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

The PRESIDENT pro tempore. We have a guest Chaplain this morning. When I first came to the Senate he was my press officer. Later my legislative assistant, later my administrative assistant. One of the finest men I have ever known. He is now a lay preacher, author of many books, and an outstanding citizen.

We are honored to have him with us, Harry Dent, of Columbia, SC.

PRAYER

The guest Chaplain, Harry Shuler Dent, Sr., of Columbia, SC, offered the following prayer:

Let us pray:

Our Father, who art in Heaven, hallowed be Your name. May Your will be done on Earth as it is in Heaven. May all Americans, and especially the membership of this august body of distinguished lawmakers, be a part of Your solution to the evils, the moral meltdown, and the hurts that plague our country and people across the world. May we be Your guiding star of moral and spiritual righteousness for all Americans and all the people of the world.

Please take us as a nation and change us individually and collectively where we need to be transformed so we may be guardians and purveyors of Your great commission and the great commandment as presented to us by Jesus. Use us to turn America and the world to Your will, for Your glory and for the good of all mankind. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, this morning leader time has been reserved. There will be a period for morning business until the hour of 10 a.m.

Following morning business, it will be our intention to go to the legislative branch appropriations bill. I hope we can get permission or clearance to do that. There will be rollcall votes, I understand, on that. It is also my hope that we can bring up the military construction appropriations bill. That would need the consent of our colleagues.

We need to do six appropriations bills before the August recess—whenever that stems. That will be helpful. We will at least complete action on two of those this week. We still have the matter of the rescissions package, which I am not going to worry about anymore, for the next few days. I had it up to my eyeballs with the rescissions package.

Then we have also S. 343. There could be a vote on cloture today on regulatory reform. It seems to me we have just about reached—we have been negotiating, I think, in good faith.

We have had people on both sides. I think we are prepared to make some additional changes if that will be helpful. But I do not see much movement on the other side, as far as votes are concerned. It seems to me that that vote could come today. I will be visiting with the distinguished Democratic leader, Senator DASCHLE, and will make a judgment, whether that be today, tomorrow, or next week.

I did indicate to the President that I was inclined to accede to his request for Bosnia, but I want to talk to some of my colleagues on both sides of the aisle who are cosponsors. I certainly want to cooperate with the President where possible. I have indicated to the Democratic leader if we could work out some agreement on a vote on that early next week, that we certainly would try to accommodate the President's request.

Beyond that, depending on what happens today, we could be on the Ryan White measure tomorrow. On Monday, we will be considering gift and lobbying reform. On Tuesday, we hope to go to foreign ops and the State Department authorization bill. That will probably take at least 2 or 3 days.

I advise my colleagues, as far as we know at this point, there will be votes throughout today. There will be votes tomorrow. If there should be any change, I will certainly come to the floor and make the announcements so my colleagues on both sides of the aisle will have notice.

I reserve the balance of my leader's time.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein not to exceed 5 minutes each.

RESCSSIONS

Mr. WELLSTONE. Mr. President, I will manage the minority leader's time. Mr. President, I want to respond to the majority leader in a very positive, and by no means personal, way.

Mr. President, first of all, I thank the majority leader. He is quite right. There have been negotiations that have gone on for some time. I believe that we would be ready very soon to go forward on the rescissions package.

There were several issues. The majority leader has now been working with us. We have agreed to have debate on a number of amendments—one dealing with the low-income energy assistance, and the second one, which I really want to talk about and hope that there will be some change and restore some of the funding for this program. The other has to do with the job training and education programs.

Mr. President, the only disagreement—and I believe it will be worked out—has to do with a counseling program which, I say to my colleague from Missouri, I would like to talk about for a long time. I will not, because other colleagues want to speak, and I will get a chance to speak later.

This is an interesting program, Mr. President. The ratio, Members will like this, of paid staff to beneficiaries is 1 to 2,000. It is not topped down. It is out in the States. This is a program that is extremely important. It is what we are all about. It is basically a few paid staff that in turn nurture a lot of volunteers that in turn provide seniors with just basic information about their health care coverage. People sometimes find that bewildering, and sometimes there is unfortunately some rip-off when it comes to supplementary Medicare coverage. It is extremely successful.

The majority leader said last night, and he is quite correct, that he has now working with us and actually is helping me to restore the funding to this program. It does not require a lot of resources. We are talking about restoring $5 million. It was a $10 million program. By the way, Mr. President, sometimes those numbers seem small to Members but this program makes a huge and positive impact in the lives of a good many very vulnerable citizens.

The only confusion and disagreement was that I was waiting for the reprogramming of this. I thank the White House for their help. I certainly would like to thank the minority leader. What I wanted to be careful about, and this just simply had not been
worked out yet, is that the reprogramming was not a "rob Peter to pay Paul." I did not want to take this money from another program that was extremely helpful, for example, to seniors.

So, Mr. President, the only delay, and I think it is a very slight delay, and I see no reason why we cannot go forward, is to make sure we have a reprogramming done. I also wanted to make sure that my colleagues had some understanding on appropriations. I mean, both the majority chair of the committee, Senator HATFIELD, and the minority chair, Senator BIDEN, I wanted to make sure that they were fully apprised of where we were going on the reprogramming. That just did not happen last night. That is the one missing piece. It all goes together. There would not be a need for a third amendment if we work that out. I think we will.

Mr. President, I will just say what I have said all along, which is—I am speaking for myself; I think Senator Moynihan would say this thing—we really believed that it was important that the bill not just go through here without some debate and discussion. We wanted an opportunity to have some amendments. We have agreed to a limited time. We are ready to go forward, and I think we can.

Again, I say to the majority leader and I say to colleagues, at this point in time we have one piece to work out. I believe that will happen this morning. I see there is no reason why we cannot get the reprogramming part taken care of—that will be the piece that the majority leader and I are now working together on, which is of course always the best way to proceed, if you can—and then we will have a limit, time limit on two amendments that will deal with the two other areas. Then we will go to the next.

Mr. President, I say this morning because I am quite confident that we can move forward and I will be ready to do so when the majority leader is ready to do so. We will just wait to work this out on the reprogramming part, and then we should be ready to go. That is what we have been aiming for all along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

THE RESCissions BILL

Mr. BOND. Mr. President, I am encouraged that we could have some movement on the rescissions bill. There are many important issues that are facing this body right now. I happen to think that regulatory reform is extremely important, not only for small businesses, for farmers, but for the growth of our American economy.

But, as we look at these long-range problems, there are very severe short-term problems. I have the distinction of chairing the Veterans Administration, HUD, and Independent Agencies Appropriations Subcommittee. This so-called rescissions bill is actually an emergency and supplemental bill. It is the supplemental emergency bill because the Federal Emergency Management Agency is getting very close to running out of money. We have had disasters, such as the California earthquakes and fires and the tornadoes that have flattened Oklahoma City, we have had floods in the Midwest, and the money available for FMMA is about at its end. Nobody expects a disaster to occur and the Feds to say, "Sorry, we cannot come. We do not have any money." But we are about at that point.

That is why this bill, the emergency supplemental and emergency rescissions bill, is vitally important. That is No. 1.

Second, we have had our defense budget drawn down because of police actions, responding to needs in various parts of the country. The distinguished committee, the Appropriations Subcommittee will tell you, if we do not get this bill through, in September we are going to have to shut down operations for ships, for airplanes. That means that American pilots, who have to maintain their currency, will not be getting that currency. It will be dangerous to them.

These are the needs for the emergency supplemental. But let me tell you first hand, as one who worries every day about funding the vitally important functions of assisted housing, of medical care for veterans, of EPA, NASA, and others, what is going to happen if we do not pass the rescissions bill. This is not a question of reprogramming the two other areas. That is money appropriated for the current year but which will not be spent until future years.

The reason we had to do that is because HUD, primarily, has been spending out of control. And, in HUD, when you appropriate money 1 year, you get the budget authority out there but it starts spending out in future years. So 60 percent of the dollars that will be spent next year in the subcommittee that I chair are spent as a result of previous years’ appropriations. And our budget limit, what we can spend in that year, is determined by the actual outlays.

We have, in all, over $6 billion of budget authority rescinded in HUD under this bill. We have worked with Housing and Urban Development, we have worked with our colleagues on the other side, and while nobody likes to cut budget authority, they have agreed that this is the least harmful.

Let me tell you what happens if that rescissions bill does not go through. If that rescissions bill does not go through, we have another billion dollars of outlays in the Department of Housing and Urban Development that we cannot control. And that is likely to mean that we will not have the money to continue to provide public housing in federally assisted housing for all of the 4.8 million families that depend upon HUD funding for their housing during the coming fiscal year of 1996. We are going to be hard pressed to fund that housing and other vitally important programs like CDBG, and HOME, and the work of the Veterans Administration and NASA, as it is. I think we can do it if this rescissions bill passes.

If this rescissions bill continues to languish as people try to work out reprogramming for the last 2½ months of this fiscal year, if we do not get the rescissions bill, those who hold up the rescissions bill will have to go home and explain why some people are going to be thrown out, thrown out of federally assisted housing they now occupy. The subcommittee on Labor and HHS has $1.3 billion in outlays that depend upon this bill. This rescissions bill is vitally important. I urge my colleagues to move it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

THE LINE-ITEM VETO

Mr. DORGAN. Mr. President, this has been a very interesting year in Congress with the change in control in both the House and the Senate; in some ways this is always very disappointing, but not this year. This is the year of reform and change. Many of the changes and reforms are useful and interesting. Many others are just downright nutty. I will give you an example of some.

The notion that when the Soviet Union is now gone we should start to build star wars with money we do not have at a time when this project clearly is not necessary. In my judgment, that's a nutty idea.

We stick $9 billion into defense that the Department of Defense says it does not want or does not need. That makes no sense to me. That is not reform or change.

Maybe, as one had suggested, charge admission to tour the U.S. Capitol. In other words, charge the American citizens admission to take tours in the U.S. Capitol in order to raise money to reduce the deficit? It seems to me that qualifies as a nutty idea.

Provide laptop computers for poor kids at a time when you are cutting school lunches? Another nutty idea. We stick a lot of goofy ideas. There are some good ideas, some
of which I have supported, one of which is the line-item veto. I want to ask some questions about that this morning.

On February 6 of this year, this Senate passed a bipartisan proposal on the line-item veto. I happen to think, and have thought for a long while, that it makes no sense to have a line-item veto. Most Governors have it. The President ought to have it.

We passed a line-item veto here in the Senate on March 23. The House passed it on February 6. It is now over 120 days, and the question is, where is the line-item veto?

Today we are going to start on our first appropriations bill. Soon those appropriations bills will go to the White House. My guess is that those who wrote the Contract With America and included the line-item veto in the contract, those who were so urgent about the need for a line-item veto as they spoke on the floor of the Senate and the House, are not really having a line-item veto if it means that a Democratic President in the White House has a line-item veto to get rid of Republican pork in appropriations bills.

I noticed yesterday, in a newspaper, "Gingrich Gets $200 Million in New Pork," it says in the headline. I do not know what this is about. It is just "pork" in an appropriations bill—"Gingrich Gets $200 Million in New Pork," in an appropriations bill.

I am going to stop here for a minute, in which I know there are about five or six provisions in this authorization bill that represent special little projects in someone's State.

So what happens to the line-item veto? Why do we not have a line-item veto moving so that the President might sign the bill and have the authority to remove this pork with a line-item veto in appropriations bills this Congress is going to pass?

I think I know what has happened to it. The House of Representatives 120 days later has not even appointed conferees to go to a conference with the Senate on the line-item veto. Why have they not appointed conferees? Because I do not think they really want a line-item veto. I do. I voted for it. I voted for it many times in Congress. And I felt in March of this year when the Senate passed it, and the month before when the House passed it, that maybe those who said it was an urgent priority on the other side of the aisle were serious. It now appears they were not serious at all. It now appears to me some questions about that this morning when the House passed it, that maybe they were not serious. It now appears they were not serious in March of this year when the House passed it—producing pork than producing a line-item veto bill?

One of the Senators has treated us to a big yellow sign every day which says, "Where is the line-item veto bill?"—which is not in my judgment a very respectful reference to the President. But "Where is Billo?"—"Where is the President's budget?"

I guess, if I were inclined with that sort of approach, I could bring a chart here that says, "Where is the bill?"—and hang up "120 days" on the chart to ask the President, "Where is the line-item veto bill?"

We passed it. The House passed it. And there is no conference because the House has not even appointed conferees. Is the reason they have not appointed conferees because they want to lord up the appropriations bills with pork, $200 million in pork by the Speaker of the House and they do not want a Democratic President to veto the pork out of these bills? If that is the reason, they are wallflowers when it comes to fighting the deficit.

Let us decide to cast this line-item veto bill, get it through conference, and get the President to sign it. Let us have a bite at these appropriation bills right now with this deficit. If you care about public policy and about the line-item veto, if you voted for it in the Senate, if you voted for it in the House, as the majority did, I hope they would start asking the question, "Where is the line-item veto?" Why do we not expect the Speaker to appoint conferees? Why do we not have a conference report, bring it from the House, have the Senate pass it, and get it back to the President so that he can exercise the line-item veto on these bills?

THE ORGANIZATION OF ECONOMIC COOPERATION AND DEVELOPMENT

Mr. DORGAN. Mr. President, I would like to go to one other subject today briefly. It is one that almost no one knows anything about, including the Presiding Officer. It is called the Organization of Economic Cooperation and Development, or OECD. It is an international organization that we pay 26 percent of the total cost. I do not think anybody in here really knows much about it. There are a lot of international organizations.

This year the United States will contribute about $52 million to fund the OECD. We are a member of the OECD. I am told that they meet in the finest places in the world and are headquartered in Paris. When they hold a meeting, they hold a meeting in a fine, great hotel in one of the great cities of the world. Folks come from all over the world to attend OECD meetings, the Organization of Economic Co-operation and Development.

One of the things they did recently is approve a report, a document statement, in which this country participated and signed, that talked about how you apportion the tax burden of international corporations. Folks are among the countries in which they do business.
in the world which do not pay taxes, despite earning huge profits in this country.

A U.S. representative at the OECD signs on to an agreement that says we reject the use of formulary apportionment.

So as a result of that, I wrote to the Secretary of the Treasury and the Secretary of State and said tell me about the OECD. Who is involved in these negotiations? Where were the meetings held? What corporations were involved to persuade them to do this? They said they cannot give you that information. It is confidential. You have no right to the working papers of the OECD. They are secret.

I said, Wait a second. I am part of a group that funds them; about $62 million this year from U.S. taxpayers will go to the OECD. You are saying that we do not have a right to see the information?

I then a series of detailed questions of both the Secretary of the Treasury and also of the Secretary of State to try to understand what is going on. The fact is you cannot get information. It is secret or otherwise unavailable, they say. If it is secret, maybe they do not need $52 million.

I want to share with my colleagues the money that goes to OECD. At a time when we are saying we do not have enough money to deal with problems in this country, including problems of families who are struggling very hard, a whole range of areas, nutrition, education, and so on, here is what has happened to OECD, the Organization of Economic Cooperation and Development.

In 1990, the American taxpayers contributed $38 million to the OECD. In 1995, $82 million—only 5 years later and our share nearly doubled. That is pretty interesting. In fact, from 1994 to 1995 the OECD, this little number in the State Department goes from a $50 million to a $22 million contribution.

We wrestle and debate on the floor of the Senate about why we have $5 million here or $10 million there. Mr. President, $32 million now goes to OECD, and it is on a steep increase; nearly doubling in the last 5 years.

They are off making deals with international corporations, and with other countries in a manner that will affect this country.

The American businessman who starts up a business and makes a profit and is required to pay taxes should have to watch as another large international business enters the American marketplace, has $5 billion worth of sales, make three-quarters of a billion dollars in net profit and pays zero in taxes to the U.S. Government.

It is not fair, and it ought to stop. We ought to expect those foreign corporations that do business in America to pay their contribution on their profits just as our Main Street businesses do every single day.

