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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, January 11, 1995, at 11 a.m.

Senate

TUESDAY, JANUARY 10, 1995

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, the Reverend Dr. Mark E. Dever, pastor of Capitol Hill Baptist Church, Washington, DC.

PRAYER

The guest chaplain, the Reverend Dr. Mark E. Dever, pastor of Capitol Hill Baptist Church, Washington, DC, offered the following prayer:

Let us pray:

Most High God, we begin this day of business by praising You for Your infinite wisdom. We know what You've committed to our hands, and our own harried schedules, and we turn to You, Lord, and consider Your ways, and we marvel at all You do. Thank You, Lord, that in Your greatness You care for us. Thank You, Lord, as part of Your care that You teach us our need of You. You have invited us in Your word to come to You for aid: ''If any of you lacks wisdom, he should ask God, who gives generously to all without finding fault, and it will be given to him.'' We praise You that You do not reproach us for our ignorance, but that You invite us to come to You for Your wisdom. So we come to You on the basis of Your words and ask for wisdom.

For questions of international and national needs, for questions about personnel and policy, for questions about family and friends, for questions about our own personal needs today. Strengthen the people of this Nation, O Lord; nourish their lives with wise laws crafted here. O Most Wise and Giving God, prevent these servants gathered in this place from engendering quiet tyrannies and subtle stiflings of Your will. Give Your wisdom we pray particularly today to each Member of this Chamber, that as they go about their public business here they would work to make laws which bring honor to this place, and not shame, which breed respect in the public, and not cynicism, which aid the lives of all Your people, rather than inhibit them. Be our guide. Convict and comfort as we need. Teach us in all things to rely on You, through Jesus Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

RESERVATION OF LEADER TIME

Mr. DOLE. Mr. President, just for the information of our colleagues on both sides of the aisle, leaders' time has been reserved and it will be reserved or used.

SCHEDULE

Mr. DOLE. Mr. President, following that, there is to be morning business until 10 a.m. with Senators permitted to speak for not to exceed 5 minutes each. At 10 a.m. we will resume consideration of S. 2, the congressional coverage bill, and under a previous unanimous-consent agreement, at 2:15 today the Senate will proceed to a 15-minute rollcall vote on the McConnell second-degree amendment to the Ford amendment regarding frequent flier mileage.

I just say to my colleagues, just to recap, this is the fourth day in the Senate we have been on a bill that passed the House in 20 minutes by a vote of 429 to 0. I would not want to rush anything too much over here, but it seems to me that after 4 days we ought to be prepared to bring this matter to a conclusion, so that tomorrow we can start on unfunded mandates, which is very, very important legislation with strong bipartisan support, supported by Governors, mayors, county commissioners, and State legislators. And I hope that we will complete action on that bill by Friday.

In fact, so far we have moved at a rather leisurely pace. We have not pushed anybody. But it seems to me that we will complete action on this bill tonight, either 6 o'clock, 7 o'clock, 8 o'clock, 9 o'clock, 10 o'clock—whenever, however long it may take. And then tomorrow we will start the debate on unfunded mandates.

Hopefully, we could have some agreement. I know it is a very, very important bill, but I know there are very legitimate concerns that Members on each side of the aisle have and there are very legitimate amendments that have to be discussed. So I do not want to downplay the fact that there are differences. But I hope we could come together, work out a schedule or an agenda so the amendments could be offered, debated at length if necessary, but then have the votes and complete action sometime early on Friday. So I

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

urge my colleagues to cooperate in every way they can.

But I must say, I think in these first 3 months we may have to extend, at least sometimes, how long we might be around here in the evening. Hopefully we will get back on a family-friendly schedule sometime after the Easter recess.

The Senate will be in recess today between the hours of 12:30 and 2:15 for our weekly policy luncheon.

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

The PRESIDING OFFICER (Mr. BURNS). The absence of a quorum has been noted. The clerk will call the roll.

The assistant 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 (Mr. THOMAS). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business.

RULES OF PROCEDURE— COMMITTEE ON FINANCE

Mr. PACKWOOD. Mr. President, as chairman of the Senate Finance Committee, I am introducing the committee's funding resolution for March 1, 1995, to February 28, 1997. This resolution reflects a 5-percent cut from the 1994 funding level with a 2.4-percent cost-of-living adjustment for January 1996. This resolution was approved by the Finance Committee today. In addition, the committee approved the designation of myself, Senators DOLE, ROTH, MOYNIHAN, and BAUCUS to be members of the Joint Committee on Taxation and to be congressional advisers on trade policy and negotiations. Furthermore, the committee formally adopted its rules of procedure and in accordance with Senate rule XXVI, I request unanimous consent that the rules of the Finance Committee be reprinted in the CONGRESSIONAL RECORD.

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

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted February 1, 1993)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobstrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of

that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as ''uncorrected,'' shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

Rule XXV—Standing committees

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * * * *

Rule XXVI—Committee procedure

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2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of

each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID ''YES''

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's have a little pop quiz: How many million dollars would you say are in a trillion dollars? In answering, remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business yesterday, Monday, January 9, the Federal debt—down to the penny—at $4,795,838,481,378.56. This means that every man, woman, and child in America owes $18,205.09 computed on a per capita basis.

Mr. President, to answer the pop quiz question—how many million in a trillion?—there are a million millions in a trillion, for which you can thank the U.S. Congress for the present Federal debt of $4½ trillion.

THE RULES OF THE COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on the Budget for the 104th Congress as adopted by the committee, Monday, January 9, 1995.

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

RULES OF THE COMMITTEE ON THE BUDGET—ONE HUNDRED FOURTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the Chair as the Chair deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(f) may divulge matters required to be keep confidential under other provisions of law or Government regulations.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The Committee may poll—

(i) internal Committee matters including those concerning the Committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other Committee business that the Committee has designated for polling at a meeting, except that the Committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the Chair shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(f), then the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberation on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking minority member determine that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT AMENDMENTS ACT OF 1995

Mr. HATCH. Mr. President, I ask unanimous consent that the full text and section summary of S. 38, the Violent Crime Control and Law Enforcement Amendments Act of 1995, introduced on January 4, 1995, be printed in the RECORD.

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

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 ''Violent Crime Control and Law Enforcement Amendments Act of 1995''.

SEC. 2. ELIMINATION OF INEFFECTIVE PROGRAMS.

The Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitles A, B, C, D, G, H, J, K, O, Q, S, U and X of title III, title V, and title XXVII.

SEC. 3. AMENDMENT OF VIOLENT OFFENDER INCARCERATION AND TRUTH IN SENTENCING INCENTIVE GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 and the amendments made thereby are amended to read as follows:

''Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

''SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

''(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional correctional facilities, including prisons and jails, for the confinement of violent offenders, to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General that includes—

''(1)(A) except as provided in subparagraph (B), assurances that the State or States have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is

appropriately related to the determination that the inmate is a violent offender and for a period of time determined to be necessary to protect the public;

''(B) in the case of a State that on the date of enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995, practices indeterminant sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average of times served for such offenses in all of the States;

''(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

''(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities;

''(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation, or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on these units of government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

''(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

''(6) assurances that the State or States have implemented, or will implement not later than 18 months after the date of the enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veterans benefits to which they are entitled; and

''(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities.

''SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

''(a) TRUTH IN SENTENCING GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for Truth in Sentencing Incentive Grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

''(1) has in effect laws that require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed;

''(2) since 1993—

''(A) has increased the percentage of convicted violent offenders sentenced to prison;

''(B) has increased the average prison time that will be served in prison by convicted violent offenders sentenced to prison; and

''(C) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed if—

''(i) the person has been convicted on 1 or more prior occasions in a court of the United States or of a State of a violent crime or a serious drug offense; and

''(ii) each violent crime or serious drug offense was committed after the defendant's conviction of the preceding violent crime or serious drug offense; or

''(3) in the case of a State that on the date of enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995 practices indeterminant sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average of times served for such offenses in all of the States.

''(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—The amount made available to carry out this section for any fiscal year shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

''SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

''(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for Violent Offender Incarceration Grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

''(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—

''(1) FORMULA ALLOCATION.—0.6 percent shall be allocated to each eligible State except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

''(2) REMAINDER.—The amount remaining after application of subparagraph (A) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

''SEC. 20104. RULES AND REGULATIONS.

''(a) IN GENERAL.—The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle not later than 90 days after the date of enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995.

''(b) BEST AVAILABLE DATA.—If data regarding part 1 violent crimes in any State for the previous year is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for that State for the purposes of allocation of any funds under this subtitle.

''SEC. 20105. DEFINITIONS.

''In this subtitle—

''(1) the term 'part 1 violent crimes' means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports;

''(2) the term 'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

''(3) the term 'indeterminate sentencing' means a system by which the court has discretion on imposing the actual length of the sentence, up to the statutory maximum and an administrative agency, generally the parole board, controls release between court-ordered minimum and maximum sentence.

''SEC. 20106. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle—

''(1) $1,000,000,000 for fiscal year 1996;

''(2) $1,150,000,000 for fiscal year 1997;

''(3) $2,100,000,000 for fiscal year 1998;

''(5) $2,200,000,000 for fiscal year 1999; and

''(6) $2,270,000,000 for fiscal year 2000.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENT.—The table of contents for the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the items for subtitle A of title II, and inserting the following:

''Sec. 20101. Grants for correctional facilities.

''Sec. 20102. Truth in sentencing incentive grants.

''Sec. 20103. Violent offender incarceration grants.

''Sec. 20104. Rules and regulations.

''Sec. 20105. Definitions.

''Sec. 20106. Authorization of appropriations.''.

(2) CONFORMING AMENDMENT.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 is amended in the definition of ''State and local law enforcement program'', in paragraph (13), by striking ''20101–20109'' and inserting ''20102–20108''.

SEC. 4. PUNISHMENT FOR YOUNG OFFENDERS.

(a) IN GENERAL.—Subtitle B of title II of the Violent Crime Control and Law Enforcement Act of 1994 and the amendment made by that subtitle is repealed.

(b) CONFORMING AMENDMENTS.—The Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) in section 32101,

(2) in section 310004(d), in the definition of ''State and local law enforcement program''—

(A) in paragraph (14), by inserting ''and'' at the end;

(B) in paragraph (15), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (16).

SEC. 5. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

''(A) be punished by imprisonment for not less than 10 years;

''(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

''(C) if the death of a person results, be punished by death or by imprisonment for not less than life.

Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed under this subsection.''.

SEC. 6. MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) In subsection (b), by adding at the end the following: ''Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.''; and

(2) in subsection (c), (penalty for second offenses) by inserting after the second sentence the following: ''Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.''.

SEC. 7. MANDATORY MINIMUM PRISON SENTENCES FOR PERSONS CONVICTED OF DISTRIBUTION OF DRUGS TO MINORS.

(a) IN GENERAL.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a)—

(A) by striking ''eighteen'' and inserting ''twenty-one'';

(B) by striking ''twenty-one'' and inserting ''eighteen'';

(C) by striking ''not less than one year'' and inserting ''not less than ten years''; and

(D) by striking the last sentence;

(2) in subsection (b)—

(A) by striking ''at least eighteen'' and inserting ''at least twenty-one'';

(B) by striking ''under twenty-one'' and inserting ''under eighteen'';

(C) by striking ''not less than one year'' and inserting ''a mandatory term of life imprisonment''; and

(D) by striking the last sentence;

(3) by adding at the end the following new subsection:

''(c) OFFENSES INVOLVING SMALL QUANTITIES OF MARIJUANA.—The mandatory minimum sentencing provisions of this section shall not apply to offenses involving five grams or less of marijuana.''; and

(4) by amending the section heading to read as follows:

''DISTRIBUTION TO PERSONS UNDER AGE EIGHTEEN''.

(b) TECHNICAL AMENDMENT.—The table of contents for the Controlled Substances Act is amended in the part relating to title D, by striking the items for sections 416 through 422, and inserting the following:

''Sec. 416. Establishment of manufacturing operations.

''Sec. 417. Endangering human life while illegally manufacturing a controlled substance.

''Sec. 418. Distribution to persons under age eighteen.

''Sec. 419. Distribution or manufacturing in or near schools and colleges.

''Sec. 420. Employment or use of persons under 18 years of age in drug operations.

''Sec. 421. Denial of Federal benefits to drug traffickers and possessors.

''Sec. 422. Drug paraphernalia.''.

SEC. 8. PENALTIES FOR DRUG OFFENSES IN DRUG-FREE ZONES.

(a) REPEAL.—Section 90102 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(b) IN GENERAL.—Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a)—

(A) by striking ''not less than one year'' and inserting ''not less than five years''; and

(B) by striking the last sentence;

(2) in subsection (b), by striking ''not less than three years'' and inserting ''not less than ten years'';

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b), the following new subsection (c):

''(c) The mandatory minimum sentencing provisions of this section shall not apply to offenses involving five grams or less of marijuana.''.

SEC. 9. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

''(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

''(2) OFFENSES.—An offense is described in this paragraph if—

''(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

''(B) the defendant does not have—

''(i) any criminal history points under the sentencing guidelines; or

''(ii) any prior conviction, foreign or domestic, for a crime of violence against a person or a drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against a person or a drug trafficking offense);

''(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

''(i) as a result of the act of any person during the course of the offense; or

''(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

''(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person to carry a firearm and the defendant had no knowledge of any other conspirator involved in the offense possessing a firearm;

''(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

''(F) the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

''(G) the defendant did not own the drugs, finance any part of the offense, or sell the drugs; and

''(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.''.

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies, a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable, unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995.

(d) REPEAL OF TITLE VIII OF VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Title VIII of Violent Crime Control and Law Enforcement Act of 1994 and the amendments made by that title are repealed effective as of the effective date specified in subsection (c).

SEC. 10. MANDATORY RESTITUTION TO VICTIMS OF VIOLENT CRIMES.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''may order'' and inserting ''shall order''; and

(B) by adding at the end the following new paragraph:

''(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically or pecuniarily, by unlawful conduct of the defendant during—

''(A) the criminal episode during which the offense occurred; or

''(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.'';

(2) in subsection (b)(1)(A) by striking ''impractical'' and inserting ''impracticable'';

(3) in subsection (b)(2) by inserting ''emotional or'' after ''resulting in'';

(4) in subsection (c) by striking ''If the Court decides to order restitution under this section, the'' and inserting ''The'';

(5) by striking subsections (d), (e), (f), (g), and (h); and

(6) by adding at the end the following new subsections:

''(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

''(A) the economic circumstances of the offender; or

''(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

''(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

''(A) the financial resources and other assets of the offender;

''(B) projected earnings and other income of the offender; and

''(C) any financial obligations of the offender, including obligations to dependents.

''(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

''(4) An in-kind payment described in paragraph (3) may be in the form of—

''(A) return of property;

''(B) replacement of property; or

''(C) services rendered to the victim or to a person or organization other than the victim.

''(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

''(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

''(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

''(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

''(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

''(A) any Federal civil proceeding; and

''(B) any State civil proceeding, to the extent provided by the law of the State.

''(h) A restitution order shall provide that—

''(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

''(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

''(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

''(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

''(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

''(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

''(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

''(k) An order of restitution may be enforced—

''(1) by the United States—

''(A) in the manner provided for the collection and payment of fines in subchapter (B) of chapter 229 of this title; or

''(B) in the same manner as a judgment in a civil action; and

''(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

''(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.''.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

''(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.''; and

(4) by adding at the end thereof the following new subsection:

''(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.''.

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT AMENDMENTS ACT

This legislation is based on Republican proposals championed during the debate on the Conference Report on the 1994 Crime Bill. The bill eliminates much of the ''pork'' contained in the 1994 Crime Bill and strengthens prison and sentencing provisions.

Should you have questions about the bill not answered by this summary, please call Mike O'Neill or Mike Kennedy of the Judiciary Committee staff at extension 4–5225.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title

The short title of the bill is the Violent Crime Control and Law Enforcement Amendments Act of 1995.

Sec. 2. Elimination of Ineffective Programs

Section 2 eliminates the wasteful social programs passed in the 1994 Crime Bill, including the Local Partnership Act, the National Community Economic Partnership Act and the Family Unity Demonstration Project, among many others. These programs would have wasted billions of dollars on duplicative, top-down spending programs without reducing violent crime.

Of the over $4.5 billion dollars saved by eliminating these programs, approximately $1 billion is redirected to prison construction and operation grants.

Sec. 3. Amendment of Violent Offender Incarceration and Truth in Sentencing Incentive Grant Program

Section 3 amends the prisons grants included in the 1994 Crime Bill to insure that the funds are spent on the actual construction and operation of prisons for violent offenders and would also remove provisions tying the funds to federal mandates on state corrections systems. Specifically, the proposal would make the following changes:

The Act currently allows prison funds to be spent on alternative correctional facilities in order ''to free conventional prison space.'' This section requires that prison grants be spent on conventional prisons to house violent offenders, not on alternative facilities.

The proposal removes from the Act a provision which would have conditioned state receipt of the prison grants on adoption of a comprehensive correctional plan that would include diversion programs, jobs skills programs for prisoners, and post-release assistance. Accordingly, these grants will be used exclusively to build and operate prisons.

The proposal amends the prisons grant allocation provisions of the Act by increasing the minimum per-state allocation and removing the Attorney General's discretionary grant authority.

Sec. 4. Punishment for Young Offenders

Section 4 repeals Subtitle B of title II of the 1994 Crime Bill, authorized $150 million in discretionary grants for alternate sanctions for criminal juveniles.

Sec. 5. Increased Mandatory Minimum Sentences for Criminals Using Firearms

Section 5 establishes a mandatory minimum penalty of 10 years' imprisonment for anyone who uses or carries a firearm during a federal crime of violence or federal drug trafficking crime. If the firearm is discharged, the person faces a mandatory minimum penalty of 20 years' imprisonment. If death results, the penalty is death or life imprisonment.

Sec. 6. Mandatory Minimum Prison Sentences for Those Who Use Minors in Drug Trafficking Activities

Section 6 establishes a mandatory minimum sentence of 10 years' imprisonment for

anyone who employs a minor in drug trafficking activities. The section also establishes a sentence of mandatory life imprisonment for a second offense.

Sec. 7. Mandatory Minimum Sentences for Persons Convicted of Distributions of Drugs to Minors

Section 7 establishes a mandatory minimum sentence of 10 years' imprisonment for anyone 21 years of age or older who sells drugs to a minor. The section also establishes a sentence of mandatory life imprisonment for a second offense.

Sec. 8. Penalties for Drug Offenses in Drug-Free Zones

Section 8 establishes new mandatory minimum sentences for drug offenses in drug-free zones which were omitted from the 1994 Crime Bill.

Sec. 9. Flexibility in Application of Mandatory Minimum Sentence Provisions in Certain Circumstances

Section 9 includes a narrowly circumscribed mandatory minimum reform measure that returns a small degree of discretion to the federal courts in the sentencing of truly first-time, non-violent low-level drug offenders. To deviate from the mandatory minimum, the court would have to find that the defendant did not finance the drug sale, did not sell the drugs, and did not act as a leader or organizer.

Sec. 10. Mandatory Restitution to Victims of Violent Crime

Section 10 amends 18 U.S.C. 3663 by mandating federal judges to enter orders requiring defendants to provide restitution to the victims of their crimes.

REGARDING S. 14, THE LEGISLATIVE LINE-ITEM VETO ACT OF 1995

Mr. EXON. Mr. President, year after year, billions of the taxpayers' dollars are larded across the Nation for pork barrel projects created at the behest of our fellow Members.

This is nothing new. Each session, Congress persists in passing appropriations bill groaning with this type of spending for individual projects in a Members home State or district.

Pork barrel spending has become a symbol of political prowess and effectiveness. Members can stump back home, claiming that they have the clout to deliver these projects to their constituents.

Although some of these projects no doubt have their merit, pork barrel spending has become an emblem of out of control spending. Pork is Congress' shameful scarlet letter.

Ideally, Congress should exhibit the type of self-restraint and sacrifice that would swiftly put this wasteful practice to an end. We owe that to future generations of Americans and to our commitment to continue to reduce the deficit.

However, I am a realist and I know that while some Members would voluntarily refrain from pork barrel spending, others would continue with business as usual.

Mr. President, the American people are fed up with business as usual. It's time to change the Nation's spending habits.

The President is also faced with an enormous dilemma. These pork projects are carefully woven into the appropriations legislation, or as Senators BRADLEY and DOMENICI have rightly observed, through targeted tax credits and expenditures in revenue acts. The President cannot simply pull out one thread without unravelling the entire bill. He does not have that authority.

The President must look at each bill as a whole, determining whether to accept the bad with the good—whether the bad outweighs the good. More often than not, it's a case of the President holding his nose and signing the spending bill.

The obvious solution is to grant the President the line-item veto. Today, 43 of the 50 State Governors have some form of veto authority. As Governor of the State of Nebraska, I was privileged to have the line-item veto authority. To me, it was an invaluable weapon in my arsenal to effectively control the spending of my State legislature.

I have long believed that the President too should have this power to challenge wasteful Government spending and keep us on the path of deficit reduction. All but two Presidents in the 20th century have supported some type of line-item veto authority. It's not time; it's past time we granted the President this power.

Mr. President, in previous years, I have championed efforts to amend the Constitution to allow for a line-item veto. I have led the charge to give the President enhanced rescission powers.

Over 7 years ago, I worked with then Senator Dan Quayle in sponsoring a porkbuster enhanced rescission proposal. I also supported an amendment by my distinguished colleague from Arizona, Senator MCCAIN that would have granted the President greater rescission powers.

It is a somewhat melancholy task to come to the Senate floor year after year seeking these powers for the President and then to come away empty handed. The McCain amendment garnered only 40 votes—far short of the 60 votes needed to break the filibuster that would surely occur on any such proposal.

I have come to the sad conclusion that proposals such as these stand little if any chance of becoming law. But that does not mean that we should allow the perfect to become the enemy of the good. Through compromise—a bipartisan compromise—we can still move forward on this issue. As such, I am an original sponsor of the legislative Line-Item Veto Act.

The bill would change our current rescissions process by giving the President the authority not to spend specific funding included in the appropriations bills.

Upon making a decision to rescind certain spending, the President would then be required to seek congressional approval. If Congress does not agree by at least a majority vote—not a super majority—in both Houses, the funding is released.

Members are less likely to pile on the pork in the appropriations bill if they know that they might have to defend each item on its own merits.

Mr. President, there are some critics who argue that the savings reaped from such a proposal will not make a significant dent in the menacing budget deficit; but that is a feeble excuse to oppose these efforts.

Of course, a single bill is not going to solve the budget deficit in and of itself, or erase a $4.5 trillion debt. These problems did not occur overnight and they will not be solved overnight. There are no quick fixes, silver bullets or panaceas. We should not rise to these shiny lures.

I believe that those who think clearest about reducing the budget deficit realize that we will solve the problem in an incremental fashion. We will solve it in a bipartisan fashion.

In the coming weeks I look forward to working with the distinguished chairman of the Budget Committee Senator DOMENICI to move this legislation. I also plan further discussion with Senator BRADLEY of the Finance Committee as to whether we should include rescission authority over tax expenditures as well.

What is demanded of us now is to push the process forward to a speedy and successful conclusion. This bill is the vehicle of compromise that will carry us to the finish line.

Mr. President, I yield the floor.

THE RETIREMENT OF SENATOR BENNETT JOHNSTON

Mr. LEVIN. Mr. President, I was greatly saddened to learn yesterday of the decision of my friend and colleague BENNETT JOHNSTON of Louisiana not to seek reelection to a fifth term in the U.S. Senate.

BENNETT JOHNSTON has been a leader in the Senate. Indeed, when I first entered the Senate in 1979, he already had a long record of accomplishment. He has long been established as one of the Senate's most knowledgeable and respected voices on energy policy, and also as a persuasive voice on a broad range of issues. He was, during the Reagan administration, for example, one of the foremost opponents of the excesses of the strategic defense initiative.

I know that my good friend has made a difficult decision. I hope that he has made the right one for him and his family. I know that it is one which will leave the Senate diminished. Over the years he has been constant in his decency, his independence and his openness. We are all going to miss him and his many fine qualities.

While I look forward to 2 more years of productive work alongside the senior Senator from Louisiana, I know that I will sorely miss BENNETT JOHNSTON when he leaves this body at the end of the 104th Congress.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL ACCOUNTABILITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate resumed consideration of the bill.

Pending:

(1) Ford-Feingold amendment No. 4, to prohibit the personal use of accrued frequent flier miles by Members and employees of the Congress.

(2) McConnell amendment No. 8 (to amendment No. 4) to prohibit the personal use of accrued frequent flier miles by Members and employees of the Senate and clarify Senate regulations on the use of frequent flier miles.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 9

(Purpose: To express the sense of the Senate with respect to a timetable for the Senate's prompt consideration of comprehensive gift ban legislation)

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, before I send my amendment to the desk, let me one more time thank my colleague, the Senator from Iowa, for his leadership on this Congressional Accountability Act. I think it is a very important piece of legislation. I am certainly confident that by the end of the day we will indeed vote on this important piece of legislation and it will be a very strong affirmative vote.

Mr. President, before I send my amendment to the desk, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, let me just briefly give some background and talk about the amendment.

This amendment essentially says is that it is the sense of the Senate that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

At the end of last week, the Senate defeated a tough comprehensive gift ban amendment that was offered by Senator LEVIN, myself, and Senators FEINGOLD and LAUTENBERG. I regret that my Republican colleagues were unwilling to move forward on this piece of legislation which I think had everything in the world to do with congressional accountability. My Republican colleagues who opposed that amendment, even though many had cosponsored the same language just a few months ago, contended that it was more an issue of timing.

But it did seem to me then and it seems to me now that if we could be ready to move forward this week on an extremely important piece of legislation dealing with unfunded mandates, that goes to the heart of the interrelationship between Federal and State and local governments, and goes to the very heart of what Federalism is about, we should be able to address this straightforward issue without a lot of further consideration. And if, in fact, my colleagues are willing to amend the U.S. Constitution with a balanced budget amendment with just a couple of weeks preparation, then it seems to me astounding that we are not willing to move forward on a very simple amendment that has everything in the world to do with reform, which just simply puts an end to this practice of accepting the gifts, perks, lobbyist-sponsored vacation travel, and the like offered by special interests.

This amendment, Mr. President, simply attempts to put the Senate on record formally in favor of returning to this issue promptly and acting on tough gift ban legislation no later than the end of May 1995, which the majority leader has indicated it was his intention to do.

Mr. President, the nice thing about this amendment is that it is consistent with the debate and the discussion that we had on the floor of the Senate last week. At that time, Senator COHEN, who has again provided a tremendous amount of leadership on these reform issues, said on the floor: ''I intend to give Senator DOLE an opportunity to bring it up in a relatively short time,'' the gift ban. ''He has not given me a specific timetable, but I would say within the next couple of months, I expect we will consider this legislation and any amendments that might be offered to it—and I suspect there will be amendments. There are people on this side that still do not agree with the provisions that we supported.''

But, again, there will be action on this; it will be considered within the next several months.

Senator DOLE, the majority leader, came to the floor and said:

I certainly commend the Senator from Michigan, Senator LEVIN, for his leadership. But we believe there are some changes that could be made even in the gift ban. This amendment would not be effective in any event until the end of May 1995.

It would be my hope that by that time we will have even a better package.

So I really am essentially following the lead of the majority leader with this amendment. As he pointed out, our amendment would not have become effective until the end of May. I simply think that it is time now for the Senate to go formally on record that, in fact, we will take action no later than the end of May.

Mr. President, let me give this amendment a little bit of context, a brief history.

Almost 2 years ago, we started dealing with this problem of gifts being lavished on Members of Congress from outside sources. And I had an amendment which simply said lobbyists had to disclose specifically what these gifts were. I said at the time it was a first step, and I meant that.

Mr. President, that lobbying registration bill, with the amendment that I had to that bill, passed the Senate by a vote of 95 to 2. Months of waiting took place for the House to act on strong gift ban provisions as a part of the lobbying bill. Then, Senator LAUTENBERG, Senator FEINGOLD, and myself introduced a tough, comprehensive gift ban bill. We introduced a tough, comprehensive gift ban bill. Senator LEVIN's committee then held hearings and reported out a solid, comprehensive, more refined version of our earlier gift bans bill. Under Secretary LEVIN's leadership, we were able to beat back Senate amendments which would have weakened the bill. That bill passed last May by a 95–4 vote.

Prodded in part by this action, the House then acted on a reasonably tough version. A strong version came out of a House-Senate conference committee. Then the lobbying registration gift ban bill to which the gift ban was attached was killed in the last days of the session—I think based upon unfounded complaints by lobbying groups that were concerned about the registration part.

Legislation that we brought forward to the Senate floor last week was very similar to a Senate-passed version last year, and to the conference report; that is to say, the amendment that dealt with gift bans.

Now, Mr. President, on the merits of the gift ban, 37 Republicans, including the majority leader, cosponsored the same legislation. In other words, the wording of the amendment that we brought to the floor dealing with gift ban was essentially identical to the wording that the majority leader and 36 other Republican Senators had voted for last session.

Now, as I wrap up my remarks, and I am about ready to send the amendment to the desk, I make an appeal to my colleagues. I believe my colleagues when they say we are going to act on this. I believe them. But I want to ensure that we do not let this gift ban amendment, this gift ban legislation, slip by in the legislative rush of this session. Again, this is a simple amendment. It puts the Senate on record in favor of acting on a tough, comprehensive gift ban legislation no later than the end of May 1995, precisely what the majority leader has called for.

Mr. President, I do not think I need to again rehearse the substantive arguments in favor of enacting a tough, comprehensive gift ban. We have debated this legislation and we have debated this amendment more than once on the floor of the Senate. I will simply say this: The evidence is irrefutable that the giving of these special favors

to Senators and Representatives has only added to the deepening distrust that citizens have of this political process, of this congressional process. Despite assertions by my colleagues that we are completely unswayed by trips or fancy dinners, such gifts give the appearance of impropriety, and they erode public confidence in the Congress as an institution. Mr. President, they erode public confidence in each of us, personally, as representatives of our constituents.

I am sure many of my colleagues will agree that in any town meeting Senators hold, Senators hear about this and other reform issues from people in the country. They want to put an end to this practice, and clean up the system. Public trust in the Congress is at a historic low and demand for political reform is very high. Banning outside gifts would be an extremely positive signal that we could send to people in this country that we are serious about making this political process more honest, more open, and more accountable.

Mr. President, the amendment that I now send to the desk reads:

It is the sense of the Senate that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

This is what the majority leader called for. This is what I believe we talked about last week. I am disappointed we did not act to approve the actual gift ban at the very beginning of the session. But I intend to come back at this issue until we are done.

I think it is extremely important that the Senate now go on record that we shall consider comprehensive gift ban legislation no later than May 31.

One final time, Mr. President, for my colleagues: There is no hidden agenda to this amendment. It is very simple. It is very straightforward. As a matter of fact, it simply is a confirmation of a commitment that I believe we made last week. Now, I call on all of my colleagues, I call on the U.S. Senate, to go on record that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 9.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

Mr. WELLSTONE. Mr. President, for the moment I yield the floor, and I reserve the balance of my time.

Mr. GLENN. Mr. President, I certainly support what Senator WELLSTONE is trying to do.

The gift ban is something we have tried to put through. There has been controversy on it back and forth. He has kept on this, to his everlasting credit. I think it is good he brings it up.

I hope the majority, after checking with the leadership, might be able to accept this so that we do not have to go to a vote. I hope that will be acceptable to my distinguished colleague from Minnesota. I think, as I understand it, that is the process we are in now.

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

Mr. GLENN. I yield to the Senator from Iowa.

Mr. GRASSLEY. Mr, President, I state that we are checking with the appropriate committees to make sure if any of those Members want to come and speak on this subject, as well as checking to see the leadership's position.

Then, as well, if it does not work out, I would like to have a unanimous-consent later on that. I would propose to have a vote on it immediately after the McConnell amendment, which takes place at 2:15.

Mr. GLENN. Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, I thank my colleagues.

I will ask for the yeas and nays, and would like to have a vote on this amendment, and that vote take place at a convenient time.

Mr. President, let me right now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GLENN. Mr. President, will my distinguished colleague yield?

Would the Senator want the yeas and nays if the majority was going to accept it?

Mr. WELLSTONE. Mr. President, I would ask for the yeas and nays. I do want to have a recorded vote on it.

Mr. GLENN. That would sort of obviate the need for Members to try to accept it then, at this point.

Mr. WELLSTONE. Mr. President, I understood the Senator from Iowa to say there would be a vote.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. GRASSLEY. Mr. President, right now we are in the process of letting the appropriate committees know about the amendment, and reserving time for them to come over and debate if they want to debate. I do not know that there is any request for debate on it.

I am also checking with the leadership to see if there would be any obstacles to accepting the amendment. If we accept the amendment, we hope, then, that there will not be a vote on it. If the leadership does not want to accept the amendment, then I suggest that we vote on it immediately after the McConnell amendment, and we would have the yeas and nays.

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

Mr. GRASSLEY. Mr. President, I yield.

Mr. WELLSTONE. Mr. President, I renew my request 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. WELLSTONE. I thank the Chair, and I thank my colleagues.

Mr. GLENN. 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. KERRY. 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. KERRY. Mr. President, I understand the state of parliamentary procedure is that there is an amendment currently pending.

The PRESIDING OFFICER. Offered by the Senator from Minnesota.

Mr. KERRY. I ask unanimous consent that that amendment be temporarily set aside for the purpose of consideration of another amendment.

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

AMENDMENT NO. 10

(Purpose: To restrict the use of campaign funds for personal purposes)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 10.

Mr. KERRY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTIONS ON PERSONAL USE OF CAMPAIGN FUNDS.

Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended—

(1) by striking ''Amounts received'' and inserting ''(a) Amounts received''; and

(2) by adding at the end the following:

''(b)(1) Any candidate who receives contributions may not use such contributions for personal use.

''(2) For purposes of this subsection, the term 'personal use' shall include, but not be limited to—

''(A) a home purchase, mortgage, or rental;

''(B) articles of clothing for the use of the candidate or members of the candidate's immediate family (other than standard campaign souvenirs, articles, or materials traditionally offered or provided in connection with bona fide campaign events);

''(C) travel and related expenses that are substantially recreational in nature;

''(D) entertainment, such as sporting events, theater events, or other similar activities, except when offered or provided by the campaign in connection with a bona fide campaign fundraising event;

''(E) fees or dues for membership in any club or recreational facility;

''(F) automobile expenses within the Washington, D.C. metropolitan area (except that a candidate whose district falls within the Washington, D.C. metropolitan area, may lease automobiles used for campaign purposes consistent with subparagraph (G));

''(G) any other automobile expense, except that a campaign may lease automobiles for campaign purposes if it requires that, if the automobile is used for any other incidental use, the campaign receives reimbursement not later than 30 days after such incidental use;

''(H) any meal or refreshment on any occasion not directly related to a specific campaign activity;

''(I) salaries or per diem payments to the candidate; and

''(J) other expenditures determined by the Federal Election Commission to be personal in nature.

''(3) Any personal expenditure described in paragraph (2) shall not be considered to be an ordinary and necessary expense incurred in connection with a Member's or Member-elect's duties as a holder of Federal office.''.

Mr. KERRY. Mr. President, I rise today to offer an amendment that, at first blush, some might try to argue does not belong on this bill because it addresses one facet of campaign finance reform. But I want to make it very clear at the outset that this amendment is not broad-based campaign finance reform. It is a small reform which we adopted by voice vote previously last year. I think it was offered in similar form by the Senator from Arizona, Senator MCCAIN. I believe that, indeed, it is appropriate to join it with the issue of congressional coverage, and that it therefore is fully appropriate to offer it as an amendment to this bill.

This amendment asks us to behave like other Americans. In the spirit of reform that has been so embraced in the House of Representatives, in the spirit of reform that is at the center of the efforts of this Congress to try to respond to the mandate of the election, and in the spirit of reform that I believe is at the center of all of the dynamics of our politics today, this amendment is relevant and germane and important.

What this amendment seeks to do, simply, is to make it illegal to convert campaign funds to personal use. This is not campaign finance reform as much as it is an effort by the Congress to say we are going to behave like everybody else in this country, and everybody else in this country does not have the ability to go out and ask people to donate money for one purpose and then turn around and decide, with enormous discretion, to spend that money for entirely different purposes—and, in fact, for personal gain and benefit.

The amendment is based on the proposed rules addressing the same subject published by the Federal Election Commission late in 1994. It would close the loopholes by prohibiting personal use of campaign funds and by setting forth a clear definition of what constitutes personal use. And most important, Mr. President, it prohibits a candidate from drawing a salary from his or her own campaign funds.

I believe that this amendment is synchronized with the effort to lift this institution out of the morass of partisanship and out of the morass of disdain with which most Americans have viewed in recent years.

While I have been deeply involved in campaign finance reform and it has been one of my principal areas of legislative focus since I was elected to this body—indeed, it was the subject of one of the very first pieces of legislation that I introduced, and I will continue the fight for comprehensive campaign finance reform this year—I emphasize this amendment is not bringing a broad-based campaign finance reform proposal. I understand from Majority Leader DOLE that there will be a time for that later in the year, though it cannot come soon enough as far as this Senator is concerned.

But I do believe this is an opportunity for us to make an important change in the way campaign funds are used while simultaneously making a statement fully in keeping with the spirit of congressional coverage legislation. The bottom line of that legislation is an effort to say to Americans: Congress ought to live by the same standards as all other Americans. And this seeks to say that our management of campaign funds given to us for the specific purpose of campaigning should entail an explicit responsibility to spend that money for campaign purposes—that it should not be taken to buy Super Bowl tickets, or to pay for trips to places that many hard-working Americans would like to go but cannot afford to go, under the guise of some kind of campaign effort. It certainly should not be used by a candidate to pay himself or herself a salary, particularly a salary that might be in excess of what that candidate was able to earn in the marketplace or was previously earning. Each of those activities is outside the norm of life for the great majority of Americans. They are activities that are available to people in Congress only because they are in Congress and are raising large amounts of money necessary for campaigns under our current system of campaign finance.

When the Federal Election Commission was considering the new rules on this subject which it proposed late in 1994, the Sacramento Bee newspaper said:

> The FEC should approve them. Most important, for the vast majority of those in Congress who are honest public servants who are at times genuinely confused about the proper use of campaign funds, the rules provide some guidance.

That is what we seek to do here, provide some guidance in order to help Members to live up to reasonable standards.

The Chicago Tribune said:

> Despite a 15-year-old Federal law that bars candidates from converting campaign funds to personal use, the Federal Election Commission has never offered rules on what personal use is.

And the New York Times said:

> The law should be revised.

This amendment does exactly that. It ends the confusion, it defines personal use, and it revises the law. I hope my colleagues will support it. I want to make it clear that there is an awful lot more to do than just this on campaign finance reform. We passed major legislation last year. Regretfully it got caught up in House politics and later in Senate politics and the American people were cheated of the most far-reaching and important campaign finance reform in the history of this country. This is vital legislation because I think every American understands that underneath the term limits movement, underneath the disdain for Congress, underneath the sense of a lack of access to the U.S. Congress, underneath the feeling of powerlessness and the great gulf between elected officials and the people, there is one source that is to blame more than any other. It is money—the money used for campaigning for elective office. Money is moving and dictating and governing the process of American politics, and most Americans understand that. The reason so many people find it hard to run for office and keep our democracy vibrant is because of the extraordinary cost.

So we have a great task ahead of us in order to pass a comprehensive campaign finance reform law and in order to avoid the increasing perception of the American people that no matter what they do, Congress seems wedded to interests that have money and somehow divorces itself from the real concerns and aspirations of the American people. So I hope this small measure—which is aimed at helping us to live under the same rules as do the rest of Americans—will be accepted by the majority and it will not need a rollcall vote. But in the event that it does, I, at this time, ask for the yeas and nays, which I certainly will be happy to vitiate should it be accepted.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, let me rise to strongly support the proposal by the distinguished Senator from Massachusetts. We have had this before us several times, as to what kind of limitation we should put on funds that are gathered for specific purposes and wind up being used for other purposes; where money that was given for a particular election use winds up feathering the nests or lining the pockets—however you want to say it—anyway, being used by the former candidate for his or her own personal use. That was not the intent of the giving in most cases, that the funds could be converted for that purpose.

That is what the Senator addresses, basically. This is a small step forward. It does not try to encompass all of the

difficulties involved with the problems of campaigns and campaign finance reform. It is a small step forward, and I hope we will have support on both sides of the aisle for this, so I rise to support the proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, once again I express to my colleagues the desire that we not put amendments on this bill that will possibly be able to be discussed later on in this session on the floor of the Senate when offered to bills more germane to the subject, in this particular case campaign finance reform. In the case of the Wellstone amendment it would be the gift ban.

This is a bill that is very basic and easily understood. The underlying bill I introduced, and Senator LIEBERMAN has been my Democratic counterpart, is a bill that is going to end the situation where we have a dual set of laws in this country, one for Capitol Hill and one for the rest of the country. We think there is a consensus on this. There is very little discussion on the underlying legislation. Before this day is out we hope to have this legislation become the law of the land by being able to pass it here, the House having agreed to it, and immediately getting it to the President of the United States.

There is nothing wrong with the proposals the Senator from Massachusetts presents to us in the way of campaign finance reform, only that it is being offered as an amendment to a bill that otherwise is basically noncontroversial. It will not pass unanimously, I know, but there is a fair consensus because it tries to correct a situation that we all agree for too long has been unjust, a situation where the laws that apply to the private sector do not apply to Congress and Capitol Hill.

So I hope we can get these amendments behind us and move on. I do not say to the Senator from Massachusetts that his subject should not be discussed or that there is anything wrong with what he is proposing to do. I just think now is not the time to do it. The bill we are dealing with, the subject matter of the bill, in S. 2, passed the House of Representatives unanimously, with only about 20 minutes of debate, in the first day of their session. Senator DOLE set this bill for discussion on Thursday, the first day we were having legislative action. That is how important the leadership, the new leadership of the Senate, feels that this legislation is.

We discussed it on Thursday, on Friday, on Monday, and now Tuesday will be the fourth day. We have spent most of our discussion on this legislation on issues unrelated to congressional coverage—congressional coverage by these laws of our employees. I hope that we can get on with this legislation, that we will not accept this amendment, and that we will before the day is out get this bill passed. That will mean that we have spent 4 days on a bill that the House of Representatives spent 20 minutes on.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask my colleague and others on the other side what it is of which they are afraid. I ask my colleague if my Republican friends are really in favor of reform. There is no strict formula by which we determine what legislation will be brought before the U.S. Senate, in what order it will be brought, or when it will be brought. Everyone serving in this body knows that. Where is it ordained that there is a better moment 5 months from now than right now to say to the American people we are not going to spend campaign money for personal use? Of what are those Members who oppose this amendment afraid? If they support it, why not attach it to this vehicle and make the statement of reform to the American people now? Why wait 5 months?

My colleague just stood up and said that the purpose of this legislation is to show Americans that we are prepared to live like they do. Why would you not want to attach to that bill a statement that we are not going to allow people to raise campaign funds to spend money in a way that no other Americans can spend money? I thought the Republicans who are the new majority party were the folks who are saying to the people back home, we are not going to do business as usual anymore in Washington; no more business as usual. But business as usual is coming to the floor and saying, ''Oh, we are going to do this in 5 months; we are going to do this in 6 months.'' I note that this is coming from the very people who filibustered the last round of campaign finance reform and who saw their President, President Bush, veto the bill that was passed 2 years ago.

So here is a chance to demonstrate to the American people whether we really are just rhetorically talking about reform and are just going to do the kind of pushbutton, feel-good things that happen to appeal to one party but do not constitute basic reform. What could be simpler than a fundamental principle that people who run for political office are not going to spend their campaign funds for personal use, are not going to go out and buy clothing with campaign funds, and are not going to pay for a trip to the Super Bowl with campaign funds?

I have a lot of workers in Lynn, MA, or in Fall River or New Bedford who dream about buying new clothes or going to the Super Bowl but who do not have campaign funds with which to do so.

So here we are with an opportunity to say to the average American we are going to live just like you do, we are going to spend our campaign money strictly on campaigning. Is that frightening? But we are being told by those on the other side of the aisle that somehow such a proposal does not belong on a bill that is specifically geared to requiring Congress to live like the rest of America.

