OF DEDUCTIBILITY OF TOBACCO ADVERTISING

Mr. HARKIN. Mr. President, I rise today to introduce an important piece of legislation that addresses a very serious problem in a commonsense way. During the budget debate in 1992 I offered an amendment to limit the tax deductibility of tobacco advertising. It didn't pass. And, because it didn't pass, the American taxpayers are still coughing up billions to promote smoking.

The legislation I am introducing today would eliminate the taxpayer deductibility of tobacco advertising and promotion.

These days we hear a lot of talk about cuts in school lunches, cuts in the WIC Program, cuts in investments to improve the health of Americans.

I believe there's a better way to go—with commonsense cuts that promote the health of our economy and the health of our people.

It's time for tobacco companies to quit blowing our tax dollars up in smoke with their big tobacco advertising campaigns. It's time for them to stop luring our kids into their deathtraps.

According to the Federal Trade Commission the tobacco industry spent $5.2 billion in 1992 to advertise and promote cigarettes. But that's not just their money, it's ours, too. Because all of those expenses are tax deductible.

In fact, American taxpayers are coughing up nearly $2 billion a year in tax subsidies and serving as a silent partner in helping big tobacco companies peddle their products and hook our kids.

This taxpayer-subsidized multi-billion-dollar effort includes ads in magazines and newspapers, and outside advertising such as billboards, advertising at supermarkets and convenience stores, use of gifts, and sponsorship of sporting events.

And all of this is designed to convince people that smoking is cool—necessary for social acceptance and helps make one attractive to the opposite sex. It is deliberately designed to keep people smoking, but more importantly, to attract a new generation to the smoking habit.

Every day, another $5 million of taxpayer money is used to promote a product that—when used as intended—causes disease, disability, and death.

Every day, another 3,000 of America's children get hooked on smoking.

Consider what the taxpayers receive for their money. We get Old Joe Camel. If you don't know who Joe Camel is just ask any first-grader.

According to a study published in the Journal of the American Medical Association, more 6-year-olds can identify Old Joe Camel than adults. In fact, just as many 6-year-olds can identify Old Joe Camel as they can Mickey Mouse.

And his name recognition has really paid off—since the introduction of Old Joe, sales of Camel cigarettes to children under 18 went from $6 million to over $476 million a year.

But that's not all. Joe is branching out. And so are some of his competitors. They have all started what I call merchandising clubs in which you can smoke your way to all sorts of gifts.

A study in this month's Consumer Reports magazine found that 11 percent of children between the age of 12 to 17 owned at least one tobacco industry promotional item.

And it only gets worse, cigarette companies not only know what kids like, they know where they live. The same poll in Consumer Reports found that 7.6 percent of teens received cigarette company mail at home addressed directly to them. If you carry those figures nationwide, that means 1.6 million children are on the tobacco mailing list.

These campaigns are outrageous and they violate the industry's own cigarette advertising code. The industry has adopted a code that states that ''cigarette advertising shall not represent that cigarette smoking is essential to social prominence, distinction, success, or sexual attraction.

But how does that square with these ads? How does that square with the Marlboro Aventure Team? How does that square with Joe Camel? It simply doesn't and we ought not subsidize it.

Mr. President, I am also pleased to join Senator LAUTENBERG in legislation he is offering today to allow American taxpayers to recover Medicare, Medicaid, and other Federal health program costs associated with tobacco-related illnesses. For too long the tobacco companies have been raking in profits while the American taxpayers have been coughing up billions in health care costs attributable to tobacco related illness.

The Medicare and Medicaid share of these costs total over $15 billion per year and the costs to other Federal health programs are nearly $5 billion.

The Columbia University Center on Addiction and Substance Abuse has estimated that tobacco-related illnesses

will cost the Medicare program $800 billion over the next 20 years. At that rate, Medicare will go bankrupt.

It is unconscionable that the tobacco industry has profited while the taxpayer has been left with the devastating and widespread costs associate with tobacco use.

The legislation introduced by Senator LAUTENBERG would hold manufacturers accountable for the damage they do. Manufacturers of tobacco products would pay for the cost of tobacco-related illness incurred by Government through the Medicaid, Medicare, and other health programs.

I am also pleased that Senator BRADLEY is introducing legislation to further the effort to decrease cigarette smoking. An increase in the tobacco tax is one of the most effective methods for significantly reducing tobacco use among children and adults. We know that for every 10 percent increase in the price of tobacco products, there will be approximately a 4-percent decrease in tobacco consumption, and possibly even greater decrease in tobacco use among children.

Mr. President, we must take every possible opportunity to convince people to stop smoking and prevent children from ever taking up the habit. As former Surgeon General C. Everett Koop stated:

> Smoking is associated with more death and illness than drugs, alcohol, automobile accidents, and AIDS combined.

U.S. Public Health Service figures tell us that over 430,000 Americans will die from cigarette smoking this year. That is more than the number of Americans who died in all of World War II. Over 1,000 Americans will die today from smoking. That is more than the equivalent of two fully loaded jumbo jets crashing with no survivors—every day.

The medical data on the health effects of smoking are well established. Since 1964, when the first Surgeon General's ''Report on Smoking and Health'' was issued, some 50,000 scientific studies on the relationship between smoking and disease have been conducted. Smoking has been shown to be a major case of heart disease, chronic bronchitis, and emphysema; cancers of the lung, larynx, mouth, esophagus, pancreas, and bladder; pneumonia and stomach cancers.

Mr. President, as we look for way to tackle the budget deficit we should not be cutting initiatives that help people and investment in our future. Instead we should close the corporate tax loopholes. And let's start by eliminating special breaks that help big tobacco corporations and hurt our kids.

Passage of the Harkin, Lautenberg, and Bradley bills would be a triple play for our economy and our Nation's health.

Mr. President, I ask unanimous consent that a copy 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. 596

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

SECTION 1. DISALLOWANCE OF DEDUCTIONS FOR ADVERTISING AND PROMOTIONAL EXPENSES RELATING TO TOBACCO PRODUCT USE.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end the following new section:

''SEC. 2801. DISALLOWANCE OF DEDUCTION FOR TOBACCO ADVERTISING AND PROMOTIONAL EXPENSES.

No deduction shall be allowed under this chapter for expenses relating to advertising or promoting cigars, cigarettes, smokeless tobacco, pipe tobacco, or any similar tobacco product. For purposes of this section, any term used in this section which is also used in section 5702 shall have the same meaning given such term by section 5702.''

(b) CONFORMING AMENDMENT.—The table of sections for such part IX is amended by adding after the item relating to section 280H the following new item:

''Sec. 280I. Disallowance of deduction for tobacco advertising and promotion expenses.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1995.

Mr. BRADLEY. Mr. President, I rise today, along with Senator HARKIN, to introduce legislation that would amend the Internal Revenue Code of 1986 to forbid tobacco companies to deduct their advertising and promotional expenses when calculating their taxes.

I have already discussed the huge toll—in both economical and human terms—which tobacco wreaks on this country. And I have already introduced a bill increasing the tax on all tobacco products by a factor of five. Mr. President, the Harkin-Bradley bill complements my earlier bill by ensuring that Federal Government acts consistently when it comes to tobacco.

Why do I say the Government acts inconsistently with regard to tobacco? Because on the one hand, it allows tobacco companies to deduct their advertising and promotional costs on their taxes. These tax exemptions are the equivalent of direct Government payments. In terms of lost revenues to the Federal Treasury, they are no different from cash payments to AFDC recipients. And we're not talking a small amount of money—in 1992, these deductions were worth approximately $1.7 billion a year to tobacco companies.

On the other hand, the Government spends millions and millions of dollars to try to offset the harmful effects caused by tobacco use. We are giving more than $1.7 billion to the National Cancer Institute for research this year alone; this includes $114 million specifically for lung cancer. We require warning labels to be placed on cigarette packages to inform our citizens of the direct links between tobacco use and respiratory and lung diseases and possible birth defects. We provide millions of dollars for public health campaigns to warn people of the danger of tobacco, and to help them to quit.

These are directly contradictory policies. First, we give the tobacco companies a tremendous tax incentive—a Government handout—essentially encouraging them to advertise and promote tobacco products. Then, we turn around and spend a billion or two trying to unravel the harm that we have helped to cause, to reduce the health devastation we have contributed to, by funding research on tobacco use and to fund campaigns to discourage and end its use.

And think about those advertising and promotional campaigns which we are helping to finance. Many of them are targeted at our youth, who often may ignore well-intended and wise warnings about mortality, and instead obey the behavior of their own peer groups who believe that smoking is cool. Approximately 90 percent of all smokers begin in their teens or younger. The tobacco companies know this and specifically target younger age groups in their advertising. And the Federal Government helps to pay the bill for them to do so.

Mr. President, virtually all of the health care bills which were considered last session placed great emphasis on prevention. We know we can reduce health care costs if we encourage our citizens to avoid unhealthy choices, and to exercise regularly, to eat right, and design our health care system to focus on preventive care and not wait until someone is sick to treat them. Yet cigarette smoking is the single most preventable cause of death in the United States. This bill takes action now to put meaning into all the rhetoric about prevention. And at the same time, it will save the Federal Government an estimated $1.7 billion a year in foregone tax expenditures, once it is fully implemented.

Mr. President, this bill is health care reform that is right on target. It doesn't control prices, limit choices, or require any new Government intervention in health care. It addresses only those who are directly responsible for the largest preventable cause of death in the United States—the tobacco companies themselves.

Mr. President, the Government should speak with one voice on this problem, and that voice should unequivocally say: ''Tobacco use will harm you.'' We will not subsidize the seller; we will not underwrite the smoker; we will support efforts to stop; and we will dedicate our resources to preventing Americans from ever starting. I urge my colleagues to join me in ensuring that we speak with one voice by supporting this bill.

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. HARKIN):

S. 597. A bill to insure the long-term viability of the Medicare, Medicaid, and other Federal health programs by

establishing a dedicated trust fund to reimburse the Government for the health care costs of individuals with diseases attributable to the use of tobacco products; to the Committee on Finance.

MEDICARE/MEDICAID SOLVENCY ACT

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Medicare/Medicaid Solvency Act of 1995. This legislation will require the tobacco industry to reimburse the Federal Government for Medicare, Medicaid, and other Federal health care program costs for diseases attributable to tobacco products.

Deliberations on the budget will soon begin and it looks like the Congress is serious about undertaking real, meaningful, and significant deficit reduction. My bill will do just that.

Any serious attempt at deficit reduction must consider health care, particularly the Medicare, Medicaid, and the other Federal health care programs. Federal expenditures for these programs have skyrocketed in recent years and current HCFA projections indicate that the Medicare trust fund, which pays for Medicare part A costs, will become insolvent shortly after the turn of the century. Medicare part B, Medicaid, and other Federal health programs have no dedicated trust fund and contribute with increasing severity each year to the deficit spending about which we here in Congress complain so vehemently. It is now clear to everyone that changes in our Federal health care programs are inevitable if we wish to control and reduce the deficit.

My Republican colleagues have proposed to cut Medicare and Medicaid by $255–$275 billion over the next 5 years. As much as I admire the Republicans' commitment to reducing Government waste and inefficiency, I do not believe we should seek to reduce the deficit by cutting health care for our most vulnerable citizens: seniors, children, and the disabled.

And so I now proposed a better idea. The Centers for Disease Control tell us that Federal health care expenditures for diseases attributable to tobacco products are currently about $20 billion per year. While tobacco companies receive approximately $100 billion in annual revenues and earn huge profits from the sale of their deadly products, taxpayers are forced to pay the health care bills for the diseases those products cause. This is outrageous and is exactly backwards from what logic and justice tell us it ought to be. We need to turn this system on its head. We should be sending the Federal health care bills for tobacco-related diseases to the tobacco companies rather than to the taxpayers.

It is time to get serious about reducing the deficit. And the right way to reduce the deficit is not to reduce health care programs for people in need; rather it is to insist that the tobacco industry accept financial responsibility for the problems it knowingly causes. My bill does this.

My message to the Republican leadership is simple: The tobacco industry must be a part of any deficit reduction package. Much has been said in this Chamber about the need to reduce the Federal deficit, and the need for individuals to take responsibility for their actions. Now it is time for the tobacco industry to accept responsibility for its actions. No member of this body who wishes to remain credible on deficit reduction can continue to ignore the extraordinary impact of this one industry on Government spending. There is no choice: either we vote to make the tobacco industry part of the solution to the deficit problem, or we abandon any pretense of being serious on this issue.

My bill will reduce the deficit by $100 billion over 5 years. That is approximately $1,000 for every taxpayer in the country. It does this by directing the Secretary of Health and Human Services to annually determine the amount of Federal health care expenditures for diseases attributable to tobacco products and then authorizes the Secretary of the Treasury to bill each tobacco company for its share of those expenditures, based on each company's share of the market for tobacco products. My bill does not penalize smokers nor does it restrict smoking in any way. It simply demands that those tobacco companies whose products are the direct and immediate cause of many billions of dollars of Federal health care costs pay their fair share of those costs.

The real question is: Who will pay for the Federal health care costs for diseases attributable to tobacco products? Will it be the American taxpayers who are drowning in our national debt, or will it be the tobacco companies who are swimming in profits? With this legislation, I choose to side with the taxpayers and I hope my Senate colleagues will do so as well.

Mr. President, I ask unanimous consent to have the text of this bill, a fact sheet, and a letter of support from the Coalition or Smoking or Health printed in the RECORD.

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

S. 597

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 ''Medicare/Medicaid Solvency Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) illnesses and diseases that result from the use of tobacco products cost Federal Government health care programs billions of dollars, including $10,200,000,000 in the medicare program, $5,100,000,000 in the medicaid program, and $4,700,000,000 in other Federal health programs in fiscal year 1993;

(2) in April 1994, the trustees of the medicare trust funds concluded that such funds may be insolvent in 2001;

(3) such insolvency would severely affect the ability of the medicare trust funds to continue to protect the health of America's senior citizens; and

(4) the medicare population has a significantly higher risk of contracting illnesses and diseases that result from the use of tobacco products than younger age groups.

(b) PURPOSE.—The purpose of this Act is to insure the long-term viability of the medicare, medicaid, and other federal health programs by establishing a dedicated trust fund to reimburse the government for the health care costs of individuals with diseases attributable to the use of tobacco products.

SEC. 3. TOBACCO PRODUCT MANUFACTURERS CONTRIBUTION TO HEALTH CARE COST REIMBURSEMENT TRUST FUND.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by adding at the end the following new subtitle:

''Subtitle K—Tobacco Product Manufacturers Contribution to Health Care Cost Reimbursement Trust Fund.

''CHAPTER 100. Tobacco Product Manufacturers Contribution to Health Care Cost Reimbursement Trust Fund.

''CHAPTER 100—TOBACCO PRODUCT MANUFACTURERS CONTRIBUTION TO HEALTH CARE COST REIMBURSEMENT TRUST FUND.

''Sec. 9801. Establishment of Tobacco Product Health Care Cost Reimbursement Trust Fund.

''Sec. 9802. Contributions to Trust Fund.

''SEC. 9801. ESTABLISHMENT OF TOBACCO PRODUCT HEALTH CARE COST REIMBURSEMENT TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Tobacco Product Health Care Cost Reimbursement Trust Fund' (hereafter referred to in this chapter as the 'Trust Fund'), consisting of such amounts as may be appropriated or transferred to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—The Secretary shall transfer to the Trust Fund an amount equivalent to contributions received in the Treasury under section 9802.

''(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—

''(1) IN GENERAL.—The amounts in the Trust Fund shall be available in each fiscal year (beginning with fiscal year 1997), as provided by appropriation Acts, to the Secretary—

''(A) to distribute to each particular Secretary responsible for the expenditure of Federal funds for that fiscal year under title XVIII or XIX of the Social Security Act or any other Federal program for the payment of health care costs of individuals with diseases attributable to the use of tobacco products, and

''(B) to pay all expenses of administration incurred by the Department of the Treasury in administering this chapter and the Trust Fund.

''(2) DETERMINATION OF DISTRIBUTION.—Each particular Secretary described in paragraph (1)(A) shall submit to the Secretary of the Treasury such documentation as the Secretary requires to determine the appropriate distribution under paragraph (1)(A).

''(3) USE OF DISTRIBUTIONS.—In any case in which an expenditure of Federal funds described in paragraph (1)(A) was made from a trust fund, the distribution under paragraph (1)(A) reimbursing such expenditure shall be made to such trust fund.

''(4) STATE MEDICAID EXPENDITURES.—For purposes of this section, the Secretary of Health and Human Services shall include in the Secretary's submission under paragraph (2) the expenditure of State funds under State plans under title XIX of the Social Security Act for the payment of health care

costs of individuals with diseases attributable to the use of tobacco products, and to the extent the distribution to the Secretary under paragraph (1)(A) is attributable to such expenditure, shall reimburse the various States for such expenditures.

''(d) ADMINISTRATIVE RULES.—For purposes of this section, the rules of subchapter B of chapter 98 shall apply.

''(e) TOBACCO PRODUCTS.—For purposes of this chapter, the term 'tobacco products' has the meaning given such term by section 5702(c).

''SEC. 9802. CONTRIBUTIONS TO TRUST FUND.

''(a) ANNUAL PREMIUMS.—Each manufacturer of tobacco products shall pay to the Trust Fund, an annual contribution equal to the product of the amount determined under subsection (b) for each fiscal year (beginning with fiscal year 1997) and the manufacturer's market share percentage determined under subsection (c) for the calendar year preceding such fiscal year.

''(b) DETERMINATION OF FUNDING LEVELS.—

''(1) IN GENERAL.—Not later than the date the President is required to submit the budget of the United States for a fiscal year to Congress, the Director of the Centers for Disease Control and Prevention, after consultation with the Directors of the National Institutes of Health, the National Cancer Institute, and the National Heart, Lung, and Blood Institute, shall make an estimate of—

''(A) the amount of Federal expenditures for that fiscal year under titles XVIII and XIX of the Social Security Act and other Federal programs, and

''(B) the amount of State expenditures for that fiscal year under State plans under title XIX of the Social Security Act,

for payment of health care costs of individuals with diseases attributable to the use of tobacco products.

''(2) DISCLOSURE OF ESTIMATE METHODOLOGY.—The Director of the Centers for Disease Control and Prevention shall publish in the Federal Register all relevant documentation considered and the methodology used in making the estimate described in paragraph (1).

''(3) REPORT IN BUDGET.—The President shall include the estimate described in paragraph (1) in the budget for the fiscal year.

''(c) MARKET SHARE PERCENTAGE.—

''(1) IN GENERAL.—Not later than July 1, the Secretary shall determine and publish the market share percentage for the preceding calendar year for each manufacturer of tobacco products by determining such manufacturer's percentage share of the total amount of tobacco products sold in the United States during such calendar year.

''(2) INFORMATION.—Not later than April 1, each manufacturer of tobacco products shall furnish to the Secretary such information as the Secretary may require to determine any market share percentage under this subsection for the preceding calendar year.

''(d) PAYMENT OF CONTRIBUTIONS.—The annual contribution under subsection (a) for any fiscal year shall be payable in 12 monthly installments, due on the twenty-fifth day of each calendar month in the fiscal year.

''(e) ENFORCEMENT.—For penalties and other general and administrative provisions applicable to this section, see subtitle F.