There is, I know, a web of complexity about all of this. I know that the State Department and the Treasury Department and others view this in some respects as a foreign policy issue and in some respects as an economic policy issue—only they understand and no one else is capable of understanding.

I might then ask, if I were a Senator who was presiding at the moment was recently a Governor of a State. The States faced this problem. They faced it because we have a lot of businesses that do business in every State in the Union, and the question was, how do we divide their profits? How do we know what part of their profits go to Indiana, Ohio, or North Dakota?

The States grappled with this and came up with a three-factor formula, and they said we are going to pass something called UDITPA, uniform division of income tax—payroll, property and sales. You make $10 million and 1 percent of your payroll, 1 percent of your property, and 1 percent of your sales were in that State, then 1 percent of that profit should be allocated as the one basis. It worked.

The fact is the States have led on this issue for decades; they solved this problem. And you look at what the Federal Government is doing with international corporations with exactly the same problem, and they are using a buggy-whip approach that is losing billions of dollars.

More importantly than losing the money, we have created the situation where we say to foreign corporations: You come in here and do business and you will receive a major advantage. You can do business and play a game so that you do not have to pay any taxes, but the American businesses that stay here at home and do business only here at home must pay certain taxes on their profits.

What is the consequence? The consequence is that the American business is disadvantaged because the foreign competitor gets by tax free. And that is the problem here.

I have alerted by letter and received apparently one giant yawn from the bureaucracy of this problem, and I wanted to alert them that they are not going to have a very pleasant August and September when their appropriations bills come to the floor and they say to them that they want $83 million for an international organization which send its representatives to the finest hotels in the world to receive a white and sign documents that, in my judgment, contravene this country's interests, and then say to us who appropriate the money, "Take a hike" when we ask them to show us the documents that were used and all of the information that was developed in the construct of this policy.

Mr. President, it was therapeutic, if nothing else, to be able to talk about this in the Chamber this morning, and we will have a lengthier discussion on this subject when their appropriations bills come forward.

Mr. President, let me make one final point. I will again be addressing the question of a line-item veto in the coming days because it is time for the House to appoint conferences, time for a white and sign documents that, in my judgment, contravene this country's interests, and when I vote for it in March we would have a line-item veto, I want to find out who is interested in producing a line-item veto versus who is interested in providing pork.

If we are interested in the line-item veto, and I am—and I guess I voted for it 15 or 20 times in my career—I hoped when I voted for it in March we would not be debating in July whether or not we are going to have a line-item veto. Some, apparently, have decided to move into slow motion here while there is a Democrat in the White House. That is not the way the line-item veto works. And while we see headlines that say "Gingrich Gets $200 Million in New York," I would ask, where is the line-item veto?

Pork is bipartisan and done on a bipartisan basis. I would like to have a veto, and every Democratic or Republican Presidents to address it. If someone has some notion of
where this bill is or what is holding it up, maybe we can find out if we can get a line-item veto in the hands of this President before these appropriations bills get to the White House.

Mr. President, I yield the floor.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. President, I move a unanimous consent that the order for the quorum call be rescinded.

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

Mr. SANTORUM. I thank the distinguished Presiding Officer.

WELFARE REFORM

Mr. SANTORUM. Mr. President, I rise to continue a forum that we started here as the 11 freshman Republican Members of the 104th Congress to talk about the issues that were important to us during the campaign that are now coming to the floor of the Senate and give a perspective of those who are more freshly from the hushings to the Senate and to the people listening.

Today, the issue that we are going to discuss—and I know the Presiding Officer, the Senator from Missouri, has been an outstanding advocate in his short tenure in the Senate on this issue—is welfare reform. Senator ASHCROFT served as the Governor of Missouri for 8 years and instituted welfare reform and has been a tremendous advocate for really dramatic reform in the States.

Later today, Senator ASHCROFT, along with Senator GRAMM, Senator GRAMS, and others, is going to have a press conference to discuss a version that we are going to put forward which I believe, of all the bills that have been introduced to date, both in the House and Senate, is probably the most dramatic, the most forward looking, the most flexible, and the most meaningful welfare reform package that has been put forward. When I say meaningful, I mean meaningful to the people who are in the welfare system or who may find themselves at some future time being caught in that net.

We believe this is a dramatic departure from business as usual, and it is something I am very excited about. I have worked on the welfare reform issue as a member of the House Ways and Means Committee and chaired the Republican task force last session of Congress to come up with a Republican welfare reform bill. We worked 9 or 10 months in extensive meetings and came up with a bill—it was included as part of the Contract With America—called the Personal Responsibility Act. That formed the basis of the bill that was eventually passed, H.R. 4, by the House, and what we have done really is take that product and taken it one step further and allowed more State flexibility, more local experimentation. One of the issues in the bill that I am very proud of that the Senator from Missouri was the author of is a provision that says that community organizations, local community organizations, businesses, churches, could actually be the welfare agency in a local community, really get back to what we know works. And what we know works in dealing with the problems of poverty are people who are in the community, who care about the people that they are serving, not some one hired from the State capital to monitor caseload, but someone who lives next door, who goes to the same church as the person who is going through the difficult time in their life.

Those are the kinds of really dramatic reforms that are in the Gramm bill that we are going to be introducing today. And I understand about it, I think it is a good mark. It shows where we want to be ultimately on the issue of welfare reform: Multiple block grants, some flexibility within those block grants, always to do things with emergencies or an increase in maybe the number of people who need nutritional assistance, so they can move from one fund to another maybe people—there is an increasing surge in day care requirements. The same thing that allows that kind of flexibility for the State to be able to move funds around from account to account. I think that is an important change. Again, the Senator from Missouri was the one that put forward these ideas. So I am excited about that bill.

Let me say that I do not think that is where we are going to end up. That is where I would like to end up. So I am on the bill. That is where I would like to end up. That is where I would like to see somebody come down and say, this is the way we should go, this is the dramatic step forward we should take. But just like the House where there were bills that were introduced that were more dramatic than was passed, H.R. 4, I think we will have to come up with a more modest approach if we are going to get the 60 votes required to pass a welfare reform bill in this body. And I am confident we can do that.

I am, also, at the same time—having worked with Senator ASHCROFT, Senator GRAMS, and others, working with Senator PACKWOOD, Senator DOLE, and others—trying to come up with a bill that we can form that takes, hopefully, a lot from the Gramm bill, but reaches across to try to get Members who may have concerns about providing too much State flexibility, too much local control and provide some sort of compromise that can get the required votes to pass this Chamber.

I think the issue of State and the opportunity to make dramatic changes is here. And this issue is too important for us to hold out for the perfect solution. I think we need it out there as a goal. But at the same time I think we have to be practical, that gets us to the 60 votes that we have to work with to get what we can today.

And if we can, as will be in the Packwood bill, also in the Gramm bill, is a block grant of the AFDC Program to allow States the flexibility to put forward their own plan for welfare recipients, to give them the opportunity to get into jobs, to get into job training, and put stiff work requirements, put a time limitation—those kinds of things that we get job people off the welfare dependency cycle back into the mainstream of American life. Those are the kinds of things that we need to say, States, do the innovative, do the work that is necessary for your individual States to be able to transition people off. We are going to give that flexibility, and in both bills.

That is only a small piece of the welfare pie, AFDC, what many people, certainly a lot on the other side, consider welfare. I think it is a much broader category. They say AFDC is the welfare program, Aid to Families With Dependent Children. If we can block grant that program, end the entitlement nature, end the dependency that results from someone being guaranteed money for doing things that, frankly, most people would say are not what we want them to do: Have children out of wedlock, do not get a job, do not get job training, do not try to do anything to get yourself out. We will give you more money. I think that is a very perverse incentive. End that entitlement. Say that after a certain period of years, you cannot continue for your individual States to be able to transition people off. We are going to give that flexibility, and in both bills.

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being used just north of here in Mary­
land and other places, in isolated pro­
grams, for example, in Berks County in
Pennsylvania, using the debit card as
opposed to a food stamp. It cuts down
spectacularly on fraud. We need to en­
courage that for States to be able to do
more of that, to reduce the amount of
food stamp fraud, which I know is a
very sensitive issue among millions of
Americans who see the fraud every day
at the grocery store.

Those are the kinds of things that we
can and should debate here on this
floor. And I am hopeful that we can
carry a bill—I want to doff my cap to
the majority leader for his courage in
setting forth the last week of the ses­sion before the recess to do welfare re­
form so that we can come here and
have a great debate before we get into
the reconciliation process after we
come back, but have a debate focused
solely on the issue of welfare reform.

Many have encouraged the majority
leader to just fold welfare reform into
reconciliation and consider it all one
big package. I think that is a mistake.
I do not think it gives welfare the kind
of focus that it deserves in changing
America.

So I appreciate the opportunity to
come here and talk about this. I want
to again congratulate the Presiding Of­
cifer for his tremendous work on this
issue. And I yield the floor.

Mr. WELSTONE addressed the
Chair.

The PRESIDING OFFICER. The Sen­
ator from Minnesota is recognized.

WELFARE REFORM, NOT
REFORMATORY

Mr. WELSTONE. Mr. President, first of all, before my colleague leaves,
we come here to speak on the floor and we have other engagements. Let me
just say to him that I think we are to­tally in agreement on the need for a
full discussion and debate. Hopefully, it will be one that is done with a consider­
able amount of substance and grace
and dignity on welfare. I do think it
would be a mistake to fold this into a
reconciliation bill because I think
whenever you are considering such a
major departure from public policy—and this is a major departure from public
policy—it is a mistake to fold it into
the reconciliation bill where you really
do not have the opportunity for the de­bate and discussion.

I say to my friend from Missouri
that, if he is going to speak in morning
business, I would really prefer to let
him have the time, so I will just take 2
minutes rather than taking up the
rest of his time on fraud. We need to en­
courage that for States to be able to do
more of that, to reduce the amount of
food stamp fraud, which I know is a
very sensitive issue among millions of
Americans who see the fraud every day
at the grocery store.

Those are the kinds of things that we
can and should debate here on this
floor. And I am hopeful that we can
carry a bill—I want to doff my cap to
the majority leader for his courage in
setting forth the last week of the ses­sion before the recess to do welfare re­
form so that we can come here and
have a great debate before we get into
the reconciliation process after we
come back, but have a debate focused
solely on the issue of welfare reform.

Many have encouraged the majority
leader to just fold welfare reform into
reconciliation and consider it all one
big package. I think that is a mistake.
I do not think it gives welfare the kind
of focus that it deserves in changing
America.

So I appreciate the opportunity to
come here and talk about this. I want
to again congratulate the Presiding Of­
cifer for his tremendous work on this
issue. And I yield the floor.

Mr. WELSTONE addressed the
Chair.

The PRESIDING OFFICER. The Sen­
ator from Minnesota is recognized.

WELFARE REFORM, NOT
REFORMATORY

Mr. WELSTONE. Mr. President, first of all, before my colleague leaves,
we come here to speak on the floor and we have other engagements. Let me
just say to him that I think we are to­tally in agreement on the need for a
full discussion and debate. Hopefully, it will be one that is done with a consider­
able amount of substance and grace
and dignity on welfare. I do think it
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cifer for his tremendous work on this
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Mr. WELSTONE addressed the
Chair.

The PRESIDING OFFICER. The Sen­
ator from Minnesota is recognized.
We really need for the creative capacity of the States, the innovation and the energy of people who are working to develop their own systems and the commitment that that investment in their own systems brings, to be allowed in a new system which would give States the opportunity through block grants to develop the strategies which will elicit the response among the citizens of the communities that those States represent.

So as we work together, and I am pleased to have had the opportunity to work with so many people in this respect, through vigorous discussions and the discussions I have had have been no more vigorous with anyone than those discussions which I have had with the distinguished Senator from Pennsylvania who inhabits the Chair at this moment. But it is that kind of discussion, more vigorous with anyone than those who ignore history are destined to repeat the horror of our welfare system.

The mailing and filing date of the 1995 mid-year report required by the Federal Election Campaign Act, as amended, is Monday, July 31, 1995. All principal campaign committees supporting Senate candidates for election must file their reports with the Senate Office of Public Records, 222 Hart Building, Washington, DC 20510-7116.

You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 7 p.m. on the filing date for the purpose of receiving these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224-9322.

Mr. MCCAIN. Mr. President, I noted that Senator DOLE was asked to delay a vote on Bosnia until some time next week, as I understand it. I will support Senator DOLE in whatever decision he makes. I understand that when the President of the United States asks for a request to be taken that concerns national security, that request must be given great credence, and if Senator DOLE decides to delay that vote, I am sure that every Member of this body will support that decision.
CONGRESSIONAL RECORD—SENATE
19959

CONCERNING LEGISLATION TO SUSPEND THE REACHBACK TAX

Mr. COCHRAN. Mr. President, today I am sending a "Dear Colleague" letter to all Senators with information concerning S. 878, a bill I introduced to amend the Coal Industry Retiree Health Benefit Act of 1992. Specifically, the legislation suspends the so-called reachback tax. My letter responds to issues raised about this legislation by my distinguished colleague from West Virginia, Senator Rockefeller. I hope this information will be helpful to all Senators in considering the merits of the bill.

I ask unanimous consent that my letter and the enclosed fact sheet be printed in the RECORD.

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


DEAR COLLEAGUE: In late May, I sent you a letter seeking your support for S. 878—a bill to provide emergency relief to Reachback companies from the retroactive tax imposed by the Coal Industry Retiree Health Benefit Act of 1992 (Coal Act). You have since received a letter from Senator Rockefeller expressing alarm at S. 878 and concern about attempts to amend the Coal Act.

On Thursday, June 22, the House Ways and Means Subcommittee on Oversight held a hearing on the Coal Act. The hearing examined the inequities of the Coal Act, its impact on the bituminous coal companies and the current and projected surplus in the Combined Benefit Fund. Last month, a federal district court ruled the Coal Act unconstitutional and enjoined its application to the Unity Real Estate Company.

Contrary to the fears expressed by proponents of the Coal Act, I have no intention of jeopardizing in any way the benefits promised to retired miners by the members of the Bituminous Coal Operators Association (BCOA). Nor will S. 878 do that. A fact sheet, attached to this letter specifically responds to some of the concerns expressed in Senator Rockefeller's June 19 letter.

I am optimistic that, based on the record established in the House hearing together with other favorable developments, we can move forward to amend the Coal Act in a way which relieves its harsh impact on the Reachback companies, while at the same time insuring the benefits which were in fact promised to the retired miners by the BCOA.

Sincerely,

THAD COCHRAN,
U.S. Senator.

Enclosure.

REACHBACK TAX FACTS—A PRIMER ON THE COAL INDUSTRY RETIREE HEALTH BENEFITS ACT OF 1992

The Fiction: In truth, the crisis atmosphere was created by the UMWA and the Bituminous Coal Operators’ Association (BCOA). The BCOA did not comply with the contract provisions for increased health care benefits which obligated them to pay lifetime healthcare benefits to their retirees. UMWA and other non-union operators for decades.

The Fact: In truth, the crisis atmosphere was created by the UMWA and the Bituminous Coal Operators’ Association (BCOA). The BCOA did not comply with the contract provisions for increased health care benefits which obligated them to pay lifetime healthcare benefits to their retirees. UMWA and other non-union operators for decades.

The Fiction: "In the late 1980s and early 1990s, a number of large companies had stopped paying into their retirement funds, and the UMWA and other non-union operators failed to finance the health benefits of their former workers. This placed the health benefits of the retirees at risk."

The Fact: "In the late 1980s and early 1990s, a number of large companies had stopped paying into their retirement funds, and the UMWA and other non-union operators failed to finance the health benefits of their former workers. This placed the health benefits of the retirees at risk."