So what we are seeing, Mr. President, is that there is a difference between the reality and the rhetoric once again. Some people are prepared only to talk a good game about reform. Is there anybody here who truly disagrees that campaign funds should not be spent on personal use? My friend from Iowa talked about a consensus. Is there really not a consensus in the Congress that campaign funds should not be spent on personal use? I would think there would be 100 votes to support that.

Let us put that to the test. I think we ought to find out whether there are 100 votes for that proposition.

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

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

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to set aside the pending amendment so that I might offer an amendment.

Mr. GRASSLEY. Mr. President, has the unanimous-consent request been agreed to?

The PRESIDING OFFICER. No, it has not.

Mr. GRASSLEY. Senator MCCAIN was on his way over to speak on the Kerry amendment. Could we wait for that?

Mr. LEAHY. Of course, I would be happy to. I should say to my friend from Iowa that I will probably take only 3 or 4 minutes. I wonder if I might go forward and I would be happy to immediately yield to Senator MCCAIN when he arrives.

Mr. GRASSLEY. Would Senator MCCAIN be able to get the floor?

Mr. LEAHY. Oh, yes. I would yield. Give me about 20 seconds after he motions that he wants it and I will yield to him.

Mr. GRASSLEY. I have no objection.

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

Mr. LEAHY. Thank you.

AMENDMENT NO. 11

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 11.

At the end of the bill, add the following,

''No congressional organization or organization affiliated with the Congress, may request that any current or prospective employee fill out a questionnaire or similar document in which the person's views on organizations or policy matters are requested.''

Mr. LEAHY. Mr. President, let me explain why I have done this. I remember when I first came to the Senate, I think within the first year or so I was here, I introduced legislation saying that I wished all laws would be applied to Members of Congress that apply to everybody else. The Senator from Ohio [Mr. GLENN] has been doing the same for years, and Senator GRASSLEY from Iowa has been doing the same for years. I think we have joined as cosponsors of each other's legislation. But I remember giving an eloquent speech—as I thought anyway—as a young Member of the Senate, on a Friday as I recall, about why we should apply all the same laws to Members of Congress. As I was leaving, one of the older Members of the Senate, a very senior Member of the Senate, said, ''Where are you going?'' I said I was heading to the airport to catch a plane back to Vermont. His response was, ''Good. Stay there.'' The legislation was not greeted with enormous enthusiasm. I know the Senator from Ohio and the Senator from Iowa have experienced similar things—we have commiserated with each other about it—the latest being even on Sunday when the Senator from Ohio and I had a chance to join each other for lunch. But what I want to do is give employees of the Congress the same protections available to other workers in the Federal Government and private sector.

As we changed from the majority to the minority, the new majority came in and, as is perfectly appropriate, they did a great deal of new hiring. I have no problem with that. I have been here in the majority and then the minority, and I have gone back and forth four times. I know a lot of staff changes with that. But I was surprised by news reports that the Republican Study Committee required prospective congressional employees to take an ideological litmus test, not so they could be hired but they had to take it before they could even be listed with a placement service.

Mr. President, I think Senators know me well enough to know this is not partisan. I would object to this whether Republicans or Democrats did it. I do not know whether these questionnaires are legal under Federal laws or the rules of the Senate, but they smack of McCarthyism while I was a teenager during the fifties. I know enough about McCarthyism to know how destructive to human beings and the sense of the public comity loyalty oaths can be.

I have a copy of the questionnaire, and I ask unanimous consent that it be printed in the RECORD at this point.

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

REPUBLICAN STUDY COMMITTEE—ISSUES QUESTIONNAIRE

The following questions are designed to assist us in placing you with an office in which you are most compatible. If you tend to agree with the statements put a ''Y'' in the blank. If you tend to disagree with the statement, put a ''N'' in the blank.

DEFENSE/INTERNATIONAL

____ The United States devotes too great a portion of its budget to defense spending in the post Cold-War era.

____ The U.S. should not move to deploy current SDI technologies. SDI is better off as just a research program.

____ Homosexuality is compatible with service in the U.S. military.

____ A strong Israel is vital to American interests in the Middle East.

_____ The U.S. should get approval from the United Nations before engaging in any military action abroad.

SOCIAL/DOMESTIC

____ The death penalty should never be available as a sentencing option for federal crimes.

____ Additional restrictions on handguns are needed to reduce the murder rate in the U.S.

____ Abortion should only be allowed in cases of rape, incest, or to protect the life of the mother.

____ Membership in a union should be at the option of the employee and not a requirement for employment.

____ Members of disadvantaged groups should be given preference in hiring and admissions in order to correct for past inequities.

____ Voluntary prayer should be allowed in schools.

____ Public health concerns should take precedence over civil rights concerns in dealing with the current AIDS crisis.

____ Abortion should be viewed as a woman's right to control her own body.

BUDGET/ECONOMY

____ Restrictions on imports are an effective tool to protect U.S. jobs and improve the economy.

____ The threat of global warming requires strict limits on carbon dioxide emissions.

____ Health care is a fundamental right which the U.S. government should guarantee to every citizen.

____ Congress should enact a Constitutional Amendment to require a balanced federal budget.

____ Congress should enact higher taxes as long as the revenue is earmarked for deficit reduction.

Following are a number of organizations and people involved in public policy. Indicate your general agreement with a (+) and general disagreement with a (−), or leave the space blank if you have no opinion.

____ American Civil Liberties Union.
____ Common Cause.
____ National Right to Work.
____ National Education Association.
____ National Organization of Women.
____ National Right to Life Committee.
____ Planned Parenthood.
____ National Rifle Association.
____ Sierra Club.
____ United Nations.
____ Al Gore.
____ Jesse Helms.
____ Ted Kennedy.
____ Dan Quayle.
____ Bob Dole.
____ George Bush.
____ Newt Gingrich.
____ Richard Gephardt.

REPUBLICAN STUDY COMMITTEE

[MEMORANDUM]

To: Job Seekers.

From: Grace L. Crews, Job Bank Coordinator.

This is just a brief note to explain the RSC Job Bank to you. The RSC is a Republican research organization which exists solely for the aid of its members.

The RSC provides numerous services for its members including the Job Bank. When a member calls with a job vacancy, he/she gives us the description which includes title, duties, salary, contact, etc. We then refer resumes of qualified applicants to them for their consideration. If they are interested, they will contact you. You will not receive a call from us. Because most of our members prefer it, we never disclose the location of a vacancy.

Rest assured that the RSC wants you to find a job. We will do everything possible to aid you in your search. However, we cannot guarantee you a job, and we do not know of all the jobs on the Hill. Therefore, we ask that you do everything you can to aid in your search.

Because we receive so many resumes, it is impossible for us to keep in contact with you. Therefore, we ask that you keep in contact with us by letting us know when you have found a job or if you are still looking. If we do not hear from you within three (3) months, we will discard your resume. If you are still looking after that, you will have to give us a new one.

And now, for some important advice. Be flexible. We would all like to start at the top—very few of us get the chance. Be willing to do whatever it takes to get that Hill experience, even if you have to open mail for someone for a while. Don't price yourself out of the market. Be willing to negotiate salary. If you turn down a job because you think you are worth more than the Congressman is willing to pay, you may find yourself looking longer than you anticipated.

The RSC wishes you the best in your search for employment on the Hill.

JOB PLACEMENT INFORMATION

Date: _____
Name: _____
Street: _____
City: _____
State: _____
Zip: _____
Home Phone: _____
Work Phone: _____
Home State: _____

Position(s) Desired: (You may circle more than one.)

Chief of Staff/AA.
Legislative Counsel.
Committee Staff.
Legislative Director.
Legislative Assistant.
Legislative Correspondent.
Press Secretary.
Caseworker.
Office Manager.
Scheduler.
Receptionist.
Systems Manager.

If applying for a clerical position, please indicate your appropriate skills:

Typing (wpm).
Shorthand (wpm).
Computer system(s) & applications.
Salary Range: ____ to____.

Ideology: Do you consider yourself (please circle one): conservative moderate liberal.

Campaign Experience: Yes ☐ No ☐.
Fundraising Experience: Yes ☐ No ☐.
Hill Experience: Yes ☐ No ☐.
Press Experience: Yes ☐ No ☐.
Senior Management Experience: Yes ☐ No ☐.
Speech Writing Experience: Yes ☐ No ☐.
Issue(s) Expertise: _____
Security Clearance: Yes ☐ No ☐ Level ____.

Would you like this inquiry kept confidential? Yes ☐ No ☐.

Please send this information sheet, a copy of your updated resume, the questionnaire,

and a list of references to: Republican Study Committee, 433 Cannon HOB, Washington, D.C. 20515 or fax it to (202) 225–8705. Should you have any questions, please call (202) 225–0587.

REPUBLICAN STUDY COMMITTEE

INSTRUCTIONS FOR RSC JOB BANK

(1) Please read top sheet and fill out both the application and issues questionnaire.

(2) Attach résumé between application sheet and questionnaire with paper clip.

(3) Place in designated box.

Mr. LEAHY. This legislation is designed to give the employees of the Congress the same protections that are available to other workers in the Federal Government and the private sector.

I was surprised by recent news reports that the Republican Study Committee required prospective congressional employees to take an ideological litmus test before they could be listed with their placement service.

I do not know whether such questionnaires are legal under Federal law or under the rules of the Senate. I do know, as one who lived through the McCarthyism of the 1950's, how destructive, to both human beings, and to the sense of public comity, loyalty oaths can be.

That is why I requested a copy of the questionnaire and related materials. Let me take a few minutes of the Senate's time to describe what I found.

The Republican Study Committee, an organization of the House of Representatives, which among other activities, provides an employment service for persons who are applying for jobs with Republican Members of the House. It provides prospective employees with a set of materials which includes a questionnaire. This questionnaire asks a large number of very definitive policy questions about a prospective employee's views.

For example, it asks questions about the applicants views on abortion, school prayer, and AID among others.

It also asks whether the applicant is in general agreement with ACLU, National Right to Work, NEWT GINGRICH, TED KENNEDY, or RICHARD GEPHARDT. Apparently new litmus tests to judge an employee's political correctness are now in order.

Of course, these questions are ''designed to assist in placing you with an office in which you are most compatible.''

The reality is that these kinds of questions are getting close to loyalty oath type questions of the 1950's.

Soon will employees be asked, ''Are you now or have you ever been a member of Common Cause?

''Are you now or have you ever been a member of Planned Parenthood?

''Are you now or have you ever been a member of the Sierra Club.''

Are we on the way to a new type of politically correct rightwing thinking?

This questionnaire is not new. One of my current employees encountered this questionnaire when she was looking for an entry-level job on the Hill over 3 years ago. More concerned about being a part of the democratic process than in ideology she applied at both Democratic and Republican service offices. What kind of signal does the RSC questionnaire send to prospective employees like her? Clearly, it strikes a blow at the idealism of our young people and discourages them from participating in the democratic process.

This is not a difficult issue to decide. The public wants an end to partisan politics, and this litmus test is nothing but partisan.

We want to encourage our youth to participate in the democratic process, this litmus test destroys the idealism of our youth.

The Republican leadership has pledged to make Congress be held to the same laws as it imposes on others, this litmus test flies in the face of that pledge.

Above all there is too often a sense of intolerance in the tone of debate in this country. We see this in tone in the abortion clinic shootings and bombings and when talk show hosts insult the President's wife.

I will not stand quietly and let a new ''McCarthyism'' take hold of this institution.

Mr. President, I will close with this: I have no problem with any Member, Democrat or Republican, wanting to hire staff that bears their views. I must say that in my own staff, I do not know whether most of the people in my office are Republicans or Democrats, unless they have been involved in something where they have made it clear to me. I know that I have hired people who were identified as Republicans back home, as well as identified as Democrats. I do not know what they belong to. I just do not want us to do things that would never be allowed at IBM, or Monsanto, or any other company.

I do not want to get into a litmus test for people even to be able to make a job application, because there are so many extremely good men and women in this country who should have an opportunity to seek jobs in the Congress if they want. But they should not have the door closed in their faces initially because they do not pass a particular litmus test.

I will ask the floor managers something and then I will yield to Senator MCCAIN. What happens with this amendment? Should we ask for the yeas and nays? What has been the process? I have been off the floor.

Mr. GRASSLEY. The yeas and nays have been requested on most amendments.

Mr. LEAHY. 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.

Mr. LEAHY. As I understand it, these votes will be stacked.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized.

AMENDMENT NO. 4

Mr. MCCAIN. I take the floor this morning, Mr. President, to comment on both the amendment of the Senator from Kentucky, Senator FORD, concerning the frequent flier, frequent travelers benefits and its application to Members of Congress, as well as the Kerry amendment concerning personal use of campaign funds. The reason I do so is because I have been involved in both issues to a significant degree.

First of all, on the issue of the amendment by Senator FORD, Mr. President, I point out that in the legislation passed in the last Congress, the Federal Acquisition Streamlining Act conference report, my amendment, which appears on page 130 of the conference report said, ''Requirement: Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.''

I see my friend from Ohio on the floor. If I can get the attention of the Senator from Ohio, I would appreciate it, since I am asking, and I know there were many aspects of this legislation he was responsible for, which I think was a landmark piece of legislation, the Federal Acquisition Streamlining Act. An amendment of mine was included in that, which said:

Requirement: Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

I do not know if the Senator recollects that or not. From the nodding of his head, I see that he recalls that. Does the Senator recollect, also, that at that time it was mine, his, and Senator ROTH's understanding that it would apply to Congress as well as Federal employees?

Mr. GLENN. I would respond to my good friend by saying I think it should. We discussed that at the time, as I recall, and our exact reasoning why we did not make it apply that way, I do not quite recall at the moment. Looking at what is in the procurement bill this morning—and I think you have a copy—I would like to see that same provision go all across Government and apply to everybody. We gave some time to work this thing out.

In that procurement bill, section 6008, entitled ''Cost Savings for Official Travel,'' it says:

(a) Guidelines: The Administrator or General Services Administration shall issue guidelines to ensure that agencies promote, encourage, and facilitate the use of frequent traveler programs offered by airlines, hotels, and car rental vendors by Federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

It goes on to say:

Any awards granted under such a frequent traveler program accrued to official travel shall be used only for official travel.

I think it should apply across the board. We gave them 1 year to report on how they would enact this. I would like to see that same thing applied all

across Government. We were discussing this morning whether to try to put this in as an amendment to this bill or subsequent legislation. The same thing should apply, and the Senator is absolutely correct.

Mr. MCCAIN. Also, I remind my friend, Senator GLENN, that there was a colloquy between him and Senator ROTH, with the understanding that this particular provision would apply to Congress. Since then, it has been interpreted as not applying to Congress. And that is wrong, in my view.

I agree with the Senator from Ohio that it should apply to Congress. I believe that Senator FORD in bringing it up is entirely correct in doing so, because if we are going to take advantage of frequent traveler programs, those advantages should not then accrue to the personal use of Members of Congress.

So I would say I regret that the interpretation of what was already in law did not apply across the board to Congress. I think that it should in the future, and I believe the Ford amendment should make it applicable.

I also want to talk about the Kerry amendment here, which applies to the use of campaign funds for personal use. Last year, Mr. President, in the consideration of the campaign finance reform bill, I proposed an amendment prohibiting the use of campaign funds for personal purposes. Then Senator Boren, the manager of the bill, accepted that provision. And, obviously, as we know, the campaign finance reform bill never went anywhere. I applaud Senator KERRY for bringing up this issue. The fact is that there have been outrageous and incredible abuses of the system. On several occasions I talked about some of these abuses on the floor of the Senate, and it is part of the CONGRESSIONAL RECORD of May 25, 1993. I talked at length about it, as I did several other times.

Mr. President when people are using campaign money to commission artists to paint portraits of their father, thousands of dollars to decorate Senate offices, $6,000 on furniture and picture framing, $4,494 for an illuminated globe, resort vacations, and on and on and on, it is not only an abuse, but it is an outrage.

I intend to vote on the majority side to table both of these amendments. But I say to my Republican colleagues on this side of the aisle, the reason the American people voted as they did on November 8 is that they are fed up with the abuses, such as the personal use of campaign funds, such as frequent flier mileage and frequent traveler mileage, going for personal use. These must be addressed.

Now, I understand the desire of the majority, and I will accede to the desire of the majority, to table these so that we can get a bill through Congress.

If I had been writing the legislation, I say to my friend from Iowa, I would have included these, because they are needed reforms. They are the things which the American people, when they hear about them, are simply outraged, and they are not going to put up with it any longer.

So I say to my friends on this side of the aisle, speaking for only one individual Senator, if these reforms are not brought up in a reasonable time, meaning this year, and implemented, I will join with my colleagues on the other side of the aisle, whose newfound scheme for reform I applaud vigorously. But we cannot, by virtue of being in the majority, lull ourselves into a sense of complacency, into believing that issues such as personal use of campaign funds, such as the personal use of frequent flier mileage which is accrued through official business and used for personal use, are going to be acceptable to the American populace. It is not like that anymore.

So I strongly urge my colleague from Iowa, who is the manager of this bill—and I appreciate his enormous efforts on behalf of this legislation—to give serious consideration to bringing forward additional legislation at the appropriate time, in a timely manner, that addresses these and other issues that are being raised by my colleagues on the other side of the aisle.

So, Mr. President, I will not go on and on and specify the abuses, especially of the personal use of campaign funds. I did that last year on several occasions. Those abuses are well known, and they have to stop. I think we have to address it very soon.

Again, I congratulate my colleague from Iowa for his very hard work on this very important legislation. I look forward to supporting him. But again, we have to address all of these abuses and we have to do it soon.

Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, I would like to commend the distinguished ranking member of the Rules Committee, Senator FORD, for his efforts in raising this issue and shedding some light on an inappropriate practice in which some elected officials have apparently been engaged.

Quite honestly, in my 2 years as a Member of the U.S. Senate, I do not believe we have had a vote that should be so straightforward for Senators to case as the vote on this amendment. In fact, this issue and this amendment can be summed up with one question: Should federally elected officials, who are well-compensated and receive ample health, retirement, and other such benefits, be allowed to take free frequent flyer trips at taxpayer expense? Some might suggest that I have just oversimplified what this issue is about. But I'm not oversimplifying the issue—it is that simple.

Mr. President, I am not aware of any public polling on this frequent flyer issue. But I am going to make a bold prediction here. Let's say you posed the following choice to 1,000 randomly selected individuals: If federally elected officials earn frequent flyer awards from travel that is paid for with taxpayer dollars, they should use the free travel award to: One, take a vacation; or two, save taxpayer dollars by using the award for future official travel expenses. I am willing to predict the vast majority would pick number two.

Last night, during debate on this amendment, the distinguished Senator from Iowa [Mr. GRASSLEY] argued that we should not dictate to the House of Representatives what their rules should be. The Senator from Iowa went on to say that we shouldn't worry about the House because they were on the verge of making this rule change last August and will deal with the issue again.

I would like to share the Senator's confidence in the House leaders on this particular issue, but I am afraid I cannot. The Senator from Iowa is quite correct when he states that the House came close to changing this rule last August. But it is my understanding that effort, led by a freshman Representative, was derailed with the help of the then-minority whip, Mr. GINGRICH. If it was possible to prevent this measure from passing last year while in the minority party, how are we to expect Mr. GINGRICH to raise this issue in his new position as Speaker of The House?

In fact, I recall speaker GINGRICH's comments on a Sunday morning television program just a few short weeks ago. When pressed on the issue of the frequent flyer perk, Mr. GINGRICH responded by asserting something to the effect that if Congress was able to balance the budget, fight crime and reform the welfare system, then people did not care about issues such as the frequent flyer perk.

Though I certainly share the Speaker's concern that we must address issues such as reducing the Federal budget deficit, I strongly disagree with his view that the American people do not care about reforming the Congress and changing the way Washington, DC, does business. People do care about the many perks Members of Congress receive, whether it is the free meals, travel and other gifts that are showered upon Members by the lobbying community, or the practice of converting these frequent flyer miles earned while traveling on official matters to free vacation trips.

The underlying bill, which I support, is an attempt to make Congress live under the same rules as our constituents do. But our constituents do not receive free meals and gifts from lobbyists, and when they go on vacation or travel on a personal matter, they pay for it. These are the rules by which elected officials should abide. And if these rules are right for those in the private sector, and are right for the executive branch, and are right for the U.S. Senate, then they should be right for the House of Representatives.

Mr. President, let me just conclude by saying that I am sensing another partisan vote on this amendment, similar to the vote last week on the gift

ban amendment, and that is truly unfortunate. This is certainly not a partisan issue. The underlying bill will pass this Chamber with strong bipartisan support, and I am disappointed that further efforts to enact swift passage of critical reforms of our political system, such as banning gifts and changing the frequent flyer rule for elected officials, has fallen victim to the same partisan wrangling that has prevented such reforms from passing in previous years.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to say that I support the substance of both of the amendments that have been offered. But for reasons that are similar, really, and with the same sense of urgency expressed by my friend and colleague from Arizona and consistent with the position that my friend and partner on this underlying bill, S. 2, the Senator from Iowa, has stated all along, I will oppose these amendments, as I have all other amendments to this bill.

Mr. President, we have talked at length about the number of years that people have been working here in Congress to establish the basic principle of accountability. What I have said here earlier in this debate is kind of a reverse version of the Golden Rule, which is that we should do unto ourselves as we have done unto others for lo these many years, and that is to live by the laws that we imposed on the rest of America.

Senator GLENN, among those who are here, in my opinion, holds the record for having started this campaign—perhaps ''crusade'' is a better term—earlier on in the late 1970's. Senator GRASSLEY has been a leading and foremost advocate in recent years. It has been my privilege, over the last several years, to join with them, as a cosponsor of this bill with the Senator from Iowa in the last session of Congress, and a cosponsor again this year although, as I have indicated for the record, in the preceding session of Congress, this measure was known as the Lieberman-Grassley Act, and in this session it is known as the Grassley-Lieberman Act.

Whatever the name, the content and the purpose is the same. And it is the long overdue recognition that there is a double standard here that is no longer acceptable, that is unfair to our employees, and that shields us from the real world experience of understanding the impact of our deliberations and our actions on those millions of people out there, particularly small business people, who must live by the laws that we pass.

So when this debate began, Mr. President, I made a personal decision that when one considers the length of time that Congress has been aspiring to pass this measure, when one considers that last year it swept, in a bipartisan basis, through the House, I think with perhaps four votes opposed to it, when one considers there seemed to be a strong bipartisan support for this here in this Chamber last year, but in the final day or two of the session it was stopped from being taken up by the use of a rarely used parliamentary point, I made a judgment as this session started that I was going to oppose all amendments to S. 2, the Congressional Accountability Act, that did not go to the heart and substance of this proposal but that were adding on additional thoughts, even if one could stretch and construe some connection to the basic purpose of eliminating the double standard in these employment and safety laws.

It has not been pleasant or easy to sustain this position. Some of these amendments are good amendments. But it seemed to me that—not only because of my personal involvement in this issue and my desire not to gum up the works as we move toward adopting it, but also as an expression here at the outset of the session that the support for this measure is genuinely bipartisan and has always been so and is bicameral, and in fact extends to the executive branch of Government, where President Clinton has consistently over the last couple of years, and as recently as the last few days, restated his position strongly supporting the adoption of the Congressional Accountability Act—it seemed to me, mindful of the election returns last November and fresh from my own reelection campaign, in which I heard the people of Connecticut certainly clearly saying to me that they do not really care that much anymore about what party label you wear, they care about what you have done or what Congress has done, that they want the nonsense and the gridlock to end; they want us to deal with some real problems, and they want us to shake up this institution and put some value into what we are doing here and not get into partisanship.

So in that sense, I made the judgment that the best that we could do was to adopt this, to not let anything stand in the way, and hopefully get it to the President—get it back to the House, let the House receive it in a form which they could adopt without the need for a conference committee—send it to the President, and let us show the American people that both parties, both Houses, and the executive and the legislative branch, agree on this basic principle. Let us get it done. If I may paraphrase an earlier great Democratic President, President Kennedy, who said, ''A rising tide raises all boats,'' part of what I am saying here is that a rising tide of accomplishment by Congress will, in fact, raise all boats.

This will not and should not be a partisan achievement, but very much a victory for principle, a victory for Congress, and a victory for the American Government, showing it can quickly and expeditiously do something right. I wanted to state that on the record to explain why I voted against all previous amendments, why I will vote against these two amendments, and why I will continue to vote against amendments on this bill, hoping that we can pass this bill tonight or tomorrow and get it on its way to becoming the law it ought to be.

Mr. President, having stated that, I would like to respond to some of the points that have been made against the bill. I say to the two managers of the bill, the Senator from Iowa and the Senator from Ohio, if at any point either Senator would wish to regain the floor, or others come and wish to proceed on their amendments, I will be glad to yield upon notification to that affect.

Mr. President, some of the arguments made in opposition to S. 2 in the last couple of days are serious ones. I want to respond to them. One argument made goes to the heart of the construct of the bill that Senator GRASSLEY, I, and Senator GLENN, in his capacity as chair last year of the Government Affairs Committee, have brought out. The argument is that this bill—and forgive the pejorative use of the term, an excuse for inaction on this measure for years—this bill represents a violation or a potential violation of the separation of powers doctrine and the speech or debate clause.

I must say to the presiding officer and my colleagues that when I first arrived here, the first time this measure came up, I inquired why people were opposing it because it seemed pretty sensible that we should live by the same laws we apply to everybody else. The answer I heard was the separation of powers doctrine. I remember going back home to a town hall meeting and having somebody ask me about the measure, and I started to give the separation of powers doctrine response. It was a moment where the more I declared it, the less I believed it, remembering that old wisdom that, if you are making a statement that you yourself have trouble believing, you better not make the statement and you better reconsider your position.

I do not think this is a violation of the separation of powers doctrine. First of all, there is no express separation of powers clause in the Constitution. It is important to point that out. This is a doctrine that is said to underlie the structure of the Constitution. In fact, there is some obvious strength to that argument. The principle is most visibly seen in the separation of the powers of the three branches into three separate articles respectively. The doctrine is also discussed in the Federalist Papers, as well as other writings that informed the drafting of the Constitution.

The separation of powers doctrine has been the most frequently cited constitutional objection to private rights

of action in district court for our employees under this bill, as well as executive branch enforcement of the laws. Using this broad-based argument, I think, distorts the historical intent of the separation of powers doctrine. It is also not an adequate explanation for why we do not apply the laws we adopt to ourselves.

The basic idea, it seems to me, is to limit each branch to a certain set of powers subject to checks by the other two branches, so that no one branch can accumulate a level of power that becomes—to use the term that was very much in the mind of the Framers—tyrannical or like a monarch in its effect on the public or on individual American citizens.

The separation of powers principle was envisioned and incorporated into the Constitution by the Framers not explicitly but implicitly with the idea of precluding any one branch of the Federal Government from seizing a degree of power that could be used against the people of America in a tyrannical fashion without check by the other two branches of Government. However, it is clear from Madison's writing in Federalist 47 that the separation of powers principle was not designed to insulate one branch of the Government or its servants, that is to say, those who serve within that branch of Government, from the rule of law. That would have been a strange result for those who framed our Constitution and were so mindful of not insulating those in power from the rule of law.

Indeed, Madison wrote in Federalist 57 that:

> The Congress can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples; but without which every government denigrates into tyranny.

What a magnificent statement by Madison, resonating with real insight and strength through the centuries to this debate on this floor of this great Chamber today in 1995.

Mr. President, in concluding my remarks on this question, I would like to note that it is the speech and debate clause, and that clause only, which provides Members of Congress any immunity whatever from prosecution or action by the executive or the judiciary. In the case of Davis versus Passman, a 1979 case, the Supreme Court held that while the speech or debate clause does protect Members of Congress from suit for actions which were strictly legislative in function—and I will discuss in a moment what the Court has defined as ''legislative''—speech or debate immunity is the only source of immunity, not other principles of separation of powers as well. In short, the broad principle of separation of powers is meant to protect the people from the Government, not to protect one branch of Government from the other two, nor to protect Members of Congress from prosecution or suit for their own misdeeds.

Mr. President, at the Governmental Affairs Committee hearing in June of last year on this measure, constitutional law professor Nelson Lund and our own Senate legal counsel, Michael Davidson, both said, while it may be constitutionally permissible to allow the executive branch to enforce employment laws on the legislative branch, this legislation recognizes, as a policy decision, not a constitutional decision, that allowing executive enforcement might upset the current balance of power between the executive and legislative branches.

So our goal in creating the independent Office of Compliance within this bill, S. 2, was to avoid, frankly, politically motivated enforcement actions by executive branch agencies. One cannot imagine—without regard, obviously, to the current occupant of the position—a Secretary of Labor ordering an OSHA inspection of a Senator's personal office because that Senator had aggravated that Secretary for some reason, perhaps by holding oversight hearings on the Department of Labor, or perhaps by casting a vote that displeased the Member of the Cabinet. I think you can see why, on a practical basis, this decision was made to set up the independent Office of Compliance. It is, really, more in deference to the checks and balances principle than to the separation of powers principle.

Now, Mr. President, let me speak for a moment about the speech or debate clause immunity which is in article I, section 6, of the Constitution.

I, frankly, think this provides the most interesting argument against executive branch enforcement or judicial review. But historically, it is important to state the speech and debate clause has been read narrowly by the courts, and our conclusion was that it should not and cannot provide Members of Congress with immunity for illegal employment actions, for illegal actions in our capacity as employers of those who work for and with us here on Capitol Hill. The speech and debate clause says:

> They—
>
> The Members of Congress—
>
> shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

The origins of speech or debate immunity can be traced to the formation of the English Parliament when members of Parliament sought to protect themselves from retribution by the monarch for speeches or acts in the House of Commons that were viewed as hostile to the crown.

Mr. President, in July of last year, the Court of Appeals for the D.C. circuit rejected a House Member's speech-or-debate-clause defense in a prosecution by the Justice Department. These cases are very recent. The U.S. District Court for the District of Columbia also issued a similar ruling, in the same week last year against a Senator saying the Department of Justice has the power to prosecute violations of Senate Rules Committee regulations, even when the Rules Committee itself has not concluded that a violation occurred.

In the first ruling, the appeals court cited several cases in which the Supreme Court had held that the speech-or-debate clause immunity extends only to acts that are ''legislative in nature'' or related to ''the legislative process.'' The defendant's alleged impropriety, the Court said, ''was not related to a pending bill or to any other legislative matter; it was, instead, the Congressman's defense of his handling of various financial transactions.''

So I would say, drawing analogy from these cases and others I could cite, it is reasonable to assume that an illegal employment action would not be regarded by the courts as an act that is ''legislative in nature.'' In fact, this issue is thoroughly examined in a memo by John Killian, senior specialist, American constitutional law, American Law Division at CRS, dated June 4, 1993, in which Mr. Killian writes:

> A persuasive argument can be made that the speech or debate clause does not encompass employment decisions.

While Mr. Killian prefaces his interpretation by noting that the constitutional text, history, purposes and the judicial precedents are not fully dispositive, ''the text,'' he says, ''as informed by the interpretive judicial decisions does rather strongly suggest that the courts would sustain the validity of the enactment should Congress choose to take the step.''

He adds:

> Certainly, an expressed decision made legislatively by Congress that employment decisions of Members can be placed outside coverage of the clause would be a determination by the body most familiar with the issue that should be entitled to special deference by the courts when they are called upon to pass on the question of the validity of congressional coverage under the appropriate statute.

Of course, this is just common sense that the speech-and-debate clause on its face would not seem to be a clause that would make us immune from the impact of the laws we adopt and impose on all other employers when we are acting as employers instead of as Members of the Congress involved in legislation.

Mr. President, I will go on to another argument that has been made a couple of times here on the floor; and that is that this bill, S. 2, will cost too much money. At times, opponents of congressional compliance have claimed that it would cost billions of dollars to implement and even require the construction of new office buildings. The testimony

that the Governmental Affairs Committee received last June, as well as CBO's analysis of the committee-reported bill, showed that such fears, while understandable, are unfounded. There is no OSHA space requirement for offices. Indeed, the Architect of the Capitol and the Congressional Budget Office both anticipated in their reviews of this legislation little, if any, additional expense for OSHA compliance.

Because this new bill, S. 2, was introduced just last week, we have not had time to receive a formal cost estimate from the CBO. But I suggest to my colleagues that it is fair and reasonable to assume from the CBO estimate of the bill reported by the Governmental Affairs Committee in September, since this bill is so close to that bill, that the original cost estimate would prevail for this as well.

We also received a cost estimate from CBO on last year's House-passed bill as well as the bill reported by the Senate Governmental Affairs Committee and the estimates CBO arrived at in both cases were far, far lower than anyone expected or thought possible.

Mr. President, at this point, I would like to submit for the RECORD those two cost estimates which I believe the Members may wish to peruse, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the estimates were ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 3, 1994.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4822, the Congressional Accountability Act.

Enactment of H.R. 4822 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 3, 1994

1. Bill number: H.R. 4822.

2. Bill title: Congressional Accountability Act.

3. Bill Status: As ordered reported by the Senate Committee on Governmental Affairs on September 20, 1994.

4. Bill Purpose: H.R. 4822 would apply a host of employee protection laws to legislative branch employees and would create an Office of Congressional Fair Employment Practices (OCFEP) to enforce those protections. The board of directors of OCFEP would issue rules to apply the laws to the legislative branch, enforce those rules through inspections, and establish procedures for remedying violations of the rules. Most rules would take effect when the board issues them in final form, unless the House and Senate pass a concurrent resolution that disapproves them. Certain rules that, in effect, create new law would have to be enacted by the Congress and signed into law by the President.

In addition, H.R. 4822 lays out a four-step process by which employees can seek, redress if their rights under most of the employee protection laws are violated—counseling, mediation, formal complaint and hearing, and judicial review of the process. As an alternative to a formal complaint and hearing before the OCFEP, the bill would allow employees to take their case to a U.S. district court after the mediation step. The four-step process basically duplicates the process that the Senate already has in place for its employees, and would expand the options available to House employees who currently cannot present their case before an independent hearing board (because House hearing boards have consisted only of House employees) and who have no access to judicial review. Currently, few Congressional employees, and none in the House or Senate, have the option of taking their case to a district court (instead of formal complaint and hearing) as the bill would permit.

For certain laws, the bill would provide alternative procedures. For example, for violations of title II of the Americans With Disabilities Act (ADA) and the Occupational Safety and Health Act (OSHA), private citizens and Congressional employees, respectively, could ask the general counsel of OCFEP to investigate. The general counsel, in the case of ADA, could initiate the four-step process, or in the case of OSHA, could issue citations. In neither case could the employees take their complaints to a district court. (Under OSHA, private citizens also may not bring a complaint to court.)

If the appropriate entity, whether the OCFEP or district court, finds that an employee's rights were violated, it could enter an order for a remedy for the employee, subject to the availability of funds that may be appropriated by the Congress after enactment of H.R. 4822. The bill would establish separate settlement and award reserve funds in the House and the Senate to pay compensation that may be ordered as part of the remedy, and would authorize the appropriation of amounts necessary to pay compensation as ordered. Such appropriations would be the only source for paying compensation because the bill dictates that no compensation may be paid from the Claims and Judgments Fund in the Treasury.

5. Estimated cost to the Federal Government: CBO estimates that enactment of H.R. 4822 would cost about $1 million in each of fiscal years 1995 and 1996, and $4 million to $5 million annually thereafter for the new OCFEP, for agency costs of negotiating with employees' bargaining units, and for paying compensation under remedy orders. Applying certain laws, such as the OSHA and the Fair Labor Standards Act (FLSA), to the entire legislative branch could result in some additional costs, but we do not expect such costs to be substantial. To some extent, the amount of such costs would depend on decisions to be made by the OCFEP as to precisely how the laws would apply to legislative branch employees.

BASIS OF ESTIMATE

Office of Congressional Fair Employment Practices

The primary budgetary impact of H.R. 4822 would stem from creating the new office to implement the employee protection laws throughout the Congress. Based on the costs of the Senate Office of Fair Employment Practices and of the Personnel Appeals Board at the General Accounting Office (GAO), CBO estimates that the OCFEP would cost an additional $1 million in each of fiscal years 1995 and 1996. (The rules implementing all of the laws would be phased in and would be in effect by the end of 1996.) The cost would be relatively small in these years because the office would be evaluating how to apply certain laws to the Congress. In subsequent years, the cost would increase to $2 million to $3 million annually because the office would have to implement enforcement procedures and arrange for OSHA inspections.

Settlement and Award Payment

The bill would authorize the appropriation of such sums as necessary to pay compensation to employees whose rights under H.R. 4822 are violated. Under existing law, if the rights that Congressional employees currently have are violated and the House or Senate Office of Fair Employment Practices orders payment of compensation, the Congress must appropriate funds to make the payment. Otherwise, an employee has no recourse to another mechanism to receive compensation. Based on the limited, recent experience of the House and Senate in paying compensation under existing employee protection laws, CBO expects that total compensation paid to legislative branch employees in some years could be between $0.5 million and $1 million. CBO assumes that the Congress would appropriate the necessary amounts. If the Congress does not appropriate sufficient funds, then there would be no mechanism to provide compensation ordered under the processes provided in the bill.

Federal Labor-Management Relations

H.R. 4822 would extend to all legislative branch employees the same right that the Government Printing Office (GPO), the Library of Congress (LoC), and executive branch employees currently have to organize, form bargaining units, select a union representative, negotiate with employers, and bring grievances to the Federal Labor Relations Authority (FLRA). (GAO already negotiates with its employees, but its cases do not go to the FLRA.) If employees in the House, Senate, the Architect, CBO, and the Office of Technology Assessment (OTA) were to decide to organize and force their employers to negotiate with various bargaining units, the employers would incur additional staff costs in order to meet their responsibilities under the law. Based on the experience at GPO and LoC, it appears that an agency with several thousand employees could spend $200,000 to $300,000 per year for a lawyer and part of the time of personnel officers who must work with the bargaining units. CBO cannot predict to what extent employees at the affected agencies would decide to take advantage of their opportunity to organize under this law, but even if a few did at each agency, total agency costs could be in the neighborhood of $1 million annually.

OSHA Protections

H.R. 4822 would extend to all legislative branch employees the protections of OSHA, which requires a workplace free from recognized hazards. It is possible that application of OSHA standards could result in additional costs to remedy any violations, but it is likely that many of the major remedial actions would be done in any event.

Industrial Settings. Because most existing OSHA standards apply primarily to industrial workplaces, the employees and workplaces most likely affected by the bill would be those of the Architect of the Capitol. The Architect's office has stated in Congressional hearings that it already strives to comport with all relevant standards. The Architect employs several inspectors who visit all workplaces under the Architect's control to identify problems requiring remedy. Over the past several years, the Architect, sometimes with line-item funding direction from

the Congress, has undertaken many building improvement efforts, such as structural repair and electrical rewiring, in buildings of the House, Senate, and Library of Congress.

However, while the Architect might already be identifying big problems, small problems might still arise. In October 1992, GAO, at the request of the Congress, reported on violations of numerous OSHA standards by four employers in the legislative branch, including the Architect and the GPO. The employers not only agreed that the violations needed correction, but were able to do so at minimal expense. None needed to request additional funding to remedy the violations. Thus, it appears that the formal application of OSHA standards to the activities of the Architect is unlikely to add significantly to costs that would otherwise be incurred.

Office Settings. There are few OSHA standards that apply specifically to an office-type workplace, which is the type of environment most commonly founds in the Congress. For example, there is no OSHA standard guaranteeing employees a minimum amount of space and quiet in which to work (although there is General Services Administration guideline governing the maximum amount of space for executive branch employees so agencies do not consume too much space). Therefore, applying OSHA standards to the House, Senate, and other Congressional entities would not, by itself, necessitate construction of additional Congressional office buildings.

The few relevant OSHA standards relate to the proper location and use of wires, extension cords, electrical outlets, file cabinets, and clear walkways to protect employees against tripping, shocks, fires, falling objects, and blocked exits in case of evacuation. Because the Architect does not control the space where these hazards could occur, the rules issued by the board would likely make the employers—Senators, Representatives, committee chairmen, and agency directors—responsible. Complying with these standards probably would require a change in practices rather than significant additional space or cost.

Future OSHA standards for office-type workplaces could result in additional costs for the Senate. For example, OSHA is currently preparing regulations for ergonomic office equipment and furniture to protect employees against physical ailments resulting from inadequate lighting and positioning. In the absence of specific standards, CBO has no basis for estimating the cost of providing Congressional employees with furniture that would meet future OSHA requirements.

FLSA Protections

The FLSA requires employers to provide the minimum wage, equal pay, and time-and-one-half for overtime in excess of 40 hours in one week for certain types of employees. H.R. 4822 would require legislative branch employers to pay affected employees according to these standards. But Congressional employers would be allowed to grant compensatory time off (equal to one and a half hours of overtime worked) instead of overtime pay if the employee so chooses in advance of performing the overtime work. This provision would result in some combination of increased spending by Congressional employers because of overtime pay, and increased time off for certain employees who might opt for compensatory time instead of overtime pay. The impact of FLSA ultimately would depend on how the OCFEP defines which employees are to be covered by FLSA and on whether employees would choose overtime pay or compensatory time off. The bill would require the board to issue rules that outline how the protections of the FLSA will apply.

If, for example, the board were to issue rules similar to the guidelines issued in 1991 by the Committee on House Administration (FLSA has applied to House employees since 1989), then FLSA would probably have little impact on the amount of additional leave employees would be able to take. It appears from the House guidelines and the amount of overtime paid to House employees in recent years (less than $200,000 annually) that most House employees are exempt from FLSA and those who are not exempt do not work much overtime.

One group of employees that could potentially receive significant amounts of overtime pay would be the Capitol Police. Under current law, officers receive compensatory time for the first four hours worked in excess of 40 hours and then receive overtime for any additional hours. If all Capitol Police employees opted for overtime pay under FLSA for their first four hours of overtime, spending would increase by about $0.8 million per year. Because some Capitol Police employees are likely to select compensatory time, the amount of additional overtime pay would be less than $0.8 million.

Other Applicable Laws

Some of the laws that H.R. 4822 would apply to the entire legislative branch are laws that already apply to some or all Congressional employers through existing statute or because the employer voluntarily complies. Therefore, they are not likely to result in additional costs. For example, the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act, which prohibit employer discrimination based on disability or race, already apply to the Senate, House, CBO, GAO, GPO, LoC, the Architect, and OTA—entities that employ almost all of the 38,000 legislative branch employees. The Family and Medical Leave Act, which guarantees employees a certain amount of unpaid leave without fear of losing their job in order to care for a new baby or a sick relative, also applies now to all these employers.

Other laws apply to some employers now, but would apply to all upon enactment of H.R. 4822. For example, the Rehabilitation Act (which requires the government to contract with vendors that provide employment opportunities for the disabled) only applies to the Senate and the Architect. But because the Rehabilitation Act has been largely superseded by the ADA, which all the employers must already comply with, application of the Rehabilitation Act is not expected to affect employers' practices. The Age Discrimination in Employment Act (ADEA) does not apply currently to the House, CBO, and certain employees of the Architect, but the House has adopted a rule that ''personnel actions affecting employment positions in the House . . . shall be made free from discrimination based on . . . age.'' H.R. 4822 would codify this policy. The bill, however, would provide such employees with improved procedures for seeking redress if they experience discrimination because of age (as well as race, color, national origin, religion, sex, or disability). CBO expects that applying the ADEA would not result in significant additional costs.

6. Pay-as-you-go considerations: None.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On August 2, 1994, CBO prepared a cost estimate for H.R. 4822, as ordered reported by the House Committee on Rules on July 29, 1994. That bill is similar to the Senate version of H.R. 4822, except that in the House version, the Claims and Judgments Fund in the Treasury would be available to pay compensation to remedy violations of employees' rights in the event the Congress does not appropriate sufficient funds. Because, under the House version of H.R. 4822, employees would have a permanent right to be paid compensation, CBO estimated an increase in direct spending of $1 million in 1997 and 1998, which would count for pay-as-you-go purposes. In the Senate version of H.R. 4822, employees' right to compensation under a remedy would be limited to amounts that may be appropriated to the House and Senate settlement funds (or to other legislative branch entities). The Claims and Judgments Fund in the Treasury would be unavailable to pay compensation in the event of insufficient appropriations. Therefore, the funding mechanism to pay compensation would be discretionary, not direct spending, and pay-as-you-go procedures would not apply.