''(f) MANUFACTURER OF TOBACCO PRODUCTS.—For purposes of this section, the term 'manufacturer of tobacco products' has the meaning given such term by section 5702(d).''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

MEDICARE/MEDICAID SOLVENCY ACT—SUMMARY

Federal Health Care Costs Associated with Tobacco Use:

Medicare, $10.2 billion; Medicaid, $5.1 billion; Other Fed., $4.7 billion.

Total: $20.0 billion (Per Year—1993 CDC Figures).

MEDICARE/MEDICAID SOLVENCY ACT

A special HHS panel will determine the total amount of Federal funds spent on tobacco related illnesses each year.

The Secretary of Treasury shall collect a special annual levy from each tobacco company, based on market share, to recoup all the Federal funds spent on treating tobacco related illnesses.

Any State Medicaid funds recouped under this bill would be returned to state treasuries.

This legislation is similar to the Black Lung Trust Fund which collects a levy on mined coal to pay for the health care costs associated with Black Lung Disease.

This legislation will help cut the deficit by approximately $100 billion over the next five years and will help ensure the long-term viability of the Medicare trust fund, which is likely to be insolvent by the year 2001.

COALITION ON SMOKING OR HEALTH,
Washington, DC, March 21, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: We commend you for your leadership in introducing your bill to assess the tobacco industry for the health care costs it imposes on American taxpayers. We agree with you that it is more appropriate for the tobacco industry to pay these costs than innocent taxpayers.

Your proposal would be one of the most important public health steps this country has ever taken. It would conserve taxpayer dollars, discourage hundreds of thousands of teenagers from becoming addicted to tobacco and save about two million lives over time.

You have our full support. We look forward to working with you and your staff.

Sincerely,

SCOTT D. BALLIN,
Vice President for Public Affairs,
American Heart Association.
FRAN DU MELLE,
Deputy Managing Director,
American Lung Association.
MICHAEL F. HERON,
National Vice President for Public Affairs,
American Cancer Society.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 598. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use a portion of the resulting revenues to fund a trust fund for tobacco diversification, and for other purposes; to the Committee on Finance.

TOBACCO CONSUMPTION REDUCTION AND HEALTH IMPROVEMENT ACT

Mr. BRADLEY. Mr. President, I rise today to introduce legislation that takes a bold step toward reducing the devastating health and financial effects of tobacco use in this country.

Mr. President, in both 1991 and 1993, I rose before this Chamber to talk about the destructive effects of tobacco use and to introduce legislation that would begin to redress these effects. Since my 1993 statement, almost 1 million more people have died from tobacco-related illnesses. The time to stop this travesty is now, and to do that I am introducing legislation that will raise the Federal excise tax on tobacco by a factor of five, which translates to an increase of $1.00 per pack of cigarettes.

Over 30 years after the 1964 Surgeon General's report sounded the health alarm for smoking, approximately one-quarter of the Nation's adults remain addicted to cigarettes. Smoking now kills an estimated 419,000 Americans every year—more than alcohol, heroin, crack, automobile and airplane accidents, homicides, suicides, and AIDS combined. Furthermore, environmental tobacco smoke—smoke from other people's cigarettes—causes tens of thousands of additional deaths. This year, one out of every five Americans who dies will die from tobacco use.

If these statistics were not staggering enough, each year a growing number of teenagers start smoking, even though selling cigarettes to minors is illegal. Virtually all new users of tobacco are teenagers or younger, and every 30 seconds a child in the United States smokes for the first time. The efforts that have been waged by public health officials against youth smoking have been dwarfed by the billions spent by the industry on advertising aimed at children and teenagers. The addiction of children to tobacco, and consequently the long-term effects, is a moral disgrace.

A spokesman for the Tobacco Institute, a lobbying group for the tobacco industry, was quoted as saying with regard to smoking:

> This is a day and age when we ultimately have to recognize that adults are going to indulge in the legal pleasures that others don't approve of.

My response to the industry is: This legal pleasure kills more than one out of three long-term users when used as intended. This legal pleasure has been determined to be a major cause of heart disease, lung cancer, emphysema, chronic bronchitis, low-birthweight babies, strokes, and a variety of other diseases. This legal pleasure is as addictive as cocaine or heroin. They are right that I don't approve of the effects of this legal pleasure, and for good reason.

Furthermore, this legal pleasure contributes substantially to health care costs every year. According to the Centers for Disease Control and Prevention, health care expenditures caused directly by smoking totaled $50 billion in 1993, and $22 billion of those costs were paid by Government funds. According to a former Secretary of the Department of Health, Education, and Welfare, smoking is the largest single drain on the Medicare trust fund.

One of the most effective things we can do to control health care costs is to end smoking. I view tobacco taxes as compensation for a portion of the health care costs burden we are forced to bear, thanks to smoking. It is more than fair to ask smokers to share some of the costs which they help to create.

Some people may think that the tobacco tax has already been raised substantially in recent years, and therefore that it is unfair to raise it again. This is a misconception. Despite the fact that the average price of a pack of cigarettes has risen by more than $1.10 since 1982, only 8 cents of this increase is due to a rise in the Federal excise tax. And even the dollar-per-pack increase which I am proposing will generate only about $12 billion a year in additional income—far less than the $50 billion in health care costs caused directly by tobacco in 1 year.

But this bill has an even more important goal than recovering health care expenditures. It will help decrease tobacco consumption significantly. Conservative estimates predict that a 10 percent increase in the price of cigarettes will reduce overall smoking by about 4 percent. And for kids, who are more price sensitive than adults, the impact is even greater—every 10-percent increase in cigarette prices decreases demand among children and teenager by as much as 14 percent.

Mr. President, despite the many advantages of this legislation, I am not blind to the fact that there are those whom it will impact negatively—particularly, tobacco farmers. By no means do I think that the potential losses to these farmers are an adequate justification for making no efforts to reduce tobacco consumption. But because I realize the impact of an increased excise tax on these farmers, my bill puts 3 percent of all revenues it generates into a special trust fund to be used to help tobacco framers substitute new crops in place of tobacco.

Mr. President, these days everyone is looking for a way to reduce Government spending on health care. Almost all of the actions under consideration will be painful. In contrast, increasing the tobacco tax is one of the wisest and most beneficial ways of addressing this problem. It will save billions of dollars in health care costs, not only for the Federal Government but for private insurers and citizens across the country. It will save countless lives. It will decrease unnecessary suffering. It will discourage millions of children and teenagers from ever becoming addicted to tobacco. And poll after poll has found that public support is high for a significant hike in the tobacco tax—and this support is consistent across people from all geographic and economic backgrounds.

Mr. President, this bill is good health policy. It is good economic policy. And it is key to helping our children and teenagers achieve a tobacco-free future. I urge my colleagues to join me in support of this bill.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

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

S. 598

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 ''Tobacco Consumption Reduction and Health Improvement Act of 1995''.

SEC. 2. INCREASE IN TAXES ON TOBACCO PRODUCTS.

(a) IN GENERAL.—

(1) CIGARS.—Subsection (a) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigars) is amended—

(A) by striking ''$1.125 cents per thousand (93.75 cents per thousand on cigars removed during 1991 and 1992)'' in paragraph (1) and inserting ''$5.8125 per thousand''; and

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2) LARGE CIGARS.—On cigars weighing more than 3 pounds per thousand, a tax equal to 65.875 percent of the price for which sold but not more than $155 per thousand.''

(2) CIGARETTES.—Subsection (b) of section 5701 of such Code (relating to rate of tax on cigarettes) is amended—

(A) by striking ''$12 per thousand ($10 per thousand on cigarettes removed during 1991 and 1992)'' in paragraph (1) and inserting ''$62 per thousand''; and

(B) by striking ''$25.20 per thousand ($21 per thousand on cigarettes removed during 1991 and 1992)'' in paragraph (2) and inserting ''$130.20 per thousand''.

(3) CIGARETTE PAPERS.—Subsection (c) of section 5701 of such Code (relating to rate of tax on cigarette papers) is amended by striking ''0.75 cent (0.625 cent on cigarette papers removed during 1991 or 1992)'' and inserting ''3.875 cents''.

(4) CIGARETTE TUBES.—Subsection (d) of section 5701 of such Code (relating to rate of tax on cigarette tubes) is amended by striking ''1.5 cents (1.25 cents on cigarette tubes removed during 1991 or 1992)'' and inserting ''7.75 cents''.

(5) SNUFF.—Paragraph (1) of section 5701(e) of such Code (relating to rate of tax on smokeless tobacco) is amended by striking ''36 cents (30 cents on snuff removed during 1991 or 1992)'' and inserting ''$1.86''.

(6) CHEWING TOBACCO.—Paragraph (2) of section 5701(e) of such Code is amended by striking ''12 cents (10 cents on chewing tobacco removed during 1991 or 1992)'' and inserting ''62 cents''.

(7) PIPE TOBACCO.—Subsection (f) of section 5701 of such Code (relating to rate of tax on pipe tobacco) is amended by striking ''67.5 cents (56.25 cents on chewing tobacco removed during 1991 or 1992)'' and inserting ''$3.4875''.

(8) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco removed after December 31, 1995.

(b) IMPOSITION OF EXCISE TAX ON MANUFACTURE OR IMPORTATION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) ROLL-YOUR-OWN TOBACCO.—On roll-your-own tobacco, manufactured in or imported into the United States, there shall be imposed a tax of $1.86 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).''

(2) ROLL-YOUR-OWN TOBACCO.—Section 5702 of such Code (relating to definitions) is amended by adding at the end the following new subsection:

''(p) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.''

(3) TECHNICAL AMENDMENTS.—

(A) Subsection (c) of section 5702 of such Code is amended by striking ''and pipe tobacco'' and inserting ''pipe tobacco, and roll-your-own tobacco''.

(B) Subsection (d) of section 5702 of such Code is amended—

(i) in the material preceding paragraph (1), by striking ''or pipe tobacco'' and inserting ''pipe tobacco, or roll-your-own tobacco'', and

(ii) by striking paragraph (1) and inserting the following new paragraph:

''(1) a person who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the person's own personal consumption or use, and''.

(C) The chapter heading for chapter 52 of such Code is amended to read as follows:

''CHAPTER 52—TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES''.

(D) The table of chapters for subtitle E of such Code is amended by striking the item relating to chapter 52 and inserting the following new item:

''CHAPTER 52. Tobacco products and cigarette papers and tubes.''

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to roll-your-own tobacco removed (as defined in section 5702(p) of the Internal Revenue Code of 1986, as added by this subsection) after December 31, 1995.

(B) TRANSITIONAL RULE.—Any person who—

(i) on the date of the enactment of this Act is engaged in business as a manufacturer of roll-your-own tobacco or as an importer of tobacco products or cigarette papers and tubes, and

(ii) before January 1, 1996, submits an application under subchapter B of chapter 52 of such Code to engage in such business,

may, notwithstanding such subchapter B, continue to engage in such business pending final action on such application. Pending such final action, all provisions of such chapter 52 shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit under such chapter 52 to engage in such business.

(c) FLOOR STOCKS.—

(1) IMPOSITION OF TAX.—On cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco manufactured in or imported into the United States which is removed before January 1, 1996, and held on such date for sale by any person, there shall be imposed the following taxes:

(A) SMALL CIGARS.—On cigars, weighing not more than 3 pounds per thousand, $4.6875 per thousand.

(B) LARGE CIGARS.—On cigars, weighing more than 3 pounds per thousand, a tax equal to 53.125 percent of the price for which sold, but not more than $125 per thousand.

(C) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $50 per thousand.

(D) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $105 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(E) CIGARETTE PAPERS.—On cigarette papers, 3.125 cents for each 50 papers or fractional part thereof; except that, if cigarette papers measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper.

(F) CIGARETTE TUBES.—On cigarette tubes, 6.25 cents for each 50 tubes or fractional part thereof; except that, if cigarette tubes measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube.

(G) SNUFF.—On snuff, $1.50 per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(H) CHEWING TOBACCO.—On chewing tobacco, 50 cents per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(I) PIPE TOBACCO.—On pipe tobacco, $2.8125 per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco on January 1, 1996, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on February 15, 1996, in the same manner as the tax imposed under such section is payable with respect to cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco removed on January 1, 1996.

(3) CIGARS, CIGARETTES, CIGARETTE PAPER, CIGARETTE TUBES, SNUFF, CHEWING TOBACCO, AND PIPE TOBACCO.—For purposes of this subsection, the terms ''cigar'', ''cigarette'', ''cigarette paper'', ''cigarette tubes'', ''snuff'', ''chewing tobacco'', and ''pipe tobacco'' shall have the meaning given to such terms by subsections (a), (b), (e), and (g), paragraphs (2) and (3) of subsection (n), and subsection (o) of section 5702 of the Internal Revenue Code of 1986, respectively.

(4) EXCEPTION FOR RETAIL STOCKS.—The taxes imposed by paragraph (1) shall not apply to cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco in retail stocks held on January 1, 1996, at the place where intended to be sold at retail.

(5) FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(A) cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco—

(i) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1996, and

(ii) which are entered into the customs territory of the United States on or after January 1, 1996, from a foreign trade zone, and

(B) cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco which—

(i) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1996, and

(ii) are entered into the customs territory of the United States on or after January 1, 1996, from a foreign trade zone,

shall be subject to the tax imposed by paragraph (1) and such cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco shall, for purposes of paragraph (1), be treated as being held on January 1, 1996, for sale.

(d) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

''SEC. 9512. TOBACCO CONVERSION TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Tobacco Conversion Trust Fund' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—The Secretary shall transfer to the Trust Fund an amount equivalent to 3 percent of the net increase in revenues received in the Treasury attributable to the amendments made to section 5701 by subsections (a) and (b) of section 2 and the provisions contained in section 2(c) of the Tobacco Consumption Reduction and Health Improvement Act of 1995, as estimated by the Secretary.

''(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture, as provided by appropriation Acts, for making expenditures for purposes of—

''(1) providing assistance to farmers in converting from tobacco to other crops and improving the access of such farmers to markets for other crops, and

''(2) providing grants or loans to communities, and persons involved in the production or manufacture of tobacco or tobacco products, to support economic diversification plans that provide economic alternatives to tobacco to such communities and persons.

The assistance referred to in paragraph (1) may include government purchase of tobacco allotments for purposes of retiring such allotments from allotment holders and farmers who choose to terminate their involvement in tobacco production.''

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following new item:

''Sec. 9512. Tobacco Conversion Trust Fund.''

TOBACCO CONSUMPTION REDUCTION AND HEALTH IMPROVEMENT ACT OF 1995—SUMMARY

This bill provides for an increase of the Federal excise tax on tobacco products. It raises the excise tax five-fold on cigarettes, from 24 cents to $1.24 per pack. The excise tax for all other tobacco products will also be increased five-fold. This bill will generate approximately $12 billion in additional federal revenues each year.

The reasons for this increase are clear. First, it allows us to use the most potent weapon we have at our disposal to discourage smoking—raising the price of tobacco. This will allow us to specifically direct our attention to a vulnerable and price sensitive group—children and teenagers. It is also smart tax policy—it taxes what we want to discourage so we can cut taxes on the things we want to encourage. Second, the Centers for Disease Control and the Office of Technology Assessment have estimated the cost to society of cigarette smoking at over $100 billion annually; $22 billion of these costs were paid by government funds. It is more than fair to ask smokers to shoulder some of these costs.

By Mr. SANTORUM:

S. 599. A bill to eliminate certain welfare with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with law enforcement officers, and for other purposes; to the Committee on Finance.

FUGITIVE FELONS AND WELFARE REFORM

Mr. SANTORUM. Mr. President, like most of my colleagues in the Senate, I have followed with interest the activity in the House regarding welfare reform. It is with a unique perspective that I have viewed the House action having been at the center of the House's welfare reform debate last year and having been deeply involved in the direction and decision making of the House Republican platform.

During the 103d Congress, I served as the ranking Republican member on the Ways and Means Human Resources Subcommittee. Preceding me in that capacity is quite a list of dedicated ranking members who all have and continue to make a very significant contribution to the welfare reform discussions—Senator HANK BROWN, Gov. Carroll Campbell, and the current chairman of that subcommittee, Congressman CLAY SHAW. As the Senate now prepares for its own activity on welfare reform, I hope to continue to be equally active on this side in setting that direction.

It is hard to undertake any discussion on welfare reform without realizing the multitude of issues, programs, problems, and complexities that are involved. And while my activity in the House covered many aspects of welfare and welfare-related programs, one such issue that I wanted to discuss today pertains to fugitive felons receiving welfare benefits.

Under current law, barriers exist to information sharing between law enforcement officials and social service agencies. While few States have defined criteria where the exchange of information can occur between police and social service offices, most States have not. And with the reality of fugitives receiving public assistance, it makes sense to provide police access to welfare records that indicate the whereabouts of wanted individuals, without violating the privacy language and rights of welfare beneficiaries.

In the 103d Congress, I introduced legislation (H.R. 4657) which establishes criteria for information sharing between law enforcement officials and social service agencies, allows cross reference checks between the Immigration and Naturalization Service and law enforcement with regard to illegal immigration, and sets a Federal definition of temporarily absent in instances where children of beneficiaries are away from the home for extended periods of time.

The information and record referencing under the bill is limited to individuals for whom warrants are outstanding. The bill permits access by law enforcement to information when a warrant is produced, and it is found that

the individual is receiving benefits. Someone who is not a fugitive felon would remain fully protected from such inquiries under the Welfare Privacy Act.

Is there a need for such information sharing? I'd like to submit for the RECORD a copy of a news article from Pittsburgh Tribune-Review on July 29, 1994. The article describes a situation in which an individual wanted for an 1984 slaying in Pittsburgh, had been on the run and receiving Federal welfare benefits under his real name. Likewise, a situation last year in Cleveland, OH, highlighted the difficulties that exist in tracking fugitives and trying to interface with social service agencies. In that instance, Cuyahoga County officials were denied access to records as they attempted to cross reference outstanding fugitive warrants with social service records.

It is absurd that taxpayers are subsidizing a fugitive's freedom when checking a recipient's address could lead to their apprehension. Currently, the National Crime Information Center lists 397,000 outstanding fugitive warrants nationwide—warrants being defined as ''felonies'' or ''high misdemeanors'' in cases where States agree to extradition. Several police groups have projected that as many as 75 percent of those fugitives are receiving public assistance. Additionally, as I have discovered with Pennsylvania, the extradition stipulation for warrants in the NCIC data bank actually shields the number of outstanding warrants in a given State. You too may find that your State figures are significant.

Last week, I met with the Philadelphia Fugitive Task Force to discuss the practical effects of the legislation. In confronting their 50,000 outstanding fugitive warrants, they feel strongly that the bill provides them yet another tool in their investigative efforts. Likewise, the measure has received similar comment from the Federal Bureau of Investigation, the National Association of Chiefs of Police, the Fraternal Order of Police, and the Law Enforcement Alliance of America.

While the fugitive felon situation generally involves the parent or an adult, the bill also addresses ambiguity in the law with regard to children. Under current law, a mother can continue to receive AFDC payment for a child even if that child is temporarily absent from the home. Depending on their definition, States have the authority to end AFDC payments if the child is not going to physically be in the home for an extended period of time. Again, like the fugitive felon issue, Federal and State law remains undefined in most cases for temporarily absent. My bill would federally define temporarily absent for those instances where juveniles are away from the home as a result of a court decision or criminal activity.