The Fiction: "The UMWA and BCOA agreements fail to provide for any surplus in the United Mine Workers’ Combined Benefit Fund to be used as a premium credit for the Reachback companies unfairly and perhaps illegally taxed by the Coal Act;"

The Fact: "The UMWA and BCOA agreements fail to provide for any surplus in the United Mine Workers’ Combined Benefit Fund to be used as a premium credit for the Reachback companies unfairly and perhaps illegally taxed by the Coal Act;"

The Fiction: "If there is no surplus in the Combined Benefit Fund, Reachback companies would receive no premium credit;"

The Fact: "If there is no surplus in the Combined Benefit Fund, Reachback companies would receive no premium credit;"

The Fiction: "If the fund falls within 10 percent of its operating expenses, Reachback companies would be required to immediately resume premium payments."

The Fact: "If the fund falls within 10 percent of its operating expenses, Reachback companies would be required to immediately resume premium payments."

The Fiction: "Trustees of the fund acknowledged, and the GAO confirmed, on October 1, 1994, that the fund had 95,727 beneficiaries receiving coverage for hospitals, physicians, vision, hearing, speech, ambulance, hospice, home health, psychotherapy and group therapy, pregnancy and medically-necessary abortion, drug and alcohol rehabilitation plus prescription drugs and life insurance."

The Fact: "Trustees of the fund acknowledged, and the GAO confirmed, on October 1, 1994, that the fund had 95,727 beneficiaries receiving coverage for hospitals, physicians, vision, hearing, speech, ambulance, hospice, home health, psychotherapy and group therapy, pregnancy and medically-necessary abortion, drug and alcohol rehabilitation plus prescription drugs and life insurance."

The Fiction: "Our best information suggests only 29 percent—certainly no binding contracts—which were promised by these miners’ employers continue."

The Fact: "Our best information suggests only 29 percent—certainly no binding contracts—which were promised by these miners’ employers continue."

The Fiction: The Coal Act “has successfully ensured that the health benefits which were promised by these miners’ employers continue.”

The Fact: The Coal Act “has successfully ensured that the health benefits which were promised by these miners’ employers continue.”

DESIGNATING SENATOR SIMON TO SERVE ON THE SPECIAL COMMITTEE ON WHITewater

Mr. DASCHLE. Mr. President, I would like to advise the Senate that pursuant to the authority granted in Senate Resolution 120, the Senator from Delaware [Mr. BIDEN] has designated the Senator from Illinois [Mr. SIMON] to serve as the Committee on the Judiciary’s, exactly what, the Special Committee on Whitewater.
the Internal Revenue Service also must participate in this overreach of Federal tax authority, to impose $100 per day, per beneficiary penalties on any Reachback company which does not pay promptly. The Fiction: "... Many of these companies would have been held liable for the lifetime health benefits of their former employees in a slew of court decisions based on their contractual commitments."
The Fact: This is inaccurate. This complex claim is traced to a clause inserted in the 1974 United Mine Workers of America (UMWA) agreements. Since passage of the Coal Act, the facts have demonstrated that the Reachback companies have agreed to litigation which would have perpetually bound them to contribute to UMWA funds, without regard to the terms of their contracts with the UMWA or whether their employees continued to be represented by the union. Furthermore, there is absolutely nothing in the so-called "evergreen" clause which would apply to all of the Reachbacks. Consider these two glaring facts, then ask yourself how "evergreen" could possibly be linked to the Reachbacks:

First, the so-called "evergreen" clause did not even appear in any of the trust documents until 1976. Many of the Reachback companies did not sign or agree to the 1976 or later NBCWAs.

Second, even among those companies which did sign the 1976 or later agreements, the so-called "evergreen" clause could impose no liability on the majority of companies which left the bituminous coal industry. This is because the clause is based on the amount of bituminous coal produced and/or the number of UMWA coal miner hours worked. If there is no bituminous coal produced or no UMWA coal miner hours worked, there is no tax liability. However, all of the Reachback companies entered into this clause on the same basis as companies which had been in the business, although they may not have had any retirees. This approach was in direct contradiction to the multi-employer retiree health benefits system.

When Reachbacks ended their participation in bituminous coal wage agreements, they claimed they had contributed millions of dollars to pay benefits for retired miners from other defunct companies or from companies which had selected not to sign future wage agreements.

The Fiction: "The Cochran bill pretends that a surplus in the health fund exists. That phony surplus is then used to give a tax break to this favored group of companies."
The Fact: Trustees and managers of the fund itself have confirmed a huge surplus exists. The fund has reported these surpluses in each monthly statement. A telephone call today will confirm this. The General Accounting Office (GAO) estimated last June the surplus would be at $103 million at the end of the fund's first fiscal year, October 1, 1994. The GAO was off by 15 percent. The fund actually reported a $125 million surplus on October 1, 1994. Although the magnitude of the surplus was debated by three GAO experts for 22 hours testifying, it was clear that the fund will continue to sustain a steady surplus into the next century.

The Fiction: Reachbacks are "a favored group of companies."
The Fact: This is incorrect. Congress harmed all of these Reachbacks, devastated many others. It certainly did not do them any favors. The tax has caused perpetual damage to many small and family-owned businesses. It has forced the cancellation or postponement of hard-earned raises for hundreds of thousands of innocent working men and women throughout the country.

The Fiction: "Make no mistake about it, the deficit would be increased in order to pay for this tax break."
The Fact: The deficit was increased by passage of the Reachback Tax. Repeal of the Reachback Tax would lower the deficit. The proposed "evergreen" clause in the Coal Act would have increased the deficit because it immediately appropriated an additional $18 million to the Social Security Administration. Those funds were committed long ago and Social Security still has a staggering backlog of Reachback appeals.

Passage of the Reachback Tax also has forced the Department of Health and Human Services, the Department of Treasury, the Internal Revenue Service, the Department of Justice and other Federal agencies to spend millions of dollars to administer, monitor, enforce and adjudicate the tax. The Reachback Tax also robbed the Treasury of millions of dollars because the tax was not fully deductible to the corporations to pay it.

The Congressional Joint Tax Committee has indicated it is likely that Federal tax receipts will increase if the Reachback Tax is repealed. This gain to the Treasury will occur because the contribution to the fund is fully deductible from corporate taxable income.

Furthermore, the presence of a private retirement trust fund in the budget is, in itself, improper Federal tax policy and budget policy.

The Fiction: The Finance Committee held Coal Act hearings.

The Fact: No such hearings occurred on the Coal Act. The Senate Finance Subcommittee held hearings on May 14, but did hold hearings on the Coal Commission Report on Health Benefits for Retired Coal Miners.

The Fiction: The GAO wrote Senator Cochran May 25 to inform him there is not a growing surplus in the health fund.

The Fact: Several members of the Senate, including me, have asked the GAO to update its audit of the fund. We are waiting for that report, which the GAO said it could not have ready for the Subcommittee on Oversight hearing. The GAO has not reported to me that the fund's surplus is shrinking. What the GAO did report is that a private consulting firm, using medical cost trend rates well above accepted national and industry standards, produced a report per scenarios drawn by the union fund managers that showed the fund might show a deficit in the early years of the next century. However, the GAO and another highly respected private accounting firm previously have suggested the fund will enjoy surpluses in the next century. Towers, Perrin actuaries forecast a $2.6 billion surplus when the fund's first years are over in 1994.

The Fiction: "The claimed growing surplus in the fund does not exist and has never existed."
The Fact: This is inaccurate. The reality of a surplus is not subject to interpretation. Trustees and managers of the fund have confirmed this. They all indicated that the fund is in surplus and has been in surplus the past two years. The annual and monthly reports published by the fund confirm this.

The Fiction: "There are 341 companies that are currently responsible for paying health benefits under the act."
The Fact: In a June 8 letter from the fund, the acting executive director reported 473 companies are being billed for premiums. There was no accounting for the over 200 other companies which had signed NBCWA contracts between 1959 and 1978 and which were originally published as Reachbacks. That list included such notable American businesses as General Motors, which the fund said was obligated for 90 beneficiaries, or $2,114,442 this year alone.

The Fiction: "Ernst and Young found that the fund is likely to run a $50 million deficit by the year 2003."
The Fact: That's only one scenario Ernst and Young suggested in a set of projections commissioned by the fund. Ernst and Young also found a healthy surplus in the fund in two years. Further, Ernst and Young suggested a deficit used medical cost trend rate projections which are 3.0 to 4.4 percent higher than nationally accepted industry standards. Interestingly, Ernst and Young uses 5.5 percent medical cost trend rate calculations to provide retiree healthcare projections to clients who are Reachback companies. Ernst and Young agreed to use 8.1 percent to 8.9 percent medical cost trend rates to figure projections for the UMWA's combined benefit fund.

The Fiction: "The Cochran Dear Colleague says that a court ruling on the constitutionality of the Coal Act is a year away."
The Fact: The ruling in Pittsburgh ruled June 7 that the Coal Act was a violation of the Fifth Amendment of the Constitution. (Unity Real Estate Co. v. United Mine Workers of America, United Mine Workers of America Combined Benefit Fund) Numerous other suits and appeals are pending. It is likely that the Supreme Court will decide the constitutionality of the Coal Act.
The Fiction: "The healthcare and security of many vulnerable people rest on the ability of the Senate to fund the budget decisions that reflect the responsibilities of the Senate. Rather, it is clearly in the hands of the individuals, their trade union and the companies which have signed and agreed to contracts promising such healthcare and security."

The Fact: "This is a confusing issue. Far from it. Actually, it is quite clear cut and straightforward.

The Congress should never have been drawn into the collective bargaining process between the coal miner union and the coal mine owners. The union and the owners became strange bedfellows in the coalition which lobbied for passage of the Coal Act and now is fighting this new, the Reachback Tax.

This legislation has cost American taxpayers tens of millions of dollars.

Reachback companies made no promises to provide lifetime healthcare benefits to members of the UMWA and should not be subjected to a retroactive, unfair, unjust and perhaps illegal federally-mandated tax and turned into a legalized straight-jacket to pay for those benefits.

Hundreds of innocent private businesses and hundreds of thousands of innocent American workers have wilted because of the poison sprayed on them by the ill-conceived Reachback Tax.

Even if we in the Congress were to enact remedial legislation this week, where would these companies, their employees, managers and shareholders go to recoup the tens of millions of dollars in premiums already dumped into their fund, as well as their lost incomes, lost wages and lost expenses?

M.I.T. PRESIDENT CHARLES M. VEST— IN SEARCH OF MEDICITY: IS AMERICA LOSING ITS WILL TO EXCEL?

Mr. KENNEDY. Mr. President, as the bells of the new year sounded, Congress is required to define priorities and make difficult choices about funding, particularly funding that will affect educational opportunities for our students, the strength of our research base, and the Nation’s competitiveness in the global economy in the years ahead. In a recent address to the National Press Club, Charles M. Vest, president of Massachusetts Institute of Technology, described the perilous state of the nation’s research universities.

"In 1995, America’s space program is in this strained environment that the nation is now debating the future federal role and responsibility for university research and education in science and technology.

The issue before us transcends partisan politics. The issue is whether Washington budgeteers and decision-makers have the political will and the vision to serve society's long-term need for new knowledge, new technology, and advanced education simply too great to pay.

We must regain our vision, our confidence, and our will to excel.

The Federal government is rightly concerned about the budget deficit. It is making hard choices. We all have to make hard choices. But these decisions have to be based on a vision of the future and an understanding of what hangs in the balance.

Is a third of American research and development really a savings? Or is it a body blow to our national innovation and future competitiveness, and our leadership?

In the current debate, many seem unwilling to make the necessary sacrifice to retain, let alone enhance, our national excellence in science and advanced education. Instead of pursuing our endless opportunities, we are in danger of drifting toward mediocrity.

This need not be the case. It must not be the case.

It used to be that universities and the federal government—in the White House and on Capitol Hill—had the voting public’s blessing for a broadly shared sense of the benefits to be derived from investing in education and research...and a shared commitment to the future.

This commitment is rapidly fading. Although leaders in both parties and in both branches of government are struggling to retain, let alone enhance, our national excellence in science and advanced education, our national commitment is increasingly under attack.

Today, the future has no organized political constituency.

The 1980s, when I began my career as a senior university administrator, I have seen an unraveling of a once fruitful partnership between universities and the government. Its fabric has been frayed by a steady onslaught of policy and budget instability, rule changes, investigations, and deepening distrust.

Congressional hearings and media exposés on the reimbursement of the costs of federally-sponsored research have tarnished the image of universities. Most of the real issues have long since been addressed, but a residue of misunderstanding and cynicism remains.

At the same time, the federal government has steadily asked the universities to take on added missions and requirements without providing the resources to meet them.

It is in this strained environment that the nation is now debating the future federal role and responsibility for university research and education in science and technology.

The issue before us transcends partisan politics. The issue is whether Washington budgeteers and decision-makers have the political will and the vision to serve society’s long-term need for new knowledge, new technology, and advanced education simply too great to pay.
Sometimes the debate sounds strange to the public. During the recent House Educa-
tion and the Workforce Committee.

There are those of us who would like to see
those sentiments reversed! And this includes
the American public. Recent polls show that
more than 70 percent of the country thinks it is very important for the govern-
ment to support research, and nine out of ten want the country to maintain its posi-
tion as a leader in medical research. In fact, 73 per-
cent are willing to pay higher taxes to
support more medical research.

We need more medicine in our political de-
bate. What we need to come together again
in the best interests of the next gen-
eration.

We are all facing pressures to cut costs and
become more effective and efficient—inde-

government, academia, and industry.

What lies ahead is a future of produc-
tion better, more competitive products, im-
proving processes, reducing cycle times, im-
proving quality, and meeting environmental
challenges. The same intense competitive
pressures that stimulated these changes, how-
ever, have increasingly focused indus-
trial R&D on short-term objectives. Appro-
aches between holding to fundamentals and
embracing the two basic principles that have
guided us to success over the past half-cen-
tury.

Industry is doing its part... by produc-
ing products, jobs, and health. This isn't easy. But government at
levels, and industry, must make the deci-
sion to support excellence... not to engage
in the research that we sponsor.

The essence of our institutions.

Now, however, this integration of teaching
and research is at risk. Why? Because
-government agencies are paying less and less of
the actual costs of the research they spon-

The essence of our institutions.

However, this integration of teaching
and research is at risk. Why? Because
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The essence of our institutions.
If we do not invest in research and advanced education, we will not win the battles against pollution of air and water, infant mortality, Alzheimer's disease, or hunger in the world, to name just a few.

We hold the responsibility to become trustees and guardians of our future and the future of our daughters and sons. Unrest and anxiety must continually enhance the learning process, and we must do a better job of explaining to the public what we do, why we do it, and how it relates to their needs and values.

Industry leaders need to explain the benefits to the economy of research and development, and their responsibilities to the entire national innovation system.

Public policy makers need to take the long view and they will do that if we, the public, insist that they do.

And, yes, the media have a critical role to play. By discussing the importance of these issues and by elevating the national debate.

In many ways, it has been the end of the Cold War that has brought us to this point — a point of uncertainty and opportunity. We must use the foresight and wisdom to turn our intellectual powers to solving the problems of a new age. We must have the will to sustain our economic security, eradicate the scourge of disease, create the vibrant future lies more in what we do not know, than in what we do know. We must sustain excellence in research and advanced education.

Thank you very much.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. Dole addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. Dole. Mr. President, I am advised that this request has been cleared by the Democratic leader.

I ask unanimous consent that the Senate now turn to the consideration of H.R. 1854, the legislative branch appropriations bill.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been referred from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $1,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and other as authorized by law, including agency contributions, $52,971,000, which shall be paid from this appropriation without regard to the following limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,513,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $305,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $68,855,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $986,000 for each such committee; in all, $1,992,000.


For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $300,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $965,000 for each such committee, in all, $1,930,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $193,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $12,129,000.

OFFICE OF THE SENATE SERGEANT AT ARMS AND DOOKER

For Office of the Sergeant at Arms and Doorkeeper, $31,839,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY WHIPS

For Offices of the Secretaries for the Majority and the Secretary for the Minority, $1,047,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $15,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,381,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $935,000.


For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 90-65, Seventy-ninth Congress, as amended, section 112 of Public Law 90-65, Senate Resolution 281, agreed to March 11, 1960, $56,395,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $350,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,566,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $51,347,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,644,000.