Another difference between the House and Senate versions of H.R. 4822 is that the House version would require that certain employees receive overtime pay under FLSA, resulting in higher outlays for legislative branch agencies, especially the Capitol Police. The Senate version of H.R. 4822 would allow employees to choose between receiving overtime pay, which would increase outlays, or receiving compensatory time, which would give them more time off, but would not increase spending.

On August 2, 1994, CBO prepared a cost estimate for H.R. 4822, as ordered reported by the Committee on House Administration on July 28, 1994. That version of the bill is nearly identical to H.R. 4822 as ordered reported by the House Committee on Rules.

On June 30, 1994, CBO prepared a cost estimate for S. 1824, as ordered reported by the Senate Committee on Rules and Administration on June 9, 1994. That bill is different from the Senate version of H.R. 4822 because it would cover only Senate employees and because it would only apply OSHA and FLSA to the Senate. H.R. 4822 would apply these two laws, as well as six others, to the entire legislative branch and would create a consistent procedure to enforce the laws equally for all legislative branch employees. CBO has estimated a higher cost for H.R. 4822 than for S. 1824.

10. Estimate prepared by: James Hearn.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 2, 1994.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4822, the Congressional Accountability Act.

Because enactment of H.R. 4822 could affect direct spending, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, AUGUST 2, 1994

1. Bill number: H.R. 4822.

2. Bill title: Congressional Accountability Act.

3. Bill status: As ordered reported by the Committee on House Administration on July 28, 1994.

4. Bill purpose: H.R. 4822 would apply to a host of employee protection laws to legislative branch employees and would create an Office of Compliance to enforce those protections. The office would issue regulations to

apply to the legislative branch, enforce those regulations through inspections, and establish procedures for remedying violations of the regulations. Further, the board of directors of the office would have to prepare a study on whether any other laws affecting employees ought to apply to the legislative branch, and then would issue regulations specifying the way in which such laws would apply. The regulations would take effect 60 days after the board issues them in final form unless the House and Senate pass a concurrent resolution that disapproves them.

In addition, H.R. 4822 lays out a four-step process by which employees can seek redress if their rights under the laws are violated—counseling, mediation, formal complaint and hearing, and judicial review of the process. As an alternative to the formal complaint and hearing before the Office of Compliance, the bill would allow employees to take their case to U.S. district court after the mediation step. The four-step process basically duplicates the process that the Senate already has in place for its employees, and would expand the options available to House employees who currently cannot present their case before an independent hearing board (because House hearing boards have consisted only of House employees) and who have no access to judicial review. Currently, few Congressional employees, and none in the House or Senate, have the option of taking their case to district court (instead of formal complaint and hearing) as the bill would permit.

If the hearing board or district court finds that an employee's rights were violated, it may enter an order for a remedy for the employee. The bill would establish separate funds in the House and the Senate to pay compensation that may be ordered by the remedy.

5. Estimated cost to the Federal Government: CBO estimates that enactment of H.R. 4822 would cost about $1 million in each of fiscal years 1995 and 1996, and $4 million to $5 million annually thereafter for the new Office of Compliance, for additional overtime pay for officers of the Capitol Police, and for agency costs of negotiating with employees' bargaining units. Applying certain laws, such as the Occupational Safety and Health Act (OSHA) and the Fair Labor Standards Act (FLSA), to the entire legislative branch could result in some additional costs, but we do not expect such costs to be substantial. To some extent, the amount of such costs would depend on decisions to be made by the Office of Compliance as to precisely how the laws would apply to legislative branch employees.

BASIS OF ESTIMATE

Office of Compliance

The direct budgetary impact of H.R. 4822 would stem from creating the new office to implement the employee protection laws throughout the Congress. Based on the costs of the Senate Office of Fair Employment Practices and of the Personnel Appeals Board at the General Accounting Office (GAO), CBO estimates that the Office of Compliance would cost about $1 million in each of fiscal years 1995 and 1996. The cost would be relatively small in these years because the office would be evaluating whether and how to apply certain laws to the Congress. In subsequent years, the cost would increase to $2 million to $3 million annually because the office would have to implement enforcement procedures and arrange for OSHA inspections.

OSHA Protections

H.R. 4822 would extend to all legislative branch employees the protections of OSHA, which requires a workplace free from recognized hazards. It is possible that application of OSHA standards could result in additional costs to remedy any violations, but it is likely that many of the major remedial actions would be done in any event.

Industrial Settings. Because most existing OSHA standards apply primarily to industrial workplaces, the employees and workplaces most likely affected by the bill would be those of the Architect of the Capitol. The Architect's office has stated in Congressional hearings that it already strives to comport with all relevant standards. The Architect employs several inspectors who visit all workplaces under the Architect's control to identify problems requiring remedy. Over the past several years, the Architect, sometimes with line-item funding direction from the Congress, has undertaken many building improvement efforts, such as structural repair and electrical rewiring, in buildings of the House, Senate, and Library of Congress.

However, while the Architect might already be identifying big problems, small problems might still arise. In October 1992, GAO, at the request of the Congress, reported on violations of numerous OSHA standards by four employers in the legislative branch, including the Architect and Government Printing Office (GPO). The employers not only agreed that the violations needed correction, but were able to do so at minimal expense. None needed to request additional funding to remedy the violations. Thus, it appears that the formal application of OSHA standards to the activities of the Architect is unlikely to add significantly to costs that would otherwise be incurred.

Office Settings. There are few OSHA standards that apply specifically to an office-type workplace, which is the type of environment most commonly found in the Congress. For example, there is no OSHA standard guaranteeing employees a minimum amount of space and quiet in which to work (although there is a General Services Administration guideline governing the maximum amount of space for executive branch employees so agencies do not consume too much space). Therefore, applying OSHA standards to the House, Senate, and other Congressional entities would not, by itself, necessitate construction of additional Congressional office buildings.

The few relevant OSHA standards relate to the proper location and use of wires, extension cords, electrical outlets, file cabinets, and clear walkways to protect employees against tripping, shocks, fires, falling objects, and blocked exits in case of evacuation. Because the Architect does not control the space where these hazards could occur, the regulations issued by the Office of Compliance would likely make the employers—Senators, Representatives, committee chairmen, and agency directors—responsible. Complying with these standards probably would require a change in practices rather than significant additional space.

Future OSHA standards for office-type workplaces could result in additional costs for the Senate. For example, OSHA is currently preparing regulations for ergonomic office equipment and furniture to protect employees against physical ailments resulting from inadequate lighting and positioning. In the absence of specific standards, CBO has no basis for estimating the cost of providing Congressional employees with furniture that would meet future OSHA requirements.

FLSA Protections

The FLSA requires employers to provide the minimum wage, equal pay, and time-and-one-half for overtime in excess of 40 hours in one week. The impact of FLSA on the appropriated accounts that pay salaries and expenses for Congressional employees ultimately would depend on how the Office of Compliance defines which employees are to be covered by FLSA. The bill would require the office to issue regulations that outline how the protections of the FLSA will apply.

If, for example, the office were to issue regulations similar to the regulations issued in 1991 by the Committee on House Administration (FLSA has applied to House employees since 1989), then FLSA would probably have little budgetary impact. It appears from the House regulations and the amount of overtime paid to House employees in recent years (less than $200,000 annually) that most House employees are exempt from FLSA and those who are not exempt do not work much overtime. (We do not know whether the result would be different if the Office of Compliance were to adopt the Department of Labor's regulations that apply FLSA to the private sector and to state and local governments.)

One group of employees most likely to receive additional overtime pay under any set of regulations is the Capitol Police. Under current law, officers receive compensatory time for the first four hours worked in excess of 40 hours and then receive overtime for any additional hours. Applying FLSA to the Capitol Police would result in overtime pay for the first four hours of overtime as well, amounting to an estimated $0.8 million per year.

Federal Labor-Management Relations

H.R. 4822 would extend to all legislative branch employees the same right that GPO, the Library of Congress (LoC), and executive branch employees currently have to organize, form bargaining units, select a union representative, negotiate with employers, and bring grievances to the Federal Labor Relations Authority (FLRA). (GAO already negotiates with its employees, but its cases do not go to the FLRA.) If employees in the House, Senate, the Architect, CBO, and the Office of Technology Assessment (OTA) were to decide to organize and force their employers to negotiate with various bargaining units, the employers would incur additional staff costs in order to meet their responsibilities under the law. Based on the experience at GPO and LoC, it appears that an agency with several thousands of employees could spend $200,000 to $300,000 per year for a lawyer and part of the time of personnel officers who must work with the bargaining units. CBO cannot predict to what extent employees at the affected agencies would decide to take advantage of their opportunity to organize under this law, but even if a few did at each agency, total agency costs could be in the neighborhood of $1 million annually.

Other Applicable Laws.

Some of the laws that H.R. 4822 would apply to the entire legislative branch are laws that already apply to some or all Congressional employers through existing statute or because the employer voluntarily complies. Therefore, they are not likely to result in additional costs. For example, the Americans with Disabilities Act (ADA) and Title VII of the Civil Right Act, which prohibit employer discrimination based on disability or race, already apply to the Senate, House, CBO, GAO, GPO, LoC, the Architect, and OTA—entities that employ almost all of the 38,000 legislative branch employees. The Family and Medical Leave Act, which guarantees employees a certain amount of unpaid leave without fear of losing their job in order to care for a new baby or a sick relative, also applies now to all these employers.

Other laws apply to some employers now, but would apply to all upon enactment of H.R. 4822. For example, the Rehabilitation Act (which requires the government to contract with vendors that provide employment

opportunities for the disabled) only applies to the Senate and the Architect. But because the Rehabilitation Act has been largely superseded by the ADA, which all the employers must already comply with, application of the Rehabilitation Act is not expected to affect employers' practices. The Age Discrimination in Employment Act (ADEA) does not apply currently to the House, CBO, and certain employees of the Architect, but the House has adopted a rule that ''personnel actions affecting employment positions in the House . . . shall be made free from discrimination based on . . . age.'' H.R. 4822 would codify this policy. The bill, however, would provide such employees with improved procedures for seeking redress if they experience discrimination because of age (as well as race, color, national origin, religion, sex, or disability). CBO expects that applying the ADEA would not result in significant additional costs.

Finally, some laws that would apply under H.R. 4822 are not currently followed by any Congressional employer. The Worker Adjustment and Retraining Notification Act, which requires employers to give employees certain notice and job placement assistance before closing down a workplace, is not expected to have a significant effect, budgetary or otherwise, on Congressional employers because no mass layoffs are anticipated. The Employee Polygraph Protection Act, which forbids employers from using polygraphs on their employees (except when required by the federal government to protect national security), does not now apply to any legislative branch entity. Because Congressional employers do not now use polygraphs for employees, prohibiting this practice is not likely to have any effect.

6. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 4822 could affect direct spending. Thus, pay-as-you-go procedures would apply to the bill.

The bill would allow a hearing board or a district court, depending on which forum the employee has taken the case, to order a remedy that could include compensation. The bill would establish separate funds in the House and the Senate to pay such compensation (the Senate already has such a fund; the House does not), but it does not authorize an appropriation to the funds nor does it explicitly provide spending authority for the funds. Further, the bill appears to say that all compensation orders, regardless of which legislative entity the employee works for, may be paid from one of the House and Senate funds. The bill does not say what would happen if the affected employer or the two compensation funds do not have sufficient appropriations to pay the compensation. Because the existing Claims and Judgments Fund in the Treasury is available under current law to make payments as ordered by the courts in cases where agencies do not have a source of funding for the payment, it is possible that successful claimants under H.R. 4822 could begin to receive payments from the Claims and Judgments Fund. However, it is unclear what would be the ultimate source of compensation because the bill does not explicitly identify a funding mechanism. CBO expects that the total of such compensation paid to legislative branch employees in some years could be between $0.5 million and $1 million. If paid from the Claims and Judgments Fund, these payments would constitute direct spending. The following table summarizes the estimated pay-as-you-go impact of this bill.

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998
Change in outlays	0	0	0	1	1
Change in receipts	(1)	(1)	(1)	(1)	(1)

[1] Not applicable.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On June 30, 1994, CBO prepared a cost estimate for S. 1824, as ordered reported by the Senate Committee on Rules and Administration on June 9, 1994. That bill is different from H.R. 4822 because it would cover only Senate employees and because it would only apply OSHA and FLSA to the Senate. H.R. 4822 would apply these two laws, as well as seven others, to the entire legislative branch and would create a consistent procedure to enforce the laws equally on all legislative branch employees. CBO has estimated a larger cost for H.R. 4822 than for S. 1824.

On August 2, 1994, CBO prepared a cost estimate for H.R. 4822, as ordered reported by the House Committee on Rules on July 29, 1994. Because that version of the bill is nearly identical to H.R. 4822 as ordered reported by the Committee on House Administration, CBO's estimate of the cost of the two bills is the same.

10. Estimate prepared by: James Hearn.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Mr. LIEBERMAN. Mr. President, CBO estimated that both versions, the House-passed last year and the Senate Governmental Affairs Committee, quite similar to S. 2 before us now, would cost about $1 million for the first 2 years in effect as the office gears up and $4 to $5 million in the third, fourth, and fifth years. Much of the cost expected in fiscal years 1997 and 1998 is the cost of working out collective bargaining agreements. So once the cost of that is taken care of, the overall pricetag should dip back down by the beginning of the second 5-year budgetary cycle.

When you look at the total cost figures, I think you also have to realize that the Senate and House offices of the existing Fair Employment Practices Office, which would be supplanted, would be replaced by the independent Office of Compliance created by this bill, will cost almost $1.2 million in this fiscal year, so that the marginal cost of the bills considered here is even less.

Mr. President, there was some indication on the floor yesterday that the Senate Rules Committee has found the administrative hearing system created for the Senate by the Government Employees Rights Act to be extremely expensive and that this bill would further increase that expense.

I hope that my colleagues on the Rules Committee will agree that the bulk of the costs involved in the administrative hearing process lies in the fact that the GERA, the Government Employees Rights Act, requires three hearing officers to hear any one case. When we drafted this bill, S. 2, and gave employees the right to bring original civil actions in Federal district court, we recognized that the administrative hearing process could be streamlined because it would no longer be the only legal recourse for an employee to use in addressing grievances that that employee felt he or she had.

Therefore, we create in this bill, S. 2, an administrative hearing system that only requires one hearing officer to hear any case. That surely will reduce the cost of holding any hearing by 67 percent, one hearing officer as opposed to three. I think that my colleagues who raise concerns about the costs of the current administrative hearing system under the Government Employees Rights Act will recognize this change—I hope they will —as a significant cost-saving measure.

Finally, Mr. President, I would like to urge my colleagues to consider the estimated cost of last year's bill in its most expensive year, fiscal year 1998, as a percentage of the legislative branch's annual budget. For fiscal year 1998, which would have been the fourth year in effect if the bill had been enacted last year, Congress' budget will probably be in the neighborhood of $2.5 billion. Even if this bill did cost $5 billion in fiscal year 1998 as a percentage of Congress' total operating budget for that year, it would only amount to one-fifth of 1 percent—one-fifth of 1 percent—which is surely not too much to pay to, first, guarantee our employees that they have the same rights as every other employee in America working for private business and, second, for us to adopt the principle of living in the real world, of getting rid of the double standard and of understanding in our own capacity as employers the impact of the laws that we adopt on every other employer in America.

Because this bill makes very few substantive changes from last year's Senate bill, I think it is entirely reasonable to expect that CBO will provide a similarly low score for S. 2, and we can then also assume that the cost of the bill, in its most expensive year, will be an equally small percentage of the legislative branch budget. That really is not too much to ask.

Finally, there is in this another principle which is that we should impose the same laws on ourselves as we do on everybody else because presumably, if we adopt them, we believe they are good laws, that they make sense, that they embrace values that we hold to be real and important for our country.

We should pass this bill with strong enforcement, including the right for claims to be heard in court, because we believe the laws we have passed are right. By passing this bill, therefore, we not only get rid of the double standard and create equity in reality, but we also demonstrate a commitment to the underlying values that we have adopted in these bills.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. 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. GLENN. 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. GLENN. Mr. President, let me just put out a general call here for those who may have amendments to this bill. We do have time. We have handled several this morning. The votes on those will be stacked until this afternoon after our 2:15 end of the respective party conferences. We will vote on those after that.

I think the distinguished floor manager on the Republican side was going to propound a UC on that at the appropriate time, on how we will go through the votes, so people will know what to expect. Let me just say, on the Democratic side we are the only ones who have amendments left on this bill. For those watching in the offices, or for Senators or staffs who may be listening, I encourage them to get over right now when we have some time here. We have about another hour before we break for our conference lunches. Get over here and get the amendments taken care of.

I heard the majority leader in the opening this morning state we are going to go on this bill until it is done tonight with all the amendments. That puts the heat on our side of the aisle to get the amendments over here and get them taken care of.

So I ask staffs and Senators, if they have amendments, let us not wait until 10 or 11 o'clock tonight to bring them up. Let us get them over here while we have time right now.

I yield the floor and 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. 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, am I correct that the Leahy amendment is pending before this body?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. The amendment by the Senator from Vermont is a very short amendment.

I will read one sentence that is in the amendment:

''No congressional organization or organization affiliated with the Congress may request that any current or prospective employee fill out a questionnaire or similar document in which the person's views on organizations or policy matters are requested.''

Of course, this amendment is not germane to this legislation. That is obvious, as most of the amendments we have been dealing with.

The congressional accountability act is designed to make sure that Congress lives under the same laws that we impose upon the private sector. The private sector does not live under the law that the Senator from Vermont seeks to impose on Congress, because a private sector employer may ask prospective employees about their political views.

To be sure, the private sector does not ask these questions very often. Political views are normally irrelevant to the performance of job duties as a brick layer, or a secretary, or an airline pilot. Of course, it may even be poor judgment and poor public relations for any private sector business to ask such a question. But they are looking for people to perform their jobs. They do not care whether they hire Republicans, Democrats, Independents, or anything else. But the point is that it is legal for a private sector employer to ask those questions on political views if they want to. The Leahy amendment would prohibit organizations affiliated with Congress from asking the same question of prospective employees.

I spoke about the private sector, but in the political and Government arena there are varying rules about whether or not this is a legitimate question. Civil service employees and certain other governmental employees cannot be hired or fired for their political views. These tend to be nonpolitical employees who perform nonpolitical Government jobs. These employees have the first amendment right to hold any political views. In one famous case, a protected employee could not be fired for saying, ''I hope he dies.'' That statement was made when she learned of President Reagan being shot in March of 1981. However, the rules are different for political employees in both the legislative and executive branches. Rules that might apply to political views in the executive branch may not hold in regard to inquiry into that point for employees of the legislative branch. Under their constitutional duties, it is quite obvious that the President and Members of Congress must be able to hire people philosophically sympathetic to their agendas. Personnel is policy.

When President Clinton fills a position that is a political appointment, the applicant is asked his or her political views. Whenever any Members of this body hires a legislative staff member, we ask about their views. That is totally appropriate. That does not mean that we practice any form of McCarthyism. If we properly do that as individuals, then, of course, it seems reasonable to me that organizations—the very same organizations that would be prohibited by the Leahy amendment—which we join to help us in doing our jobs act properly if they choose to ask prospective employees about their political views. Members of these organizations are entitled to know the views of potential employees. Members who rely upon the organizations of Congress to submit potential employees are entitled to know if that employee would be compatible with the legislative agenda of the Member.

The amendment, however, offered by the Senator from Vermont overlooks the essential political requirements of service on Capitol Hill. And it is peculiar, because it would ban employees from completing questionnaires on their views, but it would not affect oral questioning. I do not know whether that is an oversight or not. It would not allow questioning to be asked on a form, but you could have the same questions asked orally. Thus, the amendment would not address, in any real way, the problems—if there is a problem. I do not see it as a problem, but the Senator from Vermont does. It does not, in any practical way, address what he wants to accomplish. He wants to make sure there is not some sort of litmus test for the hiring of employees on Capitol Hill. So he says you cannot ask questions on the questionnaire, but you can ask these questions orally. Moreover, I feel that inquiring about a congressional employee's political view is not in any way a horror. In fact, it is very vital to the functioning of the institution.

In short, the amendment offered by the Senator from Vermont should be rejected. It has nothing to do with congressional coverage. It would harm the ability of Members to do what they were elected to do, and it would not accomplish its stated objective. So I urge that it be rejected.

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. BYRD. 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. BYRD. Mr. President, has the Pastore rule run its course for the day.

The PRESIDING OFFICER (Mr. CRAIG). The Pastore rule has not expired.

Mr. BYRD. It has not?

The PRESIDING OFFICER. It has not.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for not to exceed 10 minutes.

The PRESIDING OFFICER. Hearing no objection, the Senator is recognized.

A MAN OF MANY TALENTS—SENATOR BENNETT JOHNSTON

Mr. BYRD. Mr. President, Madison in the Federalist No. 53 states, in part, as follows:

No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well

as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.

In the same Federalist paper, Madison writes as follows:

A few of the members, as happens in all such assemblies, will possess superior talents; will, by frequent reelections, become members of long standing; will be thoroughly masters of the public business, and perhaps not unwilling to avail themselves of those advantages. The greater the proportion of new members and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them.

Mr. President, I speak today of a Senator who has demonstrated superior talents, a Senator with 22 years of experience in this body—Madison, having referred to men of ''superior talents'' and also to the advantages of ''experience''—and BENNETT JOHNSTON is that man of whom I speak.

There is no department of public life in which the test of man's ability is more severe than service in this body. Little deference is paid to reputation previously acquired or to eminent performances won elsewhere. What a man accomplishes in this Chamber, he does so by sheer force of his own character and ability. It is here that one must be prepared to answer for the many talents or for the single talent committed to his charge.

BENNETT JOHNSTON came to this body 22 years ago as a man of many talents. He did not wrap his talents in a napkin or hide them in the earth, as both Luke the Physician and Matthew make reference, but he put them to use that they might bear increase for his State, for his country, for the Senate, and for his fellow man. He has proved himself to be a superior legislator. I have served with him these 22 years on the Committee on Appropriations. He has proved himself to be a man with courage, with vision, with conviction, a man who is diligent in his work and faithful to his oath of office.

As the chairman of the Senate Committee on Appropriations during the last 6 years, I found him always to be conscientious and a man of his word. Fully aware of the admonition by Polonius that ''those friends thou hast and their adoption tried, grapple them to thy soul with hoops of steel,'' it is with pride that I call BENNETT JOHNSTON friend. It is with sincere sadness that I have heard of his decision and I regret that, with the passing of these final 2 years of his term, the Senate will have witnessed the departure of one who has effectively toiled here in its vineyards and who has earned the respect and admiration of his colleagues. The people of the State of Louisiana chose well when, by the exercise of their franchise, they sent him here. Someone will be selected to take his place, just as someone will, in due time, stand in the place of each of us here.

After he lays down the mantle of service, we shall feel the same revolution of the seasons, and the same Sun and Moon will guide the course of our year. The same azure vault, bespangled with stars, will be everywhere spread over our heads. But I shall miss him, just as I know others will miss BENNETT JOHNSTON. Other opportunities will come to him, other horizons will stretch out before him, and he will sail his ship on other seas.

Erma and I will miss BENNETT and Mary, but the memories of these past years during which we have been blessed to render service together to the Nation will always linger in our hearts.

I think of lines by Longfellow as being appropriate for this occasion:

I shot an arrow into the air;
It fell to earth I knew not where,
For so swiftly it flew, the sight
Could not follow it in its flight.

I breathed a song into the air;
It came to earth, I knew not where,
For who has sight so swift, so strong
That if can follow the flight of song?

Long, long afterwards, in an oak,
I found the arrow still unbroke,
And the song, from beginning to end,
I found again in the heart of a friend.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Hearing no objection, under the previous order, the hour of 12:30 nearly having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:22 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

CONGRESSIONAL ACCOUNTABILITY ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 8 TO AMENDMENT NO. 4

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on amendment No. 8 offered by Mr. MCCONNELL of Kentucky to amendment No. 4 offered by Mr. FORD of Kentucky.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Rockefeller

So the amendment (No. 8) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the situation is that we are now on the Ford amendment, as amended by the McConnell amendment. Then we have, I believe, four other amendments that can be voted on immediately, if the authors of those amendments are done with their discussion, and I hope the authors of those amendments are done with discussion.

I would like to ask the Democratic manager if we can move forward then on the Ford amendment for adoption of the amendment by voice vote. Mr. President, I ask unanimous consent to set aside the Ford amendment, and I would ask that we go to the Wellstone amendment.

Mr. DOLE. Mr. President, the pending business is the Wellstone amendment?

The PRESIDING OFFICER. The pending question is the Ford amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that we lay aside the Ford amendment.

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

AMENDMENT NO. 9

Mr. DOLE. Mr. President, now the pending amendment is the Wellstone amendment?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, I do not want to get into a quarrel with my good friend from Minnesota.

I indicated on the Senate floor that there will be gift ban legislation, as well as lobbying reform legislation. I do not know precisely the date. I would hope that the majority leader, in effect, gives his word to our colleagues; or the minority leader gives his word to our colleagues on this side of the aisle, and that they would accept that in good faith.

I just think that this sense-of-the-Senate amendment does not add anything. We believe there should be gift ban legislation. We may want to make some changes. We are in the process of looking at lobbying reform, gift ban. I would hope that my colleague from Minnesota would not press the amendment. If he insists, I would have no alternative but to move to table the amendment. I indicated last week, and I think the Senator from Kentucky, Senator MCCONNELL, indicated we will be doing perhaps not precisely what the Senator from Minnesota may wish, but if not, he can amend it when it comes to the floor. I wish he would at least express enough confidence in us in the first week that we do keep our word.

If I fail to do that, I certainly would not quarrel with coming back again with another amendment. I do not see any real purpose in pursuing this. In the interest of time, if the Senator persists in the amendment, I move to table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WELLSTONE. Mr. President, I wonder whether I could just respond for a brief moment to the majority leader.

The PRESIDING OFFICER. Does the Senator withhold his request?

Mr. DOLE. Mr. President, I withhold my request.

Mr. WELLSTONE. I thank the majority leader.

Mr. President, first of all, I very much appreciate what the majority leader said. This morning I did make it clear that I knew the majority leader had made a commitment to bringing this up and talked about May 31 being the original date that we wanted this to be effective.

I take the majority leader's word very seriously. I think he is a leader of his word. Second of all, I know that the majority leader had said last week that there would be some additional work that might be done. This does not spell out the specifics of what the comprehensive gift ban legislation would be, but it says we should consider it no later than May 31.

I want to make it clear that I have no quarrel with the majority leader whatever. This amendment is not about that. What this amendment is, is an amendment to put the Senate on record. Since I have been working on this for several years I just thought it would be important for the Senate to be on record essentially confirming what the majority leader has said. That way I know as a Senator that we will all be behind what the majority leader has already proposed.

I would like to have in that spirit, not in a personal quarrel whatever, a vote on this, and I would hope that the majority leader would support me. I think we are all in agreement. It just puts the Senate on record behind what the majority leader has already recommended.

Mr. DOLE. Mr. President, I thank my colleague from Minnesota.

Again, it is our intent to try to move as quickly as we can. I am not certain about any date. I am not certain it will be May 31. It could be before, maybe after May 31. It does seem to me that we should be given that opportunity. If we do not produce something around May 31, obviously, the Senator from Minnesota and a number of others, some on this side, would be offering maybe the same amendment.

In view of the fact that we have not had any hearings on it this year, we have new Members of the Senate, I think they will all support a gift ban.

I might add, I would rather be given some latitude in setting the agenda and setting when we might schedule this for debate.

Therefore, I move to table the amendment 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 is on agreeing to the motion to lay on the table the amendment of the Senator from Minnesota.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [ROCKEFELLER] is necessarily absent.

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 9) was agreed to.

Mr. GLENN. Mr. President, may we have order. I cannot hear, and I am in the front row.

The PRESIDING OFFICER. The Senate will come to order.

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

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

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to lay aside the Ford amendment and then move to consideration of the Leahy amendment and hopefully to vote on it immediately.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Mr. President, could we have order.

The PRESIDING OFFICER. The Senate will please come to order.

The PRESIDING OFFICER. Is there any objection to the request?

Mr. LEAHY. What was the request? I did not hear the request, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. LEAHY. I have no objection.

Mr. GRASSLEY. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will make this very brief. I think most Members are in the Chamber, and I know they want to get to a vote. In 20 years here, I can count on how they might vote.

I would really urge Senators to think carefully about voting to table. This is basically saying that we are not going to allow ourselves to set up the kind of political litmus test that nobody in private business would be allowed to do. This does not stop any Senator from saying I do not want to hire somebody because I do not feel ideologically compatible with him or her.

But what it is saying is when you go and just put your people into a general overall pool of available staff members you do not have to go down through the kind of things that asks you to rate everything from the American Civil Liberties Union and Common Cause to the National Rifle Association and

United Nations, rate everybody from AL GORE to BOB DOLE as the study committee's grading was. Can you imagine if somebody at IBM was saying before we even consider your application where do you stand with the Sierra Club or the National Rifle Association, or where do you stand with Planned Parenthood or with Right to Life? There would be a hue and cry.

We should not do the same thing here. It is an outrageous mistake. But if we are going to apply the same laws to ourselves as is applied to everybody else, they should be so applied.

I told my good friend from Iowa I would be brief. I yield the floor.

Mr. GLENN. Mr. President, I ask unanimous consent that the Ford amendment be set aside to provide time for this vote.

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The majority leader.

Mr. DOLE. Mr. President, it may be that the Leahy amendment has a great deal of merit. Let me say again that the House passed this bill after 20 minutes of debate by a vote of 429 to zero. This is our fourth day on this same bill to cover Congress as we cover every other business in America. And I do not quarrel with that we have not raised any objection to any amendments or taken too much time. No cloture has been filed or anything of that kind. It may be that sometime later this year when we get around to congressional reform there would be an appropriate amendment.

But I hope that my colleagues will join me in tabling the amendment at this point so we can finish this bill without amendments. This may be a good amendment. I am not going to pass judgment on it because I have great respect for the Senator from Vermont. But since I do not fully understand it and I am not certain how many others do, since we will have congressional reform legislation before us, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Vermont.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

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

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—79

Abraham	Feinstein	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moseley-Braun
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Nickles
Bond	Grassley	Nunn
Bradley	Gregg	Packwood
Breaux	Hatch	Pressler
Brown	Hatfield	Pryor
Bumpers	Heflin	Reid
Burns	Helms	Robb
Byrd	Hollings	Roth
Chafee	Hutchison	Santorum
Coats	Inhofe	Shelby
Cochran	Jeffords	Simon
Cohen	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
DeWine	Kyl	Stevens
Dodd	Lautenberg	Thomas
Dole	Lieberman	Thompson
Domenici	Lott	Thurmond
Dorgan	Lugar	Warner
Exon	Mack	
Faircloth	McCain	

NAYS—20

Akaka	Ford	Leahy
Boxer	Glenn	Levin
Bryan	Harkin	Murray
Campbell	Inouye	Pell
Conrad	Johnston	Sarbanes
Daschle	Kennedy	Wellstone
Feingold	Kohl	

NOT VOTING—1

Rockefeller

So the motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 10

Mr. GLENN. Mr. President, I ask unanimous consent that the Ford amendment be once again set aside and that we proceed to vote on the Kerry amendment.

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

Mr. MCCAIN. Mr. President, I will be moving to table the KERRY amendment. Before I do so, I ask unanimous consent to be recognized for 1 minute.

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

Mr. MCCAIN. Mr. President, I discussed with Senator KERRY my support for his amendment. I expressed earlier my support for Senator Kerry's amendment. It is exactly similar to legislation that I proposed last year. It is legislation and very important reform that must be addressed by this body and addressed this year, in my view. I believe that the amendment will be tabled. If it is not brought up in a reasonable length of time, I will join in cosponsoring this legislation in the future with Senator KERRY.

Accordingly, Mr. President, I move to table the KERRY amendment, 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 is on agreeing to the motion of the Senator from Arizona (Mr. MCCAIN) to table the amendment of the Senator from Massachusetts (Mr. KERRY). The yeas and nays have been ordered and the clerk will call the roll

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

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

The result was anounced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—64

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Moynihan
Bond	Grassley	Murkowski
Breaux	Gregg	Nickles
Brown	Hatch	Nunn
Burns	Hatfield	Packwood
Chafee	Helms	Pressler
Coats	Hollings	Roth
Cochran	Hutchison	Santorum
Cohen	Inhofe	Shelby
Conrad	Jeffords	Simon
Coverdell	Johnston	Simpson
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Snowe
DeWine	Kerrey	Stevens
Dole	Kyl	Thomas
Domenici	Leahy	Thompson
Dorgan	Lieberman	Thurmond
Exon	Lott	Warner
Faircloth	Lugar	
Frist	Mack	

NAYS—35

Akaka	Feingold	Levin
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Murray
Boxer	Graham	Pell
Bradley	Harkin	Pryor
Bryan	Heflin	Reid
Bumpers	Inouye	Robb
Byrd	Kennedy	Sarbanes
Campbell	Kerry	Specter
Daschle	Kohl	Wellstone
Dodd	Lautenberg	

NOT VOTING—1

Rockefeller

So the motion to table the amendment (No. 10) was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, is the Ford amendment the pending business now?

The PRESIDING OFFICER. It is.

Mr. GLENN. Mr. President, I ask unanimous consent that it be temporarily set aside to permit Senator BINGAMAN to bring forth his amendment, which I believe is going to be agreed to.

Mr. GRASSLEY. And the amendment is taking the place of the Levin amendment. Bingaman for Levin.

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

AMENDMENT NO. 12

(Purpose: To express the sense of the Senate regarding adoption of simplified and streamlined acquisition procedures for Senate offices consistent with the Federal Acquisition Streamlining Act of 1994)

Mr. BINGAMAN. 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 Mexico [Mr. BINGAMAN], for himself and Mr. LEVIN, proposes an amendment numbered 12.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title V add the following:

SEC. 508. SENSE OF SENATE REGARDING ADOPTION OF SIMPLIFIED AND STREAMLINED ACQUISITION PROCEDURES FOR SENATE ACQUISITIONS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 104–355).

Mr. BINGAMAN. Mr. President, I rise to offer an amendment for myself and Senator LEVIN that I believe is acceptable to both sides. I thank the distinguished managers of the bill, Senator GRASSLEY and Senator GLENN, and the distinguished chairman and ranking member of the Senate Rules Committee, Senator STEVENS and Senator FORD, for this assistance with this amendment.

Last year, Congress enacted a bipartisan bill to put an end to antiquated and expensive procurement rules that governed the way Federal agencies buy goods and services. The Federal Acquisition Streamlining Act of 1994, spearheaded by the distinguished Senator from Ohio, Senator GLENN and the distinguished Senator from Delaware, Senator ROTH, repealed or modified more than 225 outdated laws. The goal of the legislation was simplification, and much to the credit of Senators ROTH and GLENN, it is being realized today.

Already, dozens of Federal agencies are changing the way they do business. They are functioning like cost-conscious private businesses, getting rid of old rules that, more often than not, led to ''spending millions to save thousands and thousands to save hundreds.''

In the Senate, our offices may not spend millions to save thousands, but I would bet that we often spend ''hundreds to save tens'' and ''tens to save pennies.'' Take my office in Santa Fe, NM, for example. When my staff runs out of staples, how do they purchase refills? The logical, economical course of action would be to run over to Woolworths, only two blocks way. But under our interpretation of current Senate regulations, they cannot do that. Senate rules prohibit it. Instead, my New Mexico staff must call my office here in Washington; a member of my staff here must make a purchase from the Senate; then he or she must ship the staples to Santa Fe. The cost of a $1.50 box of staples just rose to at least $10.

The same antiquated and expensive rules apply to purchases of paper, envelopes, pens, clocks, computers, and teleconferencing equipment—virtually everything a small office needs to function day-to-day. I believe it is time to put an end this costly practice.

S. 2, which is before us today, provides the ideal opportunity. Today, while we are taking action to make other laws applicable to the legislative branch, we should do the responsible, economical thing and make the cost-saving goal of the Federal Acquisition Streamlining Act applicable to the U.S. Senate.

My amendment would help us accomplish this task in a short and straightforward manner. The amendment simply expresses the sense of the Senate that the Senate Rules Committee should review rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994.

I believe this amendment will help bring simplified, cost-effective purchasing procedures to all Senate offices. In the end, everyone from Senate staff to America's working families will benefit from the cost-savings we can achieve. Again, I thank the distinguished managers of the bill, and the distinguished chairman and ranking member of the Senate Rules Committee for their assistance with this amendment.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I compliment the Senator from New Mexico for his amendment. It is an amendment that is acceptable to us both from the standpoint of its substance and it will not jeopardize our bill as far as avoiding conference and all the other things we have been trying to do by not amending this bill with nongermane amendments.

Mr. GLENN. Mr. President, I compliment the Senator from New Mexico. I know he has worked on the 800 panel as part of the Senate Armed Services Committee, the work we did on that procurement bill. It was about 3 years in the making. I think that should be applied here. I think the procurement bill was an excellent bill, and its provisions can well be applied here. I am glad to accept it on our side.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I, too, compliment the distinguished Senator from New Mexico for his amendment. As ranking member of the Rules Committee, I pledge to him that we will move forward to try to give him the kind of answers I think he wants and I support. So I pledge to him we will attempt to get this out to the Senator in a reasonable length of time.

Mr. BINGAMAN. I thank the Senator.

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

So the amendment (No. 12) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question occurs on the Ford amendment.

AMENDMENT NO. 13 TO AMENDMENT NO. 4

(Purpose: To apply to the legislative branch the requirements regarding use of frequent flier awards for official travel that are established in the Federal Acquisition Streamlining Act of 1994)

Mr. GLENN. Mr. President, I send to the desk an amendment in the second degree to the FORD amendment 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 13 to FORD amendment No. 4.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment add the following:

(d) APPLICABILITY TO LEGISLATIVE BRANCH.—

(1) The requirements of section 6008 of the Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702 note) shall apply to the Legislative branch, except that the responsibilties of the Administrator of General Services under such section shall be exercised as prescribed in paragraph (2).

(2) The responsibilities of the Administrator of General Services under section 6008(a) of the Federal Acquisition Streamlining Act of 1994 shall be exercised, with respect to the Senate, by the Committee on Rules and Administration, with respect to the House of Representatives, by the Committee on House Oversight, and, with respect to each instrumentality of the Legislative branch other than the Senate and the House of Representatives, by the head of such instrumentality. The responsibilities of the Administrator of General Services under section 6008(c) of such Act shall be exercised, with respect to each instrumentality of the Legislative branch other than the Senate and the House of Representatives, by the head of such instrumentality.

(e) EXERCISE OF RULEMAKING POWERS.—The provisions of this section that apply to the House of Representatives and the Senate are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be

considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

Mr. GLENN. Mr. President, my amendment would apply to the legislative branch the same principles on frequent flier programs that Congress adopted last year in section 6008 of the Federal Acquisition Streamlining Act of 1994.

That procurement act was worked on for about 3 years here, as I mentioned just a few moments ago in referring to Senator BINGAMAN from New Mexico. Part of that bill provided that frequent flier miles would not accrue to the benefit of the individual in the executive branch but would come back to the Government for the Government's use. In other words, you could not have taxpayer-supported travel and then have a rebate apply for that individual.

So the purpose of my amendment, like the purpose of the underlying Ford amendment, is to save taxpayer money.

Now, the use of frequent traveler programs is to reduce the cost of official travel, not to accrue to the personal benefit of somebody.

Last year's legislation on this subject contained three key provisions. First, guidelines must be issued to ensure that Federal agencies promote and facilitate the use of frequent traveler programs for the purpose of realizing cost savings for official travel.

Under my amendment, such guidelines would be issued for the Senate by the Senate Rules Committee, for the House of Representatives by the Committee on House Oversight, and for each congressional instrumentality by the head of the instrumentality.

Second, last year's law states that frequent traveler awards accrued through official travel shall be used only for official travel, not personal travel. My amendment would clarify that this principle applies not only to the executive branch but also to the legislative branch of Government.

Third, like last year's law, my amendment would require the head of each congressional instrumentality to report to Congress on efforts to promote the use of frequent traveler programs.

The bill before the Senate, Mr. President, S. 2 is called the Congressional Accountability Act. Nothing could be a more critical part of congressional accountability than this amendment. It would require us to abide by the same principles that we have enacted last year in the act to ensure that Members and staff will not convert our frequent flier awards to personal use and will instead use these awards to reduce the costs to the taxpayer.

So I urge my colleagues to support this amendment.

Mr. President, I also ask unanimous consent to enter into the RECORD at the end of my statement the provision in the procurement act of last year which I send to the desk. Section 6008 of the procurement bill of last year, entitled ''Cost Savings for Official Travel'' is a short section. It describes exactly how the administration, the executive branch will ''issue guidelines to ensure that agencies promote, encourage, and facilitate the use of frequent traveler practice programs offered by airlines, hotels, and car rental vendors by Federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.''

It is difficult for me how to see anyone can oppose that, but opposition we have had all during the consideration here in the Chamber. I am sorry to see that because I think this is something that needs to be done to restore confidence, particularly in the House of Representatives where they do not follow the same rules that we do in the Senate. I send that to the desk and ask that it be printed at the end of my statement.

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

SEC. 6008. COST SAVINGS FOR OFFICIAL TRAVEL.

(a) GUIDELINES.—The Administrator of the General Services Administration shall issue guidelines to ensure that agencies promote, encourage, and facilitate the use of frequent traveler programs offered by airlines, hotels, and car rental vendors by Federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

(b) REQUIREMENT.—Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress on efforts to promote the use of frequent traveler programs by Federal employees.

SEC. 6009. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Federal agencies shall resolve or take corrective action on all Office of Inspector General audit report findings within a maximum of six months after their issuance, or, in the case of audits performed by non-Federal auditors, six months after receipt of the report by the Federal Government.

Mr. GLENN. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the first vote that we had today, and it was the first vote this afternoon, we voted 55 to 44 for the McConnell second-degree amendment to the Ford amendment.

I suppose there are several reasons we voted that way, but the argument that was used very successfully in debate yesterday by Senator MCCONNELL of Kentucky was comity between the House and Senate whereas through this legislation and this amendment we should not be as a body of the Senate making rules for the House of Representatives. They have the constitutional right and power to adopt their own rules. They generally do not attempt to tell the Senate how we should fulfill our constitutional responsibility in setting up the rules of the Senate. I do not find any fault with the goal that either Senator FORD or Senator GLENN are trying to accomplish through their respective amendments. The McConnell amendment has modified the Ford amendment so it just applies to the Senate.

Even though there is a different approach by Senator GLENN, the end result is exactly the same; that if the Glenn amendment is adopted, even though it does not mention the House of Representatives, the practical impact is, for the Senate to tell the House of Representatives what they can do in their rulemaking on the subject of frequent flier miles.

As I indicated, as a body, we decided earlier this afternoon, 55 to 44, not to do that. I hope we will stand by the same decision we made earlier this afternoon and that we will defeat Senator Glenn's amendment. I think that for the benefit of the public the House of Representatives has made a determined effort to assure the public that they are going to make a decision on their frequent flier miles situation later on this year. We should defer to their judgment, as we would hope they would defer to our judgment and not tell us how to run the U.S. Senate.

So I hope that as people come to vote on this amendment in a short period of time, they realize that this is a rerun of the McConnell substitute to the Ford Amendment and, likewise, this substitute should be defeated.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I understand the reasoning—I do not accept it—for defeating this amendment. We are not talking about a House rule or a Senate rule. We are talking about law. We will have in the law a restriction of the Senate and no restriction of the House.

The Senate, some years ago, decided that when the taxpayers were paying your air fare and you were a frequent flier—and most of us are—and you accumulated those frequent flier miles, and that belonged to your office. As the rules say, it is Government money, but it applies to your office, so you could use those frequent flier miles to reduce the cost to your office and therefore reduce the cost to the taxpayer.

In the House, they have allowed the Congressmen to use the frequent flier mileage for personal use. So they were receiving a personal perk at the expense of the taxpayer dollar. All we are saying here is that we ought to be treated alike, and that the House should not, by rule, as my distinguished colleague from Iowa has said, change. But it is not a matter of law, unless they put it into a piece of legislation. It will be statutory. So if you make a rule, you change a rule.

So what I think we need to do is to listen to Senator GLENN. As he says, let us see if we cannot, by the very fact of reducing the cost of our tickets to our district or to our State, because we would not receive the so-called frequent flier mileage—and then our tickets would be reduced and it would be the same. He is not asking that we do it. As I understand it, he is asking that we have a study and make a recommendation, and then the Rules Committee will make the rule that will apply, which would be statutory.