Mr. President, while this legislation today may serve as my first official measure for the 104th Congress in the area of welfare reform, it is by no means the sole measure I will be introducing to the Senate. In the weeks ahead, I plan on introducing proposals covering child support enforcement, supplemental security income, and a more comprehensive proposal speaking to welfare reform in its entirety. Additionally, I plan on being very active within the Agriculture Committee in the area of nutrition programs and examining the reform options available to us, including a review of the block grant concept.

I welcome and encourage my colleagues' interest in this and other initiatives.

Mr. President, I ask unanimous consent that a copy of the bill and a copy of the article I referenced earlier be printed in the RECORD.

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

S. 599

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

SECTION 1. ELIMINATION OF WELFARE BENEFITS WITH RESPECT TO FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.

(a) MEDICAID PROGRAM.—

(1) INELIGIBILITY FOR MEDICAL ASSISTANCE.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking ''and'' at the end of paragraph (61);

(B) by striking the period at the end of paragraph (62) and inserting ''; and''; and

(C) by inserting after paragraph (62) the following new paragraph:

''(63) provide that no medical assistance shall be available under the plan to any individual during any period during which the individual—

''(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the recipient is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

''(B) is violating a condition of probation or parole imposed under Federal or State law.''.

(2) EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT AGENCIES.—Section 1902(a)(7) of such Act (42 U.S.C. 1396a(a)(7)) is amended by striking the semicolon and inserting the following: '', except that nothing in this paragraph shall be construed to prevent the State agency from furnishing a Federal, State, or local law enforcement officer with the current address, Social Security number and photograph (if applicable) of a recipient at the officer's request if the officer notifies the agency that—

''(A) the recipient is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the recipient is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under Federal or State law,

''(B) the location or apprehension of the recipient is within the officer's official duties, and

''(C) the request is made in the proper exercise of the officer's official duties;''.

(b) AFDC PROGRAM.—

(1) INELIGIBILITY FOR AID.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended—

(A) by striking ''and'' at the end of paragraph (44);

(B) by striking the period at the end of paragraph (45) and inserting ''; and''; and

(C) by inserting after paragraph (45) the following new paragraph:

''(46) provide that aid shall not be payable under the State plan with respect to any individual during any period during which the individual is—

''(A) fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the individual is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

''(B) violating a condition of probation or parole imposed under Federal or State law.''.

(2) EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT AGENCIES.—Section 402(a)(9) of such Act (42 U.S.C. 602(a)(9)) is amended by striking ''State or local'' and all that follows through ''official duties'' and inserting ''Federal, State, or local law enforcement officer, upon such officer's request, with the current address, Social Security number and photograph (if applicable) of any recipient if the officer furnishes the agency with such recipient's name and notifies the agency that such recipient is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the recipient is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under Federal or State law, or has information that is necessary for the officer to conduct the officer's official duties, that the location or apprehension of such recipient is within the officer's official duties''.

(c) FOOD STAMP PROGRAM.—

(1) INELIGIBILITY FOR FOOD STAMPS.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended by adding at the end the following new subsection:

''(i) No member of a household who is otherwise eligible to participate in the food stamp program shall be eligible to participate in the program as a member of that or any other household during any period during which the individual is—

''(1) fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the individual is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

''(2) violating a condition of probation or parole imposed under Federal or State law.''.

(2) EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT OFFICERS.—Section 11(e)(8) of such Act (7 U.S.C. 2020(e)(8)) is amended—

(A) by striking ''and (C)'' and inserting ''(C)''; and

(B) by inserting before the semicolon at the end the following: '', and (D) notwithstanding any other provision of law, the address, Social Security number and photograph (if applicable) of a member of a household shall be made available, on request, to a Federal, State, or local law enforcement officer if the officer furnishes the State agency with the name of the member and notifies the agency that (i) the member (I) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the individual is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under Federal or State law, or (II) has information that is necessary for the officer to conduct the officer's official duties, (ii) the location or apprehension of the member is within the official duties of the officer,

and (iii) the request is made in the proper exercise of the officer's official duties''.

(d) SSI PROGRAM.—

(1) INELIGIBILITY FOR AID.—Section 1611(e) of the Social Security Act (42 U.S.C. 1382(e)) is amended by inserting after paragraph (3) the following:

''(4) A person shall not be an eligible individual or eligible spouse for purposes of this title with respect to any month if, throughout the month, the person is—

''(A) fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the person is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

''(B) violating a condition of probation or parole imposed under Federal or State law.''.

(2) EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT AGENCIES.—Section 1631(e) of such Act (42 U.S.C. 1383(e)) is amended—

(A) by redesignating the paragraphs (6) and (7) inserted by sections 206(d)(2) and 206(f)(1) of the Social Security Independence and Programs Improvement Act of 1994 (Public Law 103–296; 108 Stat. 1514, 1515) as paragraphs (7) and (8), respectively; and

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

''(9) Notwithstanding any other provision of law, the Secretary shall furnish any Federal, State, or local law enforcement officer, upon such officer's request, with the current address, Social Security number and photograph (if applicable) of any recipient of benefits under this title, if the officer furnishes the agency with such recipient's name and notifies the agency that—

''(A) such recipient—

''(i) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the person is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor);

''(ii) is violating a condition of probation or parole imposed under Federal or State law; or

''(iii) has information that is necessary for the officer to conduct the officer's official duties;

''(B) the location or apprehension of such recipient is within the officer's official duties; and

''(C) the request is made in the proper exercise of the officer's official duties.''.

(e) HOUSING PROGRAMS.—

(1) ELIGIBILITY FOR ASSISTANCE.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(A) in section 6(*l*)—

(i) in paragraph (5), by striking ''and'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iii) by inserting immediately after paragraph (6) the following new paragraph:

''(7) provide that it shall be cause for immediate termination of the tenancy of a public housing tenant if such tenant—

''(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the tenant is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

''(B) is violating a condition of probation or parole imposed under Federal or State law.''; and

(B) in section 8(d)(1)(B)—

(i) in clause (iii), by striking ''and'' at the end;

(ii) in clause (iv), by striking the period at the end and inserting ''; and''; and

(iii) by adding after clause (iv) the following new clause:

''(v) it shall be cause for termination of the tenancy of a tenant if such tenant—

''(I) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the tenant is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

''(II) is violating a condition of probation or parole imposed under Federal or State law;''.

(2) PROVISION OF INFORMATION TO LAW ENFORCEMENT AGENCIES.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

''SEC. 27. PROVISION OF INFORMATION TO LAW ENFORCEMENT AND OTHER AGENCIES.

''(a) EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT AGENCIES.—Notwithstanding any other provision of law, each public housing agency that enters into a contract for assistance under section 6 or 8 of this Act with the Secretary shall furnish to any Federal, State, or local law enforcement agency, upon request, the current address, Social Security number and photograph (if applicable) of any recipient of assistance under this Act if the law enforcement agency—

''(1) furnishes the public housing agency with such recipient's name; and

''(2) notifies such agency that—

''(A) such recipient—

''(i) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the tenant is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor);

''(ii) is violating a condition of probation or parole imposed under Federal or State law; or

''(iii) has information that is necessary for the officer to conduct the officer's official duties;

''(B) the location or apprehension of such recipient is within the official duties of the agency; and

''(C) the request is made in the proper exercise of the officer's official duties.''.

SEC. 2. NOTICE TO IMMIGRATION AND NATURALIZATION SERVICE OF ILLEGAL ALIENS.

(a) MEDICAID PROGRAM.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking ''and'' at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting ''; and''; and

(3) by inserting after paragraph (62) the following new paragraph:

''(63) provide that the State agency shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the agency knows is unlawfully in the United States.''.

(b) AFDC PROGRAM.—Section 402(a)(9) of the Social Security Act (42 U.S.C. 602(a)(9)) is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(2) by striking ''(9)'' and inserting ''(9)(A)'';

(3) in clause (v) (as so redesignated), by striking ''(D)'' and inserting ''(iv)'';

(4) by adding ''and'' after the semicolon at the end; and

(5) by adding at the end the following:

''(B) provide that, the State agency shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the agency knows is unlawfully in the United States;''.

(c) FOOD STAMP PROGRAM.—Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)), as amended by section 1(c)(2), is amended—

(1) paragraph (8)—

(A) by striking ''and (D)'' and inserting ''(D)''; and

(B) by inserting before the semicolon at the end the following: '', and (E) such safeguards shall not prevent compliance with paragraph (26)'';

(2) in paragraph (24) by striking ''and'' at the end;

(3) in paragraph (25) by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(26) that the State agency shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the agency knows is unlawfully in the United States.''.

(d) SSI PROGRAM.—

(1) IN GENERAL.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)), as amended by section 1(d)(2) of this Act, is amended by adding at the end the following new paragraph:

''(10) Notwithstanding any other provision of law, the Commissioner shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this paragraph referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the agency knows is unlawfully in the United States, and shall ensure that each agreement entered into under section 1616(a) with a State provides that the State shall furnish such information at such times with respect to any individual who the State knows is unlawfully in the United States.''.

(e) HOUSING PROGRAMS.—Section 27 of the United States Housing Act of 1937, as added by section 1(e)(2) of this Act, is amended by adding at the end the following new subsection:

''(b) NOTICE TO IMMIGRATION AND NATURALIZATION SERVICE OF ILLEGAL ALIENS.—Notwithstanding any other provision of law, the Secretary shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this subsection referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the Secretary knows is unlawfully in the United States, and shall ensure that each contract for assistance entered into under section 6 or 8 of this Act with a public housing agency provides that the public housing agency shall furnish such information at such times with respect to any individual who the public housing agency knows is unlawfully in the United States.''.

SEC. 3. TERMINATION OF AFDC BENEFITS FOR DEPENDENT CHILDREN WHO ARE ABSENT FROM THE HOME FOR A SIGNIFICANT PERIOD.

Section 402(a) of the Social Security Act (42 U.S.C. 602(a)), as amended by section 1(b)(1) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (45);

(2) by striking the period at the end of paragraph (46) and inserting ''; and''; and

(3) by inserting after paragraph (46) the following new paragraph:

''(47)(A) provide that aid shall not be payable under the State plan to a family with respect to any dependent child who has been, or is expected by the caretaker relative in the family to be, absent from the home for a

period of 45 consecutive days or, at the option of the State, such period of not less than 30 and not more than 90 consecutive days as the State may provide for in the State plan;

''(B) at the option of the State, provide that the State may establish such good cause exceptions to subparagraph (A) as the State considers appropriate if such exceptions are provided for in the State plan; and

''(C) provide that a caretaker relative shall not be eligible for aid under the State plan if the caretaker relative fails to notify the State agency of an absence of a dependent child from the home for the period specified in or provided for under subparagraph (A), by the end of the 5-day period that begins on the date that it becomes clear to the caretaker relative that the dependent child will be absent for the period so specified or provided for in subparagraph (A).''.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided in subsection (b), the amendments made by this Act shall be effective with respect to calendar quarters beginning on or after the date of the enactment of this Act.

(b) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

[From the Tribune-Review]

FUGITIVE USED REAL NAME FOR WELFARE

(By Lille Wilson)

James Brabham knew who he was. During a decade on the lam for a 1984 slaying in Pittsburgh, he used at least five aliases and five Social Security numbers.

But when he went on welfare, Brabham used his real name—and his state-issued welfare card bore his current address and photo.

The cops who arrested him Wednesday in Philadelphia saw the card when they asked Brabham for identification. They hadn't known he was on welfare.

''I'm sure it would have made things a lot easier,'' said Detective Joe Hasara of the Federal Fugitive Task Force in Philadelphia, one of the squads that for years pursued lead after dead-end lead searching for Brabham.

Police—even those looking for longtime fugitives—don't routinely look at welfare rolls to locate suspects, primarily because of the legal obstacles, Hasara said.

''It's just not feasible,'' said Hasara, citing red tape. ''We'd have to have one or two people doing nothing but getting subpoenas and court orders. We can't operate like that.''

Hasara, a Philadelphia police detective who makes up part of the city's federally funded fugitive task force, located Brabham after a typically long and laborious investigation that involved following tips and digging into clues. He won't be more specific than that, for fear of divulging the task force's gumshoe secrets.

The victim, Charlene Summers, 36, was living with Brabham in Pittsburgh's Beltzhoover area. Police said Brabham reported the January 1984 killing to city homicide in a telephone call. He claimed Summers had attacked him with a knife.

Brabham, who posted bond days after he was charged with her murder, never showed up at a coroner's hearing. A bench warrant for his arrest went out in May 1984. In March 1990, a federal court handed down a fugitive warrant.

By then, the Greater Pittsburgh Fugitive Task Force was already hunting him, said FBI Agent Ralph Young, a task force member.

''We had people all over the country looking for him,'' Young said. ''He never came back to Pittsburgh.''

Philadelphia was one of the investigative hot spots: Brabham had relatives there, Young said.

''We'd hear sightings. We'd follow up. It'd lead to a dead end,'' he said.

The state's welfare listings may be accessible to police who petition the Commonwealth Court for specific information, said department spokesman Kevin Campbell.

Although state law forbids disclosure of individual welfare information for personal, commercial or political uses, a specific statute allows law enforcement queries if authorized by a judge, Campbell said.

''District attorneys have done it in the past, certainly,'' said Campbell, who added that police face no other official barriers.

''Apparently they've never worked the street,'' Hasara snorted.

After Brabham's arrest Wednesday, Young telephoned Summers' mother, Lillie Jones, with the news.

''For ten years, I never gave up on this,'' said Jones, 70, who described a dream she had Tuesday night. ''She and I was very close. In the spiritual world, we had a lot of connection.

''I dreamed some man was chasing her around and around my house with a gun, and around and around my neighbor's house, and she was calling me for help: she ran to me and said, ''Mama, save me.''

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 170, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes.

S. 184

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 184, a bill to establish an Office for Rare Disease Research in the National Institutes of Health, and for other purposes.

S. 244

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 244, a bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

S. 293

At the request of Mr. CONRAD, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 293, a bill to amend title 38, United States Code, to authorize the payment to States of per diem for veterans receiving adult day health care, and for other purposes.

S. 343

At the request of Mr. DOLE, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Iowa [Mr. GRASSLEY], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 343, a bill to reform the regulatory process, and for other purposes.

S. 441

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 441, a bill to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

S. 478

At the request of Mr. BREAUX, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 478, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

S. 495

At the request of Mrs. KASSEBAUM, the names of the Senator from Utah [Mr. HATCH] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 584

At the request of Mr. ROBB, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 584, a bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Tennessee [Mr. THOMPSON], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

At the request of Mr. HELMS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Senate Concurrent Resolution 3, supra.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MURKOWSKI, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.

AMENDMENT NO. 401

At the request of Mr. ABRAHAM the name of the Senator from Utah [Mr.

HATCH] was added as a cosponsor of amendment No. 401 proposed to S. 4, a bill to grant the power to the President to reduce budget authority.

AMENDMENTS SUBMITTED

LEGISLATIVE LINE ITEM VETO ACT OF 1995

BRADLEY (AND OTHERS) AMENDMENT NO. 403

Mr. BRADLEY (for himself, Mr. WELLSTONE, Mr. ROBB, Mr. GLENN, Mr. KOHL, Mr. KERREY, Mr. HARKIN, Mr. FEINGOLD, Mr. EXON, Mr. HOLLINGS, and Mr. SIMON) proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill (S. 4) to grant the power to the President to reduce budget authority; as follows:

On page 5, strike lines 13 through 20 and insert the following:

(5) the term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

HOLLINGS (AND OTHERS) AMENDMENT NO. 404

Mr. HOLLINGS (for himself, Mr. KERREY, and Mr. EXON) proposed an amendment to amendment No. 347, proposed by Mr. DOLE, to the bill, S. 4, supra; as follows:

At the appropriate place insert the following:

"SEC. . PAY-AS-YOU-GO.

''At the end of title III of the Congressional Budget Act of 1974, insert the following new section:

'''ENFORCING PAY-AS-YOU-GO

'''SEC. 314. (a) PURPOSE.—The Senate declares that it is essential to—

'''(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

'''(2) continue the pay-as-you-go enforcement system.

'''(b) POINT OF ORDER.—

'''(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct-spending or receipts legislation (as defined in paragraph (3)) that would increase the deficit for any one of the three applicable time periods (as defined in paragraph (2)) as measured pursuant to paragraphs (4) and (5).

'''(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means any one of the three following periods—

'''(A) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

'''(B) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

'''(C) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget.

'''(3) DIRECT-SPENDING OR RECEIPTS LEGISLATION.—For purposes of this subsection, the term ''direct-spending or receipts legislation'' shall—

'''(A) include any bill, resolution, amendment, motion, or conference report to which this subsection otherwise applies;

'''(B) include concurrent resolutions on the budget;

'''(C) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

'''(D) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

'''(E) include the estimated amount of savings in direct-spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

'''(F) except as otherwise provided in this subsection, include all direct-spending legislation as that term is interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

'''(4) BASELINE.—Estimates prepared pursuant to this section shall use the most recent Congressional Budget Office baseline, and for years beyond those covered by that Office, shall abide by the requirements of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that references to ''outyears'' in that section shall be deemed to apply to any year (other than the budget year) covered by any one of the time periods defined in paragraph (2) of this subsection.

'''(5) PRIOR SURPLUS AVAILABLE.—If direct-spending or receipts legislation increases the deficit when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), then it must also increase the deficit when taken together with all direct-spending and receipts legislation enacted after the date or enactment of the Omnibus Budget Reconciliation Act of 1993, in order to violate the prohibition of this subsection.

'''(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

'''(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

'''(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

'''(f) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 1998.'''

GLENN AMENDMENT NO. 405

Mr. GLENN proposed an amendment to the amendment No. 347 proposed by Mr. DOLE to the bill, S. 4, supra; as follows:

At the appropriate place insert the following:

SEC. . EVALUATION AND SUNSET OF TAX EXPENDITURES.

(a) LEGISLATION FOR SUNSETTING TAX EXPENDITURES.—The President shall submit legislation for the periodic review, reauthorization, and sunset of tax expenditures with his fiscal year 1997 budget.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

''(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.''.

(c) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking ''and'' after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

''(3) describe the framework to be utilized by the Director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and''.

(d) CONGRESSIONAL BUDGET ACT.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

''TAX EXPENDITURES

''SEC. 409. It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains a tax expenditure unless the bill, joint resolution, amendment, motion, or conference report provides that the tax expenditure will terminate not later than 10 years after the date of enactment of the tax expenditure.''.

LEVIN (AND OTHERS) AMENDMENT NO. 406

Mr. LEVIN (for himself, Mr. MURKOWSKI, and Mr. EXON) proposed an amendment to the amendment No. 347 proposed by Mr. DOLE to the bill, S. 4, supra; as follows:

At the end of Section 5(4)(A), strike ''; and'' and add the following:

''but shall not include a provision which does not appropriate funds, direct the President to expend funds for any specific project, or create an express or implied obligation to expend funds and—

''(i) rescinds or cancels existing budget authority;

''(ii) only limits, conditions, or otherwise restricts the President's authority to spend otherwise appropriated funds; or

''(iii) conditions on an item of appropriation not involving a positive allocation of funds by explicitly prohibiting the use of any funds; and''.