SENATORS’ OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators’ Official Personnel and Office Expense Account, $304,029,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $778,000.

SELECTIONS AND AWARDS RESERVE

For expenses for settlements and awards, $1,067,000, to remain available until expended.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $8,300; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $1,000,000.

RESOLUTION

Of the funds previously appropriated under the heading “SENATE”, $63,544,724.12 are rescinded.

ADMINISTRATIVE PROVISIONS


(b) On and after October 1, 1995, the President of the Senate shall not receive mileage under the first section of the Act of July 8, 1935 (2 U.S.C. 43a).

SEC. 2. (a) There is established in the Treasury of the United States within the contingent fund of the Senate a revolving fund, to be known as the “Office of the Chaplain Expense Revolving Fund” (hereinafter referred to as the...
"(fund)"). The fund shall consist of all moneys collected or received with respect to the Office of the Sergeant at Arms for legacies, gifts, and expenses, within the contingent fund of the Senate, for the Majority and employees, as authorized by law, including: (a) for salaries and expenses of the House of Representatives, $11,271,000, including: (1) Salaries for the Speaker, $1,478,000, including $25,000 for official expenses of the Speaker; (2) Salaries for the Majority Leader, $1,213,000; for the Minority Leader, $1,000,000; (3) Salaries for the Majority Whip, $658,000; for the Deputy Minority Whip, $5,000; for the Minority Whip, $193,000; (4) Salaries for the Speaker's Office for Legislative Floor Activities, $376,000; for Republican Steering Committee, $661,000; Republican Conference, $1,093,000; for Democratic Steering and Policy Committee, $1,181,000; for Democratic Caucus, $456,000; and nine minority employees, $1,127,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses of Members, and official mail, $1,250,000. Amended to provide, that no such funds shall be used for the purposes of sending unsolicited mass mailings within 90 days before an election in which the Member is a candidate.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, $78,829,000.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $16,945,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees of the Senate, $53,735,000, including: (a) Salaries and expenses of the Clerk, including not to exceed $1,000 for official representa­ tion, per diem, and expenses of mail, $319,000; (b) Salaries and expenses of the Office of the Sergeant at Arms, including the position of Su­ perintendent of Garages, and including not to exceed $700 for official representation, per diem, and expenses of mail, $3,410,000; for salaries and expenses of the Office of the Chief Administra­ tor of General Services, $415,000; for salaries, expenses and temporary personal services of House Information Systems, $27,500,000, of which $16,000,000 is provided herein; for salaries, expenses, and temporary personal services of Office of the Inspector General, $3,594,000; for salaries and expenses of the Office of the Comptroller, $858,000; Office of the Clerk, $136,000; for salaries and expenses of the Office of the Inspector General, and $2,000 for preparing the Digest of Rules, $1,180,000; for salaries and expenses of the Office of the Revision Counsel of the House, $1,700,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,544,000; and other authorized employees, $618,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $126,590,000, including: (a) Administrative offices of the House, $1,000,000; reemployed annuitants reimburse­ ments, $68,600; Government contributions to employees' life insurance fund, retirement funds, Social Security Fund, Medicare fund, Medicare Benefit fund, and worker's and unemployment compensation, $117,541,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees, $2,000,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(k)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified by the Office of the Chief Administrative Officer as fees under section 617 of the Legislative Branch Appropriations Act, 1995 (40 U.S.C. 184g(k)), subject to the level specified in section 617 of the Legislative Branch Appropriations Act, 1995 (40 U.S.C. 184g(k)), subject to the level specified by or promulgated by the Office of the Chief Administrative Officer, which amounts are subject to the levels specified by the Office of the Chief Administrative Officer as fees under section 617 of the Legislative Branch Appropriations Act, 1995 (40 U.S.C. 184g(k)), subject to the level specified by the Office of the Chief Administrative Officer, which amounts are subject to the levels specified in section 617 of the Legislative Branch Appropriations Act, 1995 (40 U.S.C. 184g(k)).

ADMINISTRATIVE PROVISIONS

Sect. 101. Effective with respect to fiscal years beginning with fiscal year 1995, in the case of mail from outside sources presented to the Chief Administrative Officer of the House of Representatives (to be delivered through the Postal Service and mail with postage otherwise paid) for inland delivery in the House of Representatives, the Chief Administrative Officer is authorized to collect fees equal to the applicable postage. Amounts received by the Chief Administrative Officer as fees under section 617 of the Legislative Branch Appropriations Act, 1995 (40 U.S.C. 184g(k)), subject to the level specified by the Office of the Chief Administrative Officer as fees under section 617 of the Legislative Branch Appropriations Act, 1995 (40 U.S.C. 184g(k)), subject to the level specified by or promulgated by the Office of the Chief Administrative Officer, which amounts are subject to the levels specified by the Office of the Chief Administrative Officer, which amounts are subject to the levels specified in section 617 of the Legislative Branch Appropriations Act, 1995 (40 U.S.C. 184g(k)), subject to the level specified by or promulgated by the Office of the Chief Administrative Officer, which amounts are subject to the levels specified by or promulgated by the Office of the Chief Administrative Officer, which amounts are subject to the levels specified in section 617 of the Legislative Branch Appropriations Act, 1995 (40 U.S.C. 184g(k)).

The provisions of section 223(b) of House Resolution 6, One Hundred Fourth Congress, agreed to January 5 (legislative day), January 16, 1995, applying to the Office of the Sergeant at Arms, the Office of the Clerk, the Office of the Majority Whip; Speaker's Office, the Office of the Minority Whip; Speaker's Office, the Office of the Majority or Minority Policy Committee, and the Office of the Majority and Minority Policy Committees of the Senate, to the account from which salaries are payable for such committees.
House Resolution 7, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the designation of certain minority employees; House Resolution 113, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the transfer of two employee positions; and House Resolution 113, One Hundred Fourth Congress, agreed to March 10, 1995, providing for the transfer of certain employee positions which shall each be the permanent law with respect thereto.

SEC. 104. (a) The five statutory positions specified in subsection (b), subsection (c), and subsection (d) are transferred from the House Republican Conference to the Republican Steering Committee.

(b) The second two of the five positions referred to in subsection (a) are—

(1) the revolving fund for the House Barber Shop, established by the paragraph under the heading "HOUSE BARBER SHOPS REVOLVING FUND" in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1976 (Public Law 93-554; 88 Stat. 1776); and

(2) the revolving fund for the House Beauty Shop, established by the matter under the heading "HOUSE BEAUTY SHOP" in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriation Act, 1979 (Public Law 91-145; 83 Stat. 347).

(c) The second two of the five positions referred to in subsection (a) are—

(1) the revolving fund for the House Barber Shop, established by the paragraph under the heading "HOUSE BARBER SHOPS REVOLVING FUND" in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1976 (Public Law 93-554; 88 Stat. 1776); and

(2) the revolving fund for the House Beauty Shop, established by the matter under the heading "HOUSE BEAUTY SHOP" in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriation Act, 1979 (Public Law 91-145; 83 Stat. 347);

(3) the special deposit account established for the House of Representatives Restaurant System, established by the first supplemental appropriations Act of 1998 (40 U.S.C. 740k note); and

(4) the revolving fund established for the House Recording Studio by section 106(g) of the Legislative Branch Appropriation Act, 1997 (P.L. 105-253).

(d) This section shall take effect on October 1, 1995, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 105. (a) Notwithstanding any other provision of law, or any rule, regulation, or other authority, travel for studies and examinations under section 202(b) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(b)) shall be governed by applicable laws or regulations of the House of Representatives.

(b) The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(c) As used in this section, the term "employee of the House of Representatives" means an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include a uniformed or civilian support employee under the Capitol Police Board.

(d) Payments under this section may be made with respect to separations from employment taking place after June 30, 1995.

SEC. 110. (a)(1) Effective on the date of the enactment of this Act, and as adjusted through the day before the date of the enactment of this Act, as further adjusted as specified in paragraph (2), the following adjustments referred to in paragraph (1) shall be applied:

(A) The allowance for the majority leader is increased by $187,532.

(B) The allowance for the majority whip is decreased by $187,532.

(b)(1) Effective on the date of the enactment of this Act, the House of Representatives shall have authority to prescribe regulations to carry out this section.

(2) The further adjustments provided in paragraph (1) are as follows:

(A) The allowance for the Republican Conference is increased by $139,491.

(B) The allowance for the Republican Steering Committee is increased by $90,995.

(C) The allowance for the Democratic Steering and Policy Committee is increased by $90,995.

(D) The allowance for the Democratic Caucus is increased by $560.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,000,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $[3,000,000], to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $[5,919,000], to be disbursed by the Secretary of the Senate.
$1,116,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and con­
tinuing care of emergency rooms, for the
attending physician and his assistants, in­
cluding (1) an allowance of $1,500 per month to the attending physician; (2) an
allowance of $500 per month to one assistant
and for the Attending Physician and his as­
tingent expenses of the emergency rooms,
which such salaries, allowances, and other
funds shall be used to employ more than
forty individuals: Provided further, That the
Capitol Guide Board is authorized, during
workings of the Capitol and the District of
Columbia, to employ not more than ten
additional individuals for not more than one
hundred twenty days each, and not more
than ten additional individuals for not more
than six months each, for the Capitol Guide
Service.

ADMINISTRATIVE PROVISION

SEC. 112. (a) Section 441 of the Legislative Re­
organization Act of 1970 (40 U.S.C. 851) is amended
by adding at the end the following new subsection:

"(k) In addition to any other function under this
section, the Capitol Guide Service shall pro­
vide special services to Members of Congress,
and to officers, employees, and guests of Con­
gress."

(b) Section 310 of the Legislative Branch Ap­
propriations Act, 1990 (2 U.S.C. 130e) is re­
pealed.

(c) The amendment made by subsection (a)
and the repeal made by subsection (b) shall take
effect on October 1, 1995.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the
Committees on Appropriations of the Senate
and the House of Representatives, of the
statements for the first session of the One
Hundred Fourth Congress, showing ap­
propriations made, indefinite appropriations,
and contracts authorized, together with a
statement in writing to the Director of the
Congressional Budget Office whose employ­
ees of the Capitol, including maintenance of
all equipment, uniforms, weapons, supplies, ma­
terials, training, medical services, forensic
services, stenographic services, the employee
allowance, and not more than $500 per
month each to not exceed nine assistants on
the basis herefore provided for such as­
tance; and (4) $852,000 for reimbursement to the
Department of the Navy for expenses in­
curred for staff and equipment assigned to the
Office of the Attending Physician, which
shall be advanced and credited to the appli­
cable appropriation or appropriations from
which such salaries, allowances, and other
expenses are payable and shall be available
for all the purposes thereof, $1,260,000, to be
disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, in­
ccluding maintenance of all equipment, uniforms,
duty allowances, and other contributions to
employees' benefits, funds, as au­
thorized by law, of officers, members, and
employees of the Capitol Police, $780,322,000, of
which $34,213,000 is transferred to the Sergeant
at Arms and Doorkeeper of the
Senate, to be disbursed by the
Chairman of the Board [($2,560,000)] $2,500,000, to be
disbursed by the Chairman of the House of Rep­
resentatives; Provided, That, notwithstanding
any other provision of law, the cost of
basic training for the Capitol Police at the
Federal Law Enforcement Training Center,
was $150,000.
The amount appropriated for fiscal year 1996 for the Capitol Police Board under the heading "CAPITOL POLICE" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES," upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

ADMINISTRATIVE PROVISION

SEC. 113. Upon enactment of this Act all em­
ployees of the Office of Technology Assessment for
183 days preceding termination of employ­
ment were terminated. In such instances, the nomi­
nation of the Office and who are not otherwise
gainfully employed may continue to be paid by the
Office of Technology Assessment at their re­
spective salaries for a period not to exceed
20 calendar days following the employee's date of
termination or until the employee becomes oth­
erwise gainfully employed, whichever is ear­
er.

A statement in writing to the Director of the
Office of Technology Assessment or his designee by
any such employee that he was not gainfully
employed during such period or the portion
thereof for which payment is claimed shall be
accepted as prima facie evidence that he was
not so employed.

SEC. 114. Notwithstanding the provisions of the
Federal Property and Administrative Serv­
ces Appropriations Act, 1990,112. (a) In addition to
the heading "Construction," funds made available in
this Act shall be deemed to be a sale or lease
to the persons designated by the
Chairman of the Board, and not so employed.

Office of Technology Assessment or his designee by
any such employee that he was not gainfully
employed during such period or the portion
thereof for which payment is claimed shall be
accepted as prima facie evidence that he was
not so employed.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional
Budget Office whose employ­
ees of the Capitol, including maintenance of
all equipment, uniforms, weapons, supplies, ma­
terials, training, medical services, forensic
services, stenographic services, the employee
allowance, and not more than $500 per
month each to not exceed nine assistants on
the basis herefore provided for such as­
tance; and (4) $852,000 for reimbursement to the
Department of the Navy for expenses in­
curred for staff and equipment assigned to the
Office of the Attending Physician, which
shall be advanced and credited to the appli­
cable appropriation or appropriations from
which such salaries, allowances, and other
expenses are payable and shall be available
for all the purposes thereof, $1,260,000, to be
disbursed by the Clerk of the House.

OFFICE OF COMPLIANCE

For salaries and expenses of the Office of Com­
pliance, pursuant to Section 310 of the
Budget Act of 1974 (Public Law 93-344), in
cluding not to exceed $2,500 to be expended on
the certification of the Director of the
Congressional Budget Office in connection with
any other function under this section, the Capitol Guide Service shall pro­
vide special services to Members of Congress,
and to officers, employees, and guests of Con­
gress.

For the Architect of the Capitol, $2,500,000.

In addition, for salaries and expenses of the
Congressional Budget Office necessary to carry out the provisions of title I of the
Unfunded Mandates Reform Act of 1995 (Public
Law 104-4), as authorized by section 109 of
such Act, $1,100,000.

ADMINISTRATIVE PROVISION

SEC. 115. (a) Section 440 of title 5, United
States Code, is amended—

(1) by redesignating paragraph (7) as para­
graph (8); and

(2) by inserting after paragraph (6) the fol­
lowing:

"(7) The Director of the Congressional
Budget Office may exclude from the oper­
ation of this chapter an employee under the
Congressional Budget Office whose employ­
ement is terminated by the
ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, the As­
assistant Architect of the Capitol, and other
Provided, that the total amount available for obligations incurred under the appropriations for similar purposes for preceding fiscal years shall not exceed $10,000,000.

This title may be cited as the "Congressional Operations Appropriations Act, 1996".

II—OTHER AGENCIES

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden, $7,000,000, to be available for the Architect of the Capitol without fiscal law limitation, for the fiscal year 1999.

(For renovation of the Conservatory of the Botanic Garden, $7,000,000, to be available to the Architect of the Capitol without fiscal law limitation, for fiscal year 1999. Provided, that the total amount appropriated for such renovation for this fiscal year and later fiscal years may not exceed $14,000,000.)

ADMINISTRATIVE PROVISIONS

SEC. 201. (a) Sec. 201 of the Legislative Branch Appropriations Act, 1990 (40 U.S.C. 216c note) is amended by striking out "$6,000,000" each place it appears and inserting in lieu thereof "$3,000,000".

(b) Section 307E(a)(1) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(1)) is amended by striking out "plants" and inserting in lieu thereof "plants".
only for the purchase and supply of furni-
iture, shelving, furnishings, and related
costs necessary for the renovation and res-
 toration of the Jefferson and John Adams Library buildings.

ADMINISTRATIVE PROVISIONS

SEC. 202. Appropriations in this Act avail-
able to the Library of Congress shall be avail-
able for services only to the extent not
$134,200, of which $50,100 is for the Congres-
sional Research Service, when specifically
authorized by the Librarian, for attendances at
meetings concerned with the function or
activity for which the appropriation is made.