And so, Mr. President, it is all right if you use the theory that the House does not tell us how to run our business and we should not tell them how to run theirs. But the House has told us how to run our business on more than one occasion. We are just coming out of the way we keep our books, because it was imposed upon us by the House. It was not done by the Senate, it was done by the House.

If we are going to let this one slide and all those on the other side are going to be opposed to restricting the use of taxpayer dollars for personal perks, then I think the more things change around here, the more they stay the same. If those new Senators that come into this body after they ran their campaign on trying to say we are going to straighten the place out and we are going to try to take the Congressmen and Senators' hands out of your pocket, regulations off your back, and our hands out of your pocket, here is one glowing way you can say, ''I am keeping my campaign pledge'' or, ''No, I am not, I am going to let them go ahead and take this perk off the taxpayers.''

So the streets of hell are paved with good intentions. What if they put it into a bill, a rules change, or make it statutory, and it is a bill that does not pass the Senate. They keep on building up these frequent flier miles and can use them personally. There are a lot of things.

As the majority leader said—and I take him at his word—if this bill passes the Senate as it is—and apparently all the amendments to it are going to be tabled or defeated—then the House will accept this legislation without a conference, pass it, and send it to the President for signature. So we have missed a grand and glorious chance of doing what is right.

If the House, as they say, is going to do it anyhow, why should they object? Why should they object to putting it in this bill that they are going to pass and send on to the President? I do not think it is very good cover saying that we want the House to make their own decision and the Senate to make their own, when over the years we have both made decisions that applied to each body. Some were far more significant than this, but has no more imagery, no more moral underpinning than this one amendment.

So we are going to apply it to the Senate statutorily, and the House eventually will get around to a rules change, or maybe put it into a piece of legislation. So I have to say to you that my dad always told me, ''Son, never underestimate the insignificant.'' Never underestimate the insignificant. This is an insignificant, little amendment. But it says a volume. It says a volume. Are we going to stop the use of taxpayer money for personal use? No. We will for ourselves, but nobody else. And so if the House is going to do it, why not do it here?

Mr. President, it is hard for me to understand. Just this week, or last week, we voted that we did not want to have lobbyist reform or gift ban proposals here. And those that were vehemently for lobbyist reform and gift bans came out and said, ''We do not want Democrats setting the agenda for us. We want to put in our own bill.'' If that is cover not to vote for lobbyist reform or gift ban, that is still a weak reed. So that is No. 2 this week. That is No. 2 that we have had to vote on. You have looked back, and never underestimate the insignificant. Pretty soon, the insignificant is going to be three, and it is going to be four, and it is going to be five. And we have just started. We are not 10 days old and already that pledge out there and beating of the chest and coming back here and saying what you are going to do—working all night on the House side—is going to be for naught.

I am for this. I think it is the right thing to do. I was for it a long time ago. Unfunded mandates I offered to you 6 years ago at $50 million, the same figures. Did I get any takers? No. Five years ago, did I get any takers? No. Now it is one of the big deals. Unfunded mandates. I have been a Governor, and I understand how this egg is never going to be put back together once we scramble it and give the States unfunded mandates. It goes on and on, and it is going to eat us all up, and we are going to be back here trying to reconsider that, because I have had to endure under what Congress does. We pass a bill here and the bureaucrats do not speak. They then legislate it.

We are going to have a balanced budget amendment. That is going to pass, but then we, after it passes, will pass legislation to implement it. What is going to be an emergency? I think we are moving too fast and there ought to be some thought given to the fabric that we are weaving here that is going to be a tremendous problem down the pike.

So we have had two votes, and there may be a third one before the day is over. There may be a fourth one. But let me remind my friends, never underestimate the insignificant. This is insignificant, and you are going to have to pay for it one of these days when you do not want to do what is right. I hope my colleagues will reconsider this. This is the right thing to do. It is not the wrong thing to do. The only excuse is that we want the House to set their own rules. And this is not a rule; this is statutory. When you put it into the statutes, then you have to take it out. A rule is a lot easier to change.

Mr. President, I ask my colleagues to reconsider their position and look at what Senator GLENN offered here. It makes a great deal of sense.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not accept it that this is all just a House matter for this reason: I, as a U.S. Senator from Ohio, have to vote on appropriations for the House. Every Senator here has to do that. I vote those appropriations now, knowing full well that part of their cost of transportation back and forth comes back in the form of frequent flier miles, and that does not come back to the Government; it does not inure to the Government or accrue to the Government's benefit, as in the Senate and in the executive branch. It comes back to the individuals. So we appropriate more money here to let the House have their freebies to take families on vacations, fly wherever on their use of frequent flier miles, bought and paid for with taxpayer dollars.

I think we ought to remember around here, when all else fails, that a vote on just plain what is right or wrong is in order. The way they are doing it over there now is wrong. This is a smokescreen that it does not make a difference to the Senate. It does, because we have to appropriate the dollars to help them have their freebies. If I rose here and said I am putting in an amendment here that says I want freebies for everybody, not just the House, let us expand it and put the Senate back on the freebies, and the executive branch, and run several million dollars of additional expense through appropriations to accommodate all this so we can take our families everywhere the House is able to take theirs. People would think I was nuts, and they would be right.

But yet we try to do the opposite and say we are trying to save taxpayers' money, and we get ridiculed and voted down repeatedly. So I do not mind bringing this up for another vote.

We see rebates not only on the airlines with frequent flier miles, we see these things once in a while that if you stay 5 days or 4 days in a certain hotel, I saw advertised in New York, you get a free weekend—Friday, Saturday—with you and your wife and family, whatever. So we have those rebates.

We have some of the rental car companies where, if you rent so many days in a row, you get a freebie or two. Why should that not come back in cash? If we are getting back frequent flier miles and using them ourselves, why should we not say if Hertz gives a Government discount, why do I not pay the full fare and we want a kickback in cash? That would be a kickback we would never condone, and we should not.

So I think, when it comes down to it, it is just a matter to me of what is right and what is wrong. And the way the House is doing their business on this right now is just flatout wrong.

Mr. President, I do not know whether anyone else wishes to speak, but I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I inquire of the Senator from Iowa and the Senator from Ohio whether or not they intend to take a vote on this amendment right now. If not, I would like to go ahead with an amendment. I have been waiting on the floor for a number of hours. If so, I wonder if I could ask unanimous consent that after the vote, my amendment be then up on the floor.

Mr. GLENN. Mr. President, I might respond to my distinguished colleague from Minnesota that I am ready to vote right now. I do not think anybody else is prepared to speak. I am prepared to vote right now.

Mr. BINGAMAN. May I just ask the Senator from Ohio a question when the Senator from Minnesota has completed his question?

Mr. WELLSTONE. Mr. President, if it is OK with my colleagues—as the Senator from Iowa knows, I have been trying to move things along—I ask unanimous consent that, after the vote, I be able to then offer an amendment.

The PRESIDING OFFICER. Is there objection to the request? Hearing no objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. BINGAMAN. Mr. President, if I may just ask the Senator from Ohio, as to this whole issue of frequent flier miles and all, I have difficulty understanding the disagreement that exists. As I understand it, you are talking about a public property here, which is these so-called frequent flier miles that have been accumulated with taxpayers' dollars being converted to personal use. I always thought that was against the law to take public property and convert it to personal use.

I do not understand why we are having to pass laws on this issue. I did not realize that it was just a question of which rule you wanted to adopt. I always thought it was against the law to take public property and convert it to private use.

Am I missing something?

Mr. GLENN. Mr. President, I do not think the Senator is missing anything. We are trying to correct that loophole in the law with this amendment and with the underlying amendment by the Senator from Kentucky [Mr. FORD]. This would close that loophole so the House could not misuse what I view, just as the Senator from New Mexico says, as public property.

Mr. BINGAMAN. I thank the Senator.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I move to table the amendment of the Senator from Ohio.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Iowa [Mr. GRASSLEY] to table the amendment of the Senator from Ohio [Mr. GLENN]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 13) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I understand that the unanimous-consent agreement was given to the Senator from Minnesota and that his amendment would be brought up right after this particular vote.

It is my understanding now it will not be necessary to have a recorded vote on my amendment. The Senator from Minnesota is willing to allow us to proceed, provided he will be the next one up. If that is agreeable to the leadership, we will proceed in that manner.

Mr. DOLE. If the Senator will yield.

Mr. FORD. I will be glad to.

Mr. DOLE. Mr. President, I indicated to the Senator from Minnesota that we have no desire to quickly move to table the amendment. We would like to do the nomination of Robert Rubin, if we could, this evening.

We would like to accommodate both the Senator from Minnesota and the Secretary-to-be Rubin. So hopefully we can work it out and still be out of here by 7 o'clock.

Mr. FORD. Mr. President, I ask unanimous consent that the amendment of Senator WELLSTONE be set aside and that the Ford amendment be considered by a voice vote or by unanimous consent, and at the end of that then we go back and recognize the Senator from Minnesota.

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

AMENDMENT NO. 4, AS AMENDED

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 4, the Ford amendment, as amended.

The amendment (No. 4), as amended, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Under the previous order of the Senate, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will be pleased to yield to the Senator from Ohio.

Mr. GLENN. Mr. President, just to clarify and help people in scheduling, I believe there are two amendments left that might require votes—those of Senator WELLSTONE and Senator LAUTENBERG. I do not know how long it will take. Those are the only amendments left, just for the guidance of Members.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before I offer the amendment, could I ask for order in the Chamber?

The PRESIDING OFFICER. The Senate will please come to order. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me thank the majority leader for his willingness to work closely with us on the floor. I say to the majority leader that there are some other Senators who would like to speak that are with me, and I would like to get to those Senators right

away. We will try to not take up many hours, but we consider this to be an important amendment, and we will try to do it within whatever timeframe the majority leader talked about.

Mr. President, let me for my colleagues just briefly describe this amendment. Then there are several Senators that are with me, certainly the Senator from Connecticut, Senator DODD, who is going to have to leave, and I would like him to open up with some of our remarks.

This amendment is twofold. First of all, it reads:

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

I would like to repeat that, if I may, for the Chair and for my colleagues. The amendment reads as follows:

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Mr. President, the second part of this amendment has to do with the duties of congressional committees. What this amendment says is that each committee, as it considers any bill that affects children, will have an accompanying report which will deal with the impact of that legislation on children.

This is very consistent with some of the direction in which we are going in the U.S. Senate. If we are going to talk about the impact that legislation has on State governments or on county governments or on corporations or businesses, then surely, Mr. President, we can also talk about the impact that this legislation has on children within our country.

I want to just give a few examples. Today, in Minnesota, there were about 150 people, many of them children, many of them Head Start mothers, I say to the Senator from Connecticut, a number of different organizations, and the Children's Defense Fund, looking to the year 2002 and understanding what might very well happen in this country—that is to say, that the cuts we make go the path of least resistance—which spelled out what they are worried about.

As they looked at some of the projected cuts, they talked about Minnesota 2002: 29,150 babies, preschoolers, and pregnant women would lose infant formula and other WIC nutrition supplements; 31,350 children would lose food stamps; 154,600 children would lose free or subsidized school lunch programs; 93,000 children would lose Medicaid coverage.

Mr. President, I can go on, but the point I simply want to make before yielding the floor to Senator DODD is I come from a State that has had a number of great Senators. I hope that if I work hard, I can maybe just be a little bit as good as Hubert Humphrey. Seventeen years ago, Hubert Humphrey said the test of a Government and the test of a society is the way we treat people in the dawn of life—children—the way we treat people in the twilight of their life—the elderly—and the way we treat people in the shadow of their lives—those that are struggling with an illness, those that are struggling with a disability, and those that are poor or those that are needy.

I believe that this Contract With America takes us precisely in the opposite direction. Surely there is a way that we can continue with deficit reduction and not ride roughshod over children. Surely, we can go on record in the U.S. Senate today, making it clear that it is the sense of the Congress that we will not enact any legislation that will increase the number of children who are hungry or homeless. And surely today in this amendment, we can make it clear that we will do child impact of our legislation to make sure that whatever we do does not make more children homeless, does not make more children hungry; that whatever we do supports our future, which is to support children in this country.

I have much more to say about this amendment. I hope that the U.S. Senate will go on record and support this amendment. But I would like to yield the floor to Senator DODD from Connecticut, who has been such a leader in the U.S. Senate on children's issues.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the Chair.

Mr. President, first let me commend our colleague from Minnesota, with whom I have the pleasure and honor of serving with on the Labor and Human Resources Committee, and who has been a tireless advocate on behalf of children as a member of that committee. Let me again point out and restate what the Senator from Minnesota is attempting to do here.

This is an amendment that merely says that for those who are arguably the most vulnerable in our society, those on whom we depend for the success and future of this Nation, that as we consider all of the financial implications of budgets and tax proposals, that we be ever so mindful of these children. They have no other choices and no other alternatives for their own success and survival than our willingness to appreciate how vulnerable they are and our willingness to be supportive of them.

There are a staggering number of statistics that indicate the problems that younger Americans face in our society today. The child poverty rate fell throughout the 1960's, falling from approximately 26 percent in 1960 to 13.8 percent in 1969. It is worthy to note that the rate began rising again, to more than 20 percent, where it is today. The trend lines are pointing in all the wrong directions. We are told that if the current trends continue, almost 28 percent of children in the United States will be living in poverty by the year 2010.

Now, you do not need to be a Ph.D. in sociology to appreciate what the implications of that are for the generation coming along that have to be the best-educated, best-prepared generation this Nation has ever produced. We are going to be living in the most competitive global environment that the world has ever seen, and we need to do everything we possibly can to see to it that those younger Americans at least have the opportunity to be well prepared.

Anyone will tell you as they look at these issues that a child who lacks the proper nutrition in the earliest years of their development, that is not getting the kind of care and start they need as they begin those lives, then the likelihood they are going to be productive citizens, good parents, independent people capable of taking care of themselves and contributing to our society diminishes dramatically.

This amendment is not a Draconian amendment. It says that we should at least consider these matters. I am tremendously sympathetic and a supporter, I might add, of the unfunded mandate proposal. I think there is a lot of value in that, looking at the implications in our communities and in our States of the decisions we make.

In fact, in this very Chamber a year ago I offered an amendment which required that we meet at least 30 percent of the obligation we promised 20 years ago for special education needs in this country. We only do it to the tune of 7 percent today. And yet we made the commitment back in the 1970's we meet at least 40 percent of that obligation. It is a tremendous burden for our communities.

That amendment failed. Well, there is some hope with the unfunded mandate approach, if we handle it properly, that we will be able to step in and make a contribution to lessen the burden at the local and State level. Can we not also say, at least for this one constituency, for the children of our country, that we are going to examine the implications of our decisions when it comes to basic things like education, like nutrition, like child support?

It seems to me that is not a great deal to ask. If we are going to examine the implications on a business from a regulatory scheme that we adopt here, I think that is an appropriate and proper question to ask. It should not take a great deal to at least come up with some rough determination of what the implications are in a business. Is it too much to ask, with the children of this country, the children of this society, that we are going to consider as well what the implications are for you?

I realize there is a wave afoot here and that we are all sort of in lockstep in terms of how people are approaching amendments. This does not mandate in a draconian or violent way at all. It just says that Republicans and Democrats in this Chamber as we begin this new Congress regardless of our ideology, regardless of our political persuasion, understand the price we will pay as a Nation in this society if we do not take into account what happens to the most vulnerable in our society.

So, Mr. President, I commend the Senator from Minnesota for proposing this idea. I hope that people at least look at it and consider it. I think it shows balance here, as we look at all these other issues, to certainly take into consideration what happens to America's children. Someday we are going to be held accountable as a generation as to what we did, not in the face of ignorance but in the face of awareness and knowledge of what was happening to a staggering number of our young people.

The issue will be raised and the question asked: Well, you knew that. What did you do? Did you at least try to take into account their needs on the basic issues, on the basic issues of food and education, decent housing, decent support for these young families and these young children?

I hope, with the adoption of this kind of an amendment we can say at least we tried to take that into account. There is no guarantee you are going to do it. It does not say you have to. It just says that you are going to be aware of it and you are going to listen to what the implications are for these younger people.

So, Mr. President, I urge the adoption of the Wellstone amendment. I think it would speak well for this body in the opening days of January that for these children, particularly the children of these working families out there that are struggling every day to make ends meet, we are going to take into account their needs as well as in looking at the implications on governmental bodies and on businesses, children also, particularly the most vulnerable, will be considered as well.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I wish to yield the floor in a moment to the Senator from Arkansas.

First of all, let me thank the Senator from Connecticut.

As we speak about this amendment, I wish to try to talk some about the state of children within our country because I think that is part of the context of this amendment. Later on, I also want to talk about this budget debate and what has been taken off the table and why it is that so many people around the country are so frightened that in fact what we are about to do is really cut children, the most vulnerable citizens.

But please understand, I say to my colleagues, that every 5 seconds in the United States of America a child drops out of school; every 30 seconds a child is born into poverty; every 2 minutes a child is born to a woman who had no prenatal care; every 2 minutes a child is born severely underweight; every 4 minutes a child is arrested in an alcohol-related arrest; I think every 6 minutes a child is arrested in a drug-related arrest; every 2 hours a child is murdered in our country, and every 4 hours—this is devastating to me as a grandfather and father—a child takes his or her life.

Mr. President, we cannot abandon children, and as a matter of fact I think the ultimate indictment is when we do so. Either we invest in children when they are young or we pay the price later.

I will have some very specific figures on hunger of children in the United States of America a little later on as we go forward with this debate, and I will also have some statistics on the fastest growing homeless population, which are children. But I say to my colleagues the arithmetic of what we could very well be doing with this contract on America is very harsh; it is very mean spirited. We know what has been taken off the table. Military contractors are not asked to make cuts. Oil companies are not asked to make cuts. Coal companies are not asked to make cuts. A whole lot of other corporations are not asked to sacrifice at all. But we are going to cut nutrition programs for children. We are going to cut programs that provide children with some assistance so that they can have an opportunity.

Now, some of my colleagues say, no, we are not going to do that. This is just simply trying to get people to panic. Senator WELLSTONE or Senator BUMPERS or Senator MOSELEY-BRAUN or Senator DODD are just exaggerating.

Mr. President, we can put all of that concern to rest, and we can go on record tonight in the Senate that it is the sense of the Congress we should not enact or adopt any legislation that will increase the number of children who are hungry or homeless. We should be able to vote ''yes'' for that.

Mr. President, we can also adopt an amendment that says if we are going to call for impact statements on legislation that affects corporations and State governments and county governments, surely as we move forward we can call for company reports that issue impact statements as to how this affects children.

Mr. President, I yield the floor. I see the Senator from Arkansas.

Mr. BUMPERS addressed the chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I commend the author of this amendment, my good friend, Senator WELLSTONE, for the thoughtfulness of his amendment. It may not be perfectly worded. Oftentimes, we understand the thrust of amendments that come up in the Chamber at times like this, even though they are not worded quite precisely. What we ought to do now is to vote for this amendment because we know what the intention is and what the thrust is. We can worry about the precise language in conference.

Mr. President, shortly we are going to be taking up the unfunded mandates bill. I have very serious reservations about that bill. I do not want to debate it. I think the thrust of that bill is probably good. But I think it needs a lot of work.

We have been voting today largely along party lines. Virtually every vote has been a motion to table voted for by the Republicans and, for the most part, voted against by Democrats. That is understandable. But if there is one amendment on this bill that Republicans and Democrats ought to join hands on it is this one.

The Senator from Minnesota proposes that if we are going to pay the cities and the counties and the States for any obligation we put on them, surely we must also agree not to enact legislation, the effect of which is going to increase the number of homeless and poor children in this country. Surely, we can all agree nobody in this body wants that.

Mr. President, everybody in this Chamber has his own view as to what happened on November 8—not a happy day for the people on this side of the aisle. Not to offend my colleagues on the other side, I could give a half dozen reasons that I think are very legitimate on why people voted against Democrats, not for Republicans.

I do not believe there is a person in America who believes Government is too big, too unwieldy, and too expensive, due to food stamps for hungry people. I take the position that food stamps, aid for dependent children, maternal and child health, Medicaid, medical leave are valuable programs. Some people would have you believe that these programs were enacted by the Congress willy-nilly. They were not. They were debated. Committees considered those proposals thoughtfully.

The Chamber of Commerce and Rotary Club back home did not want me to vote for a medical leave bill. But I happen to have spent 6 weeks with my daughter in Boston Children's Hospital, 2,000 miles from my home. Betty and I talk about it a lot. We were not wealthy, but what if we had been poor? We would not have been in Boston. I do not know. I might have robbed a bank to get my daughter there. We were so fortunate because all I had to do was go back home and open my law office, a one-man, solo practice in a town of 1,500 people and start practicing law again. If I had been out on the assembly line, I would not have had a job to go home to. I daresay that while an awful lot of people in this country took strong exception to the family and medical leave bill, there are not 10 people in this Chamber who would undo this law right now.

This country decided years ago we did not want a single one of our children to go hungry, and that is the reason we have food stamps. We decided we did not want a poor child to suffer for lack of medical attention. That is why we have Medicaid. We decided we did not want poor women having premature or disabled babies who require costly treatment and frequently do not

survive. That is why we provide prenatal care. And we provide school lunches for children from poor families. Who here would undo that?

I was president of the school board in my city for 12 years. That was the only thing I was ever elected to before I was elected Governor of my State. I must say, I ran for Governor to get off the school board. That is the worst job I ever had. I know how important school lunches are. The school board struggled with that and tried to raise a little money to improve the nutritional quality of those lunches.

The American people have every right to be mad, upset, disenchanted, and to distrust Congress. It is trendy to do so. But I am telling you that the people of this country do not want us to undo the programs I've described. They do not want us giving the States block grants if the effect is to increase hunger among our children.

In 1950, 27 percent of the people of this Nation over 65 years of age lived below the poverty line. Since then we have reduced the poverty rate among senior citizens to below 12 percent. We can pat ourselves on the back and say Social Security and Medicare did it. Today, you talk about Social Security and you talk about the third rail of politics. Nobody would dare suggest cutting Social Security and Medicare. Why? Because there are 40 million votes out there. You do not have to be a rocket scientist to figure that one out either.

So how about our children? In 1950, the poverty rate among children was 14 percent. At the same time we were reducing poverty among our older citizens, the rate for children was growing dramatically to its current level of 23 percent. Senator DODD says it will be 28 percent by the year 2010. Are we going to stand idly by and allow that figure to come true? If we do not adopt an amendment like this, we could very well see it. Everybody favors welfare reform. But when you get down to the specifics of it, it gets very tenuous indeed.

Mr. President, I do not believe people want welfare reform in order to make cuts that would devastate the most vulnerable among us, namely our children. Here is a good opportunity for Republicans and Democrats to show the American people that when it gets to some basic values, we can indeed join hands and agree on something.

I yield the floor.

Mr. WELLSTONE. Mr. President, parliamentary inquiry. I never yielded the floor. Do I retain the floor?

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator cannot hold the floor after having yielded to the Senator from Arkansas.

Mr. WELLSTONE. I thank the Chair. I wonder whether the Senator will grant me a moment to thank the Senator from Arkansas. I just say to my colleague from Arkansas that I deeply appreciate his remarks, and I think, one more time, that this amendment is really an amendment that will attract and should attract bipartisan support. This is an extremely important message that we can convey today on the floor of the Senate. I thank the Chair.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. Mr. President, I want to begin by congratulating and commending the Senator from Minnesota for this initiative. I think that it is a classical initiative, one that is certainly in keeping with the tradition of this body because really, stripped to its essentials, this sense-of-the-Senate amendment simply says that we in the Senate will do no harm. That is really, I think, our fundamental mandate and fundamental charge as Members of this great body.

As we discuss the change—the revolution, some have called it—the reform that has come to the hill, I think we have to also be mindful, as we speculate about the political ramifications, of why it happened and what all is going on and what all this means. I think we have to be mindful of the realities. We must never lose sight of the realities—what is going on, putting aside the slogans and the politicization of these issues, the reality. The fact is, as the Senator from Minnesota pointed out, the most vulnerable Americans are really at this point the most frightened, because the rhetoric seems to suggest that their realities will be ignored in this debate, and that they will not be factored in the decisionmaking as we rush headlong to begin to get some fiscal discipline to balance the budget and as we address issues having to do with the unfunded mandates, and the like.

The statistics cited by the Senator from Minnesota paint a grim, but a very viable reality, and one that I think we must not lose sight of, and one certainly that underscores the need for his sense-of-the-Senate resolution. His back stop, the back stop this resolution suggests is that we will do no harm to children, the most vulnerable people in our society.

Mr. President, I am a supporter of the balanced budget amendment. In fact, my senior Senator from Illinois, Senator SIMON proposed a balanced budget amendment—and I add parenthetically, since we have talked about politics, that a Democrat suggested the balanced budget amendment. When I campaigned for this office, I supported the balanced budget amendment. I am also a supporter, with Senators GLENN and KEMPTHORNE, of the initiative having to do with unfunded mandates, coming out of State and local government. I, frankly, resist the notion that fiscal responsibility and responsibility in these areas is mean spirited or has to be mean spirited, or that it will put at risk the neediest people in our society and especially our children. I think we can have fiscal responsibility, and I think we can and must achieve a balanced budget. We must begin to address the whole issue of unfunded mandates and the burden that puts on State and local governments, but that we can do that in a way that elevates and does not diminish the status of children in our society. That is the bottom line of the resolution of the Senator from Minnesota.

So I support fiscal responsibility, and I suppose these initiatives for the balanced budget and for the unfunded mandates proposition. I also am a strong supporter of this amendment. I believe they are logically consistent and that they are mutually compatible. I believe we can do both.

I want to share with you for a moment—and I will not be much longer, Senator SIMON. I kind of jotted down a few notes I wanted to share with my colleagues. I first ran for the Senate—and my colleagues on the entitlement commission have heard this story, but it is significant to me and to this debate. My decision to run for this office came in large part based on a conversation I had with my son who was then 15 years old. Matthew, after we discussed the great issues of our time, said to me, ''You know, Mom, your generation has left this world and country worse off than you found it.'' Well, that was like a dagger to the heart, the notion that my generation had not kept faith and done what we were supposed to do in our stewardship of the affairs of this country. So it was for that reason that I have supported efforts to get on an even keel, to put our fiscal House in order, to be responsible in terms of the allocation of responsibilities between State and local government.

I believe that this issue is so important, and so important a statement for us to make who are supportive of fiscal responsibility, precisely because we are talking about what really comes down, and if you look at the numbers and the realities again as opposed to the emotional hot button, they tell us that we are talking about less than 1 percent of our budget.

We really are not talking about an awful lot of money, if you will, in the grand scheme of things. If we are talking about entitlement spending, discretionary spending, really, over all, the amount that is allocated and devoted to children and children's needs is not all that great.

And so the question comes: Why can we not make a strong statement that we believe we are going to not only protect our children's future, but we are also going to protect our children's present; that the children now will not have to worry about what is going to happen as a result of our move to make all of these changes, all of these reforms, and all of the different initiatives that are pending before this new Congress.

Mr. President, I want to close by saying that it is my concern for children that actually got me to stand up here

and make a speech without notes and on behalf of the initiative of the Senator from Minnesota, because I believe it is absolutely imperative that we underscore our efforts for fiscal responsibility, underscore our efforts with regard to the pending legislation with the statement that we will do no harm to the neediest in our community, we will do no harm to our children, and that we are concerned about the realities that all the children of this great country face, and that we have the capacity and the ability and the foresight to state at this point that we will be mindful of their needs as we go forward with these different legislative initiatives.

So I want to thank and commend the Senator from Minnesota for taking this initiative, for taking this step. I congratulate him for it. I certainly rise in strong support of his sense-of-the-Senate resolution.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take 30 seconds, because I know my colleague, the senior Senator from Illinois, is anxious to speak.

I wish to thank the Senator from Illinois, Senator MOSELEY-BRAUN, for her remarks. I do not think she really needed to go with prepared remarks, because I think the Senator knows the issues so well and has such a commitment to them. I wanted to just simply thank the Senator for being here out on the floor.

I wanted to emphasize one point, which is that we might want to call this amendment, if we had to title it, the ''Children's Right to Have Their Congress Know,'' because part of this amendment, again, says it is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless. Surely, we can go on record on that.

But the other part, I say to the Senator from Illinois, really is an important impact that we require, which we really should do in this rush to pass this agenda—and I want to talk more about the economics of this a little later on. We owe it to the children of this country—do we not always want to have photo opportunities next to children?—we owe it to the children of this country that we do an analysis of the impact of the legislation that we pass out of committee. We should do that. That is the right thing to do. It is the policy thing to do, it is the justice thing to do, and it is certainly the right thing to do for the children in this country.

So this is an amendment that is meant to be part of the law of the Nation. I thank the Senator from Illinois.

I thank the senior Senator for his patience.

The PRESIDING OFFICER. The senior Senator from Illinois.

Mr. SIMON. Mr. President, I thank my colleague from Illinois also for her comments. And since she mentioned her son Matthew, let me just add, he is a young man who is going to serve his community and country well in the future and CAROL MOSELEY-BRAUN ought to be a very proud mother of that son.

I think what Senator WELLSTONE has proposed here is important. Let me just give you one simple fact. Twenty-three percent of the children of this Nation live in poverty. No other industrial nation has anything like that figure; no 23 percent in Great Britain or Canada or France or Germany or Italy or Japan or Norway or Denmark or Sweden or the other countries you could mention. Why, why do 23 percent of the children in this country life in poverty?

This is not an act of God. There is no divine intervention that says the children in Iowa and the children in Missouri and the children in Illinois ought to be living in poverty more than children in other countries. It is not the result of a divine intervention; it is not an act of God. It is a result of flawed policies.

It starts in this room, my friends, in this Hall where we meet.

Will the Wellstone amendment, if it is passed, result in changed policy? No one can know for sure. Even the distinguished Senator from Minnesota, for whom I have such a high regard, cannot know for sure whether this will have any significant result in moving us in the right direction. But it might.

At least when we are talking about welfare reform, we are going to be looking at things. And I hear everybody wants welfare reform, including the people on welfare. But I think there are a lot of people who think we can do welfare reform on the cheap. There can be no real welfare reform without a jobs program. And you are going to hear me saying this over and over again.

And I am pleased my colleague from Illinois mentioned the balanced budget amendment. It is very interesting. This year, we will now spend 10 times as much on interest as we will on education. We will spend almost twice as much on interest as all the poverty programs put together.

I ask the Presiding Officer, who is a distinguished former governor of Missouri, if the people of Missouri had a choice of spending less money on interest and more to help poor people, which would they prefer? You know the answer and I know the answer.

But we have just kind of backed into this without thinking. The amendment of the Senator from Minnesota says: Let us think about it. Let us pay attention. Let us at least look at what we are doing to our children.

Again, I simply ask you: Why is the United States alone among the Western industrial nations in having 23 percent of its children in poverty? It grows out of this room, and in this room we can change that policy and give a brighter future to our children.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I was not on the floor for most of the comments by the Senator from Minnesota regarding his proposed amendment. I have just read it. It would provide that it is the sense of the Congress that we should not enact legislation to increase the number of children who are hungry or homeless. And then, if I might direct a question to the Senator from Minnesota, the amendment also states that any bill or joint resolution coming before the Senate or the House should contain an analysis of the probable impact of the bill or resolution on children, including the impact on the number of children who are hungry or homeless.

Let me just be sure I understand this amendment. What the Senator is saying in his amendment is, prior to any bill coming here, that there ought to be a report filed with it detailing, or outlining, I should say, its probable impact regarding whether it would increase the number of children who are either hungry or homeless or both.

Mr. WELLSTONE. The Senator is correct.

Mr. HARKIN. You know, a lot of times, we mandate reports concerning bills here as to their impact on the budget. We have that requirement.

Mr. WELLSTONE. Will the Senator yield for a moment?

Mr. HARKIN. Yes.

Mr. WELLSTONE. The accompanying report that would come out of committee would actually deal with the impact on children, not just on hunger or just on homelessness, but its impact on children, more broadly defined.

Mr. HARKIN. In other words, if the bill enhanced the well-being of children, that report would point that out, too?

Mr. WELLSTONE. The Senator is correct.

Mr. HARKIN. So it is not just an amendment dealing with measures that could be detrimental to children. It is also saying, how might a bill help them? So if a bill came up, and the question arose: How can we help children, make sure they have an adequate breakfast or a school lunch? That report could also detail that, too.

I just wanted to make sure that was the case.

Mr. WELLSTONE. Mr. President, I thank the Senator from Iowa for making, I think, an important point, which is actually that this accompanying report is a valuable tool for us as we try to make the best possible policy, for two reasons. In the negative, if you will, it tells us if we are about to pass a piece of legislation that will in fact be harmful to children in America. But it also tells us in the positive, when we pass legislation, this is in fact the contribution of this legislation to the lives of children in America. That is the purpose.

Mr. HARKIN. Mr. President, if I may reclaim my time on the floor, I thank the Senator and I compliment him for this amendment. I think it is appropriate that we have this amendment at the beginning of the year; that before we rush to judgment on a lot of bills and measures that will be coming before us that may sound nice, we ought to stop and think about what their impact will be on children in this country.

Mr. President, I have here a study that was done by the Food Research and Action Center, [FRAC]. They talked about the Personal Responsibility Act, which is the legislation developed to implement the House Republican Contract With America. The report goes on to show this act contains a proposal to block grant current Federal nutrition programs, to remove their entitlement status and reduce their funding levels.

FRAC's analysis shows that the Personal Responsibility Act's nutrition block grant program would result in a reduction of funding for food assistance of over $30 billion, about 14 percent, by fiscal year 2000, with a funding loss of $5 billion, 12.7 percent, in fiscal year 1996 alone. Further, under the Personal Responsibility Act's nutrition block grant, all but nine States would experience reductions in funding for food assistance in fiscal year 1996. Fifteen States, including Texas, Ohio, Georgia, Kentucky, and Michigan, would lose 20 percent or more of their funding in fiscal year 1996. Five States—Texas, Louisiana, Washington, Delaware, and Maryland—and the District of Columbia would lose 30 percent or more of their food assistance funding in fiscal year 1996 if the so-called Personal Responsibility Act is passed. The FRAC analysis finds that if the so-called Personal Responsibility Act is passed, the nutrition block grants will have a devastating impact on individual programs such as the Food Stamp Program. In order to achieve savings in this program, States will have to reduce the number of participants by more than 6 million people, or cut benefits by 14 percent in the first year alone. Estimates indicate that if States choose to cut participation levels, over half of all States would have to cut their caseloads by 20 percent or more to meet the lower funding levels. Further, over a quarter of the States would have to reduce case loads by 30 percent or more, and 10 States would have to reduce food stamp case loads by more than 40 percent just to meet the cuts made in the block grant program.

So, Mr. President, this is a pretty drastic approach. For those of us who make a decent income and eat in the Senate dining room every day, or have lobbyists take us to one of these really nice restaurants around the Hill for lunch, it may come as a surprise to know that there are hungry kids in America. There are a lot of children out there who do not get a good breakfast. They may get a good lunch, and it may be their only good meal of the day, because of the free and reduced price lunch program. And they go home and have an inadequate dinner that evening.

There have been a number of studies that have shown in the recent past that we have a lot of hungry kids in America. Take the school breakfast program, one that I have been a strong proponent and advocate of for many years now.

At the outset, let me just say to my friend from Minnesota that he comes from a strong heritage of advocates of a strong and sound nutrition program for our kids in America. I refer to his predecessor, Senator Hubert Humphrey. Also to former Senator Mondale, who fought long and hard for these nutrition programs, and was successful in getting them implemented.

The School Lunch Program was enacted in 1946. It has probably done more to increase the productivity of America than any other single program we have adopted except perhaps the GI bill of rights. We sent our GI's to college. The school lunch program provided for millions of American kids then, as it does today, the only nutritionally sound and adequate meal that they have during the day.

But then studies began to show that kids come to school in the morning and they have not had a breakfast, and they become disruptive and unruly. They cannot study, they cannot focus. So we started the School Breakfast Program. The school breakfast program right now is only available, I think, in fewer than half the Nation's schools that offer the lunch program. So it is not accessible to many children who need it. Many of the schools do not offer it.

Studies have shown that children who participated in the school breakfast program were found to have significantly higher standardized achievement test scores than eligible nonparticipants. Children getting school breakfast also had significantly reduced absence and tardiness rates.

Now, we know that from a number of studies. We also know from a number of studies that children who have adequate nutrition, who have a breakfast and a lunch program, who have the benefit of prenatal and early childhood nutrition, have higher IQ levels. Now, we have seen recent arguments that perhaps IQ levels are linked to ethnic background, or racial background, and all those kind of claims. That is being argued. But there is one thing that is clear.

Mr. DOLE. Will the Senator yield for a procedural question? I do not want to interrupt the Senator's train of thought.

We would like to see if we could set a time for a vote on a motion to table. I understand the Senator from Minnesota needs about 20 minutes. I do not know how much time the Senator from Iowa needs.

Mr. HARKIN. Mr. President, 10 minutes. I am on a roll. I just want to go through a couple of items here.

Mr. DOLE. Mr. President, I ask that I might have at least 2 or 3 minutes before I move to table because it is something I am very interested in.

I have been on the nutrition committees. I have gotten awards from FRAC, and I do not think this amendment belongs here. I want to make a brief record.

So, maybe we could agree to vote at 6:10. That gives the Senator from Minnesota 20 minutes and the Senator from Iowa 10 minutes.

Mr. HARKIN. I just have a few more points.

Mr. DOLE. Mr. President, we can vote at 6:10.

Mr. WELLSTONE. Knowing the Senator from Iowa well, I wonder if we could plan on 6:15.

Mr. DOLE. Mr. President, I ask unanimous consent at 6:15 we vote on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I would just like to have 2 or 3 minutes.

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

Mr. HARKIN. Mr. President, I thank the distinguished majority leader. The Senator has been a strong supporter of nutrition programs, and I can attest to that personally. I wish he would support this amendment. I am sure he will have something to say about that.

Mr. President, as I was saying, one thing that is unassailable and incontrovertible is that kids who do not have an adequate diet do suffer lower IQ. A study reported in the Washington Post found that children suffering persistent poverty in their first 5 years of life have IQs 9 points lower at age 5 than children who did not experience poverty. And we all know that poverty is closely tied to inadequate diet, and inadequate food for kids in their early years.

We know, for example, from a study done by GAO, the cost effectiveness of our WIC programs. Every dollar invested in WIC prenatal assistance saves anywhere from $1.92 to $4.21 in Medicaid costs. These are studies that have been done, and which document the value of sound nutrition for children.

In another study, GAO estimated the initial investment of $296 million in WIC prenatal assistance in 1990 would save over $1 billion in health and education expenditures over 18 years compared to the costs for children who did not get this assistance. So we know children in poverty, children who do not get an adequate diet, who do not get the school breakfast program, they have lower IQ's, they have lower attendance records at school, they are more disruptive, and they do not learn properly.

We are going in the opposite direction with this so-called Personal Responsibility Act in terms of putting the nutrition programs into a block grant

and then cutting it. If 5 States, Texas, Louisiana, Washington, Delaware, and Maryland, plus the District of Columbia, lose 30 percent of their food assistance next year, how will they make it up? Who will they cut? Well, they will cut the school breakfast program and other basic nutrition programs for children. We are already hearing about cutting the school lunch program and making kids pay more and that kind of thing. I will have more to say about that as the year progresses. Talk about a noncost-effective approach. I say this is a so-called Personal Responsibility Act because it is our responsibility here in Congress to make sure that kids are not denied adequate nutrition in our country. It has been a responsibility of the Federal Government since 1946 when we enacted the school lunch program and subsequently enacted school breakfast programs, WIC programs, and other nutrition programs, because we recognize a child who is poor and malnourished in Tennessee is not just a responsibility of that State. That child who grows up ill-educated with a lower IQ will not just be a burden on Tennessee but that child could move to Iowa or Illinois, Minnesota or California. And in any event, the loss of that child's potential is a loss for our entire Nation. So the nutrition of our children is really a problem for all of us as a Nation. We have looked upon it that way since the school lunch program was enacted in 1946.

Personal responsibility? Yes, we have a responsibility in this Congress to make sure that all children have a good start in life. That means a good, solid WIC Program, prenatal programs, that we have a good breakfast program for our kids in school, and a school lunch program, and a food stamp program—which is in fact a major child nutrition program.

Now, are there ways of streamlining and of cutting out waste, fraud and abuse? Sure there are. I think it has been about 17 years ago, as a Member of the other body, that this Senator advocated that we issue food stamp recipients an ID card along with food stamps so that they could not just go out and barter and sell food stamps on the streets for drugs or whatever else. I advocated that in 1977. I was told there was a problem with that idea and we could not do it then. We can do it today. If there are ways of streamlining the program, making people more accountable, making the programs more cost-effective, that is fine.

Just to say that we will lump it all in a block grant, send it to the States and then cut it, I think is the height of foolishness. I think that would be more properly called the Personal Irresponsibility Act, if that is what we are about.

So I congratulate the Senator from Minnesota. He is right on target.

As I said, I know the majority leader has been a strong supporter of nutrition programs in the past. I would hope that he would not move to table this amendment. I wish we had accepted it in the spirit it was offered, that is to make sure that we do no harm to these children who need this kind of help and assistance.

Really, it is not just the children we are talking about. I think it is in our own best interest to ensure that our children have adequate nutrition. We can look at it selfishly. We want a more productive America. We want to be able to compete in the world markets. We want to have a better-educated populace. Then we certainly want to make sure our kids have an adequate diet early on in life.

I believe that is what the Senator from Minnesota is saying in his amendment. Let us take care in the legislation that comes before us that it does not impact adversely upon these kids. If we take away these feeding programs for our poor kids in America today, it is like eating our seed corn.

I cannot think of a better analogy than that. These kids are our future, and we better have the personal responsibility to understand that the Federal Government has a role to play here and not abdicate that responsibility.

So, again, I thank the Senator from Minnesota for his amendment. I support it, and I certainly hope it will be adopted because I think it is in the best interest of this country.

I thank the Senator. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 14

(Purpose: To improve legislative accountability for the impact of legislation on children)

Mr. WELLSTONE. Mr. President, let me thank the Senator from Iowa. There is no Senator who knows these issues better. There is no Senator who is a stronger advocate for children. It is my honor to have him out on the floor speaking in behalf of this amendment.

Mr. President, first of all, let me now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 14.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SEC. 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

SEC. 2. LEGISLATIVE ACCOUNTABILITY FOR IMPACT ON CHILDREN.

(a) DUTIES OF CONGRESSIONAL COMMITTEES.—The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives shall contain a detailed analysis of the probable impact of the bill or resolution on children, including the impact on the number of children who are hungry or homeless.

(b) ENFORCEMENT.—

(1) SENATE.—It shall not be in order for the Senate to consider any bill or joint resolution described in subsection (a) that is reported by any committee of the Senate if the report of the committee on the bill or resolution does not comply with the provisions of subsection (a) on the objection of any Senator.

(2) HOUSE OF REPRESENTATIVES.—It shall not be in order for the House of Representatives to consider a rule or order that waives the application of subsection (a) to a bill or joint resolution described in subsection (a) that is reported by any committee of the House of Representatives.

Mr. HARKIN. Mr. President, will the Senator just yield for about 2 minutes without losing his right to the floor?

I want to make one other point. There is so often the assertion some of these programs designed to attack poverty and hunger actually make the problems worse. For the record, I am looking here at figures showing that in 1960, the percent of American children below the age of 18 living in poverty was 26.9 percent. By 1969, after the enactment of a number of the programs addressing child poverty, that percentage went down to 14 percent. It stayed down in the teens until 1983 when it went back up to 22.3 percent. The percentage stayed in the twenties and, at least as of the last year cited in this report, 1991, it was still at 21.8 percent. These figures are all contained in a report titled Two Americas: Alternative Futures for Child Poverty in the United States, published by the Center on Hunger, Poverty, and Nutrition Policy at Tufts University, and I ask unanimous consent that appendix 1 of that report be printed in the RECORD.