HATCH (AND OTHERS) AMENDMENT NO. 407

Mr. HATCH (for himself, Mr. ROTH, Mr. HEFLIN, and Mr. ABRAHAM) proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

On page 3, line 21, after ''separately'' insert '', except for items of appropriation provided

for the judicial branch, which shall be enrolled together in a single measure. For purposes of this paragraph, the term 'items of appropriation provided for the judicial branch' means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary, as those accounts are listed and described in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 104–317)''.

THE WEST VIRGINIA HYDROELECTRIC PROJECTS ACT OF 1995

BYRD (AND ROCKEFELLER) AMENDMENTS NOS 408–409

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. BYRD (for himself and Mr. ROCKEFELLER) submitted two amendments intended to be proposed by them to the bill (S. 359) to provide for the extension of certain hydroelectric projects located in the State of West Virginia; as follows:

AMENDMENT NO. 408

In section 1(a), strike ''6901 and 6902'' and insert ''6901, 6902, and 7307''.

In section 1 (a) and (c), strike ''October 3, 1999'' each place it appears and insert ''September 26, 1999''.

AMENDMENT NO. 409

In section ___(a), strike ''6901 and 6902'' and insert ''6901, 6902, and 7307''.

In section ___ (a) and (c), strike ''October 3, 1999'' each place it appears and insert ''September 26, 1999''.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on Tuesday, April 4, 1995, at 10 a.m., in room 216 of the Hart Senate Office Building. The focus of the hearing is the Small Business Administration's 8(a) Minority Business Development Program.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCAIN. 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, March 21, at 9:30 a.m., in SDG–50, to discuss the confirmation of Agriculture Secretary-Designee Daniel Robert Glickman. The continuation of this nomination hearing, if necessary, will take place on Wednesday, March 22, at 9:30 a.m., in SR–332, and Thursday, March 23, at 9:30 a.m. in SR–332.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 22, 1995, for purposes of conducting a Full Committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to review the findings of a report prepared for the Committee on the clean-up of the Hanford Nuclear Reservation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on Wednesday, March 22, at 9:30 a.m. on the impact of regulatory reform proposals on environmental and other laws within the jurisdiction of the Committee.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 22, 1995, at 2 p.m. to hold a business meeting to vote on pending items.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 22, 1995, beginning at 2:30 p.m., in room 485 of the Russell Senate Office Building on S. 441, a bill to reauthorize Public Law 101–630, the Indian Child Protection and Family Violence Prevention Act, and S. 510, a bill to extend the reauthorization for certain programs under the Native American Programs Act of 1974, and for other purposes.

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

SUBCOMMITTEE ON SECURITIES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 1995, to conduct a hearing on securities litigation reform proposals.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Finance Committee be permitted to meet Wednesday, March 22, 1995, beginning at 10 a.m. in room SD–215, to conduct a hearing on the soaring costs of Social Security's two disability programs.

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

ADDITIONAL STATEMENTS

THE ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT ACT OF 1995

• Mrs. FEINSTEIN. Mr. President, yesterday I introduced and spoke on the Illegal Immigration Control and Enforcement Act of 1995.

As I indicated then, I look forward to working with all of my colleagues on the Immigration Subcommittee, Judiciary Committee and in the full Senate to craft comprehensive legislation in this session of Congress to stop illegal immigration. I believe that the widest possible dissemination of my bill, and of all other responsible proposals, will help us meet that goal.

I ask that the text of my legislation, S. 580, be printed in today's RECORD.

The bill follows:

S. 580

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 ''Illegal Immigration Control and Enforcement Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT
PART A—INCREASED BORDER PATROL, SUPPORT, TRAINING, AND RESOURCES
Sec. 111. Border Patrol expansion and deployment.
Sec. 112. Hiring preference for bilingual Border Patrol agents.
Sec. 113. Improved Border Patrol training.
Sec. 114. Border equipment and infrastructure improvement authority.
PART B—EXPANDED BORDER INSPECTION PERSONNEL, SUPPORT, AND FACILITIES
Sec. 121. Additional land border inspectors.
PART C—DETENTION AND DEPORTATION
Sec. 131. Bar to collateral attacks on deportation orders in unlawful reentry prosecutions.
Sec. 132. Form of deportation hearings.
Sec. 133. Deportation as a condition of probation.
PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER
Sec. 141. Expansion in definition of ''aggravated felony''.
Sec. 142. Restricting defenses to deportation for certain criminal aliens.
Sec. 143. Denial of discretionary relief to aliens convicted of aggravated felonies.
Sec. 144. Judicial deportation.
Sec. 145. Negotiations for international agreements.
Sec. 146. Annual report.
Sec. 147. Admissibility of videotaped witness testimony.

TITLE II—ILLEGAL IMMIGRATION INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

Sec. 211. Authority to States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.
Sec. 212. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
Sec. 213. Sponsorship enhancement.
Sec. 214. State option under the medicaid program to place anti-fraud investigators in hospitals.
Sec. 215. Ports-of-entry benefits task force demonstration projects.

PART B—EMPLOYER SANCTIONS SUPPORT

Sec. 221. Additional Immigration and Naturalization Service investigators.
Sec. 222. Enhanced penalties for unlawful employment of aliens.
Sec. 223. Earned income tax credit denied to individuals not authorized to be employed in the United States.
Sec. 224. Enhanced minimum criminal penalties for extortion or involuntary holding of aliens engaged in unlawful employment.
Sec. 225. Work authorization verification.

PART C—ENHANCED WAGE AND HOUR LAWS

Sec. 231. Increased personnel levels for the Labor Department.
Sec. 232. Increased number of Assistant United States Attorneys.

TITLE III—ENHANCED SMUGGLING CONTROL AND PENALTIES

Sec. 301. Minimum criminal penalties for alien smuggling.
Sec. 302. Expanded forfeiture for smuggling or harboring illegal aliens.
Sec. 303. Wiretap authority for alien smuggling investigations.
Sec. 304. Limitation on section 212(c) authority.
Sec. 305. Effective date.

TITLE IV—ADMISSIONS AND DOCUMENT FRAUD CONTROL

Sec. 401. Minimum criminal penalties for document fraud.

TITLE V—BORDER CROSSING USER FEE

Sec. 501. Immigration Law Enforcement Fund.

TITLE I—ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT

PART A—INCREASED BORDER PATROL, SUPPORT, TRAINING, AND RESOURCES

SEC. 111. BORDER PATROL EXPANSION AND DEPLOYMENT.

(a) INCREASED NUMBER OF BORDER PATROL POSITIONS.—Subject to subsection (b), in each of the fiscal years 1996, 1997, and 1998, the Attorney General—

(1) shall increase by no fewer than 700 the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year; and

(2) may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) DEPLOYMENT OF PERSONNEL.—The Attorney General shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion to the level of illegal intrusion measured in each sector during the preceding fiscal year and reasonably anticipated in the next fiscal year, and shall be actively engaged in (or in support of) law enforcement activities related to the illegal crossing of the borders of the United States.

SEC. 112. HIRING PREFERENCE FOR BILINGUAL BORDER PATROL AGENTS.

The Attorney General shall, in hiring the Border Patrol Agents specified in section 111(a), give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such Agents are likely to be deployed.

SEC. 113. IMPROVED BORDER PATROL TRAINING.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

''(e)(1) The Attorney General shall ensure that all Border Patrol personnel, and any other personnel of the Service who are likely to have contact with undocumented or improperly documented persons, or other immigrants, in the course of their official duties, receive in-service training adequate to ensure that all such personnel respect the rights, personal safety, and dignity of such persons at all times.

''(2) The Attorney General shall ensure that the annual report to Congress of the Service—

''(A) describes in detail actions taken by the Attorney General to meet the requirement set forth in paragraph (1);

''(B) incorporates specific findings by the Attorney General with respect to the nature and scope of any verified incident of conduct by Border Patrol personnel that—

''(i) was not consistent with paragraph (1); and

''(ii) was not described in a previous annual report; and

''(C) sets forth specific recommendations for preventing any similar incident in the future.''.

SEC. 114. BORDER EQUIPMENT AND INFRASTRUCTURE IMPROVEMENT AUTHORITY.

(a) IMPROVED EQUIPMENT AND TECHNOLOGY.—In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

(b) IMPROVED INFRASTRUCTURE.—(1) The Attorney General may, from time to time, in consultation with the Secretary of the Treasury, identify those physical improvements to the infrastructure of the international land borders of the United States necessary to expedite the inspection of persons and vehicles attempting to lawfully enter the United States in accordance with existing policies and procedures of the Immigration and Naturalization Service, the United States Customs Service, and the Drug Enforcement Agency.

(2) Such improvements to the infrastructure of the land border of the United States shall be substantially completed and fully funded in those portions of the United States where the Attorney General, in consultation with the Committees on the Judiciary of the House of Representatives and the Senate, objectively determines the need to be greatest or most immediate before the Attorney General may obligate funds for construction of any improvement otherwise located.

PART B—EXPANDED BORDER INSPECTION PERSONNEL, SUPPORT, AND FACILITIES

SEC. 121. ADDITIONAL LAND BORDER INSPECTORS.

(a) INCREASED PERSONNEL.—In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and Secretary of the Treasury shall increase, by approximately equal numbers in each of the fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes now in use, under construction, or whose construction has been authorized by Congress.

(b) DEPLOYMENT OF PERSONNEL.—The Attorney General and the Secretary of the Treasury shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion to the number of land border crossings measured in each such sector during the preceding fiscal year.

PART C—DETENTION AND DEPORTATION

SEC. 131. BAR TO COLLATERAL ATTACKS ON DEPORTATION ORDERS IN UNLAWFUL REENTRY PROSECUTIONS.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

''(c) In any criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

''(1) the alien has exhausted any administrative remedies that may have been available to seek relief against such order;

''(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

''(3) the entry of the order was fundamentally unfair.''.

SEC. 132. FORM OF DEPORTATION HEARINGS.

The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: '', except that nothing in this sentence precludes the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien''.

SEC. 133. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(3) by adding at the end the following:

''(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 143 of this Act, except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.''.

PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER

SEC. 141. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) EXPANSION IN DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended as follows:

(1) in paragraph (D), strike ''$100,000'' and insert ''$10,000''; and

(2) in paragraphs (F), (G), and (O) strike ''the term of imprisonment imposed is at least 5 years'' and all parenthetical text appearing within that phrase, and insert ''punishable by imprisonment for 3 years or more'';

(3) in paragraph (J)—

(A) strike ''for which a sentence of 5 years' imprisonment or more may be imposed'' and insert ''punishable by imprisonment for 3 years or more''; and

(B) strike ''offense described'' and insert ''offense described in sections 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), and'';

(4) in paragraph (K)—

(A) strike ''or'' after the semicolon in subparagraph (i);

(B) insert ''or'' after the semicolon in subparagraph (ii); and

(C) insert, as new subparagraph (iii), ''is described in sections 2421, 2422 or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage.'';

(5) in paragraph (L), insert as new subparagraph (iii): ''section 601 of the National Security Act of 1947, title 50, United States Code (relating to protecting the identity of undercover agents);

(6) in paragraph (M) strike ''$200,000'' and insert ''$10,000''.

(7) redesignate paragraphs (P) and (Q) as paragraphs (R) and (S), respectively, and add—

(A) as new paragraph (P) the following: ''any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, which is punishable by imprisonment for 3 years or more''; and

(B) as new paragraph (Q) the following: ''any offense relating to perjury or subornation of perjury which is punishable by imprisonment for 3 years or more;'' and

(8) in redesignated paragraph (R), strike ''15'' and insert ''5''.

(b) EFFECTIVE DATE.—The amendment made by this section applies to convictions entered before, on, or after the date of enactment of this Act.

SEC. 142. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(E) the alien has been convicted of an aggravated felony.''.

SEC. 143. DENIAL OF DISCRETIONARY RELIEF TO ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) INELIGIBILITY FOR SUSPENSION OF DEPORTATION.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

''(g) Suspension of deportation and adjustment of status under subsection (a)(2) shall not be available to any alien who has been convicted of an aggravated felony.''.

(b) APPLICATION OF EXCLUSION FOR DRUG OFFENSES.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182(h)) is amended in the second sentence by inserting ''or any other aggravated felony'' after ''torture''.

(c) ADJUSTMENT OF STATUS; CHANGE OF NONIMMIGRANT CLASSIFICATION.—(1) Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(A) by striking ''or'' after ''section 212(d)(4)(C)''; and

(B) by inserting ''; or (5) an alien who has been convicted of an aggravated felony'' immediately after ''section 217''.

(2) Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

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

''(5) an alien convicted of an aggravated felony.''.

SEC. 144. JUDICIAL DEPORTATION.

Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a(d)) is amended—

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

''(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

''(A) whose criminal conviction causes such alien to be conclusively presumed to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

''(B) who has at any time been convicted of a violation of section 276 (a) or (b) of the Immigration and Nationality Act;

''(C) who has at any time been convicted of a violation of section 275 of the Immigration and Nationality Act; or

''(D) who is otherwise deportable pursuant to sections 241(a)(1)(A) through 241(a)(5), inclusive, of the Immigration and Nationality Act (8 U.S.C. 1251).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act.''; and

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

''(5) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.''.

SEC. 145. NEGOTIATIONS FOR INTERNATIONAL AGREEMENTS.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—The Secretary of State, together with the Attorney General, may enter into an agreement with any foreign country providing for the incarceration in that country of any individual who—

(1) is a national of that country; and

(2) is an alien who—

(A) is not in lawful immigration status in the United States, or

(B) on the basis of conviction of a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the individual was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such individual pursuant to parole procedures of that country.

(b) PRIORITY.—In carrying out subsection (a), the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of individuals described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such individuals in the United States.

(c) It is the sense of the Congress that, effective on the date of enactment of this Act, no new treaty providing for the transfer of aliens from Federal or State incarceration facilities to a foreign incarceration facility should permit the prisoner to refuse the transfer.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 146. ANNUAL REPORT.

Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies;

(2) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(3) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 147. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by adding at the end thereof the following:

''(d) Notwithstanding the provisions of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States or is otherwise unable to testify may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.''.

TITLE II—ILLEGAL IMMIGRATION INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

SEC. 211. AUTHORITY TO STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions are not inconsistent with the eligibility requirements for comparable Federal programs or are less restrictive. For the purposes of this section, attribution to an alien of a sponsor's income and resources for purposes of determining the eligibility for and amount of benefits of an alien shall be considered less restrictive than a prohibition of eligibility.

SEC. 212. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

"§ 506. Seals of departments or agencies

''(a) Whoever—

''(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

''(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

''(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

''(1) so forged, counterfeited, mutilated, or altered;

''(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

''(c) For purposes of this section—

''(1) the term 'Federal benefit' has the meaning given such term under section 293(c)(1);

''(2) the term 'unlawful alien' has the meaning given such term under section 293(c)(2); and

''(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.''.

SEC. 213. SPONSORSHIP ENHANCEMENT.

(a) IN GENERAL.—An alien who—

(1) is excludable under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4));

(2) has not given a suitable bond (as described in section 213 of the Immigration and Nationality Act (8 U.S.C. 1183)); and

(3) is otherwise admissible into the United States;

may only be admitted into the United States when sponsored by an individual (referred to in this section as the alien's ''sponsor'') who enters into a legally binding contract with the United States that guarantees financial responsibility for the alien until such alien becomes a United States citizen.

(b) CONTRACT ENHANCEMENT.—

(1) IN GENERAL.—A contract described in subsection (a) shall provide—

(A) that the sponsor shall be liable for any costs incurred by any Federal, State, or political subdivision of a State for general public cash assistance provided to such alien;

(B) that the sponsor shall—

(i) within 20 days of the alien's admission into the United States, purchase a policy of private health insurance (which meets the minimum guidelines established under paragraph (2)) on behalf of such alien and provide the Immigration and Naturalization Service with proof of such purchase; and

(ii) make any necessary premium payments for such policy on behalf of such alien for the duration of the sponsor's responsibility under the contract; and

(C) that the sponsor's responsibility under the contract will continue until the date on which the alien becomes a citizen of the United States.

(2) GUIDELINES FOR HEALTH INSURANCE POLICIES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services, after notice and opportunity for public comment, shall establish minimum guidelines with respect to private policies of health insurance required under paragraph (1)(B)(i) that—

(A) specify the coverage and type of the insurance required; and

(B) provide that the Attorney General shall be given notice if the policy lapses or the scope of the coverage changes prior to the end of the sponsor's responsibility under the contract.

(c) ENFORCEMENT.—

(1) IN GENERAL.—If general public cash assistance or medical assistance under a State plan for medical assistance approved under section 1902 of the Social Security Act (42 U.S.C. 1396a) is provided to a sponsored alien, the Attorney General, a State, or a political subdivision of a State may bring a civil suit against the sponsor in the United States district court for the district in which the sponsor resides for the recovery of any costs incurred by any Federal, State, or political subdivision of a State in providing such cash benefits or medical assistance provided to such alien.

(2) DEPORTATION.—The failure of a sponsor to comply with the terms of the contract described in subsection (b)(1)(B) may, subject to the contract, be grounds for deportation of the sponsored alien in accordance with the provisions of the Immigration and Naturalization Act and the deportation procedures applicable under such Act.

(d) EXCEPTIONS TO LIABILITY.—A sponsor or a sponsor's estate shall not be liable under a contract described in subsection (a) if the sponsor—

(1) dies;

(2) if the sponsor's family becomes impoverished as determined by the official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 applicable to the family of the size involved) due to unforeseeable circumstances; or

(3) is a debtor under title 11, United States Code, as such term is defined in section 101 of such title.

(e) PUBLIC CHARGE TEST.—The Attorney General shall record the use of sponsorship by immigrant applicants to meet the public charge test for admission to the United States set forth in section 212(a)(4) of the Immigration and Naturalization Act (8 U.S.C. 1182(a)(4)).

(f) EFFECTIVE DATE.—This section shall apply with respect to initial sponsorship-based applications for legal admission into the United States received on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 214. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking ''and'' at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting ''and''; and

(3) by adding after paragraph (62) the following new paragraph:

''(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the option of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.''.

(b) PAYMENT.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

(1) by striking ''plus'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''plus''; and

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

''(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which are attributable to operating a program under section 1902(a)(63).''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 215. PORTS-OF-ENTRY BENEFITS TASK FORCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—

(1) PROJECT DESCRIBED.—The Attorney General shall make grants to States to conduct demonstration projects in accordance with subsection (b) for the purpose of establishing and operating a task force at one or more southwestern ports-of-entry located in a State in order to—

(A) detect individuals attempting to enter the United States to illegally obtain Federal or State benefits; and

(B) identify individuals who have previously illegally obtained such benefits.

(2) SOUTHWESTERN PORT-OF-ENTRY.—For purposes of this section, the term ''southwestern port-of-entry'' means an official entry point along the southwestern land border of the continental United States.