SEC. 203. (a) No part of the funds appro-
priated in this Act shall be used by the Li-
brary of Congress to administer any flexible
or compressed work schedule which
(1) applies to any manager or supervisor
in a position the grade or level of which is
equal to or higher than GS-15; and

(2) grants such manager or supervisor the
right to not be at work for all or a portion
of a workday because of time worked by
the manager or supervisor on another workday.

(b) For purposes of this section, the term
"manager or supervisor" means any manag-
 ment official or supervisor, as such terms are
defined in section 7102(a) (10) and (11) of title 5,
United States Code.

SEC. 204. Appropriated funds received by the
Library of Congress from other Federal
agencies to cover general and administrative
overhead costs generated by performing reim-
 burseable work for other agencies under
the authority of 31 U.S.C. 1536 and 1538 shall
do not exceed $5,000,000 for the current fiscal year
for the convenience of the employees and may be
expended or obligated:

(1) in the case of a reimbursement, only
to such extent or in such amounts as are pro-
 vided in appropriations Acts; or

(2) in the case of an advance payment,
only:

(A) to pay for such general or adminis-
 trative overhead costs as are attributable to
the work performed for such agency; or

(B) to such extent or in such amounts as
are provided in appropriations Acts, with re-
 spect to any purpose not allowable under
subparagraph (A).

SEC. 205. Not to exceed $5,000 of any funds
appropriated to the Library of Congress may
be expended, on the certification of the Li-
brarian of Congress, in connection with offi-
cial recognition ceremonies held in the film
and television program for the Library of Congress incentive awards program.

SEC. 206. Not to exceed $12,000 of funds ap-
propriated to the Library of Congress may be
expended, on the certification of the Librar-
ian of Congress or his designee, in connec-
tion with official representation and recep-
tion expenses for the Overseas Field Offices.

SEC. 207. Under the heading "Library of
Congress" of "authorized" official authority shall be
available, in an amount not to exceed
$36,912,000 $39,412,000 for reimbursable and revolv-
ing fund activities, and $36,667,000 $7,285,000 for non-reimbursable transfer activities
in support of parliamentary develop-
 ment during the current fiscal year.

SEC. 208. Notwithstanding this or any other Act
of Congress, after July 1, 2000, the head-
ing "Library of Congress" for activities funded by the Agency for International Devel-
opment in support of parliamentary develop-
dent in Russia, Ukraine, Albania, Slovenia, and Romania; and
Egypt for other than incidental purchases shall not:
SEC. 209. (a) Section 206 of the Legislative
Branch Appropriations Act, 1994 (2 U.S.C.
132a-1) is amended by striking out "Effec-
tive" and all that follows through "pro-
vided", and inserting in lieu thereof "Obliga-
tions for reimbursable activities and revolv-
ing fund activities performed by the Library of
Congress and in the case of Russia, Ukraine,
Albania, Slovenia, and Romania, for the Library of Congress and international exchange libraries are as-
 authorized by law, $15,312,000 $30,307,000: Pro-
vided, That travel expenses, including travel
expenses of the Depository Library Council
to the Public Printer, shall not exceed
$130,000: Provided further, That funds not to
exceed $2,000,000, from current year appro-
priations are authorized for services under
the Government Corporation Control Act
of 1983: Provided further, That activities flexi-
 bly financed through the revolving fund may pro-
vide information in any format:
Provided fur-
ther, That the revolving fund shall not be
used to administer any flexible or com-
pressed work schedule which applies to
any manager or supervisor in a position the
grade or level of which is equal to or higher
than GS-15: Provided further, That expenses for
attendance at meetings shall not exceed
$75,000.
CONGRESSIONAL RECORD—SENATE
19605
SEC. 231. The General Accounting Office may for such officers and employees as it deems appropriate authorize a payment to officers and employees who reside away from their homes at the request of the Comptroller General, to the extent of $1,000 per year, for the purchase of clothing and other personal items, as of the date such employee is transferred under this Act, in connection with traveling expenses incurred as a result of working away from such employee’s home and in connection with the construction or renovation of any office or quarters for such employee.

TITLE III—GENERAL PROVISIONS
SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance of or for any purpose relating to any federal or government-owned building, or for any purpose relating to the provision of emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically provided for by the Appropriations Act of 1998 is appropriated for herein, the rate of compensation for the position, or either, appropriated for or provided herein, shall be the permanent law with respect to the office or position and the rates or amounts provided therein for the various items of official expenses, Members, officers, and committees of the House and Senate of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and applicable for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 306. (a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House parking activities and related funding shall be transferred from the appropriation Act "Architect of the Capitol, Capitol buildings and grounds, House office buildings" to the appropriation "House of Representatives, salaries, officers and employees, Office of the Sergeant at Arms": Provided, That the position of Superintendent of Garages shall be subject to authorization in annual appropriation Acts.

(b) For purposes of section 8338(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any such employee's costs.
subsections (a) through (e) and (o) of such section.

In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a) of this section, the Architect of the Capitol is authorized to make a lump sum payment to each such employee for such annual leave. No such payment shall be considered a payment in lieu of the making of any law relating to dual compensation.

SEC. 307. None of the funds made available in this Act may be used for the relocation of Representatives within the House office buildings.

SEC. 230(a)(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for "Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds."

(2) The unexpended balances referred to in paragraph (1) are:

[(A) the unexpended balance of appropriations for security installations, as referred to in the heading of the paragraph under the heading "Capitol Police", under the general headings "JOINT ITEMS", "ARCHITECT OF THE CAPITOL", and "CAPITOL BUILDINGS AND GROUNDS", in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1454), including any unexpended balance from a prior fiscal year; and

[(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by section 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2151).

(b) Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred to the Architect of the Capitol to the Capitol Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5). On and after the effective date, no alteration shall be made in structural, mechanical, or architectural feature of the Capitol buildings and grounds that will affect the security systems, except the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

SEC. 230(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police. [(A) the positions referred to in paragraph (1) and the positions which, immediately before October 1, 1995, are:

[(A) under the Architect of the Capitol;

[(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

[(C) related to the design or installation of security systems for the Capitol buildings and grounds.

[(A) All annual and sick leave standing to the credit of such individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual;

[(B) Sec. 230(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(a)) is amended by striking out "Administrative Conference of the United States" and inserting in lieu thereof "Board";

[(c) Section 230(2)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(d)(1)) is amended—

[(1) by striking out "Administrative Conference of the United States" and inserting in lieu thereof "Board";

[(b) The unexpended balances referred to in paragraph (1) shall take effect—

[(A) on October 1, 1995, with respect to the property described in subsection (b)(1)(A); and

[(B) on the later of October 31, 1996, or the date of the conveyance described in subsection (b)(1)(B), with respect to the property described in paragraph (1)(B).

[(A) The property referred to in subsection (a)(1) is the property consisting of—

[(B) the site known as the Botanic Garden; and

[(A) the Botanic Garden, under subsection (e) shall remain available for receptions sponsored by Members of Congress; and

[(C) the National Garden and the Conservatory of the Botanic Garden shall be available for receptions sponsored by the Architect of the Capitol, acting under the direction of the Joint Committee on the Library.

[(I)(I) Notwithstanding the transfer under this section, and without regard to positions specified in paragraph (2), the Architect of the Capitol shall retain full authority for completing, under plans approved by the Architect, the National Garden authorized by section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), including the renovation of the Conservatory of the Botanic Garden under paragraphs (b) and (c) of section 202 of Public Law 102-229 (40 U.S.C. 216c). In carrying out the preceding sentence, the Architect—

[(A) shall have full responsibility for design, construction, management and supervision, and acceptance of gifts;

[(B) shall inform the Secretary of Agriculture from time to time of the progress of the work involved; and

[(C) shall notify the Secretary of Agriculture, when requested by the Architect, the National Garden, including the renovation of the Conservatory of the Botanic Garden, as provided in section 230 of the Act entitled "An Act establishing a Commission of Fine Arts", approved May 17, 1910 (40 U.S.C. 141).

[(I)(i) Except as provided in paragraph (2), effective October 1, 1996, the unexpended balances of appropriations for the Botanic Garden are transferred to the Secretary of Agriculture.

[(I)(ii) Any unexpended balances of appropriations for completion of the National Garden, including the Conservatory of the Botanic Garden, under subsection (e) shall remain under the Architect of the Capitol.

[(I)(ii) After the transfer under this section—

[(I) under such terms and conditions as the Secretary of Agriculture may impose, including a requirement for payment of fees for the benefit of the Botanic Garden, the National Garden and the Conservatory of the Botanic Garden, as provided in the Act entitled "An Act establishing a Commission of Fine Arts", approved May 17, 1910 (40 U.S.C. 141); and

[(I)(II) that (1) the Administrator of the Botanic Garden may, in the performance of the duties of the Botanic Garden, transfer any such position (on a permanent basis) immediately before the transfer to in lieu thereof "Board";

[(b) Section 230(2)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(d)(1)) is amended—

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Mr. President, S. 2, the Congressional Accountability Act, which was passed into law early this year, mandates that Congress comply with the very same employment and labor laws that private businesses must comply with. And, just like businesses all around the country, there is a cost to compliance. This bill includes $2.5 million a year for the establishment of the new Office of Compliance. This is a new joint item with the House. Each Member should be aware that the costs associated with the Congressional Accountability Act will require future increases in expenditures. The committee has included report language that directs the offices of the Senate to make regular reports to the committee regarding issues of compliance and associated costs.

And, just like businesses all around the country, there is a cost to compliance. The Office of Technology Assessment has estimated that the Library of Congress which and insures the Library's position as one of our leading institutions.

We have included a $2.6 million increase for the Congressional Budget Office so that it may perform studies mandated by the Unfunded Mandate Reform Act.

The GAO is reduced 15 percent from fiscal year 1995 levels and we have included an advance appropriation for fiscal year 1997 which will result in a two year reduction of 25 percent.

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Office the model for the rest of the Federal Government in productivity and efficiency as we continue to restructure and downsize the Federal Government.

Mr. President, I expect an amendment to be offered that restores funding for the Office of Technology Assessment. I know that there are Members who feel strongly about this issue and we will debate the merits should it be offered. I must point out to the Members of the Senate that the Senate Appropriations Committee has cut the office by $21 million dollars expenditure. This amount will allow for the orderly completion and distribution of approximately 30 reports which the OTA is currently undertaking and a maximum of 17 employees is provided for closing the current fiscal year in a row that the amount appropriated for fiscal year 1996, $150,000 is recommended to remain available until September 30, 1997, to provide for unemployment claims that may arise.

I would note, however, that during the committee markup of the bill, an amendment offered by the distinguished Senator from South Carolina, Senator Hollings, which I supported, would have provided $15 million for the OTA—the cost of which was offset by a 1.08-percent reduction of the salaries and expenses of certain of the congressional support agencies. That amendment was defeated by a rollcall vote of 11–13.

I believe that the OTA provides a valuable service for the Congress on a bipartisan basis and I will have more to say in support about the OTA in support of an amendment which I anticipate may be offered to overturn the committee’s recommendation.

In conclusion, I again compliment the very able chairman of the subcommittee, Senator Mack. I have learned a lot during my first year as ranking member of this subcommittee, and I am pleased that we have been able to do our share in carefully examining the expenditures of the legislative branch to ensure that they are cost-effective and, where possible, we have recommended reductions in keeping with our overall efforts to reduce Federal spending.

Mr. BYRD. Mr. President, are there committee amendments?

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that they have been adopted en bloc.

Mr. BYRD. The bill, as amended, is open to amendment?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I shall offer an amendment.

Mr. President on previous occasions, I have come to the Senate floor to speak on the matter of honoraria and outside income earned by the media. While no overall disclosure policy exists within the communications industry, there does seem to be more scrutiny being paid to the practice of the press in accepting speaking fees.

It is an issue of increasing concern to me, and one that I believe deserves closer attention. I suspect that most journalists would agree that they have

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July 20, 1995

CONGRESSIONAL RECORD—SENATE

a unique and often unequaled influence on the American public. There is no match—none—no match for the leverage the media have over the public dissemination of information. In order to stay attuned with current events, we all want our work to be seen as benefitting the American public. There is no avoiding this fact, and to pretend otherwise is not only unrealistic but it is also disingenuous.

In response to the public's criticism, Members of Congress adopted disclosure rules that prohibit their acceptance of honoraria. I led the fight. This action was seen by some politicians at the time as an overreaction to criticism and an unnecessary effort, but the prevailing attitude was to let the sunshine work its way into the public's consciousness and, as such, which topics are noted for the media to be accountable. I believe it is time for the members of the press to recognize their extraordinary position in our system of Government, and to face the inherent responsibility that comes with that position. I propose that it is time for the communications industry as a whole to take the bull by the horns and develop its own standards. That is what I would like to see happen; the communications industry should develop its own standards with respect to disclosure of outside earned income. Journalists should forgo the narrow defense of their individual freedoms and face up to the broader obligation of trust which they bear in our political process.

I am offering an amendment, Mr. President, and it is a sense-of-the-Senate amendment—today—regarding the disclosure of outside income earned by accredited members of the Senate press corps. I am not talking about salaries. This does not infringe on anybody's constitutional rights. It does not infringe upon the press's ability to do their job nor is it an attempt to hamper the media's leverage over the dissemination of information. There is no avoiding this fact, and to pretend otherwise is not only unrealistic but it is also disingenuous.

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This amendment is intended to provide a "truth in reporting requirement" for the media that cover this institution, this Senate. I repeat that I have always been concerned with the communication industry's inability or unwillingness to adopt ethical standards that properly reflect their role in our system of Government. In this day of instant access, the media's leverage over the dissemination of information is unequalled. Their power of persuasion goes well beyond the newspaper headlines or the nightly news report or the radio talk show. The members of the media, as the purveyors of our daily news, singularly decide which items are newsworthy and, as such, which items deserve the attention of the public.

Today's press, as I have said already, have enormous power, enormous power. There is nothing like it anywhere in the world. And it is time that they acknowledge the responsibility that comes with that power. Coupled with that fact is the American people's increasing cynicism of Washington. At a time when the public's distrust of Members of Congress and the public's distrust of journalists is at an all-time high, I believe it is important to take the necessary steps to instill confidence in the process of Government. Over the years, the press have been exceedingly critical—and rightly so—of particular elected officials who have abused their positions.

In 1991, in an effort to address the appearance of impropriety, the Congress passed legislation installing disclosure requirements that prohibit any Member from accepting compensation from outside groups. That was a positive step. Though there was resistance to this prohibition, the prevailing attitude was, as I said earlier, to let a little sunshine work its way into the Chamber and to take away the appearance of unethical behavior.

Recently, there have been reports of journalists receiving thousands of dollars in speaking fees from the very members of Congress. The public has no business in knowing what I take in speaking fees.

The impetus for my amendment is neither an attempt to hamper the media's ability to do their job nor is it an effort to infringe in any way upon their first amendment rights. Instead, the goal of the amendment is simply to apply a level of credibility to the press that reflects the importance of their profession.

It is my hope that there can be consensus in the Senate in requiring the media to disclose their earned outside income. And I intend to offer a separate Senate resolution that would, hopefully, lead to the establishment of disclosure rules starting with the 104th Congress and set into place rules for a yearly filing by reporters who seek credentialing with the Senate Press Gallery.

I am not attempting to have any impact upon the House and its rules or regulations. But I would anticipate that the Rules Committee in the Senate would then hold hearings to ensure a complete airing of all views on the subject. Come one, come all. Let us hear what you have to say. Let us work together.

This is not an attempt to sandbag the press or to prevent their input or to influence their input. The purpose of this amendment is to instill confidence in the media for the media to be accountable. I would prefer that they would voluntarily take the steps to make themselves accountable. I hope they will do
that. But right now—today—their sphere of influence is unfettered and unequal.

For the press to simply resist public disclosure on a matter of principle is unwise, and it is unacceptable. I believe that the entire industry must realize its full responsibility—its full responsibility—to its viewers, to its readers, and to its listeners.