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

APPENDIX 1.—NUMBER AND PERCENT OF AMERICAN CHILDREN IN POVERTY ALL CHILDREN BELOW AGE 18: 1960–1991

Year	(1000's)	Percent
1960	17,634	26.9
1961	16,909	25.6
1962	16,963	25.0
1963	16,003	23.1
1964	16,051	23.0
1965	14,676	21.0
1966	12,389	17.6
1967	11,656	16.6
1968	10,954	15.6
1969	9,691	14.0
1970	10,440	15.1
1971	10,551	15.3
1972	10,284	15.1
1973	9,642	14.4
1974	10,156	15.4
1975	11,104	17.1
1976	10,273	16.0
1977	10,288	16.3
1978	9,931	15.9
1979	10,377	16.4
1980	11,543	18.3
1981	12,505	20.0
1982	13,647	21.9
1983	13,911	22.3
1984	13,420	21.5

APPENDIX 1.—NUMBER AND PERCENT OF AMERICAN CHILDREN IN POVERTY ALL CHILDREN BELOW AGE 18: 1960–1991—Continued

Year	(1000's)	Percent
1985	13,010	20.7
1986	12,876	20.5
1987	12,843	20.3
1988	12,455	19.5
1989	12,590	19.6
1990	13,431	20.6
1991	14,341	21.8

Source: Statistical Abstracts of the U.S.:1989; Table No. 738, p. 454. U.S. Bureau of the Census, ''Current Population Reports,'' series P–60, No. 161, and earlier reports. Data for 1988 and 1989 are from ''Current Population Reports,'' Series P–60, No. 170–RD, and No. 169–RD, respectively. Data for 1991 are from ''current Population Reports,'' Series P–60, No. 181.

Mr. HARKIN. So do not tell me these programs to help children do not have an effect. They have an effect and have a good effect of helping move kids out of poverty. I just wanted to make that point for the RECORD. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the names of the following organizations that support this amendment be printed in the RECORD: The NAACP, Children's Defense Fund, Leadership Conference on Civil Rights, Food Research and Action Center, the National Council of Churches, and the Religious Action Center of Reform Judaism. I ask that their names and the statements of these different organizations be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF RABBI DAVID SAPERSTEIN, DIRECTOR, RELIGIOUS ACTION CENTER OF REFORM JUDIASM

The ultimate judgment of a nation—of its values, its honor, its basic decency—rests upon how it treats its children, for those children are its future. A nation that neglects its children, that allows children to go hungry or homeless, that fails adequately to educate its children, is a nation that short-changes its future. For this reason, the Union of American Hebrew Congregations, representing 850 synagogues and 1.5 million Reform Jews, strongly supports the proposed Sense of the Congress Resolution that Congress not approve any legislation that will increase the number of children who are homeless and hungry, and that requires a child impact statement before Congress passes new legislation.

In the zeal to reform government and to change the way Congress works, members of Congress must not forget how many of the actions they are now considering—how many of the bills they work to pass, budgets they wish to cut, programs they seek to eliminate—affect American children, and, thus, our future. America already has too many homeless children huddled and shivering against winter's chill without adequate shelter, too many children whose young stomachs know too well the empty pain of hunger, too many inadequately educated children whose bright minds daily grow dull. Those who would cut budgets in ways that harm children will cite the financial benefits of their cuts, will claim that by reducing the national deficit they are securing our future. But by reducing that deficit by penalizing children—by making the weakest and the least among us bear the burden of reform—they only bleaken that future.

However much we may all disagree over the best solutions to the problems America confronts, on this, at least, let us find common ground: that our children—more than all our industries combined, more than all our raw materials, more than all our science and ingenuity—our children are our most valuable and precious resource, and we must treat them accordingly. We must protect our children from an indiscriminate budget ax as resolutely as we would protect them from violence. We must scrutinize cuts in programs for children as carefully as we scrutinize cuts in defense spending, for even the mightiest military will be useless if our nation's children have no hope. Our children are meant to walk with us the road to peace and freedom and prosperity; we dare not walk that road to a better tomorrow while leaving them trapped in a bleak, a cruel, today.

Each child's today is thousands of our tomorrows; nurture these todays and you build those tomorrows; darken these todays and you destroy those tomorrows.

So we urge all senators, regardless of political leanings, to support this amendment and to abide by its principles; to keep the children of America always in their minds; and to recognize that short-changing children for short term financial gain is to make a faustian bargain that will cost this nation dearly down the road.

Our children reposit our dreams; we must not allow their lives to be nightmares.

The Religious Action Center of Reform Judaism is the Washington office of the Union of American Hebrew Congregations and represents 1.5 million Reform Jews in 850 congregations throughout the United States and Canada.

STATEMENT OF MARY ANDERSON COOPER, ASSOCIATE DIRECTOR, WASHINGTON OFFICE, NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE U.S.A.

We are pleased to support the efforts of the Senators who have introduced legislation to require that Congress not approve any legislation which will increase the number of children who are hungry or homeless. This commitment to the well-being of the nation's children is consistent with the belief of the churches in our constituency that all people have a right to food and shelter, and that we cannot relax our vigilance when there is the prospect that children will be allowed to go hungry and unprotected.

We are grateful for the initiative being undertaken today, and we urge the Congress to enact this measure assuring that no action undertaken by the House or Senate will increase the number of hungry and homeless children in this nation.

STATEMENT OF ROBERT J. FERSH, PRESIDENT, FOOD RESEARCH & ACTION CENTER

I am pleased to support the resolution that Senator Wellstone will introduce today to protect children from hunger and homelessness. This resolution is timely because there now are serious proposals before Congress that could add dramatically to the numbers of children who experience hunger and homelessness in this country.

FRAC is considered the leading national organization advocating for more effective public policies to end hunger in this country. Our analysis of H.R. 4, the Personal Responsibility Act introduced in the House of Representatives, leads us to believe that millions of American children could lose essential school lunch, school breakfast, WIC and food stamp benefits if the bill is enacted.

The most fundamental threat to our children's well-being is the proposal to replace the highly effective and successful nutrition programs we have today with a block grant at sharply reduced funding. This will lead not only to immediate pain and suffering, but virtually guarantees that the responsiveness to hunger and undernutrition will diminish in years ahead.

We need a continuing Federal commitment to nutrition programs that assures adequate funding and benefit levels. We need programs that provide predictable funding levels and assure that no matter where one lives in the United States, there will be a safety net to prevent hunger.

We cannot have a situation where school administrators never know how much support they will receive and opt out of school feeding programs because of inconsistent funding. We cannot have a situation where needy people in a State cannot get help when they lose their jobs because their State has too many people in need and too little money to serve them.

There are reforms and improvements that can be made to improve the delivery of food assistance to vulnerable citizens and to preserve the integrity of the programs.

But a drive to save Federal dollars and reinvent government roles should not have as a consequence more hungry and homeless children. Before this rush to chaos is approved, Congress should take a careful look at our Nation's nutrition programs. They have a highly successful track record of improving the nutritional status of our most vulnerable citizens. Failure to preserve these programs will exact a high monetary and social cost from our society.

I offer our thanks to Senator Wellstone for introducing this measure to assure that Congress has made a careful study of the potential impact of its decisions on our most vulnerable children.

CHILDREN'S DEFENSE FUND,
January 10, 1995.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC

DEAR SENATOR WELLSTONE: I applaud your efforts to make sure that the members of Congress are informed about the probable consequences to children of legislation they are considering.

Like you, I am very concerned that some of the actions the Congress will be considering in the days ahead will, instead of helping children, actually result in more children being left behind—more hungry, more homeless, more without health insurance, more who are poor. I believe that members of Congress, if informed that an action they are contemplating will actually hurt children, will not take such an action.

Your amendment ensures that members of Congress have the official information upon which to base that determination. This is, effectively, ''a children's right to have their Congresspeople know'' amendment. Too often, the needs of children, who don't vote or speak for themselves, are invisible in the legislative process. At the very least, children should be able to expect that Senators and Representatives know the impact of their decisions upon children before they act.

This is an amendment which every member of the Congress should support. Thank you again for your leadership on this very important issue for children.

Sincerely yours,

MARIAN WRIGHT EDELMAN.

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that a statement of Women Academics Concerned About Welfare be printed in the RECORD.

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

STATEMENT OF WOMEN ACADEMICS CONCERNED ABOUT WELFARE

(This statement was written and signed in response to the Administration welfare ''reform'' bill introduced in the summer of 1994, Spurred by this proposal Republicans are now championing much worse barbarisms. We should not let ourselves be driven into supporting the bad in the hopes of fending off the worse. We stand against policies which deprive poor children and scapegoat poor mothers. A politics of blaming the poor fosters a downward cycle of impoverishment, stigmatization, and despair.—Linda Gordon, Frances Fox Piven, Louise Trubek, January 1995)

As women scholars who have studied welfare programs in the United States and other democracies, and who share a concern for poor women and children, we feel a responsibility to speak out in opposition to the Clinton administration welfare reform proposal.

The most publicized feature of the proposal is a two-year lifetime limit on cash assistance from AFDC. The limit shreds precisely that portion of our social safety net on which poor women and children rely. Yet the evidence shows that the majority of recipients do not stay on ''welfare'' very long at one time, but turn to AFDC when they are forced to by work of family emergencies. Many women also turn to welfare to escape from domestic violence. A two-year limit would destroy that lifeline.

The Bush administration began freely granting waivers allowing the states to ''experiment with ''reforms,'' and the Clinton administration is continuing this practice. Few of these waivers concern true experiments or reforms. Instead, reminiscent of the 19th century when welfare was a system of disciplinary tutelage, they usually cut welfare grants which are already everywhere below the poverty level. Some states are reducing family benefits if a child is truant or if an additional child is born. From the beginning of AFDC in 1935, the federal government provided some protection against the arbitrary ill-treatment of recipients by states and counties. That protection should not be forfeited.

The effort to present a ''revenue-neutral'' welfare reform has resulted in the ludicrous prospect of severe cutbacks in programs that serve some of the poor in order to pay for programs that will ostensibly help others of the poor. Clearly this makes little moral or programmatic sense.

Just as troublesome as these programmatic initiatives is the vilification of welfare recipients for lacking the values of work and responsibility which has characterized the Administration's talk about reform. This rhetoric undermines respect for the hard and vital work that all women do as parents. It is particularly egregious when direct against poor single mothers who confront the triple burdens of heading households, parenting, and eking out a livelihood. Given the popular misimpression that welfare recipients are overwhelmingly minority women, this pillorying of poor women also contributes to racist stereotypes.

While women have always been consigned to low wage jobs, the situation of working women trying to support children has worsened dramatically in the last two decades as wage levels plummeted. The Administration proposal is silent about that problem.

Real welfare reform should be directed to ending poverty, not welfare. We should strive for widely available day care, medical insurance, and education, and for improvements in working conditions and wages. At the same time we should preserve the programs of social support—variously called social security or welfare—that have been vital to the safety, health and morale of millions of women, men, and children in the U.S.

WOMEN ACADEMICS CONCERNED ABOUT WELFARE REFORM

Emily K. Abel, UCLA; Mimi Abramovitz, CUNY; Martha Ackelsberg, Smith; Mona Acker, U Regina; Julia Adams, U Mich; Randy Albelda, U Mass Boston; Nedda C. Allbray, CUNY; Rebecca Alpert, Temple; Christa Altenstetter, CUNY; Ann Rosegrant Alvarez, Wayne State; Nancy Amidei, U Wash; Teresa Amott, Bucknell U; Susan Amussen, Union Institute; Margaret Anderson, U Delaware; Elizabeth S. Anderson, U. Mich; Karen Anderson, U Arizona; Karin J. Anderson, New School; Melissa Anderson; Molly Andrews, Temple; Fran Ansley, U Tenn.

Rita Arditti, Union Institute; Clarissa Atkinson, Harvard; Nina Auerbach, U of Penn; Dr. Harriet Baber, U San Diego; Regina Bannan, Temple; Lois W. Banner, USC; Carol Barash, Rutgers; Lucy Barber, Brown; Nancy Barnes, New School; Dana Barron, U of Penn; Pauline B. Bart, U Illinois, Chicago; Rosalyn Fraad Baxandall, SUNY; Gail Bederman, Notre Dame; Leslie Bender, Syracuse; Trude Bennett, U North Carolina; Betty Ann Bergland, U Wisconsin, River Falls; Barbara R. Bergmann, American U; Sharon Berlin, U Chicago; Sally A. Bermanzohn, CUNY; Elaine Bernard, Harvard; Beth Berne, Woods Hole; Kim Blankenship, Yale.

Marcia Bok, U Conn; Janet K. Boles, Marquette; Annette Borchorst, Wellesley; Eileen Boris, Howard; Marti Bombyk, Fordham; Judith R. Botwin, Woods Hole; Cynthia Bowman, Northwestern; Ruth A. Brandwein, SUNY; Rachel Bratt; Winifred Breines, Northeastern; Vicki Breitbart, Columbia U; Johanna Brenner, Portland State; Stephanie Bressler, King's College; Mary Bricker-Jenkins, Western Kentucky; Eleanor Brilliant, Rutgers; Frances L. Brisbane, SUNY; Sherri Broder, U Mass, Medford; Evelyn A. Brodkin, U Chicago; Mary Ann Bromley, Rhode Island College; Elsa Barkley Brown, U Mich; Susan Taylor Brown, Syracuse; Irene Browne, Emory U; Lisa D. Brush, U Pittsburgh; Darcy Buerkle, Claremont U.

Sandy Butler, U Maine; Joan Callahan, U Kentucky; Ann Nichols-Casebolt, Virginia Commonwealth U; Susan Kerr Chandler, U Nevada; Alta Charo, U Wisconsin; Wendy Chavkin, Columbia; Roslyn H. Chernesky, Fordham; Norma Chinchilla, U Cal, Long Beach; Nancy Churchill, U Conn; Mary Ann Clawson, Wesleyan; Jewel P. Cobb, Cal State Fullerton; Dorothy Sue Cobble, Rutgers; Lizabeth Ann Cohen, NYU; Miriam J. Cohen, Vassar; Patty A. Coleman, U Maine; Blanche Wiesen Cook, CUNY; Kimberly J. Cook, Miss State U; Mary Coombs, U Miami; Lynn B. Cooper, Cal State Sacramento; Rhonda Copelon, CUNY; Nancy Cott, Yale.

Lois K. Cox, U Iowa; Kate Crehan, New School; Elizabeth Crispo, CUNY; Faye Crosby, Smith; Barbara R. Cruikshank, U Mass; Paisley Currah, CUNY; Deborah D'Amico, Consortium for Worker Ed; Jo Darlington, U Colorado; Margery Davies, Tufts; Jane Sherron De Hart, U Cal, Santa Barbara; Vasilikie Demos, U Minn, Morris; Tracey Dewart, CUNY; Irene Diamond, U Oregon; Bonnie Thornton Dill, U Maryland; Estelle Disch, U Mass, Boston; Christine DiStefano, U Wash.

Elizabeth Douvan, U Mich; Nancy E. Dowd, U Florida; Daine M. Dujon, U Mass, Boston; Joan Levin Ecklein, U Mass, Boston; Susan Eckstein, Boston U; Kathryn Edin, Rutgers; Rebecca Edwards; Hester Eisenstein, SUNY; Margaret S. Elbow, Texas Tech U; Leslie C. Eliason, U Wash; Irene Elkin, U Chicago; Cynthia H. Enloe, MIT; Cynthia Fuchs Epstein, CUNY; Julia A. Ericksen, Temple; Rebecca Faery, Harvard; Kathleen Coulborn Faller, U Mich; Amy Farrell, Dickinson; Elizabeth Faue, Wayne State U; Constance Faulkner, Western Wash U; Elizabeth Fee, U Wisconsin; Susan Feiner; Shelley Feldman, Cornell; Ruth Feldstein, Brown.

Deb Figart, Eastern Mich U; Judith I Fiene, U Tenn; Michelle Fine, CUNY; Deborah K. Fitzgerald, MIT; Maureen Fitzgerald, U Arizona; Maureen A. Flanagan, Mich State; Cornelia Butler Flora, Iowa State; Nancy Folbre, U Mass, Amherst; Joyce Clark Follet, U Wisconsin; Alice Fothergill, U Colorado; Ruth Frager, McMaster U; Nancy Fraser, Northwestern; Sharon Freedberg, CUNY; Estelle Freedman, Stanford; Sandra French, Indiana U SE; Judith Friedlander, New School; Andrea Friedman, U Cal, Santa Cruz; Debra Friedman, U Wash; Jennifer Frost, U Wisconsin; Fran Froelich, U Mass, Boston; Ann Rubio Froines, U Mass, Boston.

Rachel G. Fuchs, Arizona State; Marsha Garrison, Brooklyn Law; Sarah Gehlert, U Chicago; Joyce Gelb, CUNY; Jane Gerhard, Brown; Jill Gerson, CUNY; Judith Gerson, Rutgers; Kathleen Gerson, NYU; Nancy Gewirtz, Rhode Island College; Melissa R. Gilbert, Georgia State; Glenda E. Gilmore, Yale; Lori Ginzberg, Penn State; Marilyn Gittell, CUNY; Naomi Gitterman, Mercy; Gertrude S. Goldberg, Adelphi; Joanne Goodwin, U Nevada, Las Vegas; Linda Gordon, U Wisconsin; Deborah Gorham, Carleton; Janet Gornick, CUNY; Naomi Gottlieb, U Wash; Peggotty Graham, Open U, UK; Margaret Groarke, CUNY; Elna Green, Sweet Briar; Julie Greene, U Colorado; Maxine Greene, Columbia; Rosalind Greenstein; Carol Groneman, CUNY; Emma R. Gross, U Utah; Atina Grossman, Columbia; Angela Gugliotta, Notre Dame; Lorraine Gutierrez, U Wash; Madelyn Gutwirth, U Penn; Jacquelyn Hall, U Wisconsin; Margaret Hallock, U Oregon.

Evelynn M. Hammonds, MIT; Linda Shafer Hanbcock, U Oregon; Julia E. Hanigsberg, Columbia; Donna Hardina, Cal State Fresno; Ann Hartman, Smith/Fordham; Susan M. Hartmann, Ohio State; Nancy Hartsock, U Wash; Sally Haslanger, U Mich; Victoria Hattam, New School; Rosemary Haughton; Mary Hawkesworth, U Louisville; Pam Hayden, La Salle; Sue Headlee, American U; Alice Hearst, Smith; Lisa Heldke, Gustavus Adolphus; Julia Henly, U Colorado; Barbara Herman, UCLA; Helga Hernes, Oslo; Mary Jo Hetzel, Springfield College; Nancy A. Hewitt, Duke; Barbara Heyns, NYU; Elizabeth Higginbotham, U Memphis; Marianne Hirsch, Dartmouth; Joan Hoffman, CUNY; Emily P. Hoffman, Western Michigan U; June Hopkins; Nancy R. Hooyman, U Wash; Ruth Hubbard, Harvard; Nancy A. Humphreys, U Conn; Irene Hurst, U Cal; Cheryl Hyde, Boston U; Sandy Ingraham, U Oklahoma; Katherine Irwin, U Colorado.

Joan Iversen, SUNY; Jean E. Jackson, MIT; Lynn Jacobsson, Cal State Fresno; Leanne Jaffe, New School; Dolores Janiewski, Victoria U; Toby Jayaratne, U Mich; Marty Jessup, U Cal San Francisco; Carole Joffe, U Cal Davis; Harriette Johnson, U Conn; Katherine D. Johnson; Jacqueline Jones, Brandeis; Jill B. Jones, U Tenn Knoxville; Catheleen Jordan, U Texas, Arlington; June Jordan, U Cal Berkeley; Barbara H. R. Joseph, SUNY; Peggy Kahn, U Mich, Flint; Hilda Kahne, Brandeis; Nancy Kaiser, U Wisconsin; Sheila B. Kamerman, Columbia; Carol Kaplan, Fordham; Temma Kaplan, SUNY; Kathie Friedman Kasaba, U Wash, Tacoma.

Barbara Kasper, SUNY; Joyce Rothchild, Virginia Tec; Barbara Katz Rothman, CUNY; Lily Kay, MIT; Alice B. Kehoe, Marquette; Evelyn Fox Keller, MIT; Karol Kelley, Texas Tech; Mary Kelley, Dartmouth; Susan M. Kellogg, U Houston; Marie Kennedy, U Mass, Boston; Linda K. Kerber, U Iowa; Alice

Kessler-Harris, Rutgers; Cynthia Harrison; Mary C. King, Portland State; Eva Kittay, SUNY; Janet E. Kodras, Florida State; Rosa Perez-Koenig, Fordham; Judy Kopp, U Wash; Felicia Kornbluh, Princeton; Sherrie A. Kossoudji, U Mich; Minna J. Kotkin, Brooklyn Law; Nancy J. Krieger, Kaiser Foundation Research Inst; Joan Irene Krohn, New Mexico Highlands U; Sarah Kuhn, U Mass, Lowell; Charlotte Kunkel, U Colorado; Regina G. Kunzel, Williams College; Demie Kurz, U Penn; Angel Kwolek-Folland, U Kansas; Marie Laberge, U Wisconsin; Molly Ladd-Taylor, York.

Joan Laird, Smith; Susan Lambert, Chicago; Gaynol Langs; Jane Elizabeth Larsen, Northwestern; Magali Sarfatti Larson, Temple; Rebecca Lash, Woods Hole; Barbara Laslett, U Minn; Marcie Lazzari, Colorado State; Suzanne Leahy, U Colorado; Judith W. Leavitt, U Wisconsin; Judith Lee, U Conn; Mary P. Lefkarites, CUNY; Gerda Lerner, U Wisconsin; Margaret Anne Levi, U Wash; Rhonda F. Levine, Colgate; Ellen Lewin, Stanford; Edith A. Lewis, U Mich; Jinguay Liao, New School; Eloise Limger, New School; Shirley Lindenbaum, CUNY; Karen T. Litfin, U Wash; Margaret Little, U Manitoba; Sharon Long, Urban Institute; Judith Lorber, CUNY; Shirley A. Lord, Buffalo State College; Tracy Luff, Viterbo College; Melani McAlister, Brown; Megan McClintock, U Wash.

Martha McCluskey, Columbia; Elizabeth McCulloch; Eileen McDonogh, Northeastern; Katie McDonough, New Mexico Highlands U; Brenda McGowan, Columbia; Alisa McKay, Glasgow Caledonian U; Vonnie McLoyd, U Mich; Sharon McQuaide, Fordham; Barbara Machtinger, Bloomfield College; Colleen Mack-Canty, U Oregon; Esther I. Madriz, CUNY; Betty Reid Mandell, Bridgewater State; Jeanne Marecek, Swarthmore; Jane Mauldon, UC Berkeley; Lynne Marks, U Victoria; Sylvia Marotta, George Wash U; Julie Matthaei, Wellesley; Elaine Tyler May, U Minn; Margit Mayer, Free U Berlin; Anne Mayhew, U Tenn, Knoxville; Paula Hooper Mayhew, Marymount Manhattan; Mary Jo Maynes, U Minn; Margaret L. Mead, Tufts; Carol H. Meyer, Columbia; Marcia K. Meyers, Syracuse; Sonya A. Michel, U Illinois, Urbana-Champaign; Ruth Milkman, UCLA.

Dorothy C. Miller, Wichita State; Susan Miller, U Cal Davis; Leslie Miller-Bernal, Wells College; Linda G. Mills, UCLA; Jenny Minier, U Wisconsin; Gwendolyn Mink, U Cal Santa Cruz; Lorraine C. Minnite, CUNY; Beth Mintz, U Vermont; Joya Misra, U Georgia; Renee Monson, U Wisconsin; Suzanne Morton, McGill; Wynne Moskop, Saint Louis U; Elizabeth Mueller, New School; Ann Marie Mumm, Rhode Island School of Social Work; Robyn Muncy, U Maryland; Victoria Munoz, Wells College; June Nash, CUNY; Nancy Naples, U Cal Irvine; Marysa Navarro, Dartmouth; Anne Nelson, Woods Hole; Barbette Jo Neuberger, U Illinois, Chicago; Esther Newton, SUNY; Mae Ngai, Consortium for Worker Ed.

Sue Nissman, MIT; Jill Norgren, CUNY; Catherine O'Leary, New School; Clara Oleson, U Iowa; Stacey J. Oliker, U Wisconsin, Milwaukee; Paulette Olson, Wright State; Laura Oren, U Houston; Ann Orloff, U Wisconsin; Sherry Ortner, U Mich; Susan Ostrander, Tufts; Martha Ozawa, Wash U, St. Louis; Gul Ozyegin, Temple; Nell Painter, Princeton; Mary Brown Parlee, MIT; Eve Passerini, U Colorado; Carole Pateman, UCLA; Lisa Peattie, MIT; Rosa Maria Pegueros, U Rhode Island; Donna Penn, Brown; Ruth Perry, MIT; Rosalind Petchesky, CUNY; Jean Peterman, U Illinois, Chicago; Barbara Pine, U Conn; Frances Fox Piven, CUNY; Uta Poiger, Brown; Janet E. Poppendieck, CUNY; Christina Pratt, Dominican College; Arline Prigoff, Cal State Sacramento; Laura M. Purdy, Wells College.

Lara E. Putnam, U Mich; Karen Pyke, USC; Mary Ann Quaranta, Fordham; Rayna Rapp, New School; Sarah Raskin, Trinity; Leslie J. Reagan, U Illinois, Urbana-Champaign; Sherrill Redmon, Smith College; Ellen Reese, UCLA; Pat Reeve, U Mass, Boston; RoseAnn Renteria, U Colorado; Margery Resnick, MIT; Catherine K. Riessman, Boston U; Alice Robbin, CUNY; Betty D. Robinson, U Southern Maine; Jeanne B. Robinson, U Chicago; Pamela A. Roby, U Cal Santa Cruz; Anna Rockhill, U Mich; Ruth Roemer, UCLA; Beth Rose, Vanderbilt.

Nancy E. Rose, Cal State San Bernardino; Sonya O. Rose, U Mich; Ruth Rosen, U Cal Davis; Beth Spenciner Rosenthal, CUNY; Joyce Rothschild, Virginia Polytechnic Institute; Hiasaura Rubenstein, U Tenn; Sara L. Ruddick, New School; Lois Rudnick, U Mass, Boston; Leila J. Rupp, The Ohio State; Mary P. Ryan, UC Berkeley; St. Ann Convent, East Harlem; Barbara J. Sabol; Susan Sandman, Wells College; Rosemary C. Sarri, U Mich; Wendy Sarvasy, UC Berkeley; Saskia Sassen, Columbia; Gwen Sayler, Wartburg Theological Seminary; Jane Sharp, Kings College, London; Eunice Shatz, U Tenn, Knoxville; Marilyn M. Schaub, Duquesne.

Elizabeth M. Schneider, Brooklyn Law; Brooke G. Schoepf, Woods Hole; Juliet Schor, Harvard; Barbara Schulman, Clark; Leslie Schwalm, U Iowa; Dorie Seavey, Wellesley; Gay Seidman, U Wisconsin; Carole Shammas, U Cal Riverside; Karen Sharma, New School; Kristin A. Sheradin, U Rochester; Mary T. Sheerin, Union Institute; Jessica Shubon, Brown; Barbara Sicherman, Trinity; Ruth Sidel, CUNY; Deborah Siegel, Rhode Island College; Helene Silverberg, U Cal Santa Barbara; Louise Simmons, U Conn; Barbara Levy Simon, Columbia; Andrea Y. Simpson, U Wash; Beverly R. Singer, Columbia; Louise Skolnick, Adelphi; Carol Smith CUNY; Judith E. Smith, U Mass, Boston; Susan L. Smith, U Alberta; Ann Snitow, New School; Sue Sohng, U Wash; Renee Solomon, Columbia; Rickie Solinger; Roberta Spalter-Roth, American U; Jane M. Spinak, Columbia; Judith Stacey, U Cal Davis; Barbara Stark, U Tenn, Knoxville; Rose Starr, CUNY.

Anne A. Statham, U Wisconsin, Parkside; Catherine A. Steele, Syracuse; Judith Stein, CUNY; Ronnie Steinberg, Temple; Vicky Steinitz, U Mass, Boston; Susan Sterett, U Denver; Joyce West Stevens, Boston U; Mary H. Stevenson, U Mass, Boston; Landon R.Y. Storrs, U Wisconsin; Diana L. Strassmann, Rice; Philippa Strum, CUNY; Jennifer Stucker, Eastern Wash U; Amy Swerdlow, Sarah Lawrence; Meredith Tax, PEN; Shelly Tenenbaum, Clark; Nancy M. Theriot, U Louisville; Margaret Susan Thompson, Syracuse; Sharon M. Thompson; Barrie Thorne, USC; Carolyn Tice, Ohio U; Kip Tierman, U Mass, Boston; Roberta Till-Retz, U Iowa; Shirley Tillotson, Dalhousie U; Louise A. Tilly, New School; Susan Traverso, U Wisconsin; Joan Tronto, CUNY; Louise Trubek, U Wisconsin; Sandra G. Turner, Fordham; Adrienne Valdez, U Hawaii, Manoa; Deborah M. Valenze, Barnard.

Dorothy Van Soest, Cahtolic U; Heidi Vickery, New School; Kamala Visweswaran, New School; Lise Vogel, Denison; Nancy R. Vosler, Wash U. St. Louis; Maureen Waller, Princeton; Elaine M. Walsh, CUNY; Joanna K. Weinberg, U Cal San Francisco; Helen Weingarten, U Mich; Marsha Weinraub, Temple; Nancy Weiss, Syracuse; Beth Weitzman, NYU; Dorothy E. Weitzman, Boston College; Carolyn Crosby Wells, Marquette; Janice Wood Wetzel, Adelphi; Marianne H. Whatley, U Wisconsin; Lora Wildenthal, Pitzer; Lucy A. Williams, Northeastern; Rhonda M. Williams, U Maryland; Ann Withorn, U Mass, Boston; Eleanor Wittrup, U Mass, Lowell; L. Mun Wong, CUNY; Nancy A. Worcester, U Wisconsin; Susan M. Yohn, Hofstra; Marilyn Young, NYU; June Zaccone, Hofstra; Mary K. Zimmerman, U Kansas; Paz Mendez-Bonita Zorita, Arizona State; Yvonne Zylan, NYU

Mr. WELLSTONE. Mr. President, one day in the life of American children, three children die from child abuse—this is the Children's Defense Fund report last year—nine murdered.

One day in the life of American children, 13 children die from guns; 27 children—a classroomful—die from poverty; 30 children are wounded by guns.

One day in the life of American children, 63 babies die before they are 1 month old.

One day in the life of American children, 101 babies die before their first birthday; 145 babies are born at very low birth weight; 202 children are arrested for drug offenses; 307 children are arrested for crimes of violence; 340 children are arrested for drinking or drunken driving; 636 babies are born to women who had late or no prenatal care.

One day in the life of American children, 801 babies are born at low birth weight; 1,234 children run away from home.

One day in the life of American children, 2,868 children are born into poverty.

One day in the life of American children, 7,945 children are reported abused or neglected.

One day in the life of American children, 100,000 children are homeless.

Mr. President, we had a rather amazing statement made by one of our colleagues in the House of Representatives that the reason there would be no precise figures on precise cuts before a balanced budget amendment is that Representatives and Senators, therefore, would not vote for that amendment. There is a reason for that.

By the most conservative Congressional Budget Office estimate, if you put Social Security in parentheses, if you do not cut the Pentagon, and if you have to pay the interest on the debt in order to get to where we are supposed to get to by the year 2002, we have to cut $1.2 trillion.

I say conservative estimate, because we are now in a bidding war to raise the military budget, the Pentagon budget, to the tune of maybe $50 billion over the next 5 years, and we are in a bidding war for more and more tax cuts. That is revenue lost. That just leaves certain areas of the budget where we can make the cuts. The arithmetic of this is very clear and it is very compelling.

I do not present today on the floor of the Senate a sophisticated econometric model. There are all sorts of different variables to consider. But I will tell you this: On present course—and we must change that course—when you look at outlays 2002, in terms of where we are heading, and then you subtract Social Security, which will not be cut, you subtract the Pentagon budget with

a given percentage of the overall budget, and you subtract interest on the debt and you look at a projected $319 billion deficit reduction target, that $319 billion is about one-third of what you have left to cut from.

So, Mr. President, we could be talking about, roughly speaking, 32-percent cuts. Maybe we will not have a 32-percent cut in veterans programs. Maybe we will not have a 32-percent cut in Medicare. In Minnesota, that would mean a cut of $1 billion just in my State alone in Medicare. Maybe it will be more in child nutrition programs. Maybe it will be more in other children's programs.

I know that in Minnesota alone, by 2002 on present course, we can see $145 million taken out of the following essential food assistance programs. This is not precise, but this is the direction we are going in: Food stamps, aid to women, infants, and children, and nutrition programs for the elderly, and the School Lunch Program.

I said it before and I am going to say it again. A Food Research and Action Council 1991 report, 5.5 million children under 12 years of age are hungry in the United States of America. U.S. Council of Mayors' status report on Hunger and Homelessness in American Cities 1994 estimates 26 percent that were homeless. The increase of the population, 26 percent, I believe, of the homeless population were children. National Academy of Sciences, 100,000 children are homeless each day in our country.

Mr. President, if we continue on the present course and say we are not going to cut the military contractors; no, we do not want to do that; they have a lot of power. Heaven forbid that we do anything about oil company subsidies or coal or gas or all sorts of other subsidies. Heaven forbid that as we think about how to contain health care costs, insurance companies and pharmaceutical companies are part of the sacrifice. All that is off the table.

Willie Sutton was asked, Why did you go rob the banks? He said, That's where the money was. In this Contract With America, we are going to make cuts that affect the most vulnerable among the citizens in our country, and they are children because they do not make the large contributions, they do not lobby every day, and they do not have the political power of some of these other interests.

Mr. President, again, today in Minnesota, 100 to 150 citizens, many of them children, at a press conference, a number of the organizations, Children's Defense Fund and others that have worked with children and have such credibility for their work, were making predictions on where we are going to be in 2002 with this Contract With America as it is implemented: 29,150 babies, preschoolers and pregnant women would lose infant formula and other WIC nutrition supplements; 31,000—actually, I think it is 51,500—children would lose food stamps; 154,600 children would lose free or subsidized school lunch programs.

Mr. President, I suggest that every Senator take a look at his or her State and ask the question: What exactly is going to happen here? If we are going to cut these programs that affect children in the country, either it becomes a shell game and our States then have to pick up the cost through a sales tax or a property tax, or the food shelves go bare, we see a rise in hunger, we see a rise in homelessness, and we see a rise in poverty among children in this country.

I said it once and I am going to say it again tonight before this vote: I come from a State, as the Senator from Iowa, Senator HARKIN said, with a rich tradition of care and commitment for and to children. Senator Hubert Humphrey personified that better than any other Senator could.

Senator Humphrey said the test of government and society is how we treat people in the dawn of life, and he meant the children; and in the twilight of life, and he meant the elderly; and in the shadow of their life, and he meant people struggling with an illness or struggling with a disability or those that were poor.

Unfortunately, Mr. President, one out of every four children in America are poor; one out of every two children of color are born into poverty today.

Mr. President, I heard the majority leader say two things, one with which I agree and one with which I am in profound disagreement. The first thing he said was that he has a history of concern and a history of commitment when it comes to nutritional programs and children in America, and he is absolutely correct. For that I pay him my greatest respect.

But, Mr. President, the second point that the majority leader made was that somehow the timing is not right, this is not the right time.

Now, I am not today going to do an analysis of the number of amendments that have been brought to the floor on different bills which may or may not have been a part of those bills by some sort of test of germaneness or relevancy. Believe me you, there have been many brought to this floor, and certainly by now the current majority party.

That is not my point. My point is that Senators bring amendments to the floor, just so that people who are watching this debate are clear, because of timing. If you think an amendment is important and you think that the timing of it is critical, that is when you do it.

Now, before we rush headlong into legislation that is going to hurt children in this country, why is the time not right for the Senate to go on record that it is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless? Why is not the time right for the Senate to go on record that with our committees, when we report bills out, there will be reports accompanying those bills which will spell out the impact of that legislation on children in America?

Tomorrow and the next day the timing is not right, the majority leader says. Tomorrow, and the next day, and the next day, and I am not sure how many days afterwards we are going to be talking about unfunded mandates and we are going to be talking about precisely this; that when legislation comes out of committee there will be a cost-benefit analysis, et cetera, et cetera, et cetera.

Mr. President, if we can say that we ought to do an impact analysis of legislation on State governments and county governments and city governments and corporations or small businesses, can we not today at the beginning of the session before we get into this agenda and start passing legislation, especially legislation that is going to hurt children, pass a piece of legislation in the form of this amendment that says no, we are not going to do anything, we are not going to do anything that will increase the number of children who are hungry or homeless?

Has it come to the point that the Senate is unwilling to go on record saying that? Is it not timely for us to say that today? I say to my colleagues in a nice way, I am sure that you listen to all your constituents. And since I am sure you do, you must realize that there are many people in this country who believe that we are about to go through some cuts that are going to hurt those citizens who are the most vulnerable in this country.

Now, I have had colleagues disagree with me, and they have said you are sounding an alarm but not based upon any serious problem. Mr. President, all you have to do, for those who have said no, we are not going to do that, I would say why then do you not support this amendment?

Mr. President, I have to say to the majority leader and my colleagues, I cannot believe that you are trying to make the argument that the timing is not right for this. Why is it not time for the Senate to make it clear we are not going to enact or adopt any legislation that will increase the number of children who are hungry or homeless? Why is it not time for us to make a commitment to children and make it clear that we will have a child impact statement which goes with legislation reported out of committee as to how that legislation will affect children?

I say to my colleagues that if you vote against this today, you certainly are sending a message loud and clear. And what you are saying to people around this country is, yes, you all have reason to be fearful and you have reason to worry and you have reason for some indignation that we are about to make some cuts that are going to hurt the most vulnerable citizens in the United States of America, children, because we are unwilling to go on record otherwise.

What do you mean the timing is not right today? When is the timing going

to be right? When is the timing going to be right? And I say to my colleagues, yes—I say this to the Senator from Iowa, because I so appreciate his grassroots approach to politics—populism is alive in America. People are in an anti-status-quo mood, and people voted for change.

But, Mr. President and my colleagues, there is a tremendous amount of goodness in the United States of America. People did not vote to cut nutrition programs for children. People did not vote for legislation that could increase the number of children who are hungry or the number of children who are homeless.

I say to my colleagues, if you do not think there is some compassion in this Nation, and you do not think there is some sense of fairness in this Nation, and you do not think there is some sense of justice in this Nation, then you are profoundly wrong.

I hope the majority leader does not come out here and move to table this amendment, which is all about congressional accountability. I want the Senate to go on record and be accountable that we will not enact or adopt any legislation that will increase the number of children who are hungry or homeless. But if the majority leader should come out and move to table, and we have a straight party-line vote, I sort of wonder when some of my colleagues—I know I have in the past not necessarily voted with leadership—are going to sort of vote exactly what they believe. I cannot believe there is not anybody on the majority side of the aisle who does not support this amendment on its merits.

But if it is voted down, then, Mr. President, I wish to say to my colleagues tonight I will bring this amendment up in the Senate over and over again. It will be up on the unfunded mandates bill and it will be up on every piece of legislation, because I am going to hold my colleagues accountable on this.

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

The PRESIDING OFFICER. Who seeks recognition? The minority manager of the bill.

Mr. GLENN. Mr. President, I rise to support the amendment of the distinguished Senator from Minnesota. I compliment him for bringing this up.

If people just look at the wording in this bill, it is not some wild-eyed thing. It is not something that requires us to do a great deal more work than we are otherwise going to have to do.

Let me read what the sense of the Congress is.

It is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Now, I cannot conceivably think that any Senator would take just the opposite view and say that it is the sense of the Congress that we should adopt legislation that would increase the number of children who are hungry or homeless, and it would be ludicrous to think anybody would do that. So why something of this nature could not be supported I do not know. We would not even consider the opposite and say we will adopt legislation that will increase the hungry or homeless. All this says is that Congress has to be careful and not do something inadvertently that will increase the number of children who are hungry or homeless.

Now, the second part of it:

Section 2. Accountability. Duties of Congressional committees.

Pretty simple really.

A report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives shall contain a detailed analysis of the probable impact of the bill or resolution on children, including the impact on the number of children who are hungry or homeless.

Now, I would say that with probably 90 percent or more of the legislation that goes through here, that requirement will mean practically no work at all for the committee. If you are on the Energy Committee or whatever other committee, it is going to be pretty simple to say no, there is no direct impact on hungry or homeless children.

But if, for those committees that deal with things where there is an impact, then at that time it would seem to me that we had better be looking at it, because we certainly do not want to add to the problems we already have with the number of children who are hungry or homeless. The rest is simple. It says that you cannot consider a bill, the same thing for the House, and so on, and the rest is very simple.

I think it would be difficult to vote against something that just says we will not adopt legislation that will increase the number of children who are hungry or homeless. I do not see this as adding a big burden to our committee activity around here at all. There will be very few committees. Where some legislation is passed, it would definitely have a negative impact on the number of children who are hungry or homeless.

So I urge my colleagues to support the Senator from Minnesota, and I am glad to support him on this.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I do not know quite what this amendment does. Well, it does not do anything; that is what it does. I have been a member of the Nutrition Committee for years. I worked with Senator McGovern from South Dakota. We repealed the requirements of the food stamp law that require people to put up money, and things of that kind. It may have been a mistake. We thought we were doing the right thing. We worked a lot on the nutrition and school lunch programs and WIC programs. I do not know that we can pass laws here that say—I do not know who will count these people every day, or every week, or every month. We do not know, if the law is passed, what the economy is going to be. This all ought to be discussed when we have the budget before us.

We are talking about dollars here, because there is no way we are going to be able to tell, if the law passes, whether somebody would be hungry in America or one more might be hungry. That is the import of this, even though it is a sense-of-the-Senate resolution. It is not binding.

We are trying to cover Congress here with all the laws we inflict on everybody else in America. We have had a dozen amendments that have nothing to do with that at all. The American people want us to be an example, not part of the problem. We will be an example if we cover ourselves with laws that we inflict on small businessmen and women in Minnesota, Iowa, Ohio, Kansas, Vermont, Pennsylvania, or wherever it may be.

The House did this in 20 minutes, as I said. This is our 4th day on this bill because of all of these extraneous amendments. I understand that this is an opportunity to offer a lot of amendments and make the Republicans look heartless and cold, and all this. This is not going to work. The American people want us to cover ourselves. Every day we wait is another day it is not going to happen. I will be just, I hope, as diligent as the Senator from Minnesota when it comes to children's programs or nutrition programs. For that reason, I will move to table the amendment.

We want to finish this bill quickly. We have agreed that at 6:15, we could either vote up or down or on a motion in relation to the amendment.

Mr. President, I move to table the amendment, 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 are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—56

Abraham	Frist	Lieberman
Ashcroft	Gorton	Lott
Bennett	Gramm	Lugar
Bond	Grams	Mack
Brown	Grassley	McCain
Burns	Gregg	McConnell
Chafee	Hatch	Murkowski
Coats	Hatfield	Nickles
Cochran	Helms	Packwood
Cohen	Hollings	Pressler
Coverdell	Hutchison	Roth
Craig	Inhofe	Santorum
D'Amato	Jeffords	Shelby
DeWine	Kassebaum	Simpson
Dole	Kempthorne	Smith
Domenici	Kerrey	Snowe
Faircloth	Kyl	

Specter	Thomas	Thurmond
Stevens	Thompson	Warner

NAYS—43

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

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 14) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SPECTER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I rise today to express my strong support for the Congressional Accountability Act. This legislation is very much needed and I would like to commend Senator GRASSLEY and the many others who have played a role in developing S. 2, for all the work they have done in assembling this bipartisan measure. I believe the support this bill has from both sides of the aisle is a testament to their work and to the desire of the American people to have the Congress live by the laws it creates.

I have long stated my belief that a government which governs best is closest to the people. Conversely, a government which begins to drift, and separate itself from those for whom it works is likely to forget the needs and wants of its citizens. For far too long we have seen the Congress drift in such a direction. S. 2 will help correct this situation and put us back on course.

Last spring, I joined several of my colleagues in Russia where we met with our legislative counterparts in the fledgling democracy. Do you know what two of the most prized documents in Russia are today? It is copies of the Constitution of the United States and the Federalist Papers.

In Federalist 57, James Madison—the father of our Constitution—warned that if the American people ''tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty.'' In essence, he was saying if the time comes when the people accept a legislature which does not live by the laws it passes, the people will have lost their freedom. The idea that the government shall not have rules which distinguishes it from the people, is the critical connection between the rulers and the ruled, and establishes a communion of understanding and sympathy.