(b) REQUIREMENTS OF PROJECT.—A project conducted in accordance with this subsection shall provide that a task force under the project shall—

(1) interview and investigate an individual entering into the United States at a southwestern port-of-entry if the individual is suspected of being an individual described in subparagraphs (A) or (B) of subsection (a)(1) (as determined by comparing the entering individual with a profile (developed by the task force) of individuals described in such subparagraphs); and

(2) integrate the computer systems of the Immigration and Naturalization Service and the agency administering the State plan for medical assistance approved under section

1902 of the Social Security Act (42 U.S.C. 1396a) in order to detect individuals described in subparagraphs (A) and (B) of subsection (a)(1) prior to the individual's entry into the United States at a southwestern port-of-entry.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each State desiring to conduct a demonstration project under this section shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to States that desire to establish demonstration projects at southwestern ports-of-entry that—

(A) have the highest numbers of legal crossings attempted in fiscal year 1995;

(B) have the highest numbers of illegal aliens determined by the Attorney General to be resident in the State in which the southwestern port-of-entry is located; and

(C) meet such other factors as the Attorney General determines are reasonably related to maximizing the degree to which Federal and State benefits fraud may be reduced through operation of the project.

(d) SCOPE AND LOCATION.—The Attorney General shall authorize demonstration projects in not less than 6 southwestern ports-of-entry under this section.

(e) DURATION.—A demonstration project under this section shall be conducted for a period not to exceed 2 years.

(f) REPORTS.—A State that conducts a demonstration project under this section shall prepare and submit to the Attorney General annual and final reports in such form and containing such information as the Attorney General may require.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in fiscal years 1996 and 1997 for the purpose of conducting demonstration projects in accordance with this section.

PART B—EMPLOYER SANCTIONS SUPPORT

SEC. 221. ADDITIONAL IMMIGRATION AND NATURALIZATION SERVICE INVESTIGATORS.

(a) INVESTIGATORS.—The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional investigators and staff as may be necessary to aggressively enforce existing sanctions against employers who employ workers in the United States illegally or who are otherwise ineligible to work in this country.

SEC. 222. ENHANCED PENALTIES FOR UNLAWFUL EMPLOYMENT OF ALIENS.

(a) HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Section 274A(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(4)) is amended—

(1) in clause (i), by striking ''$250'' and ''$2,000'' and inserting ''$1,000'' and ''$3,000'', respectively;

(2) in clause (ii), by striking ''$2,000'' and ''$5,000'' and inserting ''$3,000'' and ''$7,000'', respectively; and

(3) in clause (iii), by striking ''$3,000'' and ''$10,000'' and inserting ''$7,000'' and ''$20,000'', respectively.

(b) PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f) of such Act is amended by striking ''$3,000'' and ''six months'' and inserting ''$9,000'' and ''two years''.

SEC. 223. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT AUTHORIZED TO BE EMPLOYED IN THE UNITED STATES.

(a) IN GENERAL.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

''(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

''(i) such individual's taxpayer identification number, and

''(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse.''

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act).''

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) an omission of a correct taxpayer identification number required under section 23 (relating to credit for families with younger children) or section 32 (relating to the earned income tax credit) to be included on a return.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 224. ENHANCED MINIMUM CRIMINAL PENALTIES FOR EXTORTION OR INVOLUNTARY HOLDING OF ALIENS ENGAGED IN UNLAWFUL EMPLOYMENT.

(a) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 274C the following new section:

''CRIMINAL PENALTIES FOR EXTORTION OF ALIENS ENGAGED IN UNLAWFUL EMPLOYMENT

''SEC. 274D. (a) ACTIVITIES PROHIBITED.—Any person who, by threatening to disclose the immigration status of an individual known or suspected not to be a lawful resident of the United States to any Federal, State or local government agency or employee, induces or coerces (or attempts to induce or coerce) that individual to work for unlawfully low compensation, under unlawfully unsafe or unhealthy conditions, or to obtain from or through the person food, shelter, medical care, medicine, transportation, clothing, tools or other devices or equipment, shall be fined in accordance with title 18, United States Code, imprisoned for a first offense not less than 5 years or more than 10 years, and imprisoned for subsequent offenses not less than 10 or more than 15 years, for each individual so threatened.

''(b) ADJUSTED SENTENCING GUIDELINES.—Pursuant to section 944 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, to provide that an offender convicted of violating, or conspiring to violate, this section shall be assigned a base offense level under the guidelines that is—

''(1) in the case of a first offense, not lower than 26;

''(2) in the case of an offender with one prior felony conviction, not lower than 34; and

''(3) in the case of bodily injury to such alien, a required enhancement of between 2 and 6 offense levels in proportion to the severity of the injury inflicted.

''(c) DEFINITION.—As used in this section, the term 'lawful resident of the United States' includes any person who is—

''(A) a United States citizen or national;

''(B) an alien lawfully admitted to the United States for permanent residence;

''(C) a nonimmigrant alien described in section 101(a)(15);

''(D) an asylee;

''(E) a refugee;

''(F) an alien whose deportation is being withheld under section 243(h);

''(G) a parolee; or

''(H) a Chinese national described in section 2(b) of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) who, as of the date of enactment of this section, has applied for adjustment of status in accordance with such Act.''.

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 274C the following new item:

''Sec. 274D. Criminal penalties for extortion of aliens engaged in unlawful employment.''.

SEC. 225. WORK AUTHORIZATION VERIFICATION.

The Attorney General, together with the Secretary of Health and Human Services, shall develop and implement a counterfeit-resistant system to verify work eligibility and federally-funded public assistance benefits eligibility for all persons within the United States. If the system developed includes a document (designed specifically for use for this purpose), that document shall not be used as a national identification card, and the document shall not be required to be carried or presented by any person except at the time of application for federally funded public assistance benefits or to comply with employment eligibility verification requirements.

PART C—ENHANCED WAGE AND HOUR LAWS

SEC. 231. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 such additional investigators and staff as may be necessary to aggressively enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

SEC. 232. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary to prosecute actions brought under this Act, or intended to directly further Congress' intention to preclude and deter illegal immigration.

TITLE III—ENHANCED SMUGGLING CONTROL AND PENALTIES

SEC. 301. MINIMUM CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) MINIMUM ALIEN SMUGGLING PENALTIES.—

(1) Section 1324(a)(2)(B) of Title 8, United States Code is amended—

(A) by striking ''for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved'' and inserting ''for each alien in respect to whom a violation of this paragraph occurs''; and

(B) by striking ''imprisoned not more than 10 years'' and inserting ''imprisoned for a first offense not less than two and one half or more than 5 years, imprisoned for a second offense not less than 5 years or more than 10 years, and imprisoned for subsequent offenses not less than 10 or more than 15 years'';

Pursuant to section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that an offender convicted of smuggling, transporting, or harboring an unlawful alien under dangerous or inhumane conditions in violation of title 18, United States Code, section 1324(a)(2)(B)(ii) shall be assigned a base offense level under chapter 2 of the sentencing guidelines that is—

(1) in the case of a first offense, not lower than 22;

(2) in the case of an offender with one prior felony conviction, not lower than 26;

(3) in the case of an offender with two prior felony convictions, not lower than 32;

(4) in the case of bodily injury to such alien, a required enhancement of between 2 and 6 offense levels in proportion to the severity of the injury inflicted; and

(5) in the case of the death of an alien, not lower than 41.

SEC. 302. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.

Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by amending subsection (b)(1) to read as follows:

''(b) SEIZURE AND FORFEITURE.—(1) Any property, real or personal, which facilitates or is intended to facilitate, or which has been used in or is intended to be used in the commission of a violation of sections 1541, 1542, 1543, 1544, 1545, or 1546 of title 18, United States Code, or which constitutes or is derived from or traceable to the proceeds obtained directly or indirectly from a commission of a violation of such sections of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

''(A) no property, used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the illegal act;

''(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State; and

''(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner, unless such action or omission was committed by an employee or agent of the owner, and facilitated or was intended to facilitate, or was used in or intended to be used in, the commission of a violation of section 1546 of title 18, United States Code, which was committed by the owner or which was intended to further the business interests of the owner, or to confer any other benefit upon the owner.'';

(2) in paragraph (2)—

(A) by striking ''conveyance'' both places it appears and inserting ''property''; and

(B) by striking ''is being used in'' and inserting ''is being used in, is facilitating, has facilitated, or was intended to facilitate'';

(3) in paragraph (3)—

(A) by inserting ''(A)'' immediately after ''(3)'', and

(B) by adding at the end the following:

''(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.'';

(4) in paragraphs (4) and (5) by striking ''a conveyance'' and ''conveyance'' each place such phrase or word appears and inserting ''property''; and

(5) in paragraph (4) by—

(A) striking ''or'' at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting ''; or'', and

(C) by inserting at the end the following new subparagraph:

''(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).''.

SEC. 303. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended in paragraph (c), by inserting after ''trains)'' the following: '', or a felony violation of section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers)''.

SEC. 304. LIMITATION ON SECTION 212(c) AUTHORITY.

Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by striking the period and inserting '', an alien who has been convicted of an offense described in section 274(a)(1) done for the purpose of commercial advantage or private financial gain, or an alien who has been convicted of an offense described in section 274(a)(2)(B)(ii)''.

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall apply to offenses occurring after the date of enactment of this Act.

TITLE IV—ADMISSIONS AND DOCUMENT FRAUD CONTROL

SEC. 401. MINIMUM CRIMINAL PENALTIES FOR DOCUMENT FRAUD.

(a) MINIMUM DOCUMENT FRAUD PENALTIES.—(1) Sections 1028, 1425, 1426, 1427 and 1546(a) of title 18, United States Code are amended by striking ''not more than 5 years'' and inserting ''for a first offense not less than two and one half or more than 5 years, imprisoned for a second offense not less than 5 years or more than 10 years, and imprisoned for subsequent offenses not less than 10 or more than 15 years''.

(b) ADJUSTED SENTENCING GUIDELINES.—Pursuant to section 944 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, to provide that an offender convicted of violating, or conspiring to violate, sections 1028, 1425, 1426, 1427 and 1546(a) of title 18, United States Code, shall be assigned a base offense level under chapter 2 of the guidelines that is—

(1) in the case of a first offense, not lower than 22;

(2) in the case of an offender with one prior felony conviction, not lower than 26;

(3) in the case of an offender with two prior felony convictions, not lower than 32; and

(4) in the case of procurement, production, transfer, or possession of more than 5 documents or related implements within the scope of this section, a required enhancement of between 1 and 5 offense levels in proportion to the quantity of documents at issue.

TITLE V—BORDER CROSSING USER FEE

SEC. 501. IMMIGRATION LAW ENFORCEMENT FUND.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a revolving fund known as the Immigration Law Enforcement Fund (hereafter in this section referred to as the ''Fund'').

(b) BORDER CROSSING USER FEE.—Notwithstanding any other provision of law or treaty to which the United States is a party, the Attorney General, in consultation with the Secretaries of State and the Treasury, and such other parties as the Attorney General deems appropriate, shall collect from each individual entering into the United States by land or sea, without regard to the immigration or citizenship status of such individual a border crossing user fee of $1.

(c) FEE ADJUSTMENT AND SPECIAL FEE PROGRAM AUTHORITY.—Notwithstanding subsection (b), the Attorney General may—

(1) adjust the border crossing user fee periodically to compensate for inflation and other escalation in the cost of carrying out the purposes of this Act; and

(2) develop and implement special discounted fee programs for frequent border crossers including, but not limited to, commuter coupon books or passes.

(d) AUTHORIZE ROLL-OVER OF FUND SURPLUSES FROM YEAR-TO-YEAR.—There shall be deposited in the Fund amounts received by the Attorney General as fees collected under subsection (b).

(e) USES OF USER FEE FUND.—(1) The Fund shall be available to the Attorney General, to the extent and in the amounts provided in appropriation Acts and without fiscal year limitation, to pay for matters authorized under this Act, as follows:

(A) For additional salaries and expenses incurred by reason of the employment of personnel under this Act, including, but not limited to, Border Patrol, inspection, investigation, enforcement, and security personnel, and adjudication officers.

(B) For costs relating to land border crossing infrastructure improvement.

(C) For costs relating to the acquisition by the Department of Justice of technology and equipment (including, but not limited to, aircraft, helicopters, four wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units).

(D) For the cost of facilitating and expanding the activities of the Organized Crime and Drug Enforcement Interagency Task Force in order to fully abate the flow of narcotics and other illegal drugs into the United States.

(E) For the cost of expediting initial asylum claim review procedures.

(F) For the cost of devising and implementing regulatory reform of the affirmative asylum adjudication process.

(G) For the cost of expanding the Institutional Hearing Program.

(H) For the cost of expanding the Advanced Passenger Information System.

(I) For the cost of increasing rewards for information leading to the arrest and conviction of terrorists.

(J) For the cost of conducting classes, or otherwise assisting or encouraging, legal immigrants to the United States to attain American citizenship.

(K) For the cost of such other activities that, in the discretion of the Attorney General, will reduce: illegal transit of the Nation's borders, the flow of illegal drugs across such borders, the time necessary to process applications for asylum in the United States, and the number of alien criminals incarcerated in this country.

(2) Funds made available under subparagraph (A) in each fiscal year shall be allotted to districts of the Immigration and Naturalization Service in proportion to the amount of illegal immigration in each district as the Attorney General finds to have occurred in the preceding fiscal year and reasonably anticipated in the coming fiscal year.●

AMERICAN CLASS STRUGGLE

● Mr. SIMON. Mr. President, A.M. Rosenthal had a column recently in the New York Times titled ''American Class Struggle,'' that contains a great deal of common sense that we ought to be listening to.

I am uncomfortable when people of either party start moving on economic class line demagoguery, and there has been some of that on both sides.

I was particularly pleased to read in the Rosenthal column the comments by a highly respected economist Felix J. Rohatyn. He said in a speech at Wake Forest University:

The big beneficiaries of our economic expansion have been the owners of financial assets and a new class of highly compensated technicians working for companies where profit-sharing and stock ownership was widely spread.

What is occurring is a huge transfer of wealth from lower-skilled middle-class American workers to the owners of capital assets and to the new technological aristocracy.

As a result, the institutional relationship created by the mutual loyalty of employees and employers in most American businesses has been badly frayed. . . . These relationships have been replaced by a combination of fear for the future and a cynicism for the present as a broad proportion of working people see themselves as simply temporary assets to be hired or fired to protect the bottom line and create ''shareholder value.''

Mr. President, I ask that the Rosenthal column be printed in the RECORD.

The column follows:

AMERICAN CLASS STRUGGLE

(By A.M. Rosenthal)

When the Republicans took over Congress in the November election, I didn't take it hard. I voted for candidates from both parties, so I told my Democratic friends not to go into mourning. After all, shifting control of Congress once every few decades was not exactly destroying democracy.

But I began to get nervous when I heard Representative Newton Gingrich boast that he was a revolutionary, the only one around.

Myself, I think the first American Revolution was carried out well enough to be the last. Any major-party leader who prattles about being a revolutionary strikes me as stunningly insensitive to the havoc that revolutions cause, especially when they are rooted not in oppression but in the brain of a politician afloat in self-esteem.

I still give him the benefit of the doubt; put the revolutionary talk down to a boyish pose. But sometimes a pose creates a result a young fellow might not foresee.

The fact is that the ambitions of the Newtonians, their lust for the quick, dramatic change and their deep fascination with themselves do have in them the makings of one important ingredient of revolution. That is class struggle.

Done carefully, with each Federal program to be sliced examined with the caring attention that we usually save for our own self-interest, much of the Contract With America could be of benefit.

But absent that tenderness, the program is turning into more than Americans who voted for it might want. They expected to save some government money spent on other Americans, give bureaucrats the scare of their lives, and have a good housecleaning.

But I doubt they expected the slash-and-burn campaign the Republicans have mounted against so much of the economic and social safety net created by Republican as well as Democratic administrations since World War II.

What's more, all this is going on when a particular kind of economic expansion is also taking place. Felix G. Rohatyn, senior partner of Lazard Freres, described it in a speech at Wake Forest University last week:

''The big beneficiaries of our economic expansion have been the owners of financial assets and a new class of highly compensated technicians working for companies where profit-sharing and stock ownership was widely spread.

''What is occurring is a huge transfer of wealth from lower-skilled middle-class American workers to the owners of capital assets and to the new technological aristocracy.

''As a result, the institutional relationship created by the mutual loyalty of employees and employers in most American businesses has been badly frayed. . . . These relationships have been replaced by a combination of fear for the future and a cynicism for the present as a broad proportion of working people see themselves as simply temporary assets to be hired or fired to protect the bottom line and create 'shareholder value.'''

All right, put this attitude toward workers as disposable together with ''slash that net.'' Target people on welfare wholesale, take important aid programs from immigrants, legal or not, put Medicare on the cutting board and hint that Social Security will be next. Reduce money for narcotics therapy, summertime jobs for youngsters, health care and other parts of the net created over the last five decades. Cut very deep, very fast.

Inevitably Americans who find themselves poorer or more frightened, with nothing between them and the ground, will look to business, a big beneficiary and supporter of the cuts, to erect a new net.

Too bad for them. Mr. Rohatyn warns that it won't work, that being the social safety net of last resort is government's business, which makes two of us.

So: If they destroy too much of the government safety net, Republicans will be loading business down with a job it cannot do, with working-class expectations it does not want to meet and cannot.

As a bleeding-heart conservative, I believe that will be not only the prescription for class struggle but the beginning of its reality.

Class struggle does not automatically bring revolution—real, not sound-bite. But in 1932, President Roosevelt understood the danger of economic class struggle, and moved to overcome it and save capitalism. Left unrecognized or ignored, class struggle creates divisions that can undermine society—any society.●

THE 1995 NATIONAL DRUG CONTROL STRATEGY

● Mr. D'AMATO. Mr. President, I rise today to speak on the subject of drugs. The Office of National Drug Control Policy [ONDCP] has now released its annual National Drug Control Strategy, dated February 1995. I regret that this strategy continues in the direction established in the 1994 strategy, a direction I strongly criticized at the time. The administration has produced another deeply flawed document that will not advance the war against drugs.

In this document the administration outlines its priorities for dealing with illicit drugs. the document extols treatment and prevention as the primary tools in combating the drug problem. The strategy never addresses interdiction. It stresses policy changes to enhance the administration's demand side approach to dealing with the flood of foreign illegal drugs entering the United States, rather than enforcement efforts.

The document is 150 pages long, with a 45 page long lost of consultants. The strategy frequently contradicts itself from one chapter to the next in its interpretation of its findings, whether the findings were based on surveys or medical reports. This strategy provides an overinflated justification for expanded treatment and prevention efforts, without ever dealing with the underlying problem of the ease with which illegal drugs can be obtained.

Furthermore, this document attempts to distinguish between the drug user and the drug dealer, claiming one is a public health problem while the other is a criminal. The truth of the matter is that both using and dealing are criminal violations and the dealer could not exist, much less profit, without the user. Drug dealers can only be arrested by working through drug users. Therefore, enforcement efforts against users should not be curtailed, but instead reinforced.

Some of the contradictions contained within the report are serious. The report begins with a strategy overview which would lend the impression that enforcement was going to be a major theme in the strategy. This does not turn out to be the case. Under the section entitled ''Principles for Responding to Illicit Drug Use'', on page 10, the report states: ''To ensure the safety of our communities, certainty of punishment must be promoted for all drug offenders—particularly young offenders. All offenders must receive appropriate punishment when they first encounter the criminal justice system.'' This theme is further advanced on page 12, section entitled ''Action Plans for Responding to America's Drug Problem'' where it states ''Use the authority of

the criminal justice system to require drug-using offenders to stop taking drugs; Punish the criminal activities of drug users and sellers.''