In light of that, this amendment is a beginning in the effort to address at the very least the perception of a media double standard. The press were right in saying that we elected officials ought to be accountable to the public, that we ought to disclose how much this group pays us for an appearance, or how much this group pays us for having a cup of coffee downtown at some club. We ought to disclose how much this or that group pays us for a 10-minute speech or for a 30-minute speech. Lay it out.

The press amendment went further. At first, we disclosed it. And then my amendment said we will eliminate entirely the acceptance of honoraria for ourselves and on the part of our staffs. I am not saying the same with respect to the press, because I believe they should eliminate it. I am simply saying they should disclose it. Let the sunshine in. Let their colleagues, let their coworkers know. Let everybody know. Let the public know.

It is time for journalists to forgo, as I say, the narrow defense of their individual freedoms to face up to the broader obligations of trust in our political process.

Mr. President, this is what the amendment says:

It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term “Senate press galleries” means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery;

and

(4) the Senate Photographers Gallery.

AMENDMENT NO. 1962

(Purpose: To express the sense of the Senate that the Senate should consider a resolution requiring each accredited member of the Senate Press Gallery to file an annual public report with the Secretary of the Senate disclosing the member's primary employer and any additional sources of earned outside income received by the member, together with the amounts received from each such source.)

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment as follows:

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

Sec. . (a) It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

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(1) the Senate Press Gallery;

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(4) the Senate Photographers Gallery.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD certain published articles pertinent to my remarks.

The first is entitled “Fee Speech,” by Ken Auletta, from the September 12, 1994, New Yorker; the second, “Take the Money and Talk,” by Alicia C. Shepard, which appeared in American Journalism Review; and “Where the Sun Don’t Shine,” by Janie Antin, which appeared in the May/June 1995 issue of the Columbia Journalism Review.

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

(FROM THE NEW YORKER MAGAZINE, SEPTEMBER 12, 1994)

FEE SPEECH

By Ken Auletta

The initial hint of anger came from twenty-five or so members of the House Democratic leadership came on an hour-and-a-quarter-long bus ride from Washington to Airline House, in rural Virginia, early on January 3, the day they should have been in session. They had been asked by the Majority Leader, Richard A. Gephardt, of Missouri, to attend a two-day retreat for the Democratic Message Group, and as the bus rolled southwest the convivial smiles faded. The members of the group began to complain that their message was getting a lot of blame and they blamed the media. By that afternoon, when the Democrats gathered for the first of five panels composed of both partisans and what were advertised as "guest analysts, not partisan advisers," the complaints were growing louder. The most prominent Democrats in the House—Gephardt, the Majority Whip, David E. Boulter, of Michigan; the current Appropriations Committee chairman, David R. Obey, of Wisconsin; and the Democratic Congressional Campaign chairman, Vic Fazio, of California; Rosa L. DeLauro, of Connecticut, who is a friend of President Clinton’s; and about twenty others—expressed a common grievance: "We're different because we don’t write the laws. They have a hell of a lot more power than I do to affect the laws written," Representative Robert G. Torricelli, of New Jersey, recalled having said, "What strikes many people is to hear television commentators make paid speeches to interest groups and then see them reporting and comment on developments on those issues. It's kind of a direct conflict of interest. If it happened in government, it would not be permitted." Torricelli, who has been criticized for realizing a sixty-nine-thousand-dollar profit on a New Jersey savings-and-loan after its chairman advised him to make a timely investment in its stock, says he doesn’t understand why journalists don’t receive the same scrutiny that people in Congress do. Torricelli brought up an idea that had been discussed at the retreat and that he wanted to explore: federal regulations requiring members of the press to disclose outside income—and most particularly television journalists whose stations are licensed by the government. He said that he would like to see congressional hearings on the issue, and then see the government regulating and the journalism responding.

Gephardt is dubious about the legality of compelling press disclosure of outside income, but one thing he is sure about is the ethics and standards are not as good as they used to be.

The press panel went on for nearly three hours, long past the designated cocktail hour of six. The congressmen directed their anger at both Brian Lamb, the C-SPAN chairman, and to the vice-presidents and managers of the major news networks. Why were those journalists not on the panel?—and cited a number of instances of what they considered reportorial abuse. The question that occurred most often was the money issue: Why weren’t congressmen required to disclose how much outside income they receive from those with special interests?

It is a fair question to ask journalists, who often act as judges of others’ character. Over the summer, I asked it of more than fifty prominent media people, or perhaps a fifth of all journalists whom I considered the most influential. Many journalists who, largely on account offulfilling their own ethics and standards are not as good as they used to be.

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(Continued on following page.)
television appearances, have a kind of fame similar to that of actors. Not surprisingly, many voters feel that the question is not so much how to deal with media, as how to deal with the media defensively as any politician would. Some of them had raised an eyebrow when President Clinton said he couldn’t recall ten- or fifteen-minute interviews with reporters. Yet many of those I spoke to could not remember where they had given a speech just months ago. And many of them, while they were uncomplimentary about the quality of press coverage on issues, seemed eager to dwell on the complexities and nuances of their own positions.

Sam Donaldson, whose annual earnings at ABC are about two million dollars, was forthcoming about his paid speeches: in June, he said that he had given three paid speeches so far this year and had two more scheduled. He would not confirm a report that he gets a lecture fee of as much as thirty thousand dollars. On being asked to identify the three groups he had spoken to, Donaldson—who on the March 27th edition of the Sunday-morning show “This Week with David Brinkley” had ridiculed President Clinton for not remembering that he had once lent twenty thousand dollars to his municipal bond analysts—said he had taken a minute to call up the information from his computer. He said that he had spoken at an I.B.M. convention in Palm Springs, to a group of public-information officers, and to the National Association of Retail Drugists. “If I hadn’t consulted my computerized date book, I couldn’t have told you that I spoke to the National Association of Retail Drugists,” he said. “I don’t remember these things.”

What would Donaldson say to members of Congress who suggest that, like them, he is not strictly a private individual and should make full disclosure of his income from groups that seek to influence legislation? “First, I don’t make laws that govern an industry,” he said. “Second, people hire me because they think of me as a celebrity; they believe their members or the people in the audience will be interested.” He went on, “I can say the same thing about a member of Congress who doesn’t even speak who is hired, in a sense, to go down and play tennis? What is the motive of the group that pays him? And how does he feel about his own question: ‘Their motive, whether they are subtle about it or not, is to make friends with you because they hope that you will be a friend of theirs when it comes time to decide about millions of dollars. Their motive in inviting me is not to make friends with me, it is to make friends with me.’ Would he concede that there might be at least an appearance of conflict when he takes money from groups with a stake in issues and the right to ask him everything he does in his private life? Donaldson said, “At some point, the issue is: What is the evidence? I believe it’s not the appearance of impropriety that’s the problem. It’s impropriety.” Still, Donaldon did concede that he was rethinking his position: and he was aware that his bosses at ABC News were reconsidering their relaxed policy.

Indeed, one of Donaldson’s bosses—Paul Friedman, the executive vice-president for news at ABC—told the Daily News that on-air correspondents are not private citizens. “People like Sam have influence that is greater than that of individual congressmen,” Friedman said, echoing Representative Obey’s point. “We always worry that lobbyists get special ‘access’ to members of government. I worry that the public might get the idea that special-interest groups are paying for special ‘access’ to correspondents who talk to millions of American viewers.”

Unlike Donaldson, who does not duck questions, some commentators chose to say nothing about their lecturing. The syndicated columnist Morton Kondracke, who appears weekly in the Washington Star, is a regular commentator on the Brinkley show as well as a commentator on the “McLaughlin Group.” He declined to be interviewed, and so did three of the lowest critics of Congress and the Clinton Administration: the conserv­ative commentator John McLaughlin, who now takes his “McLaughlin Group” on the road to do a rump version of the show live, often before business groups; and the alternating co-hosts of “Crossfire,” Pat Buchanan and John Sununu.

David Brinkley did respond to questions, but not about his speaking income. Like Donaldson and others, he rejected the notion that he was a public figure. Asked what he would say to the question posed by members of Congress at the retreat, Brinkley replied, “It’s a specious argument. We are private citizens. We work in the private marketplace. They do not.”

And if a member of Congress asked about his speaking fee, which is reported to be between thirteen and fifteen thousand dollars? “I wouldn’t disclose any of his business,” Brinkley said. “I don’t feel that I have the right to ask him anything he does in his private life.”

The syndicated columnist and television regular Robert Novak, who speaks more frequently than Brinkley, also considers himself not an elected official. He believes that he is a totally private citizen, Novak, and most other journalists, will not sign petitions, or donate money to political candidates, or join protest marches. Colleagues have criticized Novak and Rowland Evans for organizing twice-a-year fora—as they have since 1971—to which they invite between seventy five and a hundred and twenty-five subscribers to their new­letters for money, but not about his speaking income. Like Donaldson and others, he rejected the notion that he was a public figure. Asked what he would do if members of Congress asked about his speaking income, he said that he would not return calls.

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And if a member of Congress asked about his speaking fee, which is reported to be between thirteen and fifteen thousand dollars? “I wouldn’t disclose any of his business,” Brinkley said. “I don’t feel that I have the right to ask him anything he does in his private life.”

The syndicated columnist and television regular Robert Novak, who speaks more frequently than Brinkley, also considers himself not an elected official. He believes that he is a totally private citizen, Novak, and most other journalists, will not sign petitions, or donate money to political candidates, or join protest marches. Colleagues have criticized Novak and Rowland Evans for organizing twice-a-year fora—as they have since 1971—to which they invite between seventy five and a hundred and twenty-five subscribers to their new­letters for money, but not about his speaking income. Like Donaldson and others, he rejected the notion that he was a public figure. Asked what he would do if members of Congress asked about his speaking income, he said that he would not return calls.

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Blitzer said, "I would guess four or five," he said, and referred to each one was cleared through his bureau chief.

What would Blitzer say to a member of Congress who asked how much he made speaking to groups?

"I would tell him 'None of your business,'" Blitzer said.

Two other network White House correspondents, NBC's Andrea Mitchell and CBS's Rona Braverman—also do little speaking. "I make few speeches," Mitchell said. "Maybe ten a year. Maybe six or seven a year. I'm very careful about not speaking to groups that involve issues I cover." She declined to say how much she earned. For Braverman there was no issue. "It was the issue was moot. I don't think I did any," she said, referring to paid speeches in the past year.

ABC's "Prime Time Live" correspondent Christiane Amanpour, who has done several investigative pieces on corporate-sponsored congressional junkets, said he made four or five paid speeches last year. "I don't know exactly," he said. Could he remember his fee? "I wouldn't say," he replied.

Did he speak to business groups?

"I don't work for the specific groups," he said, and then went on. "One was the Business Council of Canada. Yes, I do speak to business groups."

So what is the difference between Chris Wallace and members of Congress who accept paid junkets?

"I'm a private citizen," he said, "I have no control over public funds, I don't make public policy."

Why did Wallace think that he be invited to speak to business groups?

"They book me because they feel somehow that it adds a little excitement or luster to their event," he said. He has been giving speeches since 1980, he said, and "never once has anyone called me afterward and asked me any favor in coverage." He said that public officials usually say when Wallace corners them about a junket.

"Those who underwrite congressional junkets and access and influence," he said, but the people who hire him to make a speech are seeking "entertainment." When I brought up Wallace's remarks to Norman Pearlstein, the former executive editor of the Wall Street Journal, he said, "By that argument, we ought not to distinguish between news and entertainment, and we ought to merge news into entertainment."

ABC's political and media analyst Jeff Greenfield makes a "rough guess" that he gives fifteen paid speeches a year, many in the form of panels he moderates before various media groups—cable conventions, newspaper or magazine groups, broadcasting and media conferences. Of those that are concerned with subjects he regularly covers. "It's like 'Nightline,' but it's not on the air," he said. He would not divulge his fee, or how much he earned in the past twelve months from speeches.

Greenfield argued that nearly everything he does for pay is "covert," that he could "cover cable, but I cover it for ABC, which is sometimes in conflict with that industry," he said. Could he accept money to write a magazine piece or a book when he might one day report on the magazine publisher or the book industry? He is uneasy with the distinctions between the Wall Street Journal or the Washington Post make, which is to prohibit daily reporters from giving paid speeches to corporations or trade associations that lobby Congress and have agendas, yet allow paid college speeches. (Even universities have legislative agendas, Greenfield observed.) To escape this ethical maze, Greenfield concluded, "I finally decided that I can't figure out everything that constitutes a conflict." But according to an editorial, "The McLaughlin Group," said that she made between six and eight appearances a year with the group. Her fee for a speech on the West Coast was five thousand dollars, she said, but she would accept less to appear in Washington. She would not disclose her outside speaking income and said that if a member of Congress were to ask her she would say, "I do disclose, I disclose to the people I work for. I don't work for the taxpayers."

"I believe firmly in Samuel Johnson's dictum 'No man but a slave wrote except for money,'" he went on. "I charge for my lectures. I charge for my books. I charge when I go on television. I feel that will buy me a kind of, I don't know, not an elected official."

Few journalists drive themselves crazy over whether to accept speaking fees from the government they cover. They simply don't. But enticements do come from unusual places. One reporter, who asked to remain anonymous, said that he had recently turned down a ten-thousand dollar speaking fee from the Central Intelligence Agency. A spokesman for the C.I.A., David Christian, explained to me, "We have an Office of Training and Education, and from time to time, we invite knowledgeable non-government experts to talk to our people as part of our training program." Does the agency pay five thousand to ten thousand dollars a speech, sometimes, he asked. For the names of journalists who accepted such fees, Christian said the he was sorry but "the information is privileged."
MacNeil/Lehrer Productions, admitted in June to having been embarrassed by the American Journalism Review piece. "We had a loose policy," he said. "I just finished re- writing the rules. From now on, those associated with the program will no longer accept fees to speak to corporate groups. I cannot and will not lobby the government. The New Yorker, according to its executive editor, Hendrik Hertzberg, is in the process of reviewing its policies.

Those who frequently lecture make a solid point when they say that lecture fees don't buy favor. If a pundit can take subterfuges forms than the quid pro quo, and the fact that journalists see themselves as selling entertainment rather than influence does not wipe the moral slate clean. The real corruption of "fee speech," perhaps, is not that journalists will do favors for the associations and businesses that pay them speaking fees but that the nexus of television and speaking fees creates what Representative Obey called "an incentive to be even more flamboyant" on TV—and, to a lesser extent, on the printed page. The television talk shows value vividness, pithiness, and predictability. If your panelists reliably pro con, "liberal" or "conservative." Too much quickiness can make a show unbalanced; too much complexity can make it incoherent. Mrs. Obey told me, not entirely in jest, "I was a much more thoughtful person before I went on TV. But I was offered speeches only after I went on TV." Her Time colleague the columnist Carl Carlson says, "I was gushingly introduced and greeted with raving applause. She steps up to the podium where she is gushingly introduced and greeted with raving applause. She talks of suffragette Susan B. "I'm constantly getting it wrong, assuming "I'm constantly getting it wrong, assuming."

The phenomenon of journalists giving speeches for staggering sums of money continues to dog the profession. Chicago Tribune Washington Bureau Chief James Warren has created a cottage industry criticizing colleagues who speak for fat fees. Washington Post columnist James K. Glassman believes the practice is "unfortunately widespread.

"My position is that the more we can discourage our people from speaking for a fee, the better. I recently revised our internal rules to eliminate all speaking requests must be cleared with the president or the vice-president of news. Al Vecchione, the president of ABC's senior Washington correspondent, James Wooten, explained how, in the mid-eighties, he decided to change his ways after a last lucrative weekend: "I had a good agent and I got a day off on Friday and flew out Thursday after the news and did Northwestern University Thursday night for six thousand dollars. Then I got a rental car and drove to Milwaukee, and in midnight I did Marquette for five or six thousand dollars. In the afternoon, I went to the University of Chicago, to a small symposium, for which I got twenty-five hundred to three thousand dollars. Then I got on a plane Friday night and came home. I had made fifteen thousand dollars, and there was no one in the room—no one. I had maybe two thousand in expenses. So I made about ten thousand dollars for thirty-six hours. I didn't have a set speech, I just said.