Well, Mr. President, is it any wonder why public opinion ratings of Congress are significantly low? The general public doesn't feel Congress is in touch with the issues which impact their daily lives. In living outside the limits of the same workplace laws it imposes on others, the Congress has lost touch.

Whenever I visit with Idaho business owners and operators, their frustrations with Federal workplace regulations quickly enter into the conversation. In fact, one of my first acts as a Member of this body was to help a small company in Boise which had been fined due to the overzealous and misguided application of Occupational Safety and Health Administration regulations. I saw first-hand the problems small businesses face in trying to meet the demands of the Federal bureaucracy. I also came to better understand the frustration these same businessmen and women feel when they find Congress has conveniently exempted itself from those same rules.

The Congressional Accountability Act will correct this. By providing congressional employees—approximately 39,000 of whom will be impacted by the legislation—with the same protections which exist in the private sector, Congress no longer will be allowed to set the rules for others without setting them for themselves as well. This will place us squarely on track to follow the form of government intended by the Founding Fathers and which later generations fought so hard to preserve. This is the first step toward once again giving us a government which is ''of the people, by the people, and for the people'' rather than one which is over the people, at the people, and in spite of the people.

Some would argue that the estimated annual cost of the bill of between $4 and $5 million is reason enough to oppose this legislation. Yes, the additional cost of complying with the laws included in S. 2 is something we should keep in mind, but it is also something which should have been kept in mind when these laws were originally passed for the private sector. Either the expense of a law is too high for the public or private sector to justify enactment or it is not. We cannot, in good conscience, claim workplace laws are too expensive for the Congress while at the same time claiming they are sufficiently affordable for the Nation's business owners and entrepreneurs. It is my hope enactment of S. 2 will serve as an impetus for Members of Congress, in their own self-interest, to thoroughly examine the ramifications of any legislation we consider prior to passing it. In so doing, we will also gain a better understanding of what we are asking of others.

Mr. President, we have before us an opportunity to show the people we serve just how serious we are about reforming Congress. In passing the Congressional Accountability Act we will take solid action to show the American people that we are a part of the Nation, not a separate entity which is above the law. We can, in one easy step, take a significant stride toward restoring public confidence in the legislative branch, opening the door to a more responsive and attentive government in the future.

Mr. DOMENICI. Mr. President, this past year, I created a Small Business Advocacy Council in New Mexico. Its purpose was to advise me about the problems of small businesses and how, together, we might be able to resolve some of their critical concerns.

This council held seven meetings in six locations throughout the State of New Mexico, with more than 400 small businesses participating. They vented their concerns, and most of their issues centered on what appeared to them to be: First, an adversarial relationship between the Federal Government and business; and second, the lack of accountability of regulatory agencies and their work with business.

Underlying these two categories of problems, however, is the basic issue that we, in Congress, simply do not understand what is passed on to them in the way of laws and regulations.

To the people in my State of New Mexico, it appears that Congress—no matter how well-intentioned—simply passes the laws and exempts itself from their application. The public certainly has had a right to ask us: Why? If these laws are important, if they provide protections for an employee, if they provide benefits for an employee, why doesn't Congress think they are equally important and applicable to itself and to its employees?

Like any unfunded mandate, Congress passes along to others the responsibility of implementing the law; and, if the law is ignored or disobeyed, to pay the penalty.

These rules, regulations, and laws are good enough for everyone else, but it appears that Congress, itself, is too good for them.

The businesses in my State complain about the inefficiency, the loss of productivity, and the loss of revenue when they must implement hundreds of laws and regulations. They rightfully argue that if we subjected ourselves to the same requirements, we might understand more fully the implications of these mandates.

They are correct. When we pass a law to extend family and medical leave, for example, it is not just about an employee's absence and redistributing the workload, it is also about creation of a specific and precise set of office bookkeeping programs and procedures.

This does not mean that a sick leave policy is a superfluous one. However, few of us recognize the underlying management issues that must be instituted—that it takes people to manage these systems and that it takes funds to do so. We never think about it because we do not have to worry about implementing the laws or paying a penalty if we fail to act.

Now, with passage of this bill, we are going to have an opportunity to assess the secondary effects of these laws. We,

too, will be subject to the Age Discrimination in Employment Act, the Federal Labor Management Relations Act, the Worker Adjustment and Retraining Notification Act, and many others.

We will now better understand what many of our constituents have been complaining about—not the basic social good of these laws—but, rather, what it takes to carry them out and the resulting impacts on productivity, time, and costs. I suggest we may find that we have been imposing laws that are often inconvenient, impractical, and costly. Most important, we will recognize that the ability to carry on our work with creativity and flexibility will be sorely tested, if not severely inhibited.

We are going to be able to determine for ourselves if there are ways to bring about equitable conditions in the workplace while ensuring we do not impose unrealistic reporting responsibilities or inefficient methods of management. We will find out that we have been very fortunate, indeed, to occasionally sweep problems under the rug because we know there will be no enforcement of any penalty to pay for noncompliance. And, we will now understand the complaint that ''form over substance'' often becomes a priority for getting the job done.

Like many other conditions in life, we have to first look at our own house before we make demands on others. This bill will now make that oversight much more understandable, and, frankly, more equitable. I believe that we will have more empathy for those who have extended their legitimate complaints to us. And, I believe that we will now have the opportunity to reassess whether we can make reasonable changes that serve the interests of the workplace and its employees while lessening the costs and day-to-day burdens on the employer.

This measure is an important one. For many years the American public has asked us to ''do unto ourselves what we do unto others.'' Its time has come, and I am pleased to support this bill wholeheartedly.

Mrs. BOXER. Mr. President, I rise to express my strong support for the Congressional Accountability Act, which I am proud to cosponsor. This bill is about a simple principle: What is good enough for the American people ought to be good enough for Congress. There should be no double standard for elected officials in Washington.

The Congressional Accountability Act will begin to bring Congress under the jurisdiction of the laws it passes. Some of my colleagues who support this bill say that living under the laws we pass will discourage us from passing more laws because we will see how horrible they really are. I disagree with that view 100 percent.

I support the Congressional Accountability Act because I want my employees to enjoy the full protection of the laws of the United States of America. Among other laws, this bill will make Congress subject to the Fair Labor Standards Act, which sets minimum wages and work standards for our employees. This bill brings Congress under the jurisdiction of the Occupational Safety and Health Act, which guarantees that our employees will not labor in unsafe conditions. It brings Congress under the jurisdiction of the Civil Rights Acts, so our employees will have protection from job discrimination on the basis of race, religion, and sex, and it will give them legal protection from sexual harassment.

This bill brings Congress under these laws and several others, including the Family and Medical Leave Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Rehabilitation Act.

Mr. President, congressional employees deserve better than to take their complaints of sexual harassment to congressionally-established bureaucracies. They deserve the right to press their complaints to the district court. This bill will give them that right.

Mr. President, the laws covered in this bill are good laws and I am glad that my employees will enjoy their full protection. When we pass this bill, Congress will no longer be the last plantation. We will no longer live by a different set of rules than the rest of the country.

While I support this bill strongly and will vote for its passage, I wish to take this opportunity to state my disappointment that several important reform measures were tabled by the Republican majority. In the past week, initiatives to restrict gifts to Members of Congress and to limit lobbyists' contributions to Federal candidates were defeated largely along party-line votes. Amendments to limit the personal use of campaign funds and to end the McCarthy-esque practice of subjecting congressional employees to political litmus tests also were defeated by our friends across the aisle. Each of these amendments would have strengthened this bill, and I am very disappointed they were dismissed so easily.

Despite this reservation, I am pleased that we are finally acting on congressional accountability legislation. Last year, when this bill was stalled by endless debate, I said:

> The American people are demanding that Congress change the way it does business. They want reform now—not next session or next year. So let's move this bill forward and vote on it before the end of the year.

In my view, Mr. President, we are a few months late in acting on this important legislation, but there remains an urgent need to pass it. I urge my colleagues to respond to the American people's demands for change by passing this important bill.

Mr. CONRAD. Mr. President, today I rise to voice my support for legislation that takes one more small step in reforming Congress. While words such as ''accountability,'' ''responsibility,'' and ''restoration'' are used to describe almost every legislative proposal, S. 2 offers us the real opportunity to restore accountability.

As you know, Mr. President, S. 2 will apply labor, civil rights, and workplace laws to Congress. I strongly believe that Congress should follow the laws it writes. Congressional coverage is a necessity. Congress is not above the laws that it passes for the rest of the Nation.

Mr. President, this is not the first time congressional coverage legislation has been proposed. In the 103d Congress, I supported S. 2071, which was sponsored by Senators LIEBERMAN and GRASSLEY. Unfortunately, the bill was blocked from floor consideration. In fact I have voted for similar congressional coverage on other occasions as well. In 1990 and 1992, during consideration of civil rights legislation, I supported extending many of these laws to Congress.

I am deeply disappointed, however, that the amendment regarding gifts to Members of Congress was defeated in a partisan vote. The gift amendment was designed to treat Congress like the executive branch of government; to remove any suspicion that Members of Congress are receiving special favors for legislative activities. That reform amendment would have truly made Congress more accountable to the public. Many say that the November election was about a revolution and that the public has demanded that Congress change the way it does business. We had an opportunity to make such an important change, and I believe we let the public down. I hope we will revisit this issue again this year, and that we will find the courage to adopt real gift reform legislation.

I urge my colleagues to support S. 2, and any amendments that will strengthen S. 2 to make it even more true to the concept of accountability. Mr. President, I yield the floor.

Mr. KYL. Mr. President, I rise in support of S. 2, the Congressional Accountability Act, which will require Congress to live by the same laws and regulations under which it requires businesses and individuals in the private sector to operate.

S. 2 is the first in a series of bills the Republican-led 104th Congress will take up to respond to the mandate the citizens of this country sent to Congress last November. That mandate calls for Congress to take action to make this institution more accountable to the people and to produce a smaller, less intrusive, and more efficient government.

Step one of this important mandate is S. 2, a bill to apply all the major labor, safety, and antidiscrimination laws to Congress. Making Congress live under the same laws it imposes on private sector businesses is simply a matter of fairness. Congress has exempted itself from these laws for over 50 years, but today, under new congressional leadership, this institution will no

longer apply one very different standard to itself and one to business and individuals.

Congressional employees will now have the same legal protections as employees in the private sector. Currently, congressional employees cannot bring suit in Federal district court. But, with passage of the Congressional Accountability Act congressional workers for the first time may bring a private action in Federal district court against Congress. Currently, House staff members have no rights of judicial review and Senate staffers can, after a lengthy internal process, take to the Federal circuit court of appeals complaints about decisions made by the Chamber's internal Office of Fair Employment Practices.

As I traveled the State over the past year, from Yuma to Flagstaff to Cottonwood, the subject of congressional accountability evoked strong reactions from the citizens of Arizona. Their message was clear: Congress currently operates above the very laws it imposes on the people and that must change. Arizonans want their congressional Representatives and Senators accountable. They not only want, they demand passage of the Congressional Accountability Act.

Grassroots support for congressional accountability certainly evolved, to some degree, out of a desire for fair treatment of the over 23,000 workers on the congressional payroll. But, by and large, what I have heard from small business owners and, yes, workers across Arizona is that Congress passes well-intentioned safety, labor, et cetera laws but they are often unrealistic and irrational. Business owners and workers believe Congress should feel the burden of these laws and regulations just as businesses across America feel the burden.

It is these regulations and laws that get in the way of business owners and workers carrying out their respective purposes and earning an honest living. For example, Occupational Safety and Health Administration [OSHA] regulations require businesses to post employee injuries. A company faces a fine if a list is not posted, even if there have been no injuries. Businesses are also often required to fill out safety data sheets, which show how a company will handle various hazardous materials, for such simple substances as dishwashing liquid or even chalk. It is for violating these regulations that small businesses often face hefty fines from OSHA. Since Congress passed these laws and regulations, however, it should be subject to their implementation—to, for example, random OSHA site inspections that often result in unnecessary fines and burdensome paperwork. The Congressional Accountability Act will force Congress to adhere to the same regulations and pay the same fines, however unwise, as every other private business in America. Again, that is what is fair. And, that is what will give Members and Senators a better practical understanding of the laws and regulations it passes—in the end, I believe, it is this forced compliance and practical understanding of our Nation's civil rights, labor and safety laws that will result in the repeal or modification of the ones that are burdensome, ill-drafted, or unnecessary to ensuring the safety and labor rights of our Nation's workers.

As John Motley of the National Federation of Independent Businesses stated so well in a recent letter to me

> When Congress exempts itself from burdensome laws, it sets itself above the people it governs. A small business owner who fails to comply with these laws must face the full weight of the Federal Government. Congress will only understand the effect of the laws they impose on America's entrepreneurs and job creators if they are required to live under the very same laws.

Under S. 2, the 11 major safety and labor laws that are either completely or partially inapplicable now will apply to Congress. Those 11 laws are the Federal Labor Standards Act of 1964, and VII of the Civil Rights Act of 1964, the Americans With Disabilities Act, the Family and Medical Leave Act of 1993, OSHA, the Federal Service Labor Management Relations Act, the Employee Protection Act, the Worker Adjustment and Retraining Notification Act and the Veterans Reemployment Act.

Congressional coverage will not be limited to those 11 laws. Under S. 2, all future legislation must include a report to describe how it applies to Congress or to describe why it does not. Consideration of a bill on the House or Senate floor would not be permitted if the bill report lacked such a statement. When the Congress knows that it must adhere to the provisions of whatever future legislation it passes, it will more likely pass legislation respecting the rights of individuals and businesses.

Mr. President, the Congressional Accountability Act will not only make the U.S. Congress a better employer, it will show the American people that we understand the unfairness of existing congressional exemptions. The old saying, ''Do as I say, not as I do,'' will no longer apply to this institution because Congress will be living according to the same laws as others.

Passage of this bill completes an important first step up the ladder of change the American people have demanded. I am pleased to be a part of a national commitment to fundamentally changing the way business is conducted here in Washington, DC, and I urge my colleagues, without delay, to pass S. 2.

EXECUTIVE SESSION

NOMINATION OF ROBERT E. RUBIN, OF NEW YORK, TO BE SECRETARY OF THE TREASURY

Mr. PACKWOOD. Mr. President, I ask unanimous consent to go into executive session to consider the nomination of Mr. Robert E. Rubin to be Secretary of the Treasury.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Robert E. Rubin of New York to be Secretary of the Treasury.

Mr. PACKWOOD. Mr. President, I believe we are ready to vote.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I have known Bob Rubin for many years. He is a man of honesty and integrity who is certainly qualified to be Treasury Secretary.

Mr. Rubin has an excellent background as a lawyer, an investment banker, and most recently as the assistant to the President for economic policy.

His reputation on Wall Street, and more recently here in Washington, DC portrays a man who is not only hard-working and capable—but an effective consensus builder.

As we heard this morning in the Senate Finance Committee hearing, Bob Rubin is rare in that he has shown humility, and his self-effacing attitude toward getting things done has earned the respect of many of us on Capitol Hill.

If his frank and candid performance at the Senate Finance Committee is any indication of how he will serve as the Secretary of the Treasury, I believe that the U.S. Congress will have a Secretary who is not only capable, but will listen to us and engage in dialog that will be honest and fair.

I urge my colleagues to vote in favor of this nomination.

Mr. SIMPSON. Mr. President, I ask my colleagues to join me in wholeheartedly supporting Robert E. Rubin for the position of Secretary of the Treasury. I have no doubt but that Bob will serve our country with a steadiness and honor similar to that evidenced by my old friend, and our former Senate colleague, outgoing Secretary Lloyd Bentsen.

I believe that Mr. Rubin has a full understanding and appreciation of the critical link between spiraling entitlement spending and the challenge of deficit reduction. I also believe that he shares my opinion that all tinkering at the margin of deficit reduction, such as eliminating Federal spending for a tsetse fly program, or Lawrence Welk's boyhood home, or even foreign aid, or eliminating ''Waste, Fraud and Abuse,'' will do little to slow future deficit growth so long as entitlement spending remains unreformed.

This morning during Mr. Rubin's testimony before the Finance Committee, he assured the committee that deficit reduction was on the administration's

list of priorities, although not its top priority. One reason he gave for this ordering of priorities was that annual deficits were poised to shrink in the short term. That is true, but this is only because of a temporary lull in the growth of the number of retired Americans, a trend which will reverse at the end of this decade and set deficits soaring again. I urge Mr. Rubin and the administration to thoughtfully review that priority list and reconsider placing deficit reduction at the very top. If we postpone our commitment to deficit-reduction, the choices facing us later will be grievous.

I have spoken with Mr. Rubin about my commitment to deficit reduction and entitlement reform, and he has responded by citing anew the administration's commitment to health care reform. I was pleased that he made clear that it would be unrealistic to expect that a huge new entitlement such as was presented in last year's Health Security Act would pass this Congress. We agreed that incremental reform was a far more realistic goal, and he spoke first about the necessity of cost containment in any health care reform package. I was pleased by that. Too often health care reform pitches are given in terms of what wonderful promises the Government is going to make in the area of expanded coverage, as opposed to the tough choices which must be made to reduce cost growth. Mr. Rubin focused first on cost containment in his comments to me, and I took favorable notice of that emphasis.

Mr. Rubin's credentials are well known to the Finance Committee and to the Senate, and there is no significant opposition that I know of to his nomination, aimed either at his qualifications or his temperament. He is clearly an outstanding choice and I commend the Senate for approving his nomination.

Mr. MOYHIHAN. Mr. President, as ranking member of the Committee on Finance, I join my distinguished colleague, the newly installed chairman of that committee, in recommending in the strongest terms that the Senate vote to confirm the nomination of Robert E. Rubin as Secretary of the Treasury. The Committee on Finance reported out his nomination earlier today, with a favorable recommendation.

As Assistant to the President for Economic Policy and head of the National Economic Council, Mr. Rubin was one of the principal architects of the administration plan, enacted in 1993, to get our Nation's fiscal house in order. As a result, we have witnessed 3 straight years of declining deficits—the first time that has happened since the administration of Harry S. Truman. The deficit for the 1994 fiscal year, which ended last September 30, is $100 billion lower than it would have been without the 1993 deficit reduction legislation; that is, the deficit had been projected to be over $300 billion; with the 1993 act changes, it has been reduced to $203 billion.

This serious, indeed historic, undertaking to reduce the deficit has had its rewards. Enactment of the 1993 deficit reduction legislation produced the lowest interest rates in 20 years. In the 2 years since President Clinton, took office, 5.6 million new jobs have been created; the unemployment rate during this period has dropped from 7.1 to 5.4 percent. There has been an average growth in real GDP of 3.5 percent per year. And with the exception of 1986, when oil prices plummeted, the economy has experienced the lowest inflation rates since the 1960's.

Mr. Rubin played a key role in these accomplishments, and the country is fortunate to have him take the helm at Treasury. He has been involved professionally in matters involving financial markets and the national and international economy for over 28 years, first in a series of positions in the distinguished investment banking house of Goldman Sachs, culminating in the cochairmship of the firm, and more recently in his economic policy role in the administration.

I was heartened to hear at this morning's hearing Mr. Rubin emphasize his commitment to Treasury's important law enforcement mission.

I believe I reflect the view of every member of the Committee on Finance in enthusiastically urging his confirmation as the next Treasury Secretary. Should he be confirmed, he will be the 68th individual to occupy that post and, I might add, the 13th New Yorker—a New Yorker by professional and civic association, even if he was reared in Florida.

Mr. President, I urge my colleagues to support the confirmation of Robert E. Rubin as the next Secretary of the Treasury.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert E. Rubin, of New York, to be Secretary of the Treasury.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—99

Abraham	Coats	Frist
Akaka	Cochran	Glenn
Ashcroft	Cohen	Gorton
Baucus	Conrad	Graham
Bennett	Coverdell	Gramm
Biden	Craig	Grams
Bingaman	D'Amato	Grassley
Bond	Daschle	Gregg
Boxer	DeWine	Harkin
Bradley	Dodd	Hatch
Breaux	Dole	Hatfield
Brown	Domenici	Heflin
Bryan	Dorgan	Helms
Bumpers	Exon	Hollings
Burns	Faircloth	Hutchison
Byrd	Feingold	Inhofe
Campbell	Feinstein	Inouye
Chafee	Ford	Jeffords
Johnston	McCain	Roth
Kassebaum	McConnell	Santorum
Kempthorne	Mikulski	Sarbanes
Kennedy	Moseley-Braun	Shelby
Kerrey	Moynihan	Simon
Kerry	Murkowski	Simpson
Kohl	Murray	Smith
Kyl	Nickles	Snowe
Lautenberg	Nunn	Specter
Leahy	Packwood	Stevens
Levin	Pell	Thomas
Lieberman	Pressler	Thompson
Lott	Pryor	Thurmond
Lugar	Reid	Warner
Mack	Robb	Wellstone

NOT VOTING—1

Rockefeller

So the nomination was confirmed.

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

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

The motion to lay on the table was agreed to.

Mr. PACKWOOD. Mr. President, I am delighted that we have shown a unanimous vote of confidence—we did in the Finance Committee this morning—in Bob Rubin to be Secretary of the Treasury. He is an eminently qualified man.

I have had occasion to talk with him over the last 2 years from time to time, but one of my best memories of him was when he and I were speaking at a conference in Williamsburg, a conference by and large of business leaders and chief executive officers and boards of directors of the larger corporations in America. I though he handled with great aplomb a particular question.

One questioner got up and said, ''Mr. Rubin, you asked us to come to the aid of the administration last year and to lobby hard on behalf of the North American Free-Trade Agreement. You asked us to spend a lot of money and effort and manpower to support the administration in that effort, isn't that correct?''

And he said, ''Yes, sir''

And then the questioner said, ''Why is it then you won't let us deduct the expenses for that lobbying on behalf of the administration?''

To Mr. Rubin's credit he said, ''Sir, I cannot give you a good answer to that question.''

I thought, rather than trying to finesse that, that was as good an answer as you could give. I flew back on the plane with him from the conference that day, complimented him on the answer, and also complimented him on one other thing.

Most people do not realize outside the beltway that Mr. Rubin, for the last 2 years, has been at a very significant and powerful position, and the reason they do not realize it is he did not use that position to appear on the Sunday morning talk shows or to give interviews. He was very much a behind-the-scenes operator, feeling it was not his place to garner publicity. In the position for which he has just been confirmed, he will no longer be able to have that kind of anonymity. He is going to have to appear on behalf of the President and this administration and this country.

I am proud to know him, proud to have supported him, and I am delighted that the Senate has given him a unanimous vote of approval.

I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

Mr. MOYNIHAN. Mr. President, I should like to join my dear friend and once again my chairman, the Senator from Oregon, for having so graciously handled this important, if not indeed, Mr. President, urgent, nomination at the earliest possible time, in the second week of the Congress.

The Committee on Finance met this morning. We may have hit upon an innovation, Mr. President. This morning we voted to confirm Mr. Rubin, and then we asked questions of him. This evening we voted to confirm him and then we are making speeches about our action. This might expedite procedures very considerably.

But this is a fortunate moment; at a time when a Secretary of the Treasury is urgently needed, we have a message which goes out to the Nation and to the world that an officer of the Cabinet with fullest confidence of the Senate has been confirmed directly.

Senator PACKWOOD was kind enough to mention the work of Mr. Rubin as chairman of the National Economic Council for the past 2 years. It would not be wrong to note that during that period we have created 5.6 million new jobs in the Nation. We have had an average growth of real gross domestic product of 3.5 percent. We have had an extraordinary recovery in which the rest of the world we hope will now join with us. And we have had 3 years running a declining deficit, the first time it happened since the Presidency of Harry S. Truman coming off the Second World War.

I would note sir, Mr. Rubin will be the 68th Secretary of the Treasury. Of these 13 have been from New York. We might also add Nicholas Brady and Douglas Dillon, but they chose to live in New Jersey.

But this is a special moment for all of us. I congratulate the Secretary as he now is.

I thank the chairman.

LEGISLATIVE SESSION

Mr. PACKWOOD. Mr. President, I ask unanimous consent we return to legislative session.

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

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

PHIL TAWNEY

Mr. BAUCUS. Mr. President, let me read you the opening line of a story in this morning's Missoulian:

> Phil Tawney, a staunch wildlife supporter, environmental activist and a Democratic party mainstay for more than two decades, died in Missoula, Monday afternoon of complications from leukemia.

It is a short, stark, sentence. It gets the essential facts. It is good journalism. But this time, it leaves out everything.

Phil Tawney was a big man. A man whose soul was great enough to unite and transcend opposites. In Phil, passion for the great cause, united with reason and judgment in the details of legislation. Deep concern for the future joined with great joy in the present. Boundless idealism, met practical, hands-on knowhow.

As much as any person I have known, Phil represented what I believe is best about Montana. If you knew Phil, you were inspired by his love of Montana, his idealism, his integrity, and his courage in battling the leukemia that took his life.

Phil's Montana was Normal Maclean's Montana: A land of vast open spaces, and mist hanging in narrow mountain passes; of biting winds in the winter and dazzling sun in the Big Sky summer; of the elk hunts Phil took each fall; of snow that crunches under your boots, and muscular fish hanging at the bottom of streams so powerful that even a man as big and strong as Phil has trouble keeping his feet. Phil did as much as any Montanan of our time to preserve this land for his children and ours.

For over two decades—from the day in 1973, when at the age of 23, Phil and his wife Robin founded the Montana Environmental Information Center until yesterday—Phil was perhaps the leading influence on our State's fish, wildlife, and habitat protection programs. His ideas on stream preservation and mine reclamation became Montana law, and models for the Nation. Most recently, as a lawyer for the Rocky Mountain Elk Foundation, he worked with me to preserve thousands of acres of elk habitat north of Yellowstone National Park.

Through these years, Phil was always the source of good humor and steady, solid advice. He believed in people.

And throughout his involvement in politics and the conservation movement, he understood something we could all live by in this town. He understood that reasonable people could disagree without being disagreeable.

All this would have been extraordinary by itself. But Phil also had a successful legal practice. He served with distinction as the executive director of the Montana Democratic Party. And most important of all, Phil was a devoted husband to Robin and father to his children Land, Mikal, and Whitney.

He was always thinking about what he could do for somebody else. For a friend. For his family. For posterity. Never for himself. And perhaps because he never thought about himself, while his life may have been short it was fine and full. That is why, as Missoula Mayor Kemmis said last night, somehow Phil always made you feel good about just being alive.

Mr. President, it is a terrible loss. Phil Tawney takes leave of his family and friends much too soon. But with us forever is a mighty legacy, and a challenge to match his commitment and achievement with our own.

I imagine Phil departing with a smile and some words of encouragement for the rest of us—like Valiant at the close of the Pilgrim's Progress:

> ''My sword, I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battles, who will now be my rewarder.'' So he passed over, and the trumpets sounded for him on the other side.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to proceed as in morning business.

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

JOHN BLOOMER

Mr. JEFFORDS. Mr. President, it is my sad duty to inform my colleagues that this morning the president pro tempore of the Vermont Senate was killed in an automobile accident. He was a good friend of mine and will long be remembered.

In my home State of Vermont, a calling to join the legal profession has historically been taken as a calling to public service. No family has taken that more seriously than the Bloomers of Rutland, VT.

Asa Bloomer, legendary trial lawyer and rhetoritician, served his community well in the Vermont State Senate. In his heyday, in the 1950's and early 1960's, he was the acknowledged single source of power in the Vermont Senate. He rose to the rank of president pro tempore, a post he held at the time of his death, in 1963, suffering a heart attack in the legislative halls. He was a close friend of my father's, and brought me into close contact with the Bloomer family.

Quite naturally, his older son Bob, a lawyer, followed his father to the senate where he served with distinction. Then his brother, a fellow lawyer and good friend, John Bloomer, ran for, and was elected to, the Vermont Senate; 2 years ago he was elected as was his father, as president pro tempore of the senate. He held that position until this morning, when enroute to the State House in Montpelier to preside at an important meeting of his judiciary committee, his life was tragically taken in an automobile accident. His dedication to his tasks in Montpelier

was well measured by the fact that his failure to appear for the very start of the meeting was taken by his colleagues as a dire portent of bad news. John Bloomer was never late.

A pall was immediately cast over the State House as the Vermont and American flags were lowered to half staff in the brilliant sunshine of a chill and crystal clear subzero Vermont morning. John Bloomer, Republican senator, was immediately remembered as John Bloomer, dear friend.

Margaret Lucenti, a liberal Democrat who served well with John as clerk of his judiciary committee, said, ''He was just a wonderful human being, a friend to everyone.''

For me, a fellow member with John of the Rutland County Bar Association, he was a dear and trusted friend. I knew him for as long as I can remember. I will never, ever forget him.

He was a true inspiration to all of us who knew him. John Bloomer was a man of strong convictions that were always tempered by compassion. As we remember his long years of service to Vermont, we will fondly recall his countless deeds of kindness to fellow Vermonters.

My sympathies go out to his wife, Judy, to his brother, and to all his four children and to his countless friends, of which I am proud to count myself one.

He well carried on the Bloomer family tradition of service to the State of Vermont. Our State will miss him, as a tireless public servant and as a caring and concerned human being. And I will miss him as a true friend.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 189 and S.J. Res. 14 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, at the beginning of the second session of the 103d Congress, I began what became a weekly routine of reporting to the Senate on the number of homicides committed by gunshot in New York City. Not surprisingly, the numbers were shocking. In 1994, a total of 910 victims were shot to death. That is an average of over 17 each week. Many more sustained serious injuries from bullet wounds.

As of Sunday, January 8, 1995, 21 people had been shot to death in New York City. That despite the frigid weather, which often serves as a deterrent to violent crime. Obviously, the problem is not going away.

It is unfortunate that I need to remind my colleagues of these grim statistics. But until we begin to take meaningful steps to remedy this appalling situation, I plan to continue my practice of reporting each week on the terrible death toll by gunshot in New York City.

Thankfully, there is some good news to report. The number of those who lost their lives to gunshot in New York City last year is substantially lower than the number in 1993, which was 1,450. The bad news is that national totals are still on the rise. In 1993, the most recent year for which statistics are available, 16,189 people were killed by firearms, nearly 1,000 more than in the previous year.

We made some important gains in our fight against gun violence in the 103d Congress. First we passed the Brady law in November 1993. Since then we have prevented thousands of fugitives and felons from illegally purchasing guns. Second, as part of the Violent Crime Control and Law Enforcement Act of 1994, which was signed by President Clinton on September 13, 1994, the Senate agreed to a ban on 19 types of semiautomatic assault weapons. That same bill also included a provision sponsored by the Senator from New York banning a new class of cop-killer bullets capable of piercing the soft body armor worn by law enforcement officials.

We need to continue to enact tough laws that will begin to curb the plague of gun violence. But with some 200 million firearms in circulation today, and with an estimated 5,479 new ones hitting the streets each day, it seems obvious that gun control can ultimately have only limited success. That is why I have long advocated ammunition control as the best solution to the epidemic of gun violence. While we have a supply of guns that will last us well into the next century, if not longer, we have perhaps only a 3- or 4-year supply of ammunition. The obvious solution, then, is to control the supply of bullets, particularly those used most often in the commission of crimes.

On the first day of the 104th Congress, I introduced six bills, some of which I had introduced in previous Congresses, relating to the subject of ammunition control. Some of these place bans on certain rounds of ammunition, including the deadly Black Talon bullet. Others heavily tax these pernicious bullets. A final bill requires records to be kept with respect to the disposition of ammunition and commissions a national study on the use of bullets. Currently, there are no reporting requirements for manufacturers or importers of ammunition. We need to know how much of what kinds of ammunition are being produced in order to help us craft more intelligent policy in this area.

Mr. President, 1994 saw too many tragic incidents involving guns. Many occurred right here in the city of Washington. Doubtless, many more will occur in 1995. We can, and must, do something about this without delay. I urge my colleagues to support the measures which I have introduced.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONGRESSIONAL ACCOUNTABILITY ACT

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON. Mr. President, I rise today to urge the Senate to take a major step toward making Congress more accountable to the people by passing S. 2, the bill before us, the Congressional Accountability Act of 1995.

Let us face it. It is easier to make up a set of rules for someone else to play by than to devise guidelines for our own actions. It is easy to pontificate: Do as I say, not as I do.

And that is what we have been doing right here in the U.S. Congress. Congress has been exempting itself from the laws and regulations that everybody else in America has to live with.

Unlike their Government, the people measure such laws against a yardstick of common sense. If a law or regulation is a good idea for everybody else in America, surely the public good requires that it be imposed across the board right here.

As it is, individuals find these laws and regulations more and more onerous. The rules have grown so cumbersome that they now hamper business, small and large, and make everything we buy more expensive.

I do not know. Many of our rules make the goods we hope to export more expensive, threatening our ability to compete in the world markets.

Until now, Congress has totally avoided any firsthand experience with the results of its own rulemaking. But last week the U.S. House of Representatives fired the first shot in what will be a real revolution in Government. It passed its version of the Congressional Accountability Act. I hope the Senate will continue the mission and put this bill on the President's desk.

By making congressional accountability our very first order of business, the first legislation to pass this new session, with so much hope we will be sending a clear message to the American people. Signal received. Congress will comply with the same mandates it imposes on the rest of the country.

Mr. President, I have owned my own small business. I know the Senator in the chair has as well. I know what it is like to make a payroll. I know what it is like to comply with Federal regulations and State regulations and local regulations and still try to squeeze out

that profit in order to make my business go and to create new jobs, to have new markets, to do more. I have felt, personally, the effects of Federal laws and regulations. I did not like it when I was in business and I surely do not like it now. I think it is high time that the Congress experience firsthand the consequences of the laws it passes.

Lincoln spoke of government of the people, by the people, for the people. If we in Congress continue passing laws by which we need not abide, we will not be living up to Lincoln's expectation nor that of the American people today.

As was made clear at the polls in November of last year, the voters believe that Congress has given itself special treatment. Members of Congress seem to be insensitive to the actual impact and costs that we impose on the people who are trying to make this economy go.

Mr. President, we must pass the Congressional Accountability Act. We must let the people know that we in Congress are their representatives. That we are not going to be part of a government which just extends privilege to a very few and rests its heavy hand on the rest.

By applying the same rules to ourselves that we do to the rest of the country, Congress will better understand the pain of unfunded mandates. Congress will be forced to comply with the thousands of regulations regarding Government workplace safety and recordkeeping. Congress will be forced to experience the financial burden and the nuisance value of some of the laws that have been passed through the years in this Hall. Members of Congress will be made to ask themselves, how is this law going to affect me? Imagine what this will do to the content of the bills that come hereafter.

I hope that Congress will show that we did make a difference in November of last year by voting for the Congressional Accountability Act. I am going to try to vote to reduce the number of unwanted, unneeded, and downright destructive laws in the future because I think when Congress starts thinking about what impact this is going to have on the way we are doing business right here, maybe we will take a different approach. Once we have a taste of the bitter medicine we are putting out, maybe we can rewrite the prescription.

We have an opportunity to put Congress back in touch with what this country truly needs. Less regulation, fewer laws, and less overall Federal meddling.

So I ask my colleagues in the Senate to do what I think should be the very first order of business when we have this breath of fresh air that has gone across our country, and when the people have spoken, that we say to the people ''message received,'' and vote for S. 2, the Congressional Accountability Act that will make Congress understand and live with the laws that everybody else in America has been living with for year after year, day after day, month after month, and maybe, just maybe, it will affect the overall output of this body.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative proceeded to call the roll.

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

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

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–1; to the Committee on Appropriations.

EC–6. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–13; to the Committee on Appropriations.

EC–7. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–83; to the Committee on Appropriations.

EC–8. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–06; to the Committee on Appropriations.

EC–9. A communication from the Attorney General, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to the Fees and Expenses of Witnesses Appropriation for fiscal year 1986; to the Committee on Appropriations.

EC–10. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of expenditures for the period April 1, 1994 through September 30, 1994; to the Committee on Appropriations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance:

Robert E. Rubin, of New York, to be Secretary of the Treasury.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. AKAKA:

S. 186. A bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. BRYAN):

S. 187. A bill to provide for the safety of journeymen boxers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 188. A bill to establish the Great Falls Historic District in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EXON:

S. 189. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. PRESSLER (for himself and Mrs. KASSEBAUM):

S. 190. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON:

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PACKWOOD:

S. Res. 36. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

S. Res. 37. A resolution designating February 2, 1995, and February 1, 1996, as ''National Women and Girls in Sports Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 186. A bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

THE EMERGENCY PETROLEUM SUPPLY ACT

• Mr. AKAKA. Mr. President, today I am introducing the Emergency Petroleum Supply Act, a bill to ensure that Hawaii has access to the strategic petroleum reserve during an oil supply disruption. The Emergency Petroleum Supply Act would guarantee Hawaii oil—at a fair price—and give tankers bound for Hawaii priority loading during an emergency.

This legislation passed the Senate in each of the previous two Congresses. During the 104th Congress, I will aggressively work to see this legislation enacted into law.

The objective of my bill can be summed up in one word: access. Because of its tremendous distance from the gulf coast, Hawaii needs guaranteed access to the strategic petroleum reserve [SPR], as well as priority access to the SPR loading docks.

My bill addresses both these concerns. First, it provides a mechanism to guarantee an award of SPR oil. Hawaii's energy companies would be able to submit binding offers for a fixed quantity of oil at a price equal to the average of all successful bids. This concept is modeled after the Federal Government's method of selling Treasury bills. It would give Hawaii ready access to emergency oil supplies at a price that is fair to the Government. Without this bill, Hawaii's energy companies, and the population they serve, face the risk that their bid for SPR oil would be rejected and that oil inventories would run dry.

The second component of my bill addresses the problem of delay. The Emergency Petroleum Supply Act grants ships delivering petroleum to Hawaii expedited access to SPR loading docks. It would be a terrible misfortune if deliveries to Hawaii were delayed because the tanker scheduled to carry emergency supplies was moored in the Gulf of Mexico, waiting in line for access to the SPR loading docks.

As any grade-school geography student can tell you, Hawaii is a long way from the Gulf of Mexico, especially when you have to transit the Panama Canal. The distance between the SPR loading docks and Honolulu, by way of the canal, is 7,000 miles—more than one-quarter of the distance around the globe.

But distance alone is not the issue. When you add together the time between the decision to draw down the reserve and the time for oil from the reserve to actually reach our shores, the seriousness of the problem emerges. It takes time to solicit and accept bids for SPR oil, time to locate and position tankers, time for tankers to wait in line to gain access to SPR loading docks, and more time to transit the canal to Hawaii. Obviously, Hawaii is at the end of a very, very long supply line. People overlook the fact that insular areas have a limited supply of petroleum products on hand at any one time. While Hawaii waited for emergency supplies to arrive, oil inventories could run dry and our economy could grind to a halt.

Last year, the Department of Energy asked Hawaii's East-West Center to study this problem. The East-West Center report concluded that my SPR access measure ''is an excellent proposal which would greatly reassure the islands that their basic needs would be maintained.'' I ask that a summary of the report be placed in the RECORD following my remarks. I will also place a copy of Energy Secretary O'Leary's letter in support of the Emergency Petroleum Supply Act in the record following my remarks.

The East-West Center report provides strong justification for granting Hawaii special access to SPR oil during an energy emergency. The report found that a major oil supply disruption would have a much more severe impact on the Pacific islands than on the rest of the United States. Although all of Asia would experience inflation and recession, the small economies of the insular areas would be virtually unprotected from volatile economic forces. While the rest of the United States does not have to rely on ocean transport from other nations for essential goods and services, the economies of Hawaii and the Pacific islands are heavily dependent on ocean-borne trade and foreign visitors.

The need for this provision is further justified by a December 1993 Department of Energy/State of Hawaii analysis of Hawaii's energy security which found the following:

Hawaii depends on imported oil for over 92% of its energy. This makes Hawaii the most vulnerable state in the Nation to the disruption of its economy and way of life in the event of a disruption of the world oil market or rapid oil price increases.

Currently, 40% of Hawaii's oil comes from Alaska and the remainder from the Asia-Pacific region. The export capabilities of these domestic and foreign sources of supply are projected to decline by approximately 50 percent by the year 2000. This will likely increase Hawaii's dependence on oil the reserves of the politically unstable Middle East.

Hawaii is also vulnerable to possible supply disruptions in the event of a crisis. The long distance from the U.S. Strategic Petroleum Reserve in Louisiana and Texas, combined with a declining number of U.S.-flag tankers capable of transiting the Panama Canal, make timely emergency deliveries problematic.

Other studies have consistently verified Hawaii's energy vulnerability and its need for special access to the SPR. An analysis by Mr. Bruce Wilson, an accomplished oil economist, determined that the delivery of SPR oil to Hawaii from the Gulf of Mexico would take as long as 53 days. That exceeds the state's average commercial working inventory by 23 days. As Mr. Wilson's research demonstrates, an oil supply disruption is Hawaii's greatest nightmare.

Opponents of the Emergency Petroleum Supply Act insist that market forces will ensure that Hawaii and the territories receive the oil they need during an energy emergency. Unfortunately, these are the same market forces that cause Hawaii's consumers to pay 50 percent more for a gallon of gasoline than consumers pay on the mainland. And when a crisis hits, our energy prices could easily double or triple.

Hawaii may be the 50th State, but we deserve the same degree of energy security that the rest of the Nation enjoys. It's simply a matter of equity. Hawaii's tax dollars help fill and maintain the reserve; Hawaii should enjoy the energy security the SPR is designed to provide.

My bill will safeguard Hawaii from the harsh economic consequences of an oil emergency. The Emergency Petroleum Supply Act is not only good energy policy, it's good economic policy for Hawaii.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 186

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 ''Emergency Petroleum Supply Act''.

SEC. 2. PURCHASES FROM THE STRATEGIC PETROLEUM RESERVE BY ENTITIES IN THE INSULAR AREAS OF THE UNITED STATES.

(a) GENERAL PROVISIONS.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following new subsection:

''(j)(1) With respect to each offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve:

''(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

''(i) submit a binding offer, and shall on submission of the offer, be entitled to purchase a category of petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of petroleum product within the category that is the subject of the offering; and

''(ii) submit one or more alternative offers, for other categories of petroleum product, that will be binding in the event that no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

''(B) at the request of the Governor of the State of Hawaii, petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

''(2)(A) In administering this subsection, and with respect to each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that results in the purchase of the lesser quantity of petroleum product.

''(B) The Secretary may limit the quantity of petroleum product that the State of Hawaii may purchase through binding offer at any one offering to one-twelfth of the total quantity of imports of petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

* * * * *

''(3) Notwithstanding any limitation imposed under paragraph (2), in administering this subsection, and with respect to each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, or an eligible entity certified under paragraph (6), adjust the quantity to be sold to the State of Hawaii as follows:

''(A) The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

''(i) less than one full tanker load; or

''(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

''(B) The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

''(4) The State of Hawaii may enter into an exchange or a processing agreement that requires delivery to other locations, so long as petroleum product of similar value or quantity is delivered to the State of Hawaii.

* * * * *

''(6)(A) Notwithstanding the foregoing, and subject to subparagraphs (B) and (C), if the Governor of the State of Hawaii certifies the Secretary that the State has entered into an agreement with an eligible entity to effectuate the purposes of this Act, such eligible entity may act on behalf of the State of Hawaii for purposes of this subsection.

''(B) The Governor of the State of Hawaii shall not certify more than one eligible entity under this paragraph for each notice of sale.

''(C) If the secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of sale is issued), the Governor shall not certify such company under the paragraph.

''(7) As used in this subsection—

''(A) the term 'binding offer' means a bid submitted by the State of Hawaii for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to this Act, that obligates the offeror to take title to the petroleum product;

''(B) the term 'category of petroleum product' means a master line item within a notice of sale;

''(C) the term 'eligible entity' means an entity that owns or controls a refinery that is located within the State of Hawaii;

''(D) the term 'full tanker load' means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii;

''(E) the term 'offering' means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale; and

''(F) the term 'notice of sale' means the document that announces—

''(i) the sale of Strategic Petroleum Reserve products;

''(ii) the quantity, characteristics, and location of the petroleum product being sold;

''(iii) the delivery period for the sale; and

''(iv) the procedures for submitting offers.''.

(b) EFFECTIVE DATE.—The amendment made by that final regulations are promulgated pursuant to section 3, whichever is sooner.

SEC. 3. REGULATIONS.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to carry out the amendment made by section 2.