This theme is immediately contradicted by a subsequent passage that states: ''This Strategy recognizes that Americans make a distinction between drug dealers and drug users when stating how policies should be developed and carried out. Recent public opinion polls indicate that Americans believe that drug dealers deserve tough criminal sanctions and that drug users should have the opportunity for intensive treatment to break their dependence on drugs.'' This directly contradicts the previous message of punishment for both users and dealers. This section further contradicts the need for strong enforcement action when it states: ''The Action Plan for Reducing the Demand for Illicit Drugs emphasized drug prevention as the ultimate key to ensuring [sic] the future of the Nation's children.''

While demand reduction is the ultimate key to victory in the war on drugs, this approach completely disregards the immediate problems of the availability of illicit drugs, the monetary rewards for dealing illegal drugs, and the constant flow of illegal drugs into the United States. furthermore, most drug dealers are also drug users. How are the courts to differentiate between the classes of criminals as described within this strategy?

Law enforcement efforts and the criminal penalties for illegal drug activities directly affect drug availability, financial incentives for drug trafficking, and the flow of these illegal drugs. Once the supply is reduced, then treatment can be effective to further reduce demand.

This section of the strategy closes with 14 listed goals to be used as the measure of success for the strategy. The top eight goals are all treatment or prevention measures. Once again this strategy of targeting treatment without addressing illegal drug availability and drug law enforcement concerns is akin to the old problem of putting the cart before the horse.

Section II, ''Drug Use in America,'' details the number of casual and chronic drug users in the United States. This section states on page 17, ''First, rates of illicit drug use are rising among the Nation's youth and second, rates of heroin use are increasing, particularly because existing drug users are adding heroin to the list of drugs they consume. In addition, there are new users of heroin, many of them youth.''

This statement is immediately contradicted on page 24 of the same section, where it states: ''The strongest sign of an epidemic is the entry of a large number of new users (new initiates) into illicit drug use. There is no systematic evidence that this is the case with heroin.'' The report denies that there is a significant increase in heroin use. Yet in January 1995, 1 month prior to the release of this report, ONDCP stated in its monthly newsletter, ''more potent forms of marijuana are becoming increasingly popular among people under 30 and that heroin and marijuana use are rising.'' The newsletter further states, ''The Department of Health and Human Services also released the Drug Abuse Warning Network [DAWN] survey, showing in 1993 a 31-percent increase in heroin-related emergency room visits,''. These contradictory statements leave us with a very basic question—how can an effective strategy be devised and implemented when the underlying causes and extent of the problem are in dispute?

In December 1994, ONDCP released a newsletter entitled ''Pulse Check, National Trends in Drug Abuse.'' This newsletter concluded that illegal drug use is on the rise, directly contradicting the strategy released 2 months after this publication. On page 17 of the newsletter, under section headed ''Conclusion,'' it states: ''This Pulse Check found a continuing presence of high-purity, low-priced heroin in many urban areas. In addition to the traditional addict in his 30s who injects the drug, nontradional groups are forming and growing larger that include persons in their teens and twenties, females, and middle-income persons. New and young users usually smoke or inhale heroin to avoid the stigma associated with the needle-using addict, but some of these users are quickly switching to injection.''

This section continues: ''Some ethnographic sources report that they are now convinced that the new user group represents a new epidemic of use, particularly since heroin appears to be moving out of traditional user groups and involves alternative methods of use such as snorting and smoking.'' The conclusions stated in this publication directly contradict the National Drug Control Strategy—yet both were prepared by the ONDCP.

Section III, ''Drug Use and Its Consequences,'' clearly shows the nexus between drugs and violent crimes. Although the nexus between drugs and violence is acknowledged, the elevation of treatment over enforcement again takes center stage. Page 38 states: ''Numerous studies confirm the fact that treatment of chronic, hardcore addicts, both within the correctional setting and in community-based programs, is the most cost-effective response and the course of action that makes the most practical sense.''

This blanket statement can be contradicted by any number of additional studies that show that treatment by itself without effective law enforcement efforts will never eradicate the drug problem. This section attempts to justify ONDCP's position by the following statement: ''The most compelling demonstration of the cost-effectiveness of treatment is from a recent California study assessing drug and alcoholism treatment effectiveness. This study found that in 1992 alone, the cost of treating approximately 150,000 drug users in California was $209 million. Approximately $1.5 billion was saved while these individuals were in treatment and in the first year after their treatment. Most of these savings were in the form of reductions in drug-related crime (a two-thirds decline in the level of criminal activity among these drug users was observed from pretreatment to posttreatment).''

This is a very misleading assertion for several reasons: First, if these defendants were incarcerated for drug violations, the same savings due to reduced criminal activity would apply. Second, these individuals were under supervision for this study, making criminal activity difficult. Third, if criminal activity were to take place, how can the possible losses be accurately cacluated? The figure would be the product of pure conjecture.

This section goes on to state: ''Locking up drug users and drug addicts does not go far enough to protect communities from the problems created by drug use.'' This statement is true to the extent that mere incarceration will not eradicate continued drug use, but incarceration is the first step in identifying and eventually treating chronic drug abusers. All too often, bleeding heart liberals forget that drugs are addictive and that most addicts will not voluntarily change their addictive behavior.

Further, incarceration of casual drug users sends a clear and convincing message that illegal drug use will not be tolerated by our society. The real threat of criminal penalties acts as a deterrent to the casual drug user, and increased law enforcement efforts in turn increase this deterring effect.

In my remarks on the drug problem in prior years, I emphasized the importance of social delegitimization of illegal drug use. I believe that the crop of new users reported by ONDCP is, in important part, the product of a relegitimization of illegal drug use, flowing from messages of tolerance implicit in the administration's statements and actions on this subject, taken as a whole.

Mr. President, it is not premature to issue a serious assessment of this administration's performance in the war on drugs. It has been dismal, and will only get worse. The problem is that the full penalty for this administration's failures—in analyzing and understanding the problem, in crafting a policy and budgetary response to it, and in implementing its decisions—will be paid by future generations of Americans. The current occupants of the White House will be long departed from any official responsibility for U.S. policy before the full impact of their mistakes is felt.

I pledge to continue my fight for the people of New York and the citizens of America, who deserve the domestic tranquility they were promised in the Preamble to the Constitution, but who are denied civil peace by the twin

plagues of violent criminal activity and illegal drug use. This year, we will revise last year's crime bill to make it more effective and more responsive to the concerns of the American people.

Moreover, the coming national election will give us a chance to present to the people of the United States this administration's record and ask for their judgment at the polls on its performance in this critical area. I believe the American people will understand as we do the abject and serious failure of this administration's policies, and will vote to change them.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Katherine Howard:									
United States	Dollar				1,674.35				1,674.35
England	Dollar		759.00						759.00
Poland	Dollar		940.00						940.00
Total			1,699.00		1,674.35				3,373.35

PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition and Forestry,
Dec. 15, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John W. Warner:									
China	Yuan	3,847.50	450.00					3,847.50	450.00
Romie L. Brownlee:									
China	Dollar		29.10						29.10
China	Yuan	3,987,50	466.37					3,987.50	466.37
Senator Sam Nunn:									
China	Dollar		311.69						311.69
Korea	Dollar				1,560.95				1,560.95
Richard D. Finn, Jr.:									
Vietnam	Dollar		140.00				103.56		243.56
Thailand	Baht	9,440.65	379.60				313.31	9,440.65	692.91
Hong Kong	Dollar	4,020.16	520.14				609.42	4,020.16	1,129.56
China	Yuan	4,285.43	501.22				233.33	4,285.43	734.55
France	Dollar						65.21		65.21
Malaysia	Dollar						470.00		470.00
James M. Bodner:									
Malaysia	Ringgits	981	327.00				470.00	981	797.00
Vietnam	Dong	5,277,550	447.25				103.56	5,277,550	550.81
Thailand	Baht	9,816.33	394.23				313.31	9,816.33	707.54
France	Dollar						65.21		65.21
United States	Dollar				3,530.00				3,530.00
Hong Kong	Dollar	4,304.29	547.62				609.42	4,304.29	1,157.04
China	Yuan	3,854.35	452.92				233.33	3,854.35	686.25
Senator William S. Cohen:									
Malaysia	Ringgits	1,163.67	387.89				470.00	1,163.67	857.89
Vietnam	Dong	3,601,950	305.25				103.56	3,601,950	408.81
Thailand	Baht	9,712.49	390.06				313.31	9,712.49	703.37
Hong Kong	Dollar	4,488.14	571.01				609.42	4,488.14	1,180.43
China	Yuan	3,647.30	428.59				233.33	3,647.30	661.92
France	Dollar						65.21		65.21
United States	Dollar				3,530.00				3,530.00
Senator Sam Nunn:									
Vietnam	Dollar		140.00				103.56		243.56
Thailand	Baht	10,594	426.00				313.31	10,594	739.31
Hong Kong	Dollar	5,341.67	691.12				609.42	5,341.67	1,300.54
China	Yuan	3,180.60	372.00				233.33	3,180.60	605.33
France	Dollar						65.21		65.21
Malaysia	Dollar						470.00		470.00
Joseph G. Pallone:									
Russia	Dollar		1,544.00						1,544.00
Netherlands	Guilder	832.09	484.00					832.09	484.00
Lucia M. Chavez:									
Netherlands	Guilder	1,176.54	688.04					1,176,54	688.04
Russia	Dollar		387.80						387.04
United States	Dollar				3,431.85				3,431.85
Senator John W. Warner:									
United Kingdom	Pound	216.41	344.00					216.41	344.00
John H. Miller:									
Italy	Lire	525,826	322.00					525,826	322.00
United States	Dollar				1,381.25				1,381.25
Senator Richard Shelby:									
Belgium	Franc	20,775.5	672.35					20,775.5	672.35
Germany	Mark	339.485	230.94					339.485	230.94
Denmark	Krone	1,424	236.15					1,424	236.15
Norway	Krone	1,060	165.63					1,060	165.63
Poland	Zloty	12,952,536	570.60					12,952,536	570.60
Hungary	Forint	45,332.84	427.67					45,332.84	427.67
Romania	Leu	260,750	149.00					260,750	149.00
Bulgaria	Lev	11,534.05	181.64					11,534.05	181.64
Turkey	Lira	11,315,571	317.85					11,315,571	317.85
Greece	Drachma	122,300.9	524.90					122,300.9	524.90
Italy	Lira	1,137,791.5	742.20					1,137,791.5	742.20
Austria	Schilling	2,585.06	243.87					2,585.06	243.87
Croatia	Kuna	1,468.298	275.48					1,468.298	275.48
Thomas J. Young:									
Belgium	Franc	26,028.5	842.35					26,028.5	842.35

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Germany	Mark	421.6695	286.85					421.6695	286.85
Denmark	Krone	1,424	236.15					1,424	236.15
Norway	Krone	1,016	158.75					1,016	158.75
Poland	Zloty	13,400,730	590.34					13,400,730	590.34
Hungary	Forint	48,102.84	453.80					48,102.8	453.80
Romania	Leu	281,750	161.00					281,750	161.00
Bulgaria	Lev	12,669.05	199.51					12,669.05	199.51
Turkey	Lira	13,630,317	382.87					13,630,317	382.87
Greece	Drachma	123,777.9	531.24					123,777.9	531.24
Italy	Lira	1,209,991.5	789.30					1,209,991.5	789.30
Austria	Schilling	2,730.06	257.55					2,730.06	257.55
Croatia	Kuna	1,408.518	264.26					1,408.518	264.26
Total			22,341.15		13,434.05		7,179.32		42,954.52

SAM NUNN,
Chairman, Committee on Armed Services,
Dec. 22, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Raymond Natter:									
Spain	Dollar		355.00						355.00
United States	Dollar				567.95				567.95
Senator Christopher S. Bond:									
Vietnam	Dollar		300.00				103.56		403.56
Thailand	Baht	10,594.00	426.00				313.31	10,594.00	739.31
Hong Kong	Dollar	5,626.80	728.00				609.42	5,626.80	1,337.42
China	Yuan	4,993.20	584.00				233.33	4,993.20	817.33
France	Dollar						65.21		65.21
Malaysia	Dollar						470.00		470.00
Brent Franzel:									
Vietnam	Dollar		300.00				103.56		403.56
Thailand	Baht	10,594.00	426.00				313.31	10,594.00	739.31
Hong Kong	Dollar	5,626.80	728.00				609.42	5,626.80	1,337.42
China	Yuan	4,993.20	584.00				233.33	4,993.20	818.33
France	Dollar						65.21		65.21
Malaysia	Dollar						470.00		470.00
Total			4,431.00		567.95		3,589.66		8,588.61

DON RIEGLE,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Feb. 22, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Roy Phillips:									
Netherlands	Guilder	832.09	484.00					832.09	484.00
Russia	Dollar		872.00						872.00
United States	Dollar				3,431.85				3,431.85
Total			1,356.00		3,431.85				4,787.85

JIM SASSER,
Chairman, Committee on the Budget,
Feb. 1, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sam Fowler:									
United Kingdom	Dollar		530.78		29.40				560.18
France	Franc	4,415.55	811.41					4,415.55	811.41
United States	Dollar				3,245.15				3,245.15
Richard Grundy:									
Switzerland	Franc	2,891.70	2,226.95	115.00	89.18	143.10	110.20	3,150.60	2,426.33
United States	Dollar		6.65		1,425.75				1,432.40
Total			3,575.79		4,789.48		110.20		8,475.47

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
Nov. 3, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James P. Beirne:									
Australia	Dollar	594.70	438.24	122.13	90.00	98.90	72.88	815.73	601.12
Vanuatu	Vatu	74,405	695.38	1,900	17.76	10,325	96.50	86,630	809.64
New Zealand	Dollar	1,198	731.83	314.50	192.12	179.25	109.50	1,691.75	1,033.45
Western Samoa	Tala	759	303.60	137.80	55.12	81	32.40	977.80	391.12
United States	Dollar				4,931.95				4,931.95
James O'Toole:									
Australia	Dollar	569.95	420.00	65	47.89	130.10	95.79	765.05	563.68
Vanuatu	Vatu	75,102	701.00	1,900	17.75	10,525	98.36	87,527	817.11
New Zealand	Dollar	1,198	731.82	12	7.33	209.05	127.70	1,419.05	866.85
Western Samoa	Tala	759	303.60	10	4.00	131	52.40	900	360.00
United States	Dollar				4,946.95				4,946.95
Laura Hudson:									
Australia	Dollar	765.16	519.99		38.00			765.16	557.99
Vanuatu	Vatu	87.370	816.54					87,370	816.54
New Zealand	Dollar	1,478.40	903.25					1,478.40	903.25
Western Samoa	Tala	708.25	283.30		38.00			708.25	321.30
United States	Dollar				4,931.95				4,931.95
Dionne Thompson:									
Australia	Dollar	607.82	447.92	94.99	70.00	88.20	65.00	791.01	582.92
Vanuatu	Vatu	77,430	723.64			6,200	57.94	83,630	781.58
New Zealand	Dollar	1,443.40	881.71			210.68	128.70	1,654.08	1,010.41
Western Samoa	Tala	73,875	295.50			12,500	50.00	86,375	345.50
United States	Dollar				4,931.95				4,931.95
Total			9,197.32		20,320.77		987.17		30,505.26

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
Jan. 11, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Dodd:									
Ireland	Dollar		279.00						279.00
Northern Ireland	Dollar		191.00						191.00
United States	Dollar				1,442.95				1,442.95
Senator John Kerry:									
China	Yuan	8,396	982.00					8,396	982.00
Vietnam	Dollar		300.00						300.00
Thailand	Baht	4,560	183.00					4,560	183.00
India	Rupee	21,954	703.00					21,954	703.00
United Kingdom	Pound	180	283.00					180	283.00
United States	Dollar				6,386.00				6,386.00
Senator Richard Lugar:									
Germany	Dollar		500.00						500.00
France	Franc	1,691.04	312.00					1,691.04	312.00
United Kingdom	Pound	147.44	230.00					147.44	230.00
Senator Frank Murkowski:									
Japan	Dollar		568.02						568.02
Hong Kong	Dollar		863.52						863.52
China	Dollar		280.94						280.94
North Korea	Dollar		392.00						392.00
South Korea	Dollar		168.43						168.43
Vietnam	Dollar		710.66						710.66
United States	Dollar				6,314.95				6,314.95
Senator Claiborne Pell:									
Austria	Schilling	5,179.20	480.00					5,179.20	480.00
Senator Paul Sarbanes:									
Cyprus	Dollar		300.00				335.34		635.34
Greece	Drachma	131,105	539.75			115,254	473.22	246,359	1,012.97
United States	Dollar				1,880.35				1,880.35
Senator Paul Simon:									
Mongolia	Dollar		225.00						225.00
China	Dollar		928.00						928.00
North Korea	Dollar		190.00						190.00
South Korea	Dollar		303.00						303.00
Vietnam	Dollar		620.00						620.00
Steven K. Berry:									
Germany	Mark	143	94.70					143.00	94.70
France	Franc	705.84	136.00				125.00	705.84	261.00
United States	Dollar				1,123.21				1,123.21
Nadereh Chahmirzadi:									
Mozambique	Dollar		242.00						242.00
South Africa	Dollar		3,208.00						3,208.00
United States	Dollar				5,741.75				5,741.75
Geryld B. Christianson:									
Spain	Peseta	273,492	2,130.00					273,492	2,130.00
United States	Dollar				1,256.95				1,256.95
Hungary	Dollar		1,337.00						1,337.00
United States	Dollar				1,415.00				1,415.00
Nancy Chen:									
Mongolia	Dollar		225.00						225.00
China	Dollar		928.00						928.00
North Korea	Dollar		190.00						190.00
South Korea	Dollar		303.00						303.00
Vietnam	Dollar		620.00						620.00
G. Garrett Grigsby:									
Spain	Peseta	273,492	2,130.00					273,492	2,130.00
United States	Dollar				1,122.95				1,122.95
Netherlands	Guilder	832.09	484.00					832.09	484.00
Russia	Dollar		872.00						872.00
United States	Dollar				3,431.85				3,431.85
Michael Haltzel:									
Germany	Mark		1,700.00						1,700.00
United States	Dollar				1,175.95				1,175.95