If you're a big-name Washington journalist, as are many journalists earn in a year. ABC News correspondent and NPR commentator Cokie Roberts takes her brown handbag and notebook off of the "reserved" table where she has been sitting, waiting to speak. She steps up to the podium where she is gushingly introduced and greeted with raving applause. She talks of suffragette Susan B. "I'm constantly getting it wrong, assuming."

'Cocky' is often used to describe a woman who is well-based investment firm of Alex, Brown & Sons, for which my fee was seventy-five thousand dollars. I don't accept lecture fees from communications organizations.

Like the pulchritude figures we cover, journalists would benefit from a system of checks and balances. Journalistic institutions, including The New Yorker, too seldom have rigorous rules requiring journalists to check with an editor or an executive before agreeing to make a paid speech; the rules at various newspapers and TV stations are even more permissive. Full disclosure provides a disinfectant—the power of shame. A few years ago, many journalists, or their editors, had maybe two thousand in expenses. So I made about ten thousand dollars for thirty-six hours. I didn't have a set speech, I just said.
that they may be influenced by them, have
drawn heightened attention to the practice,
which is largely the province of a relatively
small roster of well-paid members of the media.
Columnists, freelancers, reporters for the
national networks or the national newsweeklies,
newspaper reporters, with less public visi-
tibility, aren’t asked as often.

Some well-known journalists, columnists
and “Crosby & Taylor" Michael Kinsley.
U.S. News & World Report’s Steven V. Rob-
erts among them, scoff at the criticism.
They assert that it’s their right as private
citizens to offer their services for whatever
market will bear, that new policies won’t
improve credibility and that the outcry has
been blown out of proportion.

But the spectator of journalists taking big
bucks for speeches has emerged as one of the
high-profile ethical issues in journalism
today.

“Clearly some nerve has been touched,”
Warren says. “A nerve of pure, utter defen-
siveness on the part of a journalist trying to
rationalize the material for the sake of
their bank account because the money is so alluring.”

A common route to boarding the lecture
gravy train is the political talk show. Na-
tional television exposure raises a journal-
ism today.

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isms or the national news weeklies;
which columnist Margaret
Gaines, whose columnist Margaret Carlson appears
frequently on “The Capital Gang.” “It’s
great promotion for the magazine and the
media, but after a while of this, I wonder
when the journalists get into that adversar-
ial atmosphere where provocation is the
main currency.

Journalists have been “bucktreading” for
years, speaking to trade associations, cor-
porations, charities, academic institutions
and social groups. But what’s changed is the
amount they’re paid. In the mid-1970s, the
fees peaked at $10,000 to $15,000, say agents
for speakers bureaus. Today, ABC’s Sam
Donaldson can get $30,000, ABC’s David
Brinkley pulls in $18,000 and the New York
Times’ William Safire can command up to
$20,000.

A $3.2 billion Toyota distributor pays
$35,000 for someone like Cokie Roberts, or
a trade association pays a high-profile journal-
list $10,000 or $20,000 for an hour’s work, it
is even more prevalent and former news ex-
ecutives to re-examine their policies.
That’s what happened last June at ABC. Rich-
ard Dunham, senior vice president of news,
decided to ban paid speeches to trade asso-
ciations and for-profit corporations—much
to the dismay of some of ABC’s best-paid
correspondents. As at most news organiza-
tions, speaking to colleges and nonprofits is
allowed.

When Wald’s policy was circulated to 100
employees at ABC, some correspondents
howled (see Free Press, September 1994). Pro-
test last August from Roberts, Donaldson,
Brinkley and other correspondents. But they
succeeded only in delaying implementation
of the new guidelines. Wald agreed to
“grandfather in” speeches already scheduled
through Wald’s policy. If a correspond-
ent speaks to a forbidden group, the
money must go to charity.

Some critics, “Wild Ducks.” Fees for speeches
are getting to be very large,” Wald says.
When we report on matters of national in-
terest, we do not want it to appear that folks
at ABC are getting to be very
wealthy.”

The new policy has hurt, says ABC White
House correspondent Ann Compton. Almost
a year in advance, Compton agreed to speak to
the American Cotton Council. But this
spring, when she spoke to the trade group,
she had to turn an honorarium of “several
thousand dollars” over to charity. Since
the policy went into effect, Compton has turned
down six engagements that she previously
would have accepted.

“The restrictions now have become so
tight, it’s closed off some groups and indus-
tries that I don’t feel I have a conflict with,”
says Compton, who’s been covering the
White House off and on since 1974. “It’s
closed off, frankly, the category of organiza-
tions that pay the kind of fees I get.” She de-
clines to say what those fees are.

And it has affected her bank account. “I’ve
got four kids,” says Compton. “It’s cut off
significant portion of income for ma-
ny corporations.”

Some speakers bureaus say ABC’s new
policy and criticism of the practice have had an
impact.

“It has affected us, definitely,” says Lori
Fish of Kepper Associates in Arlington, Vir-
ginia, which represents about two dozen
journalists. “More journalists are conscious
of the fact that they have to be very particul-
ar about which groups they accept hono-
rarium from. On our roster there’s been a de-
crease of some journalists accepting engage-
ments of that sort. It’s mainly because of
media criticism.”

Others say they’re “questionable cases.”
National Press Club, the William Morris Agency,
say they haven’t noticed a difference.

“Can’t say that the criticism has affected
us,” says Lynn Choquette, a partner at the speak-
ers forum.

Compton, Donaldson and Greenfield still
disagree with Wald’s policy but, as they say,
he’s the boss.

“I believe since all of us signed our con-
tracts with the expectation that the former
ABC policy would prevail and took that into
account when we agreed to sign our con-
tracts for X amount,” Donaldson says, “it was
not fair to change the policy mid-
stream.”

Donaldson says he has had to turn
down two speech offers.

Greenfield believes the restrictions are un-
necessary.

“When you go to speak to a group, the idea
that it’s like renting a politician to get his
ear is not correct,” he says. “We are being
asked to provide a mix of entertainment and
information that may not please some audi-
ences in their seats at whatever convention so they
do n’t go home and say, ‘Jesus, what a boring
two days we just had.’

Most agree it’s the size of the honoraria
that is fueling debate over the issue. “If you
took a decimal point or two away, nobody
would care,” Greenfield says. “A lot of us
are now offered what seems to many people a lot
of money. They are entertainment-size sums
rather than journalism-size sums.”

And Wald has decided “entertainment-size
sums” look bad for the network, which has at
least a dozen correspondents listed with spe-
cial interest bureaus. “It’s an internal test
that trouble Wald. “You can speak to the
American Society of Travel Agents or the
Chicago Tribune’s Warren, whose
newspaper allows its staff to make paid
speeches only to educational institutions.

There’s obviously some elasticity in ABC’s
policy. In April, Greenfield, who
media and politics, pocketed $12,000 from
the National Association of Broadcasters
for speaking to 1,000 members and interviewing
media giants Rupert Murdoch and Barry
Diller for the group. Wald says that was ac-
ceptable.

He also says it was fine for Roberts to speak
to the Junior League-sponsored busi-
ness conference in Fort Lauderdale, even
though the for-profit FM Family Enterprises
gave her $15,000.

“As long as the speech was arranged by
a reasonable group and it carried with it no
taint from anybody, it’s okay,” says Wald.
“I don’t know where they [the Junior League]
got their money.”

Even with its loopholes, ABC has the
most restrictive arrangement of any of the
NBC, CBS and CNN. AFP correspondents
serve for dollars on a case-by-case basis and
require them to check with a supervisor
first. Last fall, Andrew Lack, president of
NBC News, said he planned to come up with
a new policy. NBC spokesperson Lynn Gard-
ner says Lack has drafted the guidelines and
will issue them this summer. “The bottom
line is that Andrew Lack is generally not in
favor of getting high speaking fees,” she
does.

New Yorker Executive Editor Hendrik
Hertzberg also said last fall that his maga-
zine would review its policy, under which
writers are supposed to clear their editors in
“questionable cases.” The review is still
in progress. Hertzberg says it’s likely
the magazine will have a new policy by the
end of the year.

“There’s something aesthetically offensive
to my idea of journalism for American jour-
nalists to be paid $5,000, $10,000 or $20,000 for
some canned remarks simply because of his
or her celebrity value,” Hertzberg says.

Rewriting a policy merely to make public
the outside income of media personalities
guarantees resistance, if not outright hos-
tility. Just ask John Harwood of the Wall
Street Journal’s Washington Bureau. This
year, Harwood was a candidate for a slot on
the committee that issues congressional
press passes to daily print journalists.

His platform included a promise to have
department restrictions on media personalities’
income—not amounts—on their applications
for press credentials. Harwood’s goal was
fuller disclosure of outside income, including
non-media fees. It’s not the speeches them-
selves. “I’m not trying to argue in all cases it’s
wrong,” says Harwood. “But we make a big
to-do about capital gains. I understand
methods lawmakers get from special interests and I’m
struck by how many people in our profession

19614

CONGRESSIONAL RECORD—SENATE

July 20, 1995
also get money from players in the political process.

Harwood believes it's hypocritical that journalists used to go after members of Congress for speaking fees when journalists do the same thing. (Members of Congress are no longer permitted to accept honoraria.) "I'm not talking about what I do, I'm talking about what someone who works on the line does," says Harwood. "We let other people who may have a beef with us draw their own conclusions. I don't see why reporters should be afraid of that..." But apparently they are. Harwood lost the election.

"I'm quite certain that's why John lost," says Alan J. Murray, the Journal's Washington bureau chief, who made many phone calls on his reporter's behalf. "There's clearly a lot of restlessness," adds Murray, whose newspaper forbids speaking to for-profit companies, political action committees and anyone who lodges Congress. "Everybody likes John. But I couldn't believe how many people said—even people who I suspect have very little if any speaking incomes—that it's just nobody's business. I just don't buy that..." His sentiment is shared in the Periodical Press Gallery on Capitol Hill, where magazine publishers who for press credentials must list sources of outside income. But in the Radio-Television Correspondents Gal­ lery, where the big-name network reporters go for press credentials, the issue of disclosing outside income has never come up, says Karen Block, a "MacNeil/Lehrer NewsHour" producer.

"I've never heard anyone mention it here and I've been here going on 11 years," says Block, who also chairs the board of the Radio-Television Correspondents Executive Committee. "I basically feel it's not our place to police the credentialed reporters. If you're speaking on the college circuit or to groups not terribly political in nature, I think, if anything, people are impressed and a bit en­vious. It's a lot. More power to them..." But the issue of journalists' honoraria has been mentioned at Block's program. At Vice, the new president of MacNeil/Lehrer Productions, says he was "embarrassed" by AJR's story last year and immediately wrote a new policy. The story reported that Robert Roberts, the radio journalist's husband, had written reams about but has never met. Roberts says journalists have a right to earn as much as they can by speaking, as long as they are careful about appearances and live by high ethical stand­ards. "This whole issue has been terribly over­blown by a few cranks," says Roberts. "As long as journalists behave honorably and use good sense and don't take money from people they cover, I think it's totally legitimate. In fact, my own news organization encourages it... U.S. News not only encourages it, but its public relations staff helps its writers get speaking engagements...n... Roberts says U.S. News has not been in­timidated by the "cranks," who he believes are in part motivated by jealousy. "I think a lot of people, when they see people speaking to the critics and watchdogs of our profession, I, for one, resent it."

His chief nemesis is Jim Warren, who came to Washington a year-and-a-half ago to take charge of the Chicago Tribune bureau. Warren, once the Tribune's media writer, writes a Sunday column that's often peppered with news flashes about which journalist is speak­ing where and for how much. The column includes a "Cokie Watch," named for Steve Roberts' wife of 28 years, a woman Warren has written reams about but has never met. "Jim Warren is a reprehensible individual who has attacked me at time and other people to advance his own visibility and his own reputation," Roberts asserts. "He's on a crusade to make his own reputation by tear­ing down others."

While Warren may work hard to boost his bureau's reputation for Washington cov­ering, he also frequently elicits criticism from fellow journalists. Some report­ers cheer him on and fax him tips for "Cokie Watch." Others are highly critical and ask the crew to crown Warren chief of the Washington ethics police. Even Warren admits his relentless assault has turned him into a caricature.

"I'm now in the Rolodex as incon­scient, badass Tribune bureau chief who writes about Cokie Roberts all the time," says Warren, who in fact doesn't. "But I do get lots of feedback from other journalists saying, 'Way to go. You're dead right.' It obvi­ously touches a nerve among readers..." So Warren writes about Cokie and Steve Roberts, "getting paid out of pocket for a speech and the traveling team of tele­vision's "The Capitol Gang" sharing $25,000 for a show at Walt Disney World. He throws in a healthy dose of political gossip. "I just called Dan member Michael Kinsey 'should know better.' Kinsey says he would have agreed a few years ago, but he's changed his tune. He now believes there are no intrinsically unethical prob­lems with taking money for speaking. He does it, he wrote in The New Republic in May, for the money, because it's fun and it boosts his ego.

"Being paid more than you're worth is the American dream," he wrote. "I see a day when we'll all be paid more than we're worth. Meanwhile, though, there's no re­quirement for journalists, alone among hu­mans, to deny themselves these occasional fortuitous tastes of this bliss... To Kinsey, new rules restricting a reporter's right to lecture for large doesn't accom­plish... Such rules merely replace the appearance of corruption with the appearance of propri­ety. But at the very least, you ought to tell me what is the difference between a journalist's product is out there for public disclosure at the very least... The problem, critics say, is that with journalists who besides the employer is paying a journalist, the situation isn't quite clear-cut... Jonathan Salant, president of the Wash­ington chapter of the Society of Professional Journalists, cites approvingly a remark by former Washington Post Executive Editor Ben Bradlee in AJR's March issue: "If the In­surance Institute of America, if there is such a thing, pays you $10,000 to make a speech, don't tell me you haven't been corrupted. You can say you haven't and you can say you will attack insurance issues in the same way, but you won't. You can't... Salant thinks SPJ should adopt an abso­lute rule on speaking fees that eliminates all news media ethics code. Most critics want some kind of public disclosure at the very least... The Wall Street Journal's Murray, "You tell me what is the difference between somebody who works full time for the Na­tion, who takes $40,000 a year in speaking fees from Realtor groups. It's not clear to me there's a big distinction. I'm not saying that because you take $40,000 a year from Re­altor..." Murray says he would have agreed a few years ago, but he's changed his tune. At the very least, you ought to disclose that...

"Steve is implementing a disclo­sure policy. By the end of the year, the 40 journalists working in his bureau will be re­quired to list outside income in a report that will be available to the public... People are not just cynical about politi­cians," says Murray. "They are cynical about journalists. Anything we can do to ease that cynicism is worth doing..." Sen. Grassley applauds the move. Twice he has taken to the floor of the Senate to urge journalists to disclose what they earn on the lecture circuit... "It's both the amount and doing it," he says. "I say the pay's too much and we want..."
to make sure the fee is disclosed. The average worker in my state gets about $23,000 a year. Imagine what he or she thinks when a journalist gets that much for just one speech?"

Public disclosure, says Grassley, would cure the problem.

"Disclosure is often touted as the answer. Many journalists, such as Kinsley and Wall Street Journal columnist Al Hunt—a television commentator and very much a part of the bureau chief—have said they will disclose their engagements and fees only if their colleagues do so as well. Other high-priced speakers have equally enthusiastic for making the information public. "I don't like the idea," says ABC's Greenfield. "I don't like telling people how much I get paid."

But one ABC correspondent says he has no problem with public scrutiny. John Stossel, a reporter on "20/20," voluntarily agreed to disclose some of the "abnormal" fees he's earned. Last year and through March of this year, he disclosed in $109,490 for speeches—$135,280 of which was donated to hospital, addicted. The case is scheduled to go to trial next fall because I'm being paid for ABC's new policy. "We [in the media] do have some power. We do have some influence. That's why I've come to conclude I should disclose, so people can judge whether I can be bought."