(b) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out this section, and the amendment made by section 2, shall not be subject to—

(1) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(2) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

THE SECRETARY OF ENERGY,
Washington, DC, July 27, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is to provide you with Department of Energy views on S. , the ''Emergency Petroleum Supply Act,'' introduced by Senator Akaka.

S. , would amend the Energy Policy and Conservation Act to give certain preferences to the State of Hawaii and several other insular territories and possessions of the United States in the event of a drawdown and sale from the Strategic Petroleum Reserve.

The Department has worked closely with Senator Akaka's staff to understand the concerns of the State and the intent of the legislation, and to help make the bill technically sound. Based upon these discussions, a number of changes to the bill have been made. As redrafted, the legislation would apply solely to Hawaii. It would allow the State, or a company with a refinery on Hawaii with which Hawaii has a contract, to submit a bid for Strategic Petroleum Reserve petroleum product that is assured of receiving an award at the average price paid for the same product by other successful bidders. The bill also would provide that Hawaii be given first priority for scheduling deliveries of oil that is purchased from the Strategic Petroleum Reserve.

The State of Hawaii always has believed that it is more vulnerable to oil supply disruptions than the mainland due to its high level of dependence on oil in general and its distance from sources of supply and from the Strategic Petroleum Reserve. The provisions of this bill that would assure Hawaii of supply and allow for timely delivery will satisfy the State that it is receiving protection for Hawaii commensurate with that offered to the U.S. mainland by the Strategic Petroleum Reserve. At the same time, the Department is satisfied that it will receive full market value for the oil that it sells to Hawaii, that the quantity directed to Hawaii will not materially reduce the volume available to other locations, and that the process of making the award and delivering the oil will not be an unreasonable administrative burden.

For these reasons, the Department of Energy supports the amendment offered by Senator Akaka during the Committee's consideration of S. 2251, to amend and extend the Energy Policy and Conservation Act.

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

Sincerely,

HAZEL R. O'LEARY.

ENERGY VULNERABILITY ASSESSMENT FOR THE U.S. PACIFIC ISLANDS, THE EAST/WEST CENTER, APRIL 1994

OIL SUPPLY DISRUPTION SCENARIOS FOR THE PACIFIC ISLANDS

The following sections describe the potential oil supply disruptions scenarios provided by the USDOE for this report, the likely impacts of these supply disruptions on the island economies, and selected response issues. The discussions parallel those in chapters 4 to 7, which also discuss vulnerability response options for the individual island entities. The response issues which are discussed below reflect the larger economies of scale which can be gained by linking Guam, the CNMI, Palau, and American Samoa. Hawaii and the Federated States of Micronesia and the Republic of the Marshall Islands should also be included in any regional groupings because they are also part of the same oil supply system. Unfortunately, the terms of reference for this report did not allow for assessment of these island entities.

Three oil supply disruption scenarios for the Pacific islands are discussed below and evaluated with respect to their potential impacts. Figures 2.16, 2.17, and 2.18 provide the basis for the assessment. The three scenarios are all estimated to last six months and include:

Scenario I: Major disruption caused by major political turmoil affecting Middle Eastern and Asian producers with a net loss of 4.5 MMBD (9.0 MMBD production loss minus 4.5 MMBD drawdown of global strategic petroleum reserve).

Scenario II: Medium-scale disruption caused by simultaneous upheaval in West African and Latin American producers with a net loss 4.5 MMBD (production loss of 6.0 MMBD minus SPR drawdown of 1.5 MMBD).

Scenario III: Minor disruption based on limited upheaval in the Middle East with a loss of 2.0 MMBD (production loss of 4.3 MMBD minus production increase by other countries of 2.3 MMBD).

Before discussing the specific scenarios, several historical reference points should be noted. First, the Asian market is a net importer of oil sourced largely from the Middle East. Second, during previous oil crises, Asian producers such as Indonesia and Malaysia have not diverted supplies. Instead, Asian producers have generally given preference to traditional markets, including Singapore, for their products. Third, most Asian refineries such as those in Singapore are configured to process Middle Eastern crudes and are not as well adapted to refining the lighter, sweeter West African crudes and the heavier, more sour Latin American crudes. In other words, Asia's refining capacity is geared towards supplies from the Middle East, and substitutes are not readily available or easily incorporated. The scenarios are discussed below beginning in reverse order.

Scenario III: Minor Disruption

Under Scenario III, there would be no redirection of Asian oil supplies. Impact on U.S. West Coast supplies would be negligible. However, there would be a drop of 10 percent in supplies for Singapore (approximately 100 to 150 MBD), and a similar reduction in Australia and New Zealand crude imports. The result is an anticipated shortfall of approximately 10 percent for the Pacific islands region.

The effects of this 10 percent shortfall are considered minimal. Oil price rises would be very modest and there should be no appreciable negative secondary effects for the islands region such as a major decline in tourism.

No official response measures would need to be instituted. However, it is recommended that monitoring of supplies and prices should be carried out. It is also recommended that utilities, the oil industry, and governments promote energy conservation programs, including voluntary measures by the population to reduce consumption of electricity and gasoline.

Scenario II: Medium Disruption

Although the volume of oil lost to the market is considerable (4.5 MMBD), because the West African and Latin American producers are linked to other markets, the Asia-Pacific region would be only slightly affected. There would be some redirection of Middle Eastern supplies, but it is anticipated that the net effect would lead to only a 10 percent decrease in supplies for Singapore, Australia and New Zealand. Similarly, the effect on the U.S. West Coast would be minimal.

The results and response measures for Scenario II are identical to those described above for Scenario III.

Scenario I: Major Disruption

A global net loss of 4.5 MMBD based on major political upheaval in the Middle East and Asia and includes a total loss of 2.5 MMBD from Asia oil producers would affect various Pacific Rim markets very differently. The direct impact on U.S. West Coast supplies would be fairly limited (e.g., 5 percent or less) because imports have only a small role in that market. The direct and indirect effects on supplies to Australia and New Zealand should be relatively modest, approximating a 10 percent decline. The Singapore refiners, however, would be severely affected.

In this scenario, Singapore would experience a 30 percent loss in Asian supplies. The cutback in Middle Eastern production would result in additional 20 percent decrease. The combined loss of 50 percent would greatly affect the islands region both directly and indirectly.

Directly, the islands region would lose at least 50 percent of its supplies from Singapore. Australia would be able to provide some additional supplies, but it would also have to compensate for its own loss of supplies. The net loss to the islands region could well be in the range of 25 to 50 percent.

A secondary impact would be significant price hikes. Under Scenario I, spot prices on the Singapore market would soar. Price doubling and even tripling would be likely outcomes. In the 1979/80 period, the crisis centered on Iran led to an additional 20 percent increase in prices. The short-term consequences of the 1979 oil price rise lead to inflation rates of 7.5 percent in Japan, 11 percent in Australia, 15 percent in Fiji and nearly 30 percent in Tonga and Vanuatu. In other words, inflation rates in some of the islands nearly doubled. If the 1979 experience is applied, it would be reasonable to anticipate a near doubling of inflation rates for Guam, the CNMI and Palau.

Compounding the direct supply and price effects of Scenario I, the political complications of the oil supply disruption have to be considered. Following the onset of the recent Persian Gulf War, the Iraqi President threatened to attack U.S. territory and economic interests throughout the world, and there had been several reports of terrorist activity by Iraqis in Asia which heightened concern. As a result, Guam, the CNMI, and Hawaii experienced a downturn in tourism immediately following the outbreak of the 1991 Gulf War because tourists were frightened to fly to U.S. territory. Whether fact or only perception, people reduce their international travel even to relatively ''safe'' destinations during crisis periods: if there is political upheaval in a major Middle Eastern or Asian nation, international business and tourist travel will be restricted in order to reduce the vulnerability to terrorist attacks.

Interestingly, the number of tourists to Guam and the CNMI began to revive soon after the Gulf War and by early 1992 tourist arrivals were at record levels. However, in September 1992, Typhoon Omar struck Guam and the CNMI and was followed by several other typhoons. The result was a drop of nearly 45 percent in the level of Guam's tourist arrivals, a loss of 1,500 jobs, and a substantial decline in tax revenues, all of which have been greatly compounded by the continuing slump in the Japanese economy.

These effects would probably be similar to the effects of an oil supply disruption under Scenario I. Although difficult to predict with any level of certainty, tourist arrivals could fall sharply (by as much as 50 percent) if a political upheaval in Asia elevated fears of international terrorist activity and/or resulted in higher travel costs. The near-term effects would be a loss of jobs by roughly 5 percent and a fall in tax revenues by a similar level. However, if a recession were to follow, and this would be a likely outcome, then the downturn would be much more severe and could easily double the effects of the crisis.

With Scenario I, it is very likely that in addition to oil supply shortfalls, oil price increases, inflation, and reduced levels of international tourism resulting from the political upheaval causing the oil supply disruption, a recessionary period in the major economies would ensue. The effects of a major recession would again greatly affect the island economies through reduced levels of tourism and reduced demand for their exports, mainly fresh and canned seafoods. As an example, the 1973/74 oil price rise led to global recession, including a severe downturn in Australia which greatly reduced the levels of Australian tourists to Fiji. In other words, a severe oil supply disruption creates downstream effects which are not felt for several months yet may continue for several years.

Two key questions emerge under Scenario I. The first is whether the islands would experience more severe impacts than the rest of the United States. Although all of Asia would experience inflation and recession, the islands' small open economies would be virtually unprotected from the global market: nearly all food and all medicine are imported. The economies are nearly totally dependent on off-island trade and international tourism; with the exception of Hawaii, the rest of the United States does not have to rely on ocean transport and other nations for essential goods and services. In sum, there would be no territory of the United States more severely affected by a major Asian oil supply disruption than the Pacific islands.

The second question is how to respond with short-term measures to meet basic demands for petroleum. Oil price and supply monitoring and voluntary conservation programs would be insufficient responses to a disruption of this magnitude. With respect to the oil supply, the U.S. West Coast could divert some of its supplies to the islands. The Australian arrangement for the South Pacific islands may provide a useful guide. In the event of an oil supply disruption which results in a net market loss of crude oil or petroleum products of 7 percent of the total International Energy Agency (IEA) market, the IEA member may elect to activate the Emergency Oil Sharing System, the objective of which is to ensure fair sharing of available supplies among the IEA group of countries (the OECD minus France). As a member of the IEA, Australia is committed to take certain demand restraint measures should the IEA Emergency Oil Sharing Scheme go into effect. The demand restraint is measured as a percentage decrease in total consumption, including traditional exports. This means that if a 10 percent demand restraint measure is instituted, then Australia has to cut its combined own consumption and traditional exports by 10 percent.

The Australian arrangement covers the independent island nations sourced from Australia. It does not cover American Samoa or any of the North Pacific nations and territories sourced via Guam, including the Federated States of Micronesia and the Republic of the Marshall Islands. These nations and territories either have to secure emergency supplies via Singapore or from a nontraditional supplier, the United States.

The United States via its military infrastructure has considerable levels of stocks in the Asia-Pacific region as well as the shipping capacity to deliver supplies. However, as Figure 3.2 shows, the military is cutting back on its commercially leased storage capacity and is also shutting down some of its own storage facilities in certain locations.

Another potential source of crude petroleum is Papua New Guinea whose oil production is now at 135,000 b/d. Currently refined throughout the Asia Pacific region, this crude resource could provide a substantial margin of safety for the Pacific islands. A 30,000 b/d refinery has been approved by the government and could be operating in 1996.

Through the supply capacities of the oil companies operating in the region, other regional suppliers, and the U.S. government (Strategic Petroleum Reserve and the military), the Pacific islands should be able to receive emergency supplies. It is possible that some type of formal assurance to the island governments is required. Currently being considered for legislation in the U.S. Congress is a proposal which would guarantee the U.S. Pacific islands including Hawaii a percentage drawdown of the national SPR if emergency measures were placed in effect. This guarantee would ensure access to oil supplies for the islands. Market prices would have to be paid, but basic services could be maintained. Not guaranteed is transport for the oil supplies. However, preliminary indications are that tankers could be acquired, albeit at market rates which would be high during crisis periods. This is an excellent proposal which would greatly reassure the islands that their basic needs would be maintained.

THE ECONOMIC EFFECTS OF OIL SUPPLY DISRUPTIONS

In addition to the issue of continued access to oil supplies, the economic impacts of a major oil market disruption can be devastating. The most harmful economic repercussions of Scenario I are: inflation, recessions in major markets, and a simple reluctance of potential tourists to travel because of a perceived vulnerability to terrorist acts stemming from the political upheaval which caused the oil supply disruption. The initial loss of jobs and economic activity could be further worsened by the likely occurrence of a subsequent regional or global recession. The longer the recession, the greater the negative impacts, including increased loss of jobs and tax revenues. Small open economies such as the U.S. Pacific islands are especially vulnerable. Would the United States provide any type of assistance to the Pacific islands to compensate for the downstream effects of an oil supply disruption? Are they eligible for emergency aid? This is a complicated issue and cannot be resolved in this discussion. Suffice it to say that it would probably be more useful and more important for the island economies to have a buffer against recessions than an SPR established on Guam or in American Samoa.

Discussed below are some of the likely identifiable impacts of an oil supply disruption on the island economies. Data have been drawn from a range of sources. Published data from government and private sector sources have been referenced, and estimates generated as part of the energy vulnerability assessment are appropriately noted. Assessing impacts on the islands in the year 2000 based on current economic growth projections is an order of magnitude exercise. However, the best available data have been utilized and the estimates can and should be revised when more data become available. The section discusses the effects of an oil supply disruption on the value of petroleum imports, GDP, inflation, employment, and government revenues.

Oil Shocks and the Value of Petroleum Imports

Table 3.10 shows the impact of petroleum price increases and growth in the volume of petroleum imports. The first column shows projected rates of price increases for petroleum products under low price, base price and high price scenarios. The second column

shows the most recent value figure for imported petroleum products. The value figure shown in the second column corresponds to a volume figure which is then multiplied by the demand growth scenarios in the third column (e.g., low, medium and high growth in demand for petroleum products) and the three price scenarios to indicate the estimated value of petroleum imports in the years 1995 and 2000. High, medium and low demand growth scenarios were available only for Guam and the CNMI. In addition, among the different scenarios for both 1995 and 2000, there is a scenario which doubles prices for the medium demand growth case. This doubling of prices is a result of a petroleum price increase associated with Oil Supply Disruption Scenario I, a loss of 4.5 MMBD caused by political turmoil in the Middle East and Asia. The price doubling is an estimated price increase which reflects short-term market responses, similar to those following the Iraqi invasion of Kuwait and the 1979/80 oil price increase.

The demand growth (1.2 percent per year) and a base case petroleum price increase (3.9 percent per year) result in a doubling in the value of petroleum imports for American Samoa between 1990 and 2000. The values of Guam's, the CNMI's, and Palau's petroleum imports more than double by the year 2000. The effect of a high oil price and high demand growth is a seven-fold increase in the value of the CNMI's petroleum imports. Although this may seem unlikely, demand increased by 21 percent between 1991 and 1992, and the planned expansion to the power sector indicates that growth will remain high.

Table 3.10 only assumes the indicated growth rates, which is to say that other variables such as the impact of demand-side management programs and other efficiency and conservation activities have not been factored into the analysis because data are not available. The estimates also do not reflect the impact of higher petroleum prices on consumption. For example, when gasoline prices rise, theory suggests that people will drive less. However, the experience during the recent Persian Gulf War indicates that island consumers did not curtail their driving or use of electricity when prices increased. Thus, it has been assumed that consumption rates will not be significantly affected by price increases, a very tenuous assumption.

The result of an oil price shock following political upheaval in the Middle East and Asia is a doubling of the values for petroleum imports. For comparative purposes, in 1990, American Samoa imported goods valued at $360 million and exported items worth $306 million. Under a high oil price scenario generated by an oil shock in the year 2000, the value of petroleum imports increases to $175 million. Guam, which had imports valued at $385 million in 1988 and exports valued at $85 million in 1991, would have petroleum imports valued at $742 million under a high oil price and high demand growth scenario. Similarly, the CNMI, with imports at $392 million and exports at $255 million in 1991, would have petroleum imports valued at $503 million under the high oil price/high demand growth scenario. Palau, with imports valued at $25 million and exports at $600 thousand in 1989, would have petroleum imports valued at $37 million under a high oil price and demand growth scenario in the year 2000.

Given the above projected effects of an oil price shock, it is doubtful that any of the economies would be able to sustain the projected rates of growth. The cost of petroleum imports would require the use of public and private sector surpluses simply to maintain existing standards of living. Even if the oil price shock were short-lived, it is likely that the effects would have substantial repercussions on economic activity for an extended period of time. These will be discussed in subsequent sections.●

By Mr. MCCAIN (for himself and Mr. BRYAN):

S. 187. A bill to provide for the safety of journeymen boxers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PROFESSIONAL BOXER SAFETY ACT

● Mr. MCCAIN. Mr. President, I am pleased today to introduce the Professional Boxing Safety Act, a bill to make the professional boxing industry safer for boxers across America. This bill is identical to the version of this bill that was favorably reported out of the Senate's Commerce Committee as S. 1991 on September 23, 1994. I am also very pleased that Senator RICHARD BRYAN is the prime cosponsor of this legislation, as he was last year. The professional boxing industry is obviously of tremendous importance to the residents of Nevada, and he has been a strong force behind this bills success.

I have been an avid boxing fan for over 40 years. Boxing can be one of the most exciting and impressive tests of coverage and athletic skill that exist in the world of sport. To this very day, boxing is viewed by many disadvantaged, yet determined young men as their best and only chance to rise above bleak circumstances that most of their fellow citizens could not even comprehend.

It is these men—some still teenagers, others who are in their forties and are at the end of a long career marked by much punishment and little reward—who are the object of this proposal. As a Senator, my legislative objective regarding professional boxing revolves around my desire to see that the exploitation of this group of brave but highly vulnerable athletes in our society is brought to an end. The Professional Boxing Safety Act will help accomplish this goal.

The physical and economic exploitation I speak of is very familiar to people involved in the professional boxing industry, though it does not often come to mind of the general public. Many Americans may think of boxing only if a local hometown hero emerges, or perhaps when they read about the huge, multimillion dollar purses that are being battled for by today's greatest champions.

Big pay days and widespread public acclaim, however, are never attained by the overwhelming majority of boxers. A large segment of professional boxers in America never make more than a $100 a night. Unfortunately, in State after State in our country, in gyms and arenas both large and small, there are many boxers who are being led into the ring to absorb more punishment shortly after they have been knocked out, battered, or when they are in need of medical attention. These unknown boxers often continue to fight long after their skills have eroded to the point where they cannot safely compete. The symptoms of the debilitating illnesses they are at risk for may not surface for years, so these men answer the bell, endure another defeat, and trudge on to the next town. As one journeyman boxer said, they exist in the sport solely as ''A body for better men to beat on.''

The problems in professional boxing that the Professional Boxing Safety Act will address are as follows: First, we need to immediately shut down the dangerous and disturbing boxing shows that occur in the States that have no regulatory authority to oversee them These bootleg shows feature boxers who have no business being in the ring due to injury, advancing age, or lack of skills. Journeymen boxers routinely find themselves overmatched against a promising young prospect in need of an easy victory to boost his ranking, and their health and welfare is of small concern to unscrupulous promoters. This bill would require that all professional boxing shoes in the United States be held under the oversight of State boxing officials.

Second, we need to ensure that no boxer fights in one State while they are under suspension in another. Unfortunately, it is commonplace for boxers in the United States to travel to another State when they are supposed to be serving a mandatory injury recuperation period, or to avoid a requirement for medical treatment. Some resort to using aliases or distorting their career records when presenting themselves to State officials. To put an end to these practices, the Professional Boxing Safety Act would require all State boxing commissions to issue an identification card to professional boxers in their State, and to honor all medically related suspensions of other State commissions.

Finally, this legislation will strengthen the system by which State boxing officials share information on professional boxers and other industry personnel in order to prevent fraudulent and unsafe bouts, and to ensure that illegal and unethical practices in the sport are properly punished. The Professional Boxing Safety Act would require that State boxing officials promptly report the results of all shows held in their jurisdiction to the boxing registries that serve the industry. This will provide accurate and reliable information on boxers from around the world to State boxing officials, and make it easier for them to evaluate the career records and conduct of the boxers, managers, and promoters who come to their State.

I would also like to emphasize what this legislation does not do. The Professional Boxing Safety Act creates no new Federal boxing authority to regulate the sport; it mandates no burdensome regulations upon our already under budgeted State commissions; it fosters no unnecessary Federal intrusion into legitimate business practices, and it requires no Federal funds and imposes no new tax on boxing events across the country.

The Professional Boxing Safety would be an effective and practical step for the Congress to take in addressing legitimate health and safety issues in the sport, and virtually everyone in the industry that I've discussed this proposal with seems to agree. I'm very pleased that last year the Association of Boxing Commissions, the national boxing organization which represents 35 State commissions across America, endorsed this bill, as did over 20 individual State boxing commissions and several major sanctioning bodies who wrote to me in support of it.

This bill was developed with the advice and counsel of the most experienced and knowledgeable people in the industry, and I'm confident Senator Bryan and I have put forward an innovative and realistic measure to make professional boxing a safer, better, and more honorable sport. I look forward to its prompt passage by the Senate's Commerce Committee, and to its consideration by the full Senate sometime this year.●

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 188. A bill to establish the Great Falls Historic District in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

THE GREAT FALLS PRESERVATION AND REDEVELOPMENT ACT

● Mr. LAUTENBERG. Mr. President, I am pleased to introduce the Great Falls Preservation and Redevelopment Act, legislation that recognizes the historic significance of the Great Falls area of Paterson, NJ. I am delighted that, once again, my senior colleague from New Jersey, Senator BRADLEY, joins me as a cosponsor.

Mr. President, this bill was broadly supported in the last Congress. The House of Representatives passed the bill by a vote of 280 to 130. After years of opposition, the administration lent its support. The Senate Energy and Natural Resources Committee approved the bill in September, but time ran out before the Senate could act. Today I reintroduce the draft that achieved this support, and I ask my colleagues to join once again in supporting the bill.

I'm proud to say I was born in Paterson. My father worked in the mills, and I experienced firsthand the historic importance of industry in the city.

Paterson is known as America's first industrialized city. Alexander Hamilton played a role here when, in 1791 he chose the area around the Great Falls for his laboratory and to establish the Society for the Establishment of Useful Manufactures. Textiles held special significance; Paterson was once called Silk City as the center of the textile industry.

While rich in history, the area is also blessed by great natural beauty and splendor. It is an oasis of beauty in an urban environment. Its resources offer not just educational and cultural opportunities, but economic and recreational ones as well.

The Federal Government acknowledged all this by designating the area a national historic landmark, a formal recognition by the National Park Service.

Mr. President, the roots and contributions of this area run deep. New industries were responsible for thriving businesses, tight knit families and for many of the residents, the first homes of immigrants, who arrived in the United States through nearby Ellis Island.

Many of the industries from Great Falls have moved elsewhere. But we are left with an area whose significance is great for people like me.

I find a source of inspiration in remembering my father in those thriving mills of Paterson, so I look at Paterson, and the Great Falls area, as a reminder of who I am. We must value our personal and collective histories, because they connect us to our families and to each other.

Paterson is not alone in this story. New Jersey is rich in industrial, urban history. New Jersey played a major role in the industrial revolution.

I sought to highlight this role when I secured funds in the fiscal year 1992 Interior appropriations bill to establish the urban history initiative in three cities in New Jersey. Paterson is one of those cities.

Paterson's urban history program is in its early stages. The cooperative agreement was recently signed and things are moving. This infusion of funds has succeeded in initiating Paterson's historic revitalization.

But this bill formalizes the current partnership among the city, its residents and the Federal Government. It establishes the Great Falls Historic District and provides a long-term Federal presence in the area. The resources of Great Falls are just beginning to be tapped; we need this bill to give the resources the focus they deserve. Such historical recognition provides important educational, economic, and cultural benefits. Its value is immeasurable.

The Secretary of the Interior will enter into cooperative agreements with nonprofits, property owners, State and local governments to assist in interpreting and preserving the historical significance and contributions of the Great Falls to the city, to industry, and to our heritage.

Mr. President, this bill does not impose Federal Government's heavy hand on the residents and businesses. The city doesn't want that, and neither does the Park Service.

Instead, the bill initiates and facilitates cooperative agreements among interested parties. The Secretary will determine properties of historical or cultural significance, and provide technical assistance, interpret, restore, or improve these properties. This historic and cultural recognition leads to economic revitalization in the area.

Mr. President, this bill is the culmination of years of effort to determine the correct Federal role in highlighting this important area. The bill does not designate a new unit of the National Park Service—it already is designated a unit—and it will not require additional Park Service personnel. The bill reflects the current budgetary climate by limiting Federal investment in capital projects, planning, and technical assistance. It also requires non-Federal matching funds and the authority to spend funds expires after 5 years.

This bill, when enacted, will play an important part in advancing the historic revival of Paterson and of the Great Falls. In turn, it will boost the economic vitality of the region while restoring the importance of our industrial heritage for our children. I look forward to watching this bill become reality.

I ask unanimous consent that the full text of the bill be included in the RECORD.

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

S. 188

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 ''Great Falls Preservation and Redevelopment Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Falls Historic District in the State of New Jersey is an area of historical significance as an early site of planned industrial development, and has remained largely intact, including architecturally significant structures;

(2) the Great Falls Historic District is listed on the National Register of Historic Places and has been designated a National Historic Landmark;

(3) the Great Falls Historic District is situated within a one-half hour's drive from New York City and a 2 hour's drive from Philadelphia, Hartford, New Haven, and Wilmington;

(4) the District was developed by the Society of Useful Manufactures, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton; and

(5) the Great Falls Historic District has been the subject of a number of studies that have shown that the District possesses a combination of historic significance and natural beauty worthy of and uniquely situated for preservation and redevelopment.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Great Falls Historic District, with emphasis on harnessing this unique urban environment for its educational and recreational value; and

(2) to enhance economic and cultural redevelopment within the District.

SEC. 4. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term ''District'' means the Great Falls Historic District established by section 5.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 5. GREAT FALLS HISTORIC DISTRICT.

(a) ESTABLISHMENT.—There is established the Great Falls Historic District in the city of Paterson, in Passaic County, New Jersey.

(b) BOUNDARIES.—The boundaries of the District shall be the boundaries specified for the Great Falls Historic District listed on the National Register of Historic Places.

SEC. 6. DEVELOPMENT PLAN.

(a) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may make grants and enter into cooperative agreements with the State of New Jersey, local governments, and private nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District; and

(2) implementation of projects approved by the Secretary under the development plan.

(b) CONTENTS OF PLAN.—The development plan shall include—

(1) an evaluation of—

(A) the physical condition of historic and architectural resources; and

(B) the environmental and flood hazard conditions within the District; and

(2) recommendations for—

(A) rehabilitating, reconstructing, and adaptively reusing the historic and architectural resources;

(B) preserving viewsheds, focal points, and streetscapes;

(C) establishing gateways to the District;

(D) establishing and maintaining parks and public spaces;

(E) developing public parking areas;

(F) improving pedestrian and vehicular circulation within the District;

(G) improving security within the District, with an emphasis on preserving historically significant structures from arson; and

(H) establishing a visitors' center.

SEC. 7. RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.

(a) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners of properties within the District that the Secretary determines to be of historical or cultural significance, under which the Secretary may—

(1) pay not more than 50 percent of the cost of restoring and improving the properties;

(2) provide technical assistance with respect to the preservation and interpretation of the properties; and

(3) mark and provide interpretation of the properties.

(b) PROVISIONS.—A cooperative agreement under subsection (a) shall provide that—

(1) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(2) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(3) if at any time the property is converted, used, or disposed of in a manner that is contrary to the purposes of this Act, as determined by the Secretary, the property owner shall be liable to the Secretary for the greater of—

(A) the amount of assistance provided by the Secretary for the property; or

(B) the portion of the increased value of the property that is attributable to that assistance, determined as of the date of the conversion, use, or disposal.

(c) APPLICATIONS.—

(1) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under subsection (a) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the District.

(2) CONSIDERATION.—In making such funds available under this section, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act—

(1) $250,000 for grants and cooperative agreements for the development plan under section 6; and

(2) $50,000 for the provision of technical assistance and $3,000,000 for the provision of other assistance under cooperative agreements under section 7.●

By Mr. EXON:

S. 189. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE DEBT CEILING REFORM ACT

Mr. EXON. Mr. President, I rise today to introduce the final two pieces of legislation that I believe are the building blocks for a sound and responsible Federal budget.

For too long, Congress has been building castles in the sky. We owe our children and grandchildren a secure financial future. But that future is flimsily constructed on deficit spending and deficit in the form of mounting debt.

It's High Noon on fiscal responsibility and the American people have asked us to rise to the occasion. And these are the weapons we will take to the showdown.

The first piece of legislation I offer today is a Balanced Budget Amendment to the Constitution.

When I was Governor of Nebraska, I had the benefit of such a mechanism. It forced budgetary discipline and kept my State fiscally sound.

We should be able to deal with the deficit without a balanced budget amendment. But all evidence runs to the contrary.

The statutory remedies have failed. They are riddled with back doors and loopholes. We have also proven ourselves incapable of controlling wasteful spending. The deficit numbers speak for themselves.

We need this amendment to force responsibility upon the Federal Government. We need a bold approach—a new approach—to end the dangerous habit of deficit spending. This amendment is our best chance, perhaps our only chance, to turn back the tide of red ink that threatens to engulf us.

A balanced budget amendment does not spare us from the difficult, hard choices. And that is why I cosponsored last week S. 14, the Legislative Line-Item Veto Act.

Pork has become Congress' scarlet letter. Once again, Congress should demonstrate the type of self-restraint and sacrifice that would put this wasteful practice to an end. But I am a realist. While some Members would voluntarily refrain from pork barrel spending, others would continue with business as usual. Business as usual does not pass muster with the American people.

Ideally, I would have offered a bill granting The President a constitutional line-item veto. As Governor of Nebraska, I also had a similar line-item veto and it was an invaluable tool to curb spending by my State legislature. However, those of us who have championed the line-item veto have always come away empty-handed.

The obvious solution—the bipartisan solution—is to grant the President the authority to force Congress to vote on specific funding included in the appropriations bills.

Congressional Members are less likely to pile on the pork if they know that they might have to defend each item on its own merits.

Some might ask: ''what's the urgency? And that brings me to the second bill I am introducing today.

Our Federal debt now tops a whopping $4.7 trillion and we are on schedule to reach the current debt ceiling of $4.9 trillion in September or October of this year. Too many Americans still confuse the annual deficit with our national debt. Even if we accomplish our goal of a balanced budget by 2002, we will still have a $5.5 trillion albatross hanging around our necks.

Obviously, we are living beyond our means. When we raise our debt ceiling for more than we need in the coming year, we perpetuate that practice and risk plunging our Nation into financial ruin.

My bill attempts to bring some sanity and control to this practice. it requires our budget resolution to state how much we intend to raise the debt ceiling each year. And any bill that would raise the debt ceiling to exceed the amount stated in the budget resolution would be subject to a budget point of order and a rollcall vote to waive that point of order.

I have long believed that our Federal Government should balance its budget each year. The facts are, however, that we have not done so since 1969. During the 1980's and now the 1990's, we have become so accustomed to operating in the red that we look upon a $200 billion deficit as great progress. I, for one, take cold comfort in a $200 billion deficit.

Our Federal debt now tops $4.7 trillion and we are on schedule to reach the current debt ceiling of about $4.9 trillion in September or October of this year.

We have now reached a point where we barely lift a finger to balance our budget. The much heralded Kerrey-Danforth Commission on Entitlement Reform attempted to forge an agreement upon lowering the deficit to a

proportion of our total economy. It failed to even reach even that modest goal.

What is even more discouraging and disenchanting is that Congress often fails to limit its deficit spending to the levels that are projected in our annual budgets. We no longer decide upon how much we are going to borrow and to limit ourselves to that amount over the coming year.

Mr. President, if Congress cannot balance its budget, we should at least not give ourselves a blank check to borrow beyond our means. Yet that is exactly what we do when we raise our debt ceiling more than we need to for the coming year.

My bill attempts to bring some sanity and controls to this practice. It requires our budget resolution to state how much we intend to raise the debt ceiling each year. To enforce that goal, any bill that would cause the debt ceiling to exceed the amount stated in the budget resolution would be subject to a budget point of order and a rollcall vote to waive that point of order.

In previous years, I have proposed that the point of order be waived with 60 votes in the U.S. Senate. This bill will require only a majority vote. Yet, I believe it will do the job of highlighting this issue and alerting the American people to Congress' failure to live within its budget.

I can well understand the reluctance of my colleagues to make raising the debt ceiling any more difficult than it is now. I am convinced, however, that we simply must change our process to insure some honesty and credibility in our Federal budget process.

Doing so will be of paramount importance over the coming year as leaders from both political parties are promising tax break after tax break. This is an all too familiar scenario, an all too deplorable scenario. Tax breaks and spending cuts are promised yet only the tax breaks are delivered. The result was that our deficits climbed out of sight and had no resemblance to what we said they were going to be.

Keeping some limits on our debt ceiling will go a long way in keeping everyone on both sides of the aisle honest. Let us force ourselves to do what we say we are going to do, and not, with a wink and a nod, simply hide our failure to do so.

I have always believed that fiscal responsibility is a partnership between the Federal Governmental and the States. However, we are not living up to our side of the bargain.

Washington passes mandates and regulations, and then drops them like a foundling on the doorstep of the States, forcing them to dig deep into their own pockets to pay for compliance. This cost shifting is killing the States.

This game of budget tag has to end. And under the bipartisan legislation I cosponsored last week, it will. This fourth bill—the last building block—requires the Federal Government to provide direct spending for these mandates. If it cannot, the mandate requirements are scaled back to the amount of money appropriated.

Others have proposed a more radical approach; names, ''no money, no mandates backstop.'' But I would caution my friends not to be headstrong. Their treatment would not only swell the ranks of the Federal bureaucracy, it could ignite a firestorm of law suits that would rage throughout the Nation.

Ours is the right approach. Ours is the fair and reasonable approach that will get the job done.

The $4.7 trillion debt was not built up overnight, and it will not be resolved overnight. However, we can no longer afford to sit back. As Gen. Dwight David Eisenhower said when ordering the D-day invasion, ''OK, let's go!''

By Mr. PRESSLER (for himself and Mrs. KASSEBAUM):

S. 190. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes; to the Committee on Labor and Human Resources.

COURT REPORTER FAIR LABOR AMENDMENTS

Mr. PRESSLER. Mr. President, today I am introducing the Court Reporter Fair Labor Amendments of 1995. I originally introduced this bill last November, during the special GATT session. As I said then, the American people sent a strong, clear signal on November 8: they want less Government and they want it now. My bill would keep the Federal Government from intruding into an area it has no business being in, and where its protections are unwanted by everyone concerned.

Specifically, my bill would exempt State and local courts reporters from the compensatory time requirements of the Fair Labor Standards Act [FLSA] when they perform private transcription work outside of normal working hours or regular working days. A recent interpretation of the U.S. Labor Department threatens to radically change the way court reporters have been paid for many years. This bill would keep undisturbed current pay arrangements between State and local reporters and their court employers.

I am pleased my friend from Kansas, Senator KASSEBAUM, the new chairman of the Labor and Human Resources Committee, is cosponsoring this legislation. She has always been a strong proponent of limited government. We both realize the public demand for less government has never been greater.

Mr. President, let me explain the situation which brought about the need for this legislation. For years, official State and local court reporters have enjoyed a unique status among government workers. In most States, they are treated as both government employees and independent contractors, depending on the nature of the work. While performing their primary duties of recording and reading back court proceedings, reporters are considered employees of the court. As such, they are typically compensated with an annual salary and benefits.

However, in addition to these in-court duties, most jurisdictions also require official court reporters to prepare and certify transcripts of their stenographic records for private attorneys, litigants, and others. The reporter and his or her assistants prepare and deliver transcripts using their own equipment, without any supervision by the court. The reporter then bills the attorney or other client directly and collects a per page fee set by law or court rule. The transcription fees earned are usually twice the amount, or more, than those earned during an hour of salaried work for the court. Indeed, it is possible for a court reporter to earn more from private transcription work than from his or her annual court salary.

When preparing transcripts for a private fee, the court reporter is clearly acting as an independent operator, as has been specifically determined by the Internal Revenue Service. For taxation purposes, transcription fee income is treated as separate and apart from reporters' annual court salaries. In fact, in my home State of South Dakota, court reporters are required to collect and pay sales tax on this income. They also file self-employment income forms with the Internal Revenue Service.

The transcription services provided by court reporters are invaluable to private parties. Attorneys are able to obtain a highly accurate recording of court proceedings quickly and reliably. Court reporters are small businessmen and businesswomen performing a cost effective and timely service. There may be many flaws in our system of justice, but our system of court reporting is not among them.

As I stated earlier, everyone is happy with the current situation. It has developed over many years. All interested parties—court reporters, judges, and private attorneys—are very satisfied with the present arrangement.

Everyone was happy, that is, until the U.S. Department of Labor inserted itself into this situation. Last fall, the Wage and Hour Division of the Labor Division took the position that official court reporters in Oregon are still acting as employees of the court, for purposes of FLSA, when they prepare transcripts for attorneys, litigants, and other parties. Similar letters have been received regarding official court reporters in Indiana and North Carolina. Official court reporters in the vast majority of States operate in circumstances similar to these three States.

The DOL's interpretation would require State and local courts to pay court reporters one and one-half times their regular rate of pay for all transcription work performed during overtime hours in a given week. The Labor

Department's position also exposes State and local courts to potentially enormous liability costs from court reporters suing for overtime back-pay. If a suit is successful, the court would owe the reporter at least 2 years worth of overtime back-pay. The amount would be doubled if the court could not demonstrate that it was acting in good faith and could go back 3 years if the violation were deemed willful.

If allowed to stand, the impact of the Labor Department's position of the court reporting system would be dramatic. State and local courts would face increased salary budgets and liability exposure. Court reporters facing budgetary cutbacks could lose a significant part of their income and, in some cases, their jobs. Private parties would lose the productivity and efficiency of the current method of transcription. The decision would have adversely affected all interested parties. As you might imagine, no one involved in the court reporting system is happy with DOL's position.

Faced with exposure to millions of dollars of liability nationwide, some courts have already implemented changes. Beginning this month, the South Dakota Court System imposed a new system of pay for transcription on their court reporters. Court salary budgets have also been tightened. State court judges must avoid using their reporters too much, to keep overtime down. Court administrators have been burdened with additional administrative duties and headaches. Private attorneys are concerned they can no longer rely on speedy transcriptions at a reasonable price. No one is happy with the changes.

So why are these changes being considered? Because the U.S. Department of Labor says so. After all these years, the Department has suddenly decided that the Fair Labor Standards Act applies in a situation never contemplated by Congress. What fantastic benefits will result from this governmental meddling? None.

I have a solution, however: Don't fix what is not broken. Keep the Federal Government out of the situation.

The bill I am introducing today would allow official court reporters an exemption from the Fair Labor Standards Act while they are performing transcription duties for a private party, provided there is an understanding between the court reporters and their State or local court employer. The bill also would bar lawsuits by court reporters for overtime back pay.

Note that only State and local court reporters would be affected. That is because Federal court reporters already enjoy a complete exemption from FLSA. State and local court reporters deserve similar treatment. Passage of my bill would allow all official court reporters—Federal State, and local court reporters—to perform their work in the same way.

The Fair Labor Standard Act is designed to protect workers from abusive employers. In this situation, however, the very workers who would receive the so-called protections of the Federal Government, don't want them. Official court reporters would be greatly harmed if the helping hand of the Federal Government takes them under its wing. They don't want, or need, to be taken care of, especially by Washington. That is why the National Court Reporter Association strongly supports this bill.

Mr. President, here is a rare instance where labor and management are in agreement on the best solution regarding a labor issue. Everyone agrees that the current system serves everyone's best interests. When performing transcription services for a private party, court reporters are acting as independent contractors. That is what the IRS considers them. Federal court reporters are treated that way. I can't think of a reason in the world why State and local reporters should be treated any differently. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 190

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 ''The Court Reporter Fair Labor Amendments of 1995''.

SEC. 2. LIMITATION ON COMPENSATORY TIME FOR COURT REPORTERS.

Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

(6) A public agency may not be considered to be in violation of subsection (a) with respect to an employee who performs court reporting transcript preparation duties if such public agency and such employee have an understanding that the time spent performing such duties outside of normal working hours or regular working days is not considered as hours or regular working days is not considered as hours worked for the purposes of subsection (a).''.

SEC. 3. EFFECTIVE DATE OF AMENDMENTS.

The amendments made by section 2 shall take effect as if included in the provisions of the Fair Labor Standards Act of 1938 to which such amendments relate, except that such amendments shall not apply to an action—

(1) that was brought in a court involving the application of section 7(a) of such Act to an employee who performed court reporting transcript preparation duties; and

(2) in which a final judgment has been entered on or before the date of enactment of this Act.

By Mr. EXON:

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution relating to Federal Budget Procedures; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT JOINT RESOLUTION

Mr. EXON. Mr. President, I rise today to introduce legislation proposing a constitutional amendment requiring the President to submit, and the Congress to enact, a balanced Federal budget.

This is not the first time I have introduced such legislation. For years, I have taken a leadership role promoting passage of a balanced budget amendment.

I can think of no greater priority than dealing responsibly with the Federal deficit. A balanced budget amendment underscores my bedrock beliefs in a lean and agile government and living within one's means.

Thirty-seven States have balanced budget provisions. When I was Governor of Nebraska, I had no choice but to balance our State's budget for 8 straight years. I'm not complaining. It forced budgetary discipline and kept my State fiscally sound. It was the right thing to do.

During last year's debate on the balanced budget amendment, I listened with great care and interest to the arguments that we didn't need it.

The critics claimed that self-restraint and legislation could solve the spiralling deficits that have bedeviled us—deficits that trifle with the future and standard of living of our children and grandchildren—deficits that shackle them to a mountain of debt.

The opponents further contended that a balanced budget amendment is no substitute for tough, honest, and effective leadership.

Mr. President, one does not preclude the other. And I might point out that the type of leadership and courage so often extolled on the Senate floor is often in very short supply. There is a lot of breast beating about the deficit, but little will to make the difficult and hard decisions to bring it under control.

Yes, we should be able to deal with deficit without a balanced budget amendment, but the evidence runs to the contrary. All of the statutory remedies have failed. They are riddled with loopholes and back doors which have been exploited to the fullest.

Mr. President, we have also proven ourselves incapable of controlling wasteful spending. The deficit figures speak for themselves. There is still too much business-as-usual around here, and business-as-usual no longer works and will put future generations of Americans in terrible straits.

True, we have made some remarkable headway in reducing the deficit. We turned an important corner by passing the 1993 deficit reduction package and it is performing beyond expectations.

However, the deficits projections for the out-years are not reassuring. Right now, we are enjoying a brief respite from the storm, but is promises to whip back on us in 5 or 6 years. We cannot afford to hide our heads in the sand and hope the problem will go way. It won't.

Let there be no mistake, a balanced budget amendment is no panacea and we will still have to make a lot of hard

choices. But I see no alternative to this amendment. We are out of options. We need the balanced budget amendment to force responsibility upon the Federal Government. We need a bold approach—a new approach—to end the dangerous habit of deficit spending.

This amendment presents our best chance, perhaps our only chance, to turn back the sea of red ink that threatens to engulf us. It's the first step to the establishment of a sound fiscal policy and accountability in the U.S. Congress.

Mr. President, it's time we stopped all the hand wringing over the Federal deficit. It's time we stopped dodging the issue. It's time we showed the courage and leadership demanded of us by the American people. It's time we passed a balanced budget amendment and sent it to the States for ratification. This is the legacy I want to leave our children.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. KEMPTHORNE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

S. 2

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

S. 3

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 12

At the request of Mr. BREAUX, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 91

At the request of Mr. COVERDELL, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 91, a bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such Act.

S. 98

At the request of Mr. BRADLEY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 98, a bill to amend the Congressional Budget Act of 1974 to establish a process to identify and control tax expenditures.

S. 111

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 111, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 122

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 122, a bill to prohibit the use of certain ammunition, and for other purposes.

S. 124

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 124, a bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes.