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Germany	Mark	808	529.50					808	529.50
Austria	Schilling	5,156.40	480.00					5,156.40	480.00
France	Franc	3,288.48	624.00					3,288.48	624.00
United States	Dollar				1,474.75				1,474.75
Thomas Hubbard:									
China	Yuan	14,969.95	1,750.00					14,969.95	1,750.00
India	Rupee	36,384.25	1,165.00					36,384.25	1,165.00
United States	Dollar				5,296.95				5,296.95
Thomas Hughes:									
Ireland	Pound	331.10	515.00					331.10	515.00
United Kingdom	Dollar		920.00						920.00
United States	Dollar				1,170.15				1,170.15
Michelle Maynard:									
Austria	Dollar		480.00						480.00
Netherlands	Dollar		196.00						196.00
France	Dollar		1,284.00						1,284.00
United States	Dollar				1,781.25				1,781.25
Patricia McNerney:									
Bahamas	Dollar		1,312.00						1,312.00
United States	Dollar				630.95				630.95
Kenneth A. Myers:									
Germany	Dollar		500.00						500.00
France	Franc	1,691.04	312.00					1,691.04	312.00
United Kingdom	Pound	375.65	586.00					375.65	586.00
Deanna Okun:									
Japan	Yen	62,574	632.06					62,574	632.06
Taiwan	Dollar	15,156	577.82					15,156	577.82
Hong Kong	Dollar	3,230	418.80					3,230	418.80
China	Dollar		422.92						422.92
North Korea	Dollar		241.43						241.43
South Korea	Won	163,086	206.44					163,086	206.44
Vietnam	Dollar		500.88						500.88
United States	Dollar				2,021.00				2,021.00
Anne Smith:									
Netherlands	Guilder	832.09	484.00					832.09	484.00
Russia	Dollar		872.00						872.00
United States	Dollar				3,431.85				3,431.85
Jonathan Stein:									
Mongolia	Dollar		225.00						225.00
China	Dollar		928.00						928.00
North Korea	Dollar		190.00						190.00
South Korea	Dollar		303.00						303.00
Vietnam	Dollar		620.00						620.00
Nancy Stetson:									
China	Yuan	8,396	982.00					8,396	982.00
Vietnam	Dollar		310.00						310.00
Thailand	Baht	5,308	213.00					5,308	213.00
India	Rupee	22,579	723.00					22,579	723.00
United Kingdom	Pound	180	283.00					180	283.00
United States	Dollar				6,526.00				6,526.00
	AMENDMENT TO REPORT FOR 1ST QUARTER, 1993								
Stephen A. Rickard:									
Syria	Dollar		645.00						645.00
Israel	Dollar		592.00						592.00
Total			46,155.87		53,624.81		933.56		100,714.24

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
Feb. 2, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Sturtevant			1,700.00		3,227.35				4,927.35
Christopher Mellon			1,044.00		3,151.35				4,195.35
Donald Mitchell			1,095.76		3,239.65				4,335.41
Timothy Carlsgaard			879.00		4,472.00				5,351.00
Peter Dorn			1,981.00		4,030.95				6,011.95
Sarah Holmes			981.00		3,229.95				4,210.95
Cliff Blaskowsky			1,981.00		4,030.95				6,011.95
Senator Bob Graham					380.95				380.95
Alfred Cumming					662.05				662.05
Total			9,661.76		26,425.20				36,086.96

DENNIS DeCONCINI,
Chairman, Select Committee on Intelligence,
Dec. 31, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Darrell Panethiere:									
Switzerland	Franc	1,500	1,125.00						1,125.00
United States	Dollar				2,559.35				2,559.35

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			1,125.00		2,559.35				3,684.35

JOE BIDEN,
Chairman, Committee on the Judiciary,
Mar. 7, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Lee Price:									
United States	Dollar				928.75				928.75
Total					928.75				928.75

KWEISI MFUME,
Chairman, Joint Economic Committee,
Dec. 21, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND THE REPUBLICAN LEADER FROM SEPT. 2 TO SEPT. 12, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick J. Leahy:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Senator Thad Cochran:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Senator J. James Exon:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Senator Hank Brown:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Luke Albee:									
Russia	Dollar		1,164.00						1,164.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Leah Gluskoter:									
Russia	Dollar		1,144.00						1,144.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Jan Paulk:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Hunt Shipman:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
William N. Witting:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Delegation expenses: [1]									
Russia							7,889.56		7,889.56
Ukraine							6,901.14		6,901.14
Moldova							1,126.14		1,126.14
Italy							4,423.56		4,423.56
Total			23,120.00				20,340.40		43,460.40

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

GEORGE J. MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
Jan. 3, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND THE REPUBLICAN LEADER FROM JUNE 1 TO JUNE 7, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Claiborne Pell:									
Italy	Lira	1,412,104	887.00					1,412,104	887.00
France	Franc	4,163.43	743.47					4,163.43	743.47
Senator Robert J. Dole:									
Italy	Lira	1,396,184	877.00					1,396,184	877.00
France	Franc	2,895.20	517.00					2,895.20	517.00
Senator Daniel K. Inouye:									
Italy	Lira	759,542	478.00					759,542	478.00
Senator Ernest F. Hollings:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,896.80	1,053.00					5,896.80	1,053.00
Senator Sam Nunn:									
France	Franc	5,373.48	959.55					5,373.48	959.55
Senator Pete Domenici:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	4,030.94	719.81					4,030.95	719.81
Senator Joseph R. Biden:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	3,371.2	602.00					3,371.2	602.00
Senator John Glenn:									
Italy	Lira	1,189,224	747.00					1,189,224	747.00
France	Franc	4,428.26	790.76					4,428.26	790.76
Senator Dale Bumpers:									
Italy	Lira	1,349,410	849.22					1,349,410	849.22
France	Franc	4,474.4	799.00					4,474.4	799.00
Senator Patrick J. Leahy:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,376.00	960.00					5,376.00	960.00
Senator David Durenberger:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,896.80	1,053.00					5,896.80	1,053.00
Senator Alan Simpson:									
France	Franc	4,177.6	746.00	593.6	106.00			4,771.2	852.00
Senator John Warner:									
Italy	Lira	1,186,983	747.00					1,186,983	747.00
France	Franc	2,951.2	527.00					2,951.2	527.00
Senator David Pryor:									
Italy	Lira	1,394,592	876.00					1,394,592	876.00
France	Franc	4,664.80	833.00					4,664.80	833.00
Senator Larry Pressler:									
France	Franc	6,389.60	1,141.00					6,389.60	1,141.00
United States	Dollar				3,282.00				3,282.00
Senator Howell Heflin:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,017.6	896.00					5,017.6	896.00
Senator Arlen Specter:									
France	Franc	1,097.6	196.00					1,097.6	196.00
Senator Frank Murkowski:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,896.8	1,053.00					5,896.8	1,053.00
Senator Tom Harkin:									
France	Franc	5,600.00	1,000.00					5,600.00	1,000.00
Senator John F. Kerry:									
France	Franc	3,749.20	669.50					3,749.20	669.50
Senator Bob Smith:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,087.6	908.50					5,087.6	908.50
Senator Harlan Mathews:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	4,356.8	778.00					4,356.8	778.00
Martha S. Pope:									
Italy	Lira	1,067,808	672.00					1,067,808	672.00
France	Franc	4,631.20	827.00					4,631.20	827.00
Steven Benza:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	4,788	855.00					4,788	855.00
Sheila Burke:									
Italy	Lira	1,294,296	813.00					1,294,296	813.00
France	Franc	3,001.60	536.00					3,001.60	536.00
John Cummings:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,896.80	1,053.00					5,896.80	1,053.00
Clarkson Hine:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	2,307.20	412.00					2,307.20	412.00
Phi Nguyen:									
France	Franc	3,931.2	702.00					3,931.2	702.00
Jan Paulk:									
Italy	Lira	1,336,349	841.00					1,336,349	841.00
France	Franc	4,300.8	768.00					4,300.8	768.00
Randy Scheunemann:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	3,371.20	602.00					3,371.20	602.00
Sally Walsh:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	9,128.00	1,630.00					9,128.00	1,630.00
United States	Dollar				528.90				528.90
Delegation expenses: [1]									
Italy							31,636.99		31,636.99
France							51,552.12		51,552.12
Total			44,675.81		3,916.90		83,189.11		131,781.82

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

ROBERT J. DOLE, Republican Leader,
GEORGE J. MITCHELL, Majority Leader,
Dec. 1, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Amitay:									
United States	Dollar				2,260.15				2,260.15
Hungary	Dollar		1,014.00				135.94		1,149.94
Orest Deychakiwsky:									
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		1,757.00				34.50		1,791.50
David Evans:									
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		764.00				40.00		804.00
Robert Hand:									
United States	Dollar				1,714.00				1,714.00
Macedonia	Dollar		718.00				177.00		895.00
United States	Dollar				1,386.55				1,386.55
Hungary	Dollar		3,584.00						3,584.00
Janice Helwig:									
United States	Dollar				2,614.13				2,614.13
Hungary	Dollar		8,198.47		1,067.20		144.62		9,410.29
Macedonia	Dollar		364.34				400.00		764.34
Marlene Kaufmann:									
United States	Dollar				2,813.65				2,813.65
Hungary	Dollar		2,702.56				25.60		2,728.16
Ronald McNamara:									
United States	Dollar				3,340.95				3,340.95
Hungary	Dollar		1,014.00				50.00		1,064.00
United States	Dollar				739.95				739.95
Cuba	Dollar		594.00						594.00
Michael Ochs:									
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		2,535.00				115.00		2,650.00
Unitd States	Dollar				4,410.35				4,410.35
Turkey	Dollar		352.00						352.00
Turkmenistan	Dollar		1,281.00				195.00		1,476.00
Russia	Dollar		672.00						672.00
James Ridge, Jr.:									
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		2,366.00				96.46		2,462.46
Erika Schlager:									
United States	Dollar				2,125.65				2,125.65
Hungary	Dollar		2,079.00						2,079.00
Samuel Wise:									
United States	Dollar				1,853.15				1,853.15
Hungary	Dollar		1,014.00						1,014.00
Hungary	Dollar		3,243.00						3,243.00
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		3,419.00				14.00		3,433.00
Total			37,671.37		33,042.48		1,428.12		72,141.97

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Jan. 18, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 21 TO OCT. 26, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Amitay:									
United States	Dollar				2,707.35				2,707.35
Germany	Dollar		187.00						187.00
Turkey	Dollar		656.00				25.00		681.00
Senator Dennis DeConcini:									
United States	Dollar				2,805.00				2,805.00
Germany	Dollar		187.00						187.00
Turkey	Dollar		252.00						252.00
Mary Sue Hafner:									
United States	Dollar				2,707.35				2,707.35
Germany	Dollar		187.00						187.00
Turkey	Dollar		656.00						656.00
Robert Hand:									
United States	Dollar				1,543.13				1,543.15
Germany	Dollar		218.07				33.50		251.57
Samuel Wise:									
United States	Dollar				1,877.35				1,877.35
Germany	Dollar		187.00						187.00
Turkey	Dollar		177.00						177.00
Delegation Expense: [1]									
Turkey	Dollar						458.81		458.81
Total			2,707.07		11,640.20		517.31		14,864.58

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384.

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Jan. 18, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE PRESIDENT OF THE SENATE FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Martha S. Pope									
United Kingdom	Dollar		83.16						83.16

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE PRESIDENT OF THE SENATE FROM OCT. 1 TO DEC. 31, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Republic of Ireland	Dollar		576.91						576.91
United States	Dollar				856.55				856.55
Total			660.07		856.55				1,516.62

AL GORE, President of the Senate,
Jan. 19, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Corbin:									
Spain	Peseta	273,492	2,130.00	5,575	43.42			279,067	2,173.42
United States	Dollar				1,143.95				1,143.95
Edward L. King:									
Spain	Dollar		164.46						164.46
Gordon Hamel:									
Germany/Bosnia-Herzegovina	Dollar		150.00						150.00
United States	Dollar				794.25				794.25
Total			2,444.46		1,981.62				4,426.08

GEORGE J. MITCHELL, Majority Leader,
Jan. 3, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mira Baratta:									
Belgium	Franc	2596.86	81.00					2596.86	81.00
United Kingdom	Pound	180.93	283.00					180.93	283.00
Italy	Lire	458,873	281.00					458,873	281.00
United States	Dollar				1,381.25				1,381.25
Randy Scheunemann:									
Belgium	Franc	2,400	75.00					2,400	75.00
United Kingdom	Pound	180.93	283.00					180.93	283.00
Total			1,003.00		1,381.25				2,384.25

ROBERT J. DOLE, Republican Leader,
Feb. 7, 1995.

ADDENDUM—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
United Kingdom	Pound	552.67	849.00					552.67	849.00
United States	Dollar				4,950.05				4,950.05
Steve Cortese:									
United Kingdom	Pound	552.67	849.00					552.67	849.00
United States	Dollar				4,048.95				4,048.95
Total			1,698.00		8,999.00				10,697.00

ROBERT J. DOLE, Republican Leader,
Feb. 6, 1995.

TRIBUTE TO THE REVEREND MARIAN CURTIS BASCOM, SR.

● Mr. SARBANES. Mr. President, for 45 years the Reverend Marian Curtis Bascom, Sr., has, as pastor of the Douglas Memorial Community Church in Baltimore, been a leading force for fairness, opportunity, growth, and advancement, not only for the many devoted members of his congregation, but for all the people of Baltimore. His leadership, vision and commitment have made Reverend Bascom, and the members of his congregation truly a visible, viable, and compassionate force in Baltimore.

This month Reverend Bascom will officially retire as pastor of Douglas Memorial Community Church, but his influence will continue to grow not only by his continued presence and leadership in our community, but also through the lives and works of the countless people he has led, inspired, and challenged to achieve the highest levels of dedication and commitment of which they are capable.

Born in Florida and educated there and in Chicago, Reverend Bascom holds an honorary doctor of divinity degree from Florida Memorial College, and has completed advanced studies at Wesley Seminary and Howard University in Washington, having served as president of Howard's alumni association.

Since coming to Baltimore in 1949 as pastor of Douglas Memorial Community Church, Reverend Bascom has held leadership posts in a broad range of institutions critical to our community's growth and vitality. He has twice served as president of the Interdenominational Ministerial Alliance, and with his fellow clergy in this wide ranging institution, Marian Bascom has been a force for economic, social, and civic progress leading the way to opening up access to our institutions to all people.

His inspired and committed leadership in the community has made him a leader in many ways—the first black commissioner of the Baltimore City Fire Department, first black to serve on the board of Baltimore City Hospitals, past president of the National Council of Community Churches, leader in support of working men and women, and vice president of Associated Black Charities.

Under his inspired leadership, Douglas Memorial Community Church has played a critical role in reaching out to the people of Baltimore and into the world. Under Reverend Bascom's pastorate, Douglas has developed and implemented programs which focus on youth, our senior citizens, and the homeless. There are camps for the youth, a Meals-on-Wheels service, apartments, a vibrant Sunday school and youth fellowship, and a ministry that touches people of all races and creeds throughout the community.

Mr. President, it has been my special honor and privilege to work with Rev. Marian C. Bascom over the years. I have found him to be an inspired leader, committed servant of his faith and tireless advocate for fairness and opportunity. His retirement will be only the next phase of involvement for this dedicated and inspiring clergyman, and I ask that all our colleagues join with me in wishing him every happiness. I also ask that a brief biography of the Reverend Marian Curtis Bascom, Sr., be printed in the RECORD.

The biography follows:

MARION CURTIS BASCOM, SR.: PREACHER, TEACHER, AND INNOVATOR

The growth of Douglas Memorial Community Church as a visible, viable compassionate force in the city of Baltimore is inextricably woven in the leadership of and by its minister, Rev. Marion Curtis Bascom, Sr.

Marion Curtis Bascom, Sr. was born in Pensacola, Florida and was blessed by the early influence of a religious life with his parents and grandparents. He soon became active as a child-preacher at the Mt. Olive Baptist church in Pensacola. As a young boy, he also lived in Chicago, Illinois, where he acquired his early education. Later he returned to Pensacola, and was graduated from High School.

In 1970 his Alma Mater, Florida Memorial College bestowed upon him the honorary Doctor of Divinity Degree. He also completed additional studies at the Wesley Seminary, Washington, D.C. In 1976, Dr. Bascom was selected to receive Howard University's coveted Distinguished Alumni Award at the 111th Anniversary of the founding of the institution. He has served the University frequently as a resource person for the School. Dr. Bascom has been president of the Alumni Association.

Before coming to assume the pastorate of Douglas Memorial Community Church, he had served as pastor at Mt. Zion Baptist Church, Pensacola, Florida; Shiloh Baptist Church, St. Augustine, Florida; and the First Baptist Church, St. Augustine, Florida. In July, 1949, he accepted the invitation to become the pastor of Douglas Memorial Community Church in Baltimore, Maryland.

Under the astute leadership of Dr. Marion Curtis Bascom, Douglas Memorial Community Church has become known as the church whose people have an acute awareness of the religious, social and political problems inherent of the city of Baltimore and which extend into the world. His leadership in connection with outreach programs focused on youth, the aged and homeless has brought recognition to him as one who believes that ''Love for one's fellowman reaches the highest pinnacle when we render service to others.''

Since 1949, Dr. Bascom has attained innumerable religious and civil heights, attesting to his stature as an inspired and committed leader in the Baltimore community. His prodigious list of credits include: twice president of the Interdenominational Ministerial Alliance; first Black Commissioner of the Baltimore City Fire Department; a former chairman of the Task Force for Welfare Rights; and the first Black to serve on the Board of Baltimore City Hospitals. In addition, he is a Past President of the National Council of Community Churches; and a former member of the Board of Directors of the Baltimore Branch of the National Association for the Advancement of Colored People. He has actively supported the local labor movement, and participated fully in the political life of Baltimore City. He was also a trustee of the Roseland Gardens Culture Center. Community concern has been maintained and Dr. Bascom serves as Vice President of Associated Black Charities.

Dr. Bascom has constantly admonished the Douglas Congregation that instead of doing ''church work'' it should ''do the work of the church.'' As a consequence with his foresight and guidance, Douglas has developed an enviable succession of outreach programs with four of its more prominent being: Camp Farthest Out, Inc., located in Barrett, Maryland, and serving four hundred under-privileged children for two-week periods throughout each summer; the Douglas Memorial Federal Credit Union, with assets over $1,000,000; a Meals-on-Wheels Kitchen serving all creeds and Douglas Village, with 49 apartments, occupying the entire 1300 block of Madison Avenue.

He was responsible for leading the church into sponsorship of a Headstart program and also for establishing the ''Seeker's House,'' a coffee house on Pennsylvania Avenue for area residents. Dr. Bascom was a local leader and activist during the civil rights movement, and marched in Selma with Dr. Martin Luther King, Jr. Poverty marchers enroute to Washington were housed and fed at Douglas Memorial, as a small part of its awareness of the social problems of the day.

His battle for economic equality erupted in the development of a business thereby opening the entrepreneurial door in the minority community to the sale of fine papers—an arena previously closed in the Baltimore community.

Always available to growth prospects, the last five years have seen major efforts to renovate the Church House come to fruition. An elevator, long needed to care for more maturing congregants, has been installed to serve both the church and church house. Plans to install a new organ are evident and growing.

The intrinsic, incalcuable effects of his forty years at Douglas are reflected in a vibrant Sunday Church School, an active Youth Fellowship, an outstanding musical aggregation, responsible and committed circles and spiritual group fellowships—all hallmarks of the blessings visited upon the Douglas Family through the untiring efforts of its pastor, Marion Curtis Bascom, Sr.

In addition to his wife, Dorothy, immediate family members include their children, Bernadette M. Miller, Marion Jr., Peter and Singleton Bascom and Yviane B. Yeadon and their grandchildren; Chokise L. Miller, Ellis and Gillian Yeadon. While his beloved mother, the late Mary A. Knutt, has joined his sainted grandmothers, Marion Bascom senses a welcoming bonding with his maternal heritage—the Andersons—Uncle Tom, Victoria, Thomas Jr., Corine and Harry—with Aunt Dorothy, Barbara and Meta.

Dr. Bascom's favorite scriptual passage, the 139th Psalm, embraces his most fervent prayer:

''Search me, O God, and know my heart! Try me and know my thoughts . . .''●

NOMINATION OF DR. HENRY FOSTER

● Mr. SIMON. Mr. President, I rise today to join a number of my colleagues who are asking that hearings be held on the nomination of Dr. Henry Foster for Surgeon General.

Dr. Foster is widely recognized as one of the Nation's leading authorities on infant mortality, as well as preventing teen pregnancy and drug abuse. He has contributed a great deal during his career, and is clearly an excellent candidate for the position of Surgeon General of the United States.

It is important that we focus on Dr. Foster's credentials and look at how he has dedicated his career to helping others. After finishing his medical training, Dr. Foster returned to his native rural South and began his lifelong crusade against infant mortality. Dr. Foster developed a comprehensive approach to maternal and child health which involved teams of doctors, social workers, and nutritionists, with a goal of preventing health problems in mothers and newborn babies. The teams worked in rural communities to reach women early in their pregnancies, identify those women with a high potential for complication, and ensure they received specialized attention throughout their pregnancy and following the birth. Dr. Foster's approach was ahead of its time, becoming a national model for regionalized perinatal care.

In 1991 the ''I Have a Future'' program, which Dr. Foster developed, was named a ''Point of Light'' by President Bush for its innovative work to reduce teen pregnancy and build self-esteem for at-risk youth. This program works with parental and community involvement, to help teenagers learn skills needed to start a business or get an education, and to point out the consequences of teenage pregnancy.

These are only two of the successful, innovative programs which Dr. Foster

has developed, but they give a good indication of the great contributions that Dr. Foster has made.

Mr. President, there has been much discussion about Dr. Foster performing abortions. Abortion is a legal procedure that should not disqualify Dr. Foster or any other nominee from Federal appointment. In response to some remarks about this performing abortions, Dr. Foster states that he believes abortion should be safe, legal, and rare, ''but [his] life's work has been dedicated to making sure that young people don't have to face the choice of having abortions.'' With efforts such as the I have a future program, Dr. Foster has shown this dedication.

Mr. President, there are several things that have been twisted and misinterpreted in looking at Dr. Foster's career. We must look at this total record, and his commitment to working with young people, parents, and teachers to ensure we do decrease teen pregnancies, do decrease the number of low birthweight babies, do decrease the number of children living in poverty, and do decrease the number of abortions performed in this country.

I have heard from numerous medical groups in support of Dr. Foster, including, the American Medical Association, the American College of Obstetricians and Gynecologists, American College of Physicians, American College of Preventive Medicine, and many more. His distinguished career, and his commitment to the health of women and children, eminently qualify Dr. Foster for the position of Surgeon General.

I look forward to his consideration by the full Senate.●

CONSTITUTIONAL AMENDMENT TO IMPOSE CONGRESSIONAL TERM LIMITS

● Mr. LEAHY. Mr. President, I find curious the delay in the filing of the Senate report on the constitutional amendment to impose congressional term limits. When this matter was first listed on a Judiciary Committee agenda back on January 18, our Republican colleagues seemed in a tremendous rush to proceed on this matter, one of the 100 or so constitutional amendments introduced so far this Congress. When the Judiciary Committee voted to report Senate Joint Resolution 21 to the Senate back on February 9, the rush continued. The fervor seems to have cooled for now here in the Senate. Indeed, it took the majority 3 weeks to circulate a draft report. The committee was asked last Thursday to reconsider the procedural manner in which the resolution was reported, and as far as I can tell, the committee report is still yet to be filed.

I have no problem with the majority putting off consideration of this matter, which I oppose. The proposal is, in my view, a limitation on the right of the people to choose their representatives. I am concerned that our House colleagues will not have the benefit of our views when they take up this matter next week.

Because I have no assurance that the Senate report will be printed and available to them in time for their debate, I ask to include in the RECORD my opposition views, which were submitted to be included in the committee report back on March 3, and which I hope will appear in the Senate report, if and when it is printed.

The views follow:

ADDITIONAL OPPOSING VIEWS OF SENATOR PATRICK LEAHY IN OPPOSITION TO SENATE JOINT RESOLUTION 21, A CONSTITUTIONAL AMENDMENT TO IMPOSE CONGRESSIONAL TERM LIMITS

I oppose this constitutional amendment. The Constitution does not set congressional term limits, trusting to the people to decide who will best represent them. Indeed, this proposal is, in essence, a limitation on the rights of the electorate. I reject it as such.

I urge my colleagues not to be afraid to do the right thing, even if it does not appear from certain polls to be the currently popular thing, and stop demagoguing constitutional amendments as the cure to our ills. Our Constitution has served us well, over more than 200 years. It is the cornerstone of our vibrant democracy. It has been amended only 17 times since the adoption of the Bill of Rights in 1791—and two of those were prohibition and its repeal.

The Constitution is now under attack. The fundamental protections of separation of powers and the First Amendment are under siege. In the opening days of this Congress almost 100 constitutional amendments have been introduced. One, the so-called balanced budget amendment, has already been passed by the House and been narrowly defeated in the Senate. We risk making a mockery of Article V's requirement that we deem a constitutional amendment ''necessary'' before proposing it to the states.

One way to consider the impact of this proposed amendment is to look at who would not be here currently were this 2-term limit already part of the Constitution. The 2-term limit contained in S.J. Res. 21 would eliminate all of us who have been returned to the Senate by our constituents after standing for reelection more than once.

Think for a moment what imposing such a limitation would mean to the Senate. For example, are Senators Thurmond, Hatfield, Stevens, Packwood, Roth, Domenici, Chafee, Lugar, Kassebaum, Cochran, Simpson and Hatch, and Senators Byrd, Pell, Kennedy, Inouye, Hollings, Nunn, Glenn, Ford, Bumpers, Moynihan, Sarbanes, Biden and others not possessed of judgment and experience on which we all rely and on which their constituents depend? What of the Majority Leader, Senator Dole, should he have had to retire in 1980 after serving only two terms?

Consider what this type of measure would have meant over our history. Those who have served beyond two terms include among their ranks some of our most distinguished predecessors. Each of our Senate Office Buildings, in fact, is named for a Senator whose service would have been cut short by the type of term limit being proposed as a constitutional amendment: Richard Russell, Philip Hart, Everett McKinley Dirksen. It is a loss when illness takes such leaders from us; it would be a tragedy to have denied the country and their constituents their service through an arbitrary rule limiting congressional terms.

Think about Kentucky's Henry Clay; South Carolina's John C. Calhoun; Missouri's Thomas Hart Benton; Ohio's Robert Taft; Iowa's William Allison; Michigan's Arthur Vandenberg; Arizona's Carl Hayden and Barry Goldwater; Maine's Margaret Chase Smith and George Mitchell; Vermont's Justin Morrill and George Aiken; Massachusetts' Daniel Webster and Charles Sumner; Montana's Mike Mansfield; Washington's Scoop Jackson; North Carolina's Sam Ervin; Arkansas's William Fulbright; New York's Jacob Javits; Wisconsin's William Proxmire and the LaFollettes; Minnesota's Hubert H. Humphrey; Tennessee's Howard Baker, Jr. Such lists invariably leave out many who distinguished themselves through their service into a third Senate term.

Voters have not had any trouble electing challengers in the last several years. In 1978, 1980 and 1986, numbers of incumbents were defeated in primaries and general elections for the United States Senate. From the last election, one-third of those elected to the Senate are serving in their first terms. In the House of Representatives fully one third of the Members are beginning their first or second terms. The electorate does not seem to have a problem deciding whom to elect and whom not to reelect.

Indeed, rather than debating a constitutional amendment to impose term limits, our time might be better spent thinking about why more and more of our respected colleagues are choosing to abandon this body. Our friend from Colorado, the Chairman of the Constitution Subcommittee, has already announced that he will not seek reelection in 1996, after five terms in the House but only one here in the Senate. The senior Senator from Illinois, the Ranking Democrat on the Constitution Subcommittee, has also announced that he will not seek reelection after five terms in the House and two terms here in the Senate. The distinguished Ranking Democrat on the Energy Committee, the senior Senator from Louisiana has announced his intention to return to Louisiana.

Last year, George Mitchell and a total of nine of our colleagues in the 103rd Congress chose not to seek reelection. The Congress has become less and less a place where Members choose to run for reelection.

I respect my colleagues for doing what they think is right for themselves and their families. I commend those who like Hank Brown and our freshman colleagues believe strongly in term limits and conform their own actions to that rule. I urge them, however, to stop short of seeking to impose their view on all others and upon all other States for all time by way of this constitutional amendment.

The reality is that this is an institution that is called upon to deal with many important and complex matters, where judgment and experience do count for something. Some sense of history and some expertise can, from time to time, be helpful in confronting our tasks and fulfilling our responsibilities to our constituents and the country. Thus, I do not believe that a one-size-fits-all limit on congressional service makes sense.

Further, as the representative of a small State, I am acutely aware that we fulfill the purposes of the Senate and sometimes best represent our States when we have a bit of seniority and a track record on the issues. I believe, as did our Founders, that it is up to the people to let us know if we seek to overstay our term of service.

Before we embark on this course to rewrite the work of the Founders and impose an artificial limit on the length of congressional service, we should know what evil this constitutional amendment is intended to reach? On this the proponents speak in conflicting voices—some urging that term limits will make us more responsive to the electorate

and others arguing that it will give us greater distance and independence from them. Which is it?

It is remarkable that while the majority's rhetorical flourishes raise to new heights the mythological citizen-legislator and the majority report discusses everything from Aristotle, ancient Greece and term limit suggestions that were rejected by the Founders in the ''final draft of the Constitution,'' to bills, amendments and resolutions not considered by the Judiciary Committee, it nowhere discusses—let alone justifies—the specific congressional term limits it seeks to impose. The sole hearing into this matter was focussed in large part on proponents arguing that a 6-term limit for the House was ''no limit at all'' and that to include such a provision in this measure amounted to ''phony term limits,'' since 12 years is longer than the average term of service in the House. Nowhere in its long-delayed report does the majority discuss Senator Kyl's amendment to double the House term limits from three to six terms, hint at the controversy surrounding this key, substantive provision, nor indicate that it would invalidate limits adopted in over 20 states.

Further, the majority gives no consideration to the effectiveness of limiting terms of only one group of actors in our political democracy. Will we also limit the tenure of professional staff? Will we limit the number of years someone may lobby the Congress? Why not limit the years that someone can serve as a political consultant, a pollster, or an adviser? Are we prepared to venture into campaign reform and limit the number of times a person may contribute to Senate races over time? If not, term limits on candidates will only serve to increase the influence of these other groups at the expense of the people.

Do we expect first-term Senators intent on reelection to be less responsive to lobbyists and political consultants? For those who succeed in being reelected to a second and final term, will they be oblivious of the need to earn a living in succeeding years? With no prospect for a career in public service, Members of Congress may become more solicitous of ''special interests'' as they look beyond their lame duck status to new career opportunities.

Despite good intentions, this proposed constitutional amendment would not give us a citizen-legislature but, instead, a legislature made up of those independently wealthy and capable of taking 12 years from building a career outside this body to serve as philosopher-kings for a time.

I must oppose what I perceive to be a growing fascination with laying waste to our Constitution and the protections that have served us well for over 200 years. The First Amendment, separation of powers, the power of the purse, the right of the people to elect their representatives should be supported and defended. That is the oath that we all swore when we entered this public service. That is our duty to those who forged this great document, our commitment to our constituents and our legacy to those who will succeed us.

The Constitution should not be amended by sound bite. This proposed limitation evidences a distrust not just of congressional representatives but of those who sent us here, the people. Term limits would restrict the freedom of the electorate to choose and are based on disdain for their unfettered judgment. These are not so much term limits on the electorate to choose their representatives.

To those who argue that this proposal will embolden us or provide us added independence because we will not be concerned about reelection, I would argue that you are turning our democracy on its head. This proposal has the effect of eliminating accountability, not increasing it.

It is precisely when we stand for reelection that the people, our constituents, have the opportunity to hold us accountable. This proposal would eliminate that accountability by removing opportunities for the people to reaffirm or reject our representation of them. It would make each of us a lame duck immediately upon reelection.

Thus, my fundamental objection to the proposed constitutional amendment is this: It is, at base, distrustful of the electorate. It does not limit candidates so much as it limits the rights of the people to choose whoever they want to represent them. We should be acting to legislate more responsively and responsibly, not to close off elections by making some candidates off limits to voters. I will put my faith in the people of Vermont and keep faith with them to uphold the Constitution.

LEAHY AMENDMENT

When this matter reaches the Senate for debate, I intend to offer an amendment, along the lines of the one that I offered during the course of the Judiciary Committee's deliberations. I will try to move us toward an honest discussion of what this amendment would mean and what impact it would have on Congress. When politicians talk about imposing term limits, they tend to support proposals that, on examination, will not affect them. Thus, I have pointed out that S.J. Res. 21 is drafted so as not to affect adversely any of us.

This proposal is designed to become effective after the ratification process, which may itself take seven years. Thereafter, and only thereafter, are we to start counting terms in office for purposes of these constitutional term limits. Thus, this proposal is drafted so that some of us can get in two more successful reelection campaigns before we have even to start counting terms toward the 2-term limit. I suspect that all of us expect to be ''former'' Senators in 2020 after as many as four more terms, anyway. That is all that this amendment contemplates.

By contrast, my amendment will have the affect of making these constitutionally-mandated congressional term limits apply to each of us immediately upon ratification. Thus, the 2-term limit would apply to each of us then currently serving. Those of us serving in our second term, or greater, would be able to serve out the remainder of that term. Those in their first term in the Senate at the time of ratification would be able to run for reelection, once.

As I noted in the course of the Judiciary Committee's deliberations, my amendment would conform the congressional term limits amendment to the transition rule adopted in the 22nd Amendment, which imposed term limits on the President. The 22nd Amendment provides that it would ''not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.'' The 22nd Amendment did not say that the President serving at the time of ratification could be elected to two more, 4-year terms. It is noteworthy that this precedent continues to be ignored by the majority.

As reported, S.J. Res. 21 includes language in section 3 intended to provide special privileges to those Members who are serving at the time of ratification. Thus, all prior and current service is to be disregarded and Members serving at the time of ratification are to be accorded the prospect of two additional 6-year Senate terms and six additional 2-year House terms, regardless of the number of prior terms in the Senate or House. Rather than have the constitutional amendment eligibility limitations apply to everyone, S.J. Res. 21 is drafted so that Members serving at the time of ratification would be accorded the special privilege of being able to complete their current terms and then start over, counting from zero, with respect to elections and service toward term limits. This is, in the words of a member of the Committee who voted in favor of the constitutional amendment ''transparent hypocrisy.''

A few examples indicate the unfairness of these special privileges:

Senators elected after ratification would be locked into inferior status in terms of seniority, chairmanships, committee assignments and staff allocations. By contrast, Senators serving now and at the time of ratification would have their seniority preserved and protected.

A Senator elected one day before ratification would be able to serve three full 6-year terms before the limits took effect.

A Senator first elected in 1990 could run for reelection to a second term in 1996, run successfully for a third term in 2002, see the ratification process subsequently completed in 2003, finish out the third term in 2008 and still be reelected to two more full terms through 2020 before being affected by any term limits. At the same time a new Senator first elected in 2004 would be restricted to two terms and be barred from serving past 2016. Thus, the older Senator would be able to serve four years past the forced retirement of the newer and for a total of 18 years more than the newer Senator.

Senators voting for the amendment ought to be willing to bind themselves to its terms and not just to bind others who follow in their footsteps. Yet during the Judiciary Committee markup, the following Senators voted for this popular proposal and against my amendment to have it apply to them fully upon ratification: Hatch, Thurmond, Simpson, Grassley, Brown, Thompson, DeWine, Kyl and Abraham.

The amendment I will propose to the Senate will strike 3 and its language excluding elections and service occurring before final ratification from the calculation of the term limits being imposed. Instead, the amendment will expressly provide that the term limits being imposed by the constitutional amendment would apply to Members serving at ratification.

In order to avoid a retroactive effect or canceling the results of a completed election, the amendment will allow Members serving at the time of ratification to complete their current term. The prohibition in the proposed constitutional amendment would then operate prospectively to forbid any Member serving a term at or beyond the term limit being imposed from seeking reelection.

The amendment will also be intended to remove the ambiguity created by language included in Section 1, which begins: ''After this article becomes operative, no person. * * *'' Unless stricken, this language might be interpreted to exempt Members of Congress serving before ratification from the effect of the constitutional amendment entirely. At the least, the language implies that the eligibility of those Members of Congress serving at ratification is intended to be determined by consciously disregarding their current and past elections and service.

Unless stricken this language could create a special class of Members and grant them special privilege from the full effect of the constitutional amendment at the moment that it is ratified. The irony is that many of the very Members who vote to impose term

limits on others elected in the future would secure for themselves special dispensation so that they may serve either an unlimited number of terms or as many terms as can be begun before final ratification plus an additional two terms in the Senate and an additional six terms in the House.

The effect on my amendment will be that upon ratification of this constitutional amendment to impose congressional term limits, our current terms of service will be considered. This is in keeping with the substance of the amendment and would give it full effect upon ratification, rather than waiting for another 12 to as many as 20 years before it takes effect. If constitutionally-mandated congressional term limits are necessary to solve an important problem, then why should the amendment to the Constitution exclude the very situation that it is being proposed to correct? We should not provide ourselves with special privileges and adopt rules for the next generation of Members. ''Grandfathering'' or ''grandparenting'' ourselves from the full effects of this amendment is not any way to proceed, if it is the will of the Congress and the States that we should proceed.●

MEASURE INDEFINITELY POSTPONED—S. 169

Mr. COATS. Mr. President, I ask unanimous consent Calendar No. 13, S. 169 be indefinitely postponed.

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

MEASURE READ FOR THE FIRST TIME—H.R. 1158

Mr. COATS. Mr. President, I inquire of the Chair if H.R. 1158 has arrived from the House of Representatives?

The PRESIDING OFFICER. Yes, the bill is at the desk.

Mr. COATS. Mr. President, therefore I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

Mr. COATS. Mr. President, I now ask for its second reading.

Mr. EXON. Mr. President, I object.

The PRESIDING OFFICER. The bill will remain at the desk and will be read a second time on the next legislative day.

ORDERS FOR THURSDAY, MARCH 23, 1995

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, March 23, 1995; that following the prayer the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of the line-item veto bill.

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

PROGRAM

Mr. COATS. Mr. President, for the information of my colleagues, Members who still have amendments on the list must offer those amendments by 10 a.m. Thursday morning. Votes can therefore be expected throughout Thursday's session of the Senate, including final passage of the pending line-item veto.

Mr. President, I want to repeat that. Those Members who still have amendments that are on the list, that have been cleared to be on that list under unanimous consent, must offer those amendments by 10 a.m. Thursday morning. Votes will be expected throughout the day, including final passage of the pending line-item veto bill.

ADJOURNMENT UNTIL 9:30 A.M. THURSDAY, MARCH 23, 1995

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection the Senate, at 9:16 p.m., adjourned until Thursday, March 23, 1995 at 9:30 a.m.