SENATE RESOLUTION 36—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. PACKWOOD, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 36

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and make investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $3,248,413, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the legislative Reorganization Act of 1946, as amended), and not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $3,333,157, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 37—NATIONAL WOMEN AND GIRLS IN SPORTS DAY

Mr. PACKWOOD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 37

Whereas women's athletics are one of the most effective avenues available for women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972;

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That—

(1) February 2, 1995, and February 1, 1996, are each designated as ''National Women and Girls in Sports Day''; and

(2) the President is authorized and requested to issue a proclamation calling on local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe those days with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL ACCOUNTABILITY ACT

WELLSTONE AMENDMENT NO. 9

Mr. WELLSTONE proposed an amendment to the bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government; as follows:

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

KERRY AMENDMENT NO. 10

Mr. KERRY proposed an amendment to the bill S. 2, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTIONS ON PERSONAL USE OF CAMPAIGN FUNDS.

Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 539a) is amended—

(1) by striking ''Amounts received'' and inserting ''(a) Amounts received''; and

(2) by adding at the end the following:

''(b)(1) Any candidate who receives contributions may not use such contributions for personal use.

''(2) For purposes of this subsection, the term 'personal use' shall include, but not be limited to—

''(A) a home purchase, mortgage, or rental;

''(B) articles of clothing for the use of the candidate or members of the candidate's immediate family (other than standard campaign souvenirs, articles, or materials traditionally offered or provided in connection with bona fide campaign events);

''(C) travel and related expenses that are substantially recreational in nature;

''(D) entertainment, such as sporting events, theater events, or other similar activities, except when offered or provided by the campaign in connection with a bona fide campaign fundraising event;

''(E) fees or dues for membership in any club or recreational facility;

''(F) automobile expenses within the Washington, D.C. metropolitan area (except that a candidate whose district falls within the Washington, D.C. metorpolitian area, may lease automobiles used for campaign purposes consistent with subparagraph (G));

''(G) any other automobile expense, except that a campaign may lease automobiles for campaign purposes if it requires that, if the automobile is used for any other incidental use, the campaign receives reimbursement not later than 30 days after such incidental use;

''(H) any meal or refreshment on any occasion not directly related to a specific campaign activity;

''(I) salaries or per diem payments to the candidate; and

''(J) other expenditures determined by the Federal Election Commission to be personal in nature.

''(3) Any personal expenditure described in paragraph (2) shall not be considered to be an ordinary and necessary expense incurred in connection with a Member's or Member-elect's duties as a holder of Federal office.''.

LEAHY AMENDMENT NO. 11

Mr. LEAHY proposed an amendment to the bill S. 2, supra; as follows:

At the end of the bill add the following,

''No Congressional organization or organization affiliated with the Congress, may request that any current or prospective employee fill out a questionnaire or similar document in which the person's views on organizations or policy matters are requested.''

BINGAMAN (AND LEVIN) AMENDMENT NO. 12

Mr. BINGAMAN (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2, supra; as follows:

At the end of title V add the following:

SEC. 508. SENSE OF SENATE REGARDING ADOPTION OF SIMPLIFIED AND STREAMLINED ACQUISITION PROCEDURES FOR SENATE ACQUISITIONS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

GLENN AMENDMENT NO. 13

Mr. GLENN proposed an amendment to amendment No. 4 proposed by Mr. FORD to the bill S. 2, supra; as follows:

At the end of the Amendment add the following:

(d) APPLICABILITY TO LEGISLATIVE BRANCH.

(1) The requirements of section 6008 of the Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702 note) shall apply to the Legislative branch, except that the responsibilities of the Administrator of General Services under such section shall be exercised as prescribed in paragraph (2).

(2) The responsibilities of the Administrator of General Services under section 6008(a) of the Federal Acquisition Streamlining Act of 1994 shall be exercised, with respect to the Senate, by the Committee on Rules and Administration, with respect to the House of Representatives, by the Committee on House Oversight, and, with respect to each instrumentality of the Legislative branch other than the Senate and the House of Representatives, by the head of such instrumentality. The responsibilities of the Administrator of General Services under section 6008(c) of such Act shall be exercised, with respect to each instrumentality of the Legislative branch other than the Senate and the House of Representatives, by the head of such instrumentality.

(e) EXERCISE OF RULEMAKING POWERS.—The provisions of this section that apply to the House of Representatives and the Senate are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

WELLSTONE (AND OTHERS) AMENDMENT NO. 14

Mr. WELLSTONE (for himself, Mr. BUMPERS, Mr. SIMON, Mr. DODD, and Mr. KENNEDY) proposed an amendment to the bill S. 2, supra; as follows:

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SEC. 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

SEC. 2. LEGISLATIVE ACCOUNTABILITY FOR IMPACT ON CHILDREN

(a) DUTIES OF CONGRESSIONAL COMMITTEES.—The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives shall contain a detailed analysis of the probable impact of the bill or resolution on children, including the impact on the children who are hungry or homeless.

(b) ENFORCEMENT.—

(1) SENATE.—It shall not be in order for the Senate to consider any bill or joint resolution described in subsection (a) that is reported by any committee of the Senate if the report of the committee on the bill or resolution does not comply with the provisions of subsection (a) on the objection of any Senator.

(2) HOUSE OF REPRESENTATIVES.—It shall not be in order for the House of Representatives to consider a rule or order that waives the application of subsection (a) to a bill or joint resolution described in subsection (a) that is reported by any committee of the House of Representatives.

NOTICES OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, the organizational meeting for the Committee

on Agriculture, Nutrition, and Forestry originally scheduled for Wednesday, January 11, 1995 has been changed to Thursday, January 12, at 10 a.m., in SR–332. If you have any questions, please contact Chuck Conner on 4–0015.

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, the Foreign Relations Committee will meet on Wednesday, January 11, 1995, at 10 a.m.; in SD–419.

The committee will consider and vote on the following committee organizational matters: committee rules for 104th Congress; subcommittee jurisdiction and membership for 104th Congress; and committee funding resolution for 1995–97.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, January 19, 1995, in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the implications of the North Korean nuclear framework agreement.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact David Garman at (202) 224–7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, January 10, 1995, at 9:30 a.m. in executive session, to discuss committee organization.

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

COMMITTEE ON FINANCE

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Finance Committee to be permitted to meet Tuesday, January 10, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the nomination of Robert Rubin to be Secretary of the Treasury.

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

COMMITTEE ON THE JUDICIARY

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Tuesday, January 10, 1995.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on federal job training programs, during the session of the Senate on Tuesday, January 10, 1995, at 9 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, January 10, 1995, at 9 a.m. to hold a closed business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, January 10, 1995, at 9:30 a.m. to hold an open hearing on intelligence matters.

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

ORDERS FOR TOMORROW

Mr. PACKWOOD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Wednesday, January 11, and that following the time for the two leaders, there then be a period for the transaction of routine morning business not to extend beyond the hour of 1:30 p.m., and that the following Senators be recognized to speak for under the following time restraints: Senator FRIST up to 10 minutes; Senator HUTCHISON up to 10 minutes; Senator CAMPBELL up to 5 minutes; Senator HARKIN up to 20 minutes.

I further ask unanimous consent that at 1:30 p.m. the Senate resume consideration of S. 2, and at that time Senator LAUTENBERG be recognized to offer an amendment on which there be 20 minutes under the control of Senator LAUTENBERG and 5 minutes under the control of Senator GRASSLEY.

I further ask unanimous consent that following the conclusion or yielding back of time, the amendment be laid aside in order for Senator BRYAN to speak with respect to an amendment.

I further ask unanimous consent that following the Bryan debate, Senator GLENN be recognized to offer the manager's amendment, on which there be 10 minutes for debate, to be equally divided in the usual form, and that the only other first degree amendment in order be a Stevens amendment dealing with the Library of Congress.

I further ask unanimous consent that the Lautenberg amendment recur at 5 p.m. and at that time the majority leader or his designee be recognized.

I further ask unanimous consent that following the disposition of these amendments, the Senate proceed immediately, without any further action or debate, to third reading and final passage of S. 2, as amended.

Finally, I ask unanimous consent that at 10 a.m. on Thursday, January 12, the Senate proceed to S. 1, the unfunded mandates bill, for debate only prior to 2 p.m. on Thursday.

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

PROGRAM

Mr. PACKWOOD. For the information of all Senators, the Senate will complete action on S. 2 tomorrow evening; however, no votes will occur prior to 5 p.m. on Wednesday.

RECESS

Mr. PACKWOOD. Mr. President, if there is no further business to come before the Senate, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:15 p.m., recessed until Wednesday, January 11, 1995, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 10, 1995:

DEPARTMENT OF STATE

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.

JOHNNIE CARSON, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

HERMAN E. GALLEGOS, OF CALIFORNIA, TO BE AN ALTERNATIVE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

INTER-AMERICAN DEVELOPMENT BANK

LAWRENCE HARRINGTON, OF TENNESSEE, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK, VICE RICHARD C. HOUSEWORTH, RESIGNED.

DEPARTMENT OF STATE

LEE C. HOWLEY, OF OHIO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JEANETTE W. HYDE, OF NORTH CAROLINA, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANTIGUA AND BARBUDA, AND AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, AND AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GRENADA.

MARTIN S. INDYK, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

ISABELLE LEEDS, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BISMARCK MYRICK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

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.

JACQUELYN L. WILLIAMS-BRIDGERS, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE, VICE SHERMAN M. FUNK, RESIGNED.

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

FOREIGN SERVICE

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. MC DONNELL, 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 FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE U.S. 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. MC CARTHY, 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 U.S. 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 MC CREARY, 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 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:

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. DE RAMUS, 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, OR 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. MC KEON, 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
LYNEE 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

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

JOHN N. ABRAMS, 000–00–0000
GUY A.J. LA BOA, 000–00–0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

CHARLES F. BOLDEN, JR., 000–00–0000
JAMES M. HAYES, 000–00–0000
RANDALL L. WEST, 000–00–0000
MICHAEL W. HAGEE, 000–00–0000
WALLACE C. GREGSON, JR., 000–00–0000
GARRY L. PARKS, 000–00–0000
MARTIN R. BERNDT, 000–00–0000
DENNIS T. KRUPP, 000–00–0000
MICHAEL A. HOUGH, 000–00–0000
HENRY P. OSMAN, 000–00–0000
PAUL M. LEE, JR., 2 000–00–0000
EDWARD R. LANGSTON, JR., 000–00–0000
JERRY D. HUMBLE, 000–00–0000
JAN C. HULY, 000–00–0000

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

to be colonel

LYDIA D. DAVID, 000–00–0000
BRIAN M. DAVIS, 000–00–0000
MALIWAN K. FRYLING, 000–00–0000
CARL W. GRAVES, 000–00–0000
IVAN J. DOUGLAS, 000–00–0000
ANDREW M. MORGAN, 000–00–0000
JOHN C. MORRISON, 000–00–0000
JOSE L. PUEBLATARILONTE, 000–00–0000
NELSON T. YAP, 000–00–0000

To be lieutenant colonel

RICHARD A. ALLNUTT, III, 000–00–0000
MICHAEL F. EYOLFSON, 000–00–0000
JOHN P. HIGHSMITH, 000–00–0000
STEPHEN M. KINNE, 000–00–0000
STEPHEN F. MANCHESTER, 000–00–0000
ARLEEN M. SAENGER, 000–00–0000
DAVID H. SUMMERS, 000–00–0000
MIGUEL V. TELLADOFENTE, 000–00–0000

To be major

COX, KENNETH L., 000–00–0000
ELSAYED, ALAAELDEEN M., 000–00–0000
WILSON, DWAYNE L.F., 000–00–0000

DENTAL CORPS

To be lieutenant colonel

DZIACHAN, DAVID A., 000–00–0000
JORTNER, WAYNE P., 000–00–0000
KRETZSCHMAR, JOHN A., 000–00–0000
KRETZSCHMAR, JAMES L., 000–00–0000
RANKIN, CHARLES H., III, 000–00–0000
REINHART, THOMAS C., 000–00–0000
SMITH, ALAN T., 000–00–0000

To be major

BUHLER, WILLIAM R., 000–00–0000
DEWITT, DAVID P., 000–00–0000
GULBRANSON, STEVEN D., 000–00–0000
ROBERTS, HOWARD W., 000–00–0000
SUTTON, ALAN J., 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICER INDICATED BY AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10 UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

ANDERSON, ROSE J., 000–00–0000
BOWMAN, QUINTON V., 000–00–0000
BURRELL, ROBERT A., 000–00–0000
CAYCE, LYLE W., 000–00–0000
CHAPMAN, KEVIN J., 000–00–0000
CUCULIC, LAWRENCE M., 000–00–0000
DEMOSS, DOUGLAS P., 000–00–0000
DUNN, MALINDA E., 000–00–0000
GALLUP, LELAND A., 000–00–0000
GERMAN, JOHN M., 000–00–0000
GORDON, RICHARD E., 000–00–0000
HARRISON, JOHNATHAN, 000–00–0000
HELM, ANTHONY M., 000–00–0000

HIGGINS, NANCY A., 000–00–0000
HOBURG, PAUL D., 000–00–0000
HOFFMAN, JOHN B., 000–00–0000
HUDSON, RODNEY E., 000–00–0000
HYDER, GARY D., 000–00–0000
JACKSON, CARLTON L., 000–00–0000
JENNINGS, RAYMOND J., 000–00–0000
LASSUS, KENNETH J., 000–00–0000
LLOYD, ROBERT B., 000–00–0000
MAYES, WILLIAM M., 000–00–0000
MENDEZ, ENRIQUE B., 000–00–0000
MILLER, MICHELE M., 000–00–0000
NOVAK, EVA M., 000–00–0000
OLMSCHEID, MELVIN G., 000–00–0000
PHELPS, JOHN F., 000–00–0000
PREGENT, RICHARD V., 000–00–0000
PRIBBLE, FRED T., 000–00–0000
SALATA, STEVEN T., 000–00–0000
SELLEN, KEITH L., 000–00–0000
SHEA, MORTIMER C., 000–00–0000
SNYDERS, PAUL L., 000–00–0000
SPAHN, STEPHANIE C., 000–00–0000
STRANKO, WILLIAM A., 000–00–0000
SULLIVAN, ANNAMARY, 000–00–0000
SUPERVIELLE, MANUEL, 000–00–0000
TATE, CLYDE J., II, 000–00–0000
WALTERS, MICHAEL L., 000–00–0000
WARREN, MARC L., 000–00–0000
WASHINGTON, ROGER D., 000–00–0000
WEBSTER, LINDA K., 000–00–0000
*WOOLF, RANDY L., 000–00–0000

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be major

AJAY VERMA, 000–00–0000
MARLEIGH E. ERICKSON, 000–00–0000
JENNIFER L. FORMAN, 000–00–0000
JOSEPH C. PIERSON, 000–00–0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT INTHE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF CAPTAIN, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

To be captain

MICHAEL T. ADAMS, 000–00–0000
VINCENT J. BARNHART, 000–00–0000
JOHN P. BARRETT, 000–00–0000
JAMES D. BARRY, 000–00–0000
ANTHONY A. BEARDMORE, 000–00–0000
PATRICK J. BENNETT, 000–00–0000
ELISABETH G. BEYER, 000–00–0000
JEFFREY G. BLUE, 000–00–0000
PAUL C. BURNEY, 000–00–0000
SCOTT M. CROLL, 000–00–0000
ERIK A. DAHL, 000–00–0000
MARIA R. DORIA, 000–00–0000
DAVID A. DORSEY, 000–00–0000
JOHN S. EARWOOD, 000–00–0000
KAREN C. EVANS, 000–00–0000
EDWARD M. FALTA, 000–00–0000
JOHN W. FAUGHT, 000–00–0000
ROGER K. FINCHER, 000–00–0000
DOMINIC R. GALLO, 000–00–0000
JAMES J. GERACCI, 000–00–0000
JOSEPH M. GOBERN, 000–00–0000
JAMES D. GRADY, 000–00–0000
SCOTT D. GREENWALD, 000–00–0000
LEONARD L. HALL, 000–00–0000
KURT S. HENSEL, 000–00–0000
MELANIE L. HILL, 000–00–0000
KURTIS R. HOLT, 000–00–0000
MICHAEL D. HUBER, 000–00–0000
TROY R. JOHNSON, 000–00–0000
JUDITH L. KALITA, 000–00–0000
SHAWN F. KANE, 000–00–0000
SEAN KEENAN, 000–00–0000
MARY E. LINSENMEYER, 000–00–0000
ANTHONY C. LITTRELL, 000–00–0000
JAMIL A. MALIK, 000–00–0000
MICHAEL S. MEYER, 000–00–0000
KEVIN E. MOORE, 000–00–0000
KIMBERLY A MORAN, 000–00–0000
JOSEPH A. MUNARETTO, 000–00–0000
NEIL E. PAGE, 000–00–0000
MARY V. PARKER, 000–00–0000
THERON M. PETTIT, 000–00–0000
MELISSA A. PRATT, 000–00–0000
MAXIMILIAN PSOLKA, 000–00–0000
STEPHANIE D. REDDING, 000–00–0000
DANA K. RENTA, 000–00–0000
DAVID E. RISTEDT, 000–00–0000
GEORGE R. SCOTT, 000–00–0000
STEPHEN R. SEARS, 000–00–0000
JAMES A. SEBESTA, 000–00–0000
ELIZABETH C. SHANLEY, 000–00–0000
DARRELL E. SINGER, 000–00–0000
STEVEN J. TANKSLEY, 000–00–0000
STEVEN K. TOBLER, 000–00–0000
BRIEN W. TONKINSON, 000–00–0000
ROLAND TORRES, 000–00–0000
LADD A. TREMAINE, 000–00–0000
DAWN C. UITHOL, 000–00–0000
DAVID M. WALLACE, 000–00–0000
PAULA M. WALACE, 000–00–0000
MICHAEL J. WALTS, 000–00–0000
ROBERT B. WENZEL, 000–00–0000
VICTORIA J. WHEELER, 000–00–0000
BRADFORD P. WHITCOMB, 000–00–0000
JASON S. WIEMAN, 000–00–0000
RONALD N. WOOL, 000–00–0000

IN THE AIR FORCE

The following cadets, U.S. Air Force Academy, for appointment as second lieutenants in the regular Air Force, under the provisions of sections 9353(B) and 531, title 10, United States Code, with dates of rank to be determined by the secretary of the Air Force.

To be second lieutenants

DAVID W ABBA, 000–00–0000
KRISTEN E ABBOTT, 000–00–0000
DAVID J ABRAHAMSON, 000–00–0000
SANDRA C ACOSTA, 000–00–0000
PHILIP F ACQUARD, 000–00–0000
JULIANA ADAIR, 000–00–0000
ALAN B ADAMS, 000–00–0000
JOSEPH L ADAMS III, 000–00–0000
MATTHEW H ADAMS, 000–00–0000
RENE C ADLUNG, 000–00–0000
PATRICK W ALBRECHT, 000–00–0000
MATTHEW D ALBRIGHT, 000–00–0000
LOUIS C ALDEN, 000–00–0000
JAMES R ALEXANDER, 000–00–0000
STEVEN S ALEXANDER, 000–00–0000
AUDREY E. ALLCORN, 000–00–0000
MICHAEL D ALLEN, 000–00–0000
MICHAEL E ALLEN, 000–00–0000
JOHN T ALPETER, 000–00–0000
DAVID A. AMONETTE, 000–00–0000
ADAM D ANDERSON, 000–00–0000
JASON C ANDERSON, 000–00–0000
MICHAEL P ANDERSON, 000–00–0000
THOMAS P ANGELO, 000–00–0000
WILLIAM S ANGERMAN, 000–00–0000
OBIESILI H ANIAKUDO, 000–00–0000
DAMON A ANTHONY, 000–00–0000
ALEJANDRO ANTUNEZ, 000–00–0000
VALENTINE S ARBOGAST, 000–00–0000
RICHARD W ARMSTRONG, JR, 000–00–0000
SHERRI J ARRUDA, 000–00–0000
JASON R ATKINS, 000–00–0000
CHRISTOPHER E AUSTIN, 000–00–0000
REX O AYERS, 000–00–0000
MATTHEW S BAADE, 000–00–0000
PAUL C BAAKE, 000–00–0000
MICHAEL J BACHTELL, 000–00–0000
JASON E BAILEY, 000–00–0000
WILLIAM E BAIRD, JR, 000–00–0000
CHARLES J BAKER, JR, 000–00–0000
JASON J BAKER, 000–00–0000
LARRY E BAKER, JR, 000–00–0000
BRIAN T BALDWIN, 000–00–0000
CHAD A BALETTIE, 000–00–0000
REX M BALLINGER, 000–00–0000
JENNA E BARASCH, 000–00–0000
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JACKIE L DAY, 000–00–0000

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CORDIS H. FOSTER, 000–00–0000
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MARIO FOXBAKER, 000–00–0000
SETH C. FRANK, 000–00–0000
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BILLEYE S. GLADEN, 000–00–0000
BENJAMIN W. GLAZER, 000–00–0000
BRADLY A. GLENN, 000–00–0000
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ERIC P. GODELFER, 000–00–0000
PIERRY GOIN, 000–00–0000
CELIANN M. GONZALEZ, 000–00–0000
SYLVIA A. GONZALEZ, 000–00–0000
JASON D. GOOCH, 000–00–0000
WADE T. GORDON, 000–00–0000
STEVEN J. GOROWSKY, 000–00–0000
JAMES M. GOURDE, 000–00–0000
NATHAN E. GRABER, 000–00–0000
SEAN K. GRADNEY, 000–00–0000
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MARCUS H. GREGORY, 000–00–0000
GABRIEL J. GRIESS, 000–00–0000
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JULIE C. GRIFFITHS, 000–00–0000
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JOHN M. GROVES, 000–00–0000
SCOTT A. GRUNDAHL, 000–00–0000
LOUIS Q. GUILLERMO, 000–00–0000
NICOLE M. GUMINA, 000–00–0000
DANIEL C. GUNN, 000–00–0000
LAWRENCE C. GUNN III, 000–00–0000
NICHOLAS O. GUTTMAN, 000–00–0000
TREVOR J. HAAK, 000–00–0000
JAMES R. HACKBARTH, 000–00–0000
CORT O. HACKER, 000–00–0000
ROBERT G. HACKING, 000–00–0000
STEPHANIE D. HALCROW, 000–00–0000
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RONNIE J. HALL, 000–00–0000
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DARREN M. HAMILTON, 000–00–0000
MARTIN HAN, 000–00–0000
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ADAM G. HARRIS, 000–00–0000
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AARON L. HARTZLER, 000–00–0000
EDWARD R. HARVEY, 000–00–0000
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TANJA R. HAUBER, 000–00–0000
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RYAN C. HILL, 000–00–0000
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COLBY D. HOEFAR, 000–00–0000
JUSTIN R. HOFFMAN, 000–00–0000
PAUL J. HOFFMAN, JR, 000–00–0000
SHAWN J. HOKUF, 000–00–0000
MARK A. HOLBROOK, 000–00–0000
MARK D. HOLLANDSWORTH, 000–00–0000
EDWARD C. HOPKINS, JR, 000–00–0000
GREGORY E. HOPKINS, 000–00–0000
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AMY L. HULTEN, 000–00–0000
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SAM C. JOHNSON, 000–00–0000
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OTIS C. JONES, 000–00–0000
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JOHN J. JOYCE IV, 000–00–0000
DWIGHT F. JUNIO, 000–00–0000
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ALVIN D. KELLEY, 000–00–0000
PETER N. KELLY, 000–00–0000
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NICOLE M. KENNEDY, 000–00–0000
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MATTHEW S. KENTON, 000–00–0000
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ANDREA C. KERKMAN, 000–00–0000
PETER A. KERR, 000–00–0000
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DAVID B. KINCAID, 000–00–0000
ROBERT E. KINERSON, 000–00–0000
STEVEN W. KLINGMAN, 000–00–0000
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JANA S. KOKKONEN, 000–00–0000
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ERIC M. KOPER, 000–00–0000
MATTHEW A. KOZMA, 000–00–0000
AMANDA L. KRANTZ, 000–00–0000
ERIC E. KREBS, 000–00–0000
STACIE L. KREYKES, 000–00–0000
MURALI KRISHNAN, 000–00–0000
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JEREMY A. KRUGER, 000–00–0000
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WILLIAM R. KUYKENDALL, 000–00–0000
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FREDERICK J. LACEY IV, 000–00–0000
AARON A. LADE, 000–00–0000
KEISHA K. LAFAYETTE, 000–00–0000
TRISTAN T. LAI, 000–00–0000
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PAUL C. LANDESS, 000–00–0000
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JAMIE S. LEIGHTON, 000–00–0000
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TY D. LITTLE, 000–00–0000
EDWARD P. LOCKE, 000–00–0000
JOSEPH W. LOCKE, 000–00–0000
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TOBY J. LOFTIN, 000–00–0000
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PETER D. LOMMEN, 000–00–0000
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ROLF E. LUNDMARK, 000–00–0000
STEVEN T. LYGREN, 000–00–0000
DAVID J. LYLE, 000–00–0000
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TODD P. MACLER, 000–00–0000
CHRISTOPHER V. MADDOX, 000–00–0000
KEVIN M. MAGALETTA, 000–00–0000
CORBETT C. MAGOTRA, 000–00–0000
WILLIAM J. MAHER, 000–00–0000
BENJAMIN R. MAITRE, 000–00–0000
JOHN D. MALLARD, 000–00–0000
GREG J. MALLON, 000–00–0000
JAMES S. MALLORY, 000–00–0000
BRIAN T. MALONE, 000–00–0000

JASON E. MALOY, 000–00–0000
VINCENT A. MANKUS, 000–00–0000
SHAMSHER S. MANN, 000–00–0000
DONALD R. MANNEBACH, 000–00–0000
JOSEPH T. MARCINEK, 000–00–0000
JAMES J. MARSH, 000–00–0000
JULIE M. MARTIN, 000–00–0000
NICHOLAS J. MARTIN, 000–00–0000
STUART C. MARTIN, 000–00–0000
ROBERT A. MASAITIS, JR., 000–00–0000
JOHN T. MASER, 000–00–0000
REBECCA E. MASON, 000–00–0000
KEVIN B. MASSIE, 000–00–0000
JASON A. MASSIGNAN, 000–00–0000
MICHAEL L. MATESICK, 000–00–0000
BLAKE D. MATHIES, 000–00–0000
MILES L. MATHIEU, 000–00–0000
LAUREL L. MATULA, 000–00–0000
ELIZABETH A. MAY, 000–00–0000
MICHAEL J. MAY, 000–00–0000
JENNIFER L. MAYERS, 000–00–0000
DANIEL P. MCALISTER, 000–00–0000
GLENN H. MCCADAMS, 000–00–0000
DAVID A. MCCALEB, 000–00–0000
BARRETT T. MCCANN, 000–00–0000
M.B. MCCLANAHAN, 000–00–0000
EMMETT A. MCCLINTOCK, 000–00–0000
PRESTON J. MCCONNELL, 000–00–0000
JIRO B. MCCOY, 000–00–0000
MARK C. MCCRANEY, 000–00–0000
PAUL D. MCCREARY, JR., 000–00–0000
DAVID R. MCDANIEL, 000–00–0000
GAVIN Y. MCDANIEL, 000–00–0000
MICHAEL R. MCDONALD, 000–00–0000
SHANNON S. MCDONALD, 000–00–0000
HEATHER L. MCGINNIS, 000–00–0000
SHANNON E. MCGLINN, 000–00–0000
JEFFREY S. MCGUIRK, 000–00–0000
JAMES A. MCHENRY, 000–00–0000
PERRY L. MCKEETHEN, 000–00–0000
ERIC H. MCKINNEY, 000–00–0000
SHAWN K. MCMANUS, 000–00–0000
DAVID C. MCMARTIN, 000–00–0000
SHAWN T. MCMASTER, 000–00–0000
HENRY R. MCNEIL III, 000–00–0000
OSWALD G. MEDLEY, JR, 000–00–0000
STEPHEN G. MELLOTT, 000–00–0000
MATTHEW A. MELOENY, 000–00–0000
KEVIN J. MERRILL, 000–00–0000
NICHOLAS W. MEYER, 000–00–0000
CHAD L. MEYERING, 000–00–0000
ADAM J. MEYERS, 000–00–0000
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QUINTESSA MILLER, 000–00–0000
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SEAN T. MILLIKEN, 000–00–0000
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ANTHONY F. MIRABILE, 000–00–0000
MICHAEL W. MIRANDA, 000–00–0000
ANDRE E. MITCHELL, 000–00–0000
BRAD S. MITCHELTREE, 000–00–0000
PAUL D. MOGA, 000–00–0000
MEGAN K. MONAGHAN, 000–00–0000
JEREMIAH R. MONK, 000–00–0000
JAMES R. MOORE, 000–00–0000
JASON G. MOORE, 000–00–0000
WENDY L. MOORE, 000–00–0000
DAVID J. MORELAND, 000–00–0000
JOSEPH T. MORGAN, 000–00–0000
JOHN R. MORO, 000–00–0000
MARGARET E. MORRIS, 000–00–0000
MICHAEL S. MORRIS, 000–00–0000
DREW D. MORRISON, 000–00–0000
PAUL M. MORTON, 000–00–0000
KEVIN L. MOSLEY, 000–00–0000
JAMES P. MOSS, 000–00–0000
RICHARD A. MOTT, 000–00–0000
ERIC D. MOULDER, 203–66—0031
ANTHONY B. MULHARE, 000–00–0000
MARK J. MULLARKEY, 000–00–0000
BRIAN J. MURPHY, 000–00–0000
THOMAS E. MURPHY II, 000–00–0000
TIMOTHY P. MURPHY, 000–00–0000
JOHN F. MURRAY, 000–00–0000
RICHARD M. MURRAY, 000–00–0000
DOUGLAS A. MUSSELMAN, 000–00–0000
JAMES W. MYERS, 000–00–0000
CHRISTOPHER J. NAGY, 000–00–0000
ROBERT L. NANCE, 000–00–0000
ANGEL M. NEGRON, 000–00–0000
DARREN B. NEIL, 000–00–0000
JOHN M. NEMECEK, 000–00–0000
STANLEY J. NESS, 000–00–0000
HONGBAO M. NGUYEN, 000–00–0000
PHONG D. NGUYEN, 000–00–0000
ANTHONY K. NISHIMURA, 000–00–0000
JOHN A. NORTHON, 000–00–0000
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DEBRA R. OLSON, 000–00–0000
JESSICA J. OLSON, 000–00–0000
DAVID R. OMALLEY, 000–00–0000
ROBERT W. ONEIL, 000–00–0000
AINSWORTH M. OREILLY, 000–00–0000
WILLIAM A. ORMISTON, 000–00–0000
BRIAN D. OSWALT, 000–00–0000
STEVEN G. OWEN, 000–00–0000
TRAVIS L. PACHECO, 000–00–0000
JASON R. PALMA, 000–00–0000
KIRSTEN M. PALMER, 000–00–0000
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SANG W. PARK, 000–00–0000
DENNIS PARKER, 000–00–0000
PHILLIP R. PARKER, JR, 000–00–0000
BRYAN M. PATCHEN, 000–00–0000
ZACHARIAH E. PATRICK, 000–00–0000
BRIAN L. PATTERSON, 000–00–0000
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JOHN F. PEAK, 000–00–0000
JAY E. PELKA, 000–00–0000
MANUEL P. PEREZ, 000–00–0000
FRANCESCO A. PFAUTH, 000–00–0000
MICHAEL J. PFINGSTEN, 000–00–0000
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SUSAN E. PHILLIPS, 000–00–0000
DARRELL K. PHILLIPSON, 000–00–0000
TIMOTHY B. PICCIN, 000–00–0000
DAVID L. PIKE, 000–00–0000
JULIE A. PILKINGTON, 000–00–0000
MARK D. PIPER, 000–00–0000
EVAN S. PITTS, 000–00–0000
JAMES E. PLATT, JR, 000–00–0000
MARK E. PLEIMANN, 000–00–0000
JASON L. PLOURDE, 000–00–0000
CHARLES J. PODOLAK, 000–00–0000
PATRICK A. POHLE, 000–00–0000
CHRISTI A. PORTERFIELD, 000–00–0000
FREDERICK T. PORTIS, 000–00–0000
WILLIAM J. POSANKA, 000–00–0000
TAMARA L. PRASSE, 000–00–0000
JULIE C. PRICE, 000–00–0000
KEVIN B. PRICE, 000–00–0000
CRAIG L. PRICHARD, 000–00–0000
MICHAEL S. PUGH, 000–00–0000
CARMINE J. PUNZIANO, 000–00–0000
VARUN PURI, 000–00–0000
LISA A. PURUL, 000–00–0000
DAVID J. RAMIREZ, 000–00–0000
JESUS A. RAMOS, 000–00–0000
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ADAM D. REIMAN, 000–00–0000
REGINA M. REINHART, 000–00–0000
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CHRISTOPHER O. RESTAD, 000–00–0000
TIMOTHY J. REUTIMAN, 000–00–0000
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ERIC A. RIVERA, 000–00–0000
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TAMARA S. RIVERS, 000–00–0000
TEAKA J. ROBBA, 000–00–0000
ANDREW F. ROBBERT, 000–00–0000
NICOLE R. ROBERSON, 000–00–0000
MARCUS L. ROBERTS, 000–00–0000
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CLINTON A. ROSS, 000–00–0000
KEEL L. ROSS, 000–00–0000
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KURT P. ROUSER, 000–00–0000
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JAMES S. ROWLEY, 000–00–0000
GREENE D. ROYSTER IV, 000–00–0000
KARLA K. RUDERT, 000–00–0000
RUTH A. RUMFELDT, 000–00–0000
JAMES A. RUNTE, 000–00–0000
SCOTT P. RUPERT, 000–00–0000
PAMELA D. RUSE, 000–00–0000
STEVEN W. RUSS, 000–00–0000
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JAY A. SABIA, 000–00–0000
DAVID C. SALISBURY, 000–00–0000
WILLIAM P. SAMMON, 000–00–0000
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JERRY D. SANCHEZ, 000–00–0000
MATTHEW J. SANDELIER, 000–00–0000
GILBERT W. SANDERS, 000–00–0000
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JASON R. SANDERSON, 000–00–0000
TORRANCE M. SANFORD, 000–00–0000
ALEXANDER SANSONE, 000–00–0000
BRIAN M. SCHAFER, 000–00–0000
JAMES A. SCHARTZ, 000–00–0000
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TODD A. SCHERM, 000–00–0000
RYAN P. SCHIEWE, 000–00–0000
ALFRED C. SCHMUTZER III, 000–00–0000
BRIAN A. SCHNITKER, 000–00–0000
TANYA J. SCHNORR, 000–00–0000
NATALIE C. SCHWANE, 000–00–0000
BRIAN E. SCIANTARELLI, 000–00–0000
JEFFREY D. SEARCY, 000–00–0000
BRADLEY A. SEGER, 000–00–0000
FREDRICK H. SELLERS, 000–00–0000
KEVIN L. SELLERS, 000–00–0000
THOMAS P. SEYMOUR, 000–00–0000
SCOTT L. SHACKLETT, 000–00–0000
NARESH SHAH, 000–00–0000
PETER J. SHERIDAN, 000–00–0000
THOMAS P. SHERMAN, 000–00–0000
OWEN T. SHIPLER, 000–00–0000
DANIEL B. SHRAGE, 000–00–0000
JONATHAN D. SHULTZ, 000–00–0000
DANIEL R. SIGMOND, 000–00–0000
DEZSO V. SILAGYI II, 000–00–0000
JOHN T. SILANCE II, 000–00–0000
JAE B. SIM, 000–00–0000
STEPHEN A. SIMKO, 000–00–0000
TANYA C. SIMMON, 000–00–0000
GRANT J. SIMMONS, 000–00–0000
SEAN A. SIMMONS, 000–00–0000
WILLIAM E. SIMMONS II, 000–00–0000
MICHAEL J. SIMON, 000–00–0000
MELVIN B. SIMPSON, 000–00–0000
BRITT H. SINGLETON, 000–00–0000
JOHN B. SINGLETON, 000–00–0000
LEWELL B. SKINNER, 000–00–0000
CHRISTOPHER M. SKORA, 000–00–0000
SEAN R. SLAUGHTER, 000–00–0000
GRETE A. SLITER, 000–00–0000
ANDREW T. SMIRCICH, 000–00–0000
BRIAN A. SMITH, 000–00–0000
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WARREN B. SNEED, 000–00–0000
JOHN M. SNEERINGER, 000–00–0000
MICHAEL W. SNODGRASS, 000–00–0000
PAUL G. SONGY, 000–00–0000
FORREST V. SOPER, 000–00–0000
MARK SOTALLARO, 000–00–0000
JEFFREY P. SOUZA, 000–00–0000
RYAN M. SPARKMAN, 000–00–0000
PAUL F. SPAVEN, 000–00–0000
JASON M. SPEES, 000–00–0000
STEVEN F. SPIEGEL, 000–00–0000
JOHN C. SPITZER, 000–00–0000
ALAN R. SPRINGSTON, 000–00–0000
MICHAEL R. STAPLES, 000–00–0000
AMANDA J. STEFFEY, 000–00–0000
SHANE D. STEINKE, 000–00–0000
JOEL W. STEPHENS, 000–00–0000
KISTNER Y. STEVENSON, 000–00–0000
ALLEN L. STEWART, 000–00–0000
PHILLIP R. STEWART, 000–00–0000
ADAM J. STONE, 000–00–0000
ANDREW B. STONE, 000–00–0000
RONALD P. STOREY, JR, 000–00–0000
STEVEN W. STRASBAUGH, 000–00–0000
ANDREW J. STREICHER, 000–00–0000
BRITTANY D. STUART, 000–00–0000
TIMOTHY D. STUMBAUGH, 000–00–0000
STEPHEN J. STUMBO, 000–00–0000
DAVID D. SUNDLOV, 000–00–0000
KEITH E. SUROWIEC, 000–00–0000
PETER J. SWANSON, 000–00–0000
ANTHONY SWATSKI, 000–00–0000
TARA L. SWEENEY, 000–00–0000
THOMAS C. SYROTCHEN, 000–00–0000
TIMOTHY N. TART, JR, 000–00–0000
DARELL A. TAYLOR, 000–00–0000
CLAY R. TEBBE, 000–00–0000
ELIZABETH K. TEMPLETON, 000–00–0000
TONI A. TERHUNE, 000–00–0000
ROBERT C. TESCHNER, 000–00–0000
ALAN F. THODE, 000–00–0000
MICHAEL C. THODE, 000–00–0000
KARYN L. THOMAS, 000–00–0000
CHRISTOPHER D. THOMPSON, 000–00–0000
DAVID E. THOMPSON, 000–00–0000
MICHAEL E. THOMPSON, 000–00–0000
DOUGLAS H. THURSTON, 000–00–0000
TIMOTHY W. THURSTON, II, 000–00–0000
BRADLEY D. TIDD, 000–00–0000
JON K. TINSLEY, 000–00–0000
WILLIAM D. TOLMAN, 000–00–0000
DAVID L. TOMLINSON, 000–00–0000
JASON M. TONE, 000–00–0000
MARTIN K. TOPPING, 000–00–0000
LUIS A. TORRES, 000–00–0000
TRUNG H. TRAN, 000–00–0000
MATTHEW C. TRAVIS, 000–00–0000
TIMOTHY G. TREGLOWN, 000–00–0000
STEVEN D. TRIBBLE, 000–00–0000
RICARDO L. TRIMILLOS, 000–00–0000
SCOTT A. TRINRUD, 000–00–0000
ROBERT W. TRUAX, 000–00–0000
JOHN S. TRUBE, 000–00–0000
JUSTIN H. TRUMBO, 000–00–0000
CHRISTOPHER A. TUMILOWICZ, 000–00–0000
JAMES O. TUOMI, 000–00–0000
WALLACE R. TURNBULL, III, 000–00–0000
JEREMEY D. TURNER, 000–00–0000
KEITH R. TURNER, 000–00–0000
LANCE F. TURNER, 000–00–0000
RYAN L. TURNER, 000–00–0000
WESELY L. TURNER, 000–00–0000
TROY M. TWESME, 000–00–0000
CHRISTOPHER G. TYLER, 000–00–0000
THOMAS R. ULMER, 000–00–0000
KEITH L. UMLAUF, 000–00–0000

ANTOINETTE J. VALERO, 000–00–0000
ALICIA A. VALLENI, 000–00–0000
DOREN P. VAN, 000–00–0000
JURA B. VAN, 000–00–0000
KESTEREN C. VAN, 000–00–0000
WIEREN M. VAN, 000–00–0000
ZANTEN S. VAN, 000–00–0000
KOOI D. VANDER, 000–00–0000
KRISTIN L. VANDERBERG, 000–00–0000
LISA A. VARACINS, 000–00–0000
JONATHAN E. VEAZEY, 000–00–0000
ADAM S. VELIE, 000–00–0000
ANDREW F. VENERI, 000–00–0000
ROBERT A. VIETAS, 000–00–0000
TODD C. VIRGIL, 000–00–0000
NATHAN J. VOGEL, 000–00–0000
CLIFTON P. VOLPE, 000–00–0000
ROBERT S. WACKER, 000–00–0000
MATTHEW F. WADD, 000–00–0000
HEIDI R. WAHLMAN, 000–00–0000
MICHAEL J. WAITE, 000–00–0000
STEVEN D. WALKER, 000–00–0000
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BRIAN M. WALL, 000–00–0000
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DAVID J. WALSH, 000–00–0000
JASON T. WARD, 000–00–0000
PAUL K. WARING, 000–00–0000
DANIEL J. WASILAUSKY, 000–00–0000
BRIAN K. WATKINS, 000–00–0000
JEFFREY D. WATSON, 000–00–0000
BRIAN A. WAYPA, 000–00–0000
ERNEST L. WEARREN, JR, 000–00–0000
KEVIN G. WEAVER, 000–00–0000
JEFFREY R. WEEKS, 000–00–0000
MAX C. WEEMS, 000–00–0000
WADE A. WEGNER, 000–00–0000
RYAN J. WELCH, 000–00–0000
KEVIN M. WELLS, 000–00–0000
VINCENT WELLS, 000–00–0000
SEAN T. WELSH, 000–00–0000
PETER A. WENELL, 000–00–0000
BRETT A. WENINGER, 000–00–0000
MONIQUE N. WEST, 000–00–0000
STACY A. WHARTON, 000–00–0000
WILLIAM H. WHARTON, 000–00–0000
ANDREW K. WHIAT, 000–00–0000
JEFFREY J. WHITE, 000–00–0000
JEROME K. WHITE, 000–00–0000
PHILIP A. WHITE, JR, 000–00–0000
REAGAN K. WHITLOW, 000–00–0000
MATTHEW R. WHITNEY, 000–00–0000
KEVIN A. WHITTAKER, 000–00–0000
BRYAN J. WICKERING, 000–00–0000
DOUGLAS P. WICKERT, 000–00–0000
STEPHEN D. WIER, 000–00–0000
JASON B. WIERZBANOWSKI, 000–00–0000
DANIEL R. WILCOX, 000–00–0000
JOHN D. WILCOX, 000–00–0000
TRAVIS S. WILDS, 000–00–0000
TRACY J. WILLCOX, 000–00–0000
BRICE J. WILLIAMS, 000–00–0000
KEVIN L. WILLIAMS, 000–00–0000
DAVID A. WILLIAMSON, 000–00–0000
PAUL J. WILSON, 000–00–0000
CHRISTOPHER J. WIRTANEN, 000–00–0000
RYAN E. WOERNER, 000–00–0000
PAUL M. WOJTOWICZ, 000–00–0000
TIMOTHY G. WOLLER, 000–00–0000
PAUL C. WOOD, 000–00–0000
EDWARD M. WOOTEN, III, 000–00–0000
JASON W. WROBLEWSKI, 000–00–0000
ERIC M. YAPE, 000–00–0000
EDDIE L. YOUNG, JR, 000–00–0000
ELIZABETH A. YOUNG, 000–00–0000
WILLIAM M. YOUNG, 000–00–0000
DEREK J. YOUNGER, 000–00–0000
ERIC J. ZIHMER, 000–00–0000
CHRISTOPHER J. ZUHLKE, 000–00–0000
KARL D. ZURBRUGG, 000–00–0000
JAMES D. ZWYER, 000–00–0000

CONFIRMATION

Executive nomination confirmed by the Senate January 10, 1995:

DEPARTMENT OF THE TREASURY

ROBERT E. RUBIN, OF NEW YORK, TO BE SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.