Stossel didn't always embrace this notion so transparently. Last year he told AJR he had received between $2,000 and $10,000 for a luncheon speech, but wouldn't be more precise.

Brian Lamb, chairman and founder of C-SPAN, has a simpler solution, one that also has been adopted by ABC's Peter Jennings. NBC's Tom Brokaw and CBS' Dan Rather and Connie Chung. They speak, but not for money.

"I never have done it," Lamb says. "It sends out one of those messages that's been sent out of this town for the last 20 years: Everybody does everything for money. When I go out to speak to somebody I want to have the freedom to say exactly what I think. I don't want to have people suspect that I'm here because I'm being paid for it."

On February 20, according to the printed program, Philip Morris executives from around the world would have a chance to listen to Cokie Roberts and Steve Roberts at 7 a.m. while they were buying a continental breakfast. "Change in Washington: A Media Perspective with Cokie and Steve Roberts," was the sold-out Washington Tennis Club's speaker's bureau event, a Palm Beach dinner during Philip Morris' three-day holiday tournament.

A reporter who sent the program to AJR thought it odd that Cokie Roberts would speak for Philip Morris in light of the network's new policy. Even more surprising, he thought, was that she would speak to a company that's suing AJR, buying a continental breakfast, a "Day One" segment that alleged Philip Morris adds nicotine to cigarettes to keep smokers addicted. The case is scheduled to go to trial in September.

At the last minute, Cokie Roberts was a no-show, says one of the organizers. "Cokie was sick or something" says Nancy Schaub of Event Links, which put on the golf tournament for Philip Morris. "Only Steve Roberts came."

Cokie Roberts won't talk to AJR about why she changed her plans. Perhaps she got Dick Wald's message.

"Of course, it's tempting and it's nice," Wald said in honoraria. "Of course, they [ABC correspondents] have rights as private citizens. It's not an easy road to go down. But there are some things you just shouldn't do and that's one of them."

(From the Columbia Journalism Review, "Financial Disclosure for Journalists Dosen't Fly."

WHERE THE SUN DOESN'T SHINE—FINANCIAL DISCLOSURE FOR JOURNALISTS DOESN'T FLY

(By Jamie Stiehm)

Journalists don't like to politic on their own behalf, as do other professional athletes as a spectator sport. But every so often a few souls in Washington are asked—if not told—by their bureau chiefs to run for the prestigious Standing Committee of Correspondents in one of the congressional press galleries. In the case of the daily newspaper gallery, this is an inner circle, democratized, elected, that makes important logistical decisions affecting coverage of both Congress and the national political conventions. Hence the tendency of the bigger newspapers and wire services to exercise their clout to get their people in there.

So this year, chances are that if he had kept quiet, John Harwood of the Wall Street Journal, the only candidate from one of the "Big Four" national newspapers, would have won. But Harwood refused to ignore a controversial issue that has divided the journalistic community ever since Ken Auletta's September 12 New Yorker article made it the talk of the town. Journalists should disclose to their peers and the public their "outside income"—that is, income earned from speeches and sources other than their day jobs.

"I think it's time we do a better job of disclosing the sort of potential conflicts we so often express," Harwood wrote to 2,000 colleagues in a campaign letter. In an interview, he adds, "Given the impact the media have on public policy discussions, we should be willing to subject ourselves to more scrutiny."

This philosophy did not play well with the masses. As they paid campaign calls around town, Harwood and the Journal's Washington bureau chief, Alan Murray, could hardly help noticing that the disclosure proposal did not excite enthusiasm. "I was surprised," Murray states flatly, "to find out so many of my colleagues oppose the right thing."

Yet only a handful of daily gallery members, the so-called celebrity journalists who make most of their outside income from engagements, would likely have serious outside income to disclose. (Harwood himself says that he earned only $300 last year from an outside source, for a speech he gave to the World Affairs Council.) The vast majority of the gallery members are beat reporters who might reasonably resent what some see as an invasion of privacy. "What business of the gallery is it what my income is?" says Stephen Green of the Copley News Service, who also raises the question of what they are being paid. "Your salary should decide whether you have a conflict or not," Alan Fram of The Associated Press, the big winner, opposed disclosure particularly as a way of allowing senators to become private citizens, not public officials.

Fram and Green see "philosophical perils," winning Green, "in the whole concept of requiring them to reveal certain facts and activities. "That opens up a door we don't want to walk through," says Fram. "What's the next step? Voting registration?"

Of the three press galleries that accredit reporters on Capitol Hill—the daily, periodical, and radio-TV galleries—only the periodical press gallery requires members to list all sources of earned income. This rule has always applied to the periodical gallery, largely because it receives more applications from people who might be moonlighting as trade association lobbyists, government consultants, or corporate newsletter writers.

Harwood argues that he only wants the daily gallery to do what the periodical gallery already does: put the sources, not the amounts, of outside income on record for any outside source. If members of the daily gallery go one step further, however, and make records available to the general public, not just journalistic peers: "Put the judgment out there."

Would writing these things down prevent anything impure from taking place? Maybe: environmental lawyers, for example, have found that the most effective laws are the "sunshine" statutes that made certain polluting practices less common simply by requiring companies to report them.

Anyways, the results are in. Out of a field of five, Harwood lost narrowly to the three winners: Fram of AP, Sue Kirchoff of Reuters, and Bill Welch of USA Today, none of whom share his views. Is financial disclosure for journalists an idea whose time has come? If it is, we're not likely to see-and for the present state of journalistic opinion, the answer is: not yet.

BYRD. Mr. President, I yield the floor.

MACK. Mr. President, I addressed the Chair. The PRESIDING OFFICER. The Senator from Florida is recognized.

MACK. Mr. President, I am prepared to accept the amendment of the distinguished Senator from West Virginia, because it is the beginning, not the end, and it is a sense-of-the-Senate resolution that will begin the process for a complete hearing on the matter.

As I understand it, it is a sense-of-the-Senate resolution that in essence calls for a separate Senate resolution to be offered in the future during the 104th Congress that would in essence call for the Rules Committee to begin the process for a complete hearing on the matter.

BYRD. The Senator is correct.

MACK. Mr. President, while I have indicated that I am prepared to accept the amendment, I think it is fair to say that there are questions with respect to the concept as it relates to members of the Senate Press Gallery only, as I understand it.

BYRD. It pertains only to the credentialing of members of the Senate Press Gallery.

MACK. I thank the Senator. Mr. President, do I believe that several of the points that the Senator from West Virginia made during his remarks with respect to the amendment were, in fact, on target, specifically the issue as to the power of the press in choosing what to cover. There is a tendency for us in public life to hear—and I guess from time to time believe—that we have been inaccurately quoted. My own experience is that has not really been a problem. The issue which I think is important—the issue which I think the publishers of newspapers have said is—that the power of the press is really to
choose what to cover and what not to cover.

My point for making this is that the individuals who are members of the
Presidency in the Senate, frankly, and from my perspective, are not the
ones that determine what is going to be covered and what is not.

So I think that frankly there will have to be a complete hearing on the
issue to make a determination about whether the Senate in fact should
move on this concept. But at this
point, as I said a moment ago, I am
prepared to accept the amendment.

Mr. BYRD. Mr. President, I thank
the distinguished Senator, the manager
of the bill, for his comments and for his
support in offering to accept the
amendment.

Mrs. MURRAY addressed the Chair.

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

Mrs. MURRAY. Mr. President, I have
listened carefully to the words of the
Senator from West Virginia on his
sense-of-the-Senate resolution and am
also willing to accept the amendment on the grounds that I see it as the pre­
cursor to having a hearing on this so
that all sides can be heard. I would
want to make sure that we were not
precluding anyone's ability to be in the
Press Gallery with this kind of amend­
ment. I think those kinds of questions
and answers can be gathered. I under­
stand that is what this amendment is
trying to attain and with that would
not object to it.

Mr. BYRD. Mr. President, I thank
the minority manager. I ask for the
yeas and nays.

The PRESIDING OFFICER. Is there a
sufficient second?

There appears to be a sufficient sec­
ond.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there
further debate?

Mr. MACK. Mr. President, I suggest
that the question be now ordered.

The PRESIDING OFFICER. The
clerk will call the roll.

The legislative clerk proceeded to
call the roll.

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

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

The question is on agreeing to the
amendment of the Senator from West
Virginia [Mr. BYRD]. The yeas and
nays have been ordered. The clerk will call
the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Sena­
tor from North Carolina [Mr. HELMS]
is necessarily absent.

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

The result was announced—yeas 60,
nays 39, as follows:

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So the amendment (No. 1802) was
gained.

Mr. BYRD. Mr. President, I move to
reconsider the vote by which the
amendment was gained to.

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

The motion to lay on the table was
agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The
Senator from Arizona.

Mr. MCCAIN. Mr. President, I con­
mand the Appropriations Committee
for bringing this bill to the floor. Sena­
tor HATFIELD, Senator BYRD, Senator
MACK, and Senator MURRAY, in my
view, have crafted a bill that reduces
the amount we will spend on the legisla­
tive branch by over $200 million and an
amount which is $427 million below the
fiscal 1995 budget estimate.

This is an excellent piece of legisla­
tion. It is certainly not perfect, but I,
again, congratulate the managers of
the bill for an outstanding effort to re­
duce spending on the legislative branch.
Obviously, it is where we must begin if we are going to ask other sec­
tors of government to experience spending cuts as well. I thank my colleagues.

Mr. DOMENICI. Mr. President, I want to share with the Senate my con­
gratulations to the subcommittee, in
particular the subcommittee chair­
man, Senator CONNIE MACK, because we
started out this year on our side of the
aisle—and I am very pleased this has
become bipartisan—with the sugges­
tion that if we are going to fix the fis­
sal issues of our Nation, we ought to
start by fixing our own House, and we
ought to save some money for the tax­
payers in terms of what we spend on the
U.S. Senate.

I happen to cochair our Republican task force with my friend, CONNIE MACK, who is recom­
mended by any committee because I understand the budget Act said the appropri­
tations committee make the final decision. It is also said on the entitlement, the
committees that write the law change the
legislature. If we do not start getting rid
of some agencies of our Federal Govern­
ment, some programs of the Govern­
ment, we are just putting off for an­
other year what is inevitable. It will
just grow worse, not better. Good pro­
grams will have to be reduced, rather
than those that are marginal and per­
haps not needed.

Why do I state that? Because in this
appropriations bill, this one, we have
succeeded in doing away with one of
the many service organizations that
help the U.S. Senate do its work. As I
understand it, over a 2-year period, we
will eliminate what we recommended in
our early resolutions to the sub­
committee. We will be getting rid
of one of those service organizations, is
that not correct?

Mr. MCCAIN. That is correct. I just
say to the Senator that there probably will be an amendment proposed later in the
morning, or in the early afternoon, to
restore the Office of Technology As­
essment.

Again, we did take the direction from
both the early resolution by our con­
ference but also the budget resolution
that said, if we are going to meet this
target, we are going to have to make
not only reductions, but we are going
to have to eliminate some of the agen­
cies, and we have done that. I thank
the Senator for his help on that.

Mr. DOMENICI. Mr. President, I am
not prejudging that vote. I am speak­
ing to the bill as it currently is. I was
a member of the appropriations com­
nittee that voted to sustain their work
with reference to the Senate. The para­
graph we say we should get rid of over
2 years. I hope that the U.S. Senate,
every time we have an issue like this—
and it will come up today—that we not
always think how can we save it and
make sure it is still around and look at
it again.
Sooner or later, you have to make decisions that you do not need every­thing, everything in the budget, and that the Senate does not need every­thing that currently serves the Senate. If you do not start doing that, then I do not believe we have a lot of credibility. I believe we need to show the American people that we are going to buy it for a minute that we ought to be cutting other programs, and we cannot get rid of one organiza­tion that helps us do our job.

Sooner or later, we have to be examples, and it has to be real, not rhetoric. I commend the subcommittee and its chairman. I hope the debate will center around, can we really do with less and still do our jobs? I believe we can. I do not see any shortage of professional talent helping us around here, scientific or otherwise. We have so many groups of science institutions that can help us, I do not know that we need our own $22 million science service organi­zation. That is what the issue will be.

I yield the floor and thank the chair­man for his work and his ranking mem­ber for her diligent work.

Mr. FEINGOLD. 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 bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WELLSTONE, Mr. BRADLEY, Mr. SIMON, Mr. BIDEN, Mr. LEAHY, Mr. AKAHA, and Mr. GRAHAM, pro­poses an amendment numbered 1803.

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

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

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

Mr. MACK. Mr. President, I object.

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk read as follows:

At the appropriate place, insert the follow­ing:

(a) FINDINGS.—

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

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

Mr. MACK. Mr. President, I ask unanimously consent that the order for the quorum call be rescinded.

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

Mr. MACK. Mr. President, I ask unanimous consent that Senator FEINGOLD be recognized for up to 20 minutes on the pending amend­ment. Ordered. 1803.

Sooner or later, we have to be examples, and it has to be real, not rhetoric. I commend the subcommittee and its chairman. I hope the debate will center around, can we really do with less and still do our jobs? I believe we can. I do not see any shortage of professional talent helping us around here, scientific or otherwise. We have so many groups of science institutions that can help us, I do not know that we need our own $22 million science service organi­zation. That is what the issue will be.

I yield the floor and thank the chair­man for his work and his ranking mem­ber for her diligent work.

Mr. FEINGOLD. 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 Florida [Mr. MACK], for Mr. MCCONNELL, proposes an amendment numbered 1803 to amendment No. 1803.

In lieu of the amendment proposed to be in­serted, the following:

It is in the sense of the Senate that before the conclusion of the 104th Congress, comprehen­sive welfare reform, food stamp reform, Medi­care reform, Medicaid reform, superfund re­form, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthoriza­tion of the Endangered Species Act, immi­gration reform, Davis-Bacon reform, State Department reauthorization, Defense De­partment reauthorization, Bosnia arms em­bargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropri­ations, Commerce, Justice, State appropri­ations, Defense appropriations, District of Co­lumbia appropriations, Energy and Water Development appropriations, Foreign Oper­ations appropriations, Interior appropri­ations, Labor, Health and Human Services and Education appropriations,

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

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk read as follows:

The bill clerk read as follows:

At the appropriate place, insert the follow­ing:

(a) CAMPAIGN FINANCE REFORM.

(a) CAMPAIGN FINANCE REFORM.

(a) CAMPAIGN FINANCE REFORM.

(a) CAMPAIGN FINANCE REFORM.

THE SENATE.—It is the sense of the Senate that as soon as possible before the conclusion of the 104th Congress, the United States Senate should considers comprehensive campaign finance reform legisla­tion that will increase the competitiveness and fairness of elections to the United States Senate.

AMENDMENT NO. 1803 TO AMENDMENT NO. 1803.

(Purpose: To express the sense of the Senate in regard to the consideration of certain legislative issues.

Mr. MACK. 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 Florida [Mr. MACK], for Mr. MCCONNELL, proposes an amendment numbered 1803 to amendment No. 1803.

In lieu of the amendment proposed to be in­serted, the following:


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

Mr. MACK. I object.

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk continued reading as follows:

(a) CAMPAIGN FINANCE REFORM.

(a) CAMPAIGN FINANCE REFORM.

(a) CAMPAIGN FINANCE REFORM.

(a) CAMPAIGN FINANCE REFORM.

Legislative Branch appropriations, Military Construction appropriations, Transportation appro­priations, Treasury and Postal appro­priations, and Veterans Affairs, Housing and Urban Development, and Independent Agen­cies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, job training reform, child support enforcement reform, tax re­form, and a “Farm Bill” should be consid­ered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
July 20, 1995

Why is this necessary? It seemed that significant campaign finance reform was going to be achieved in the 103d Congress. Unfortunately, the effort fell apart as House and Senate negotiators were unable to bridge their differences. I am the first to say there was blame on the part of both parties for this failing apart, but I am offering this resolution today because there has not been any sort of indication that the Senate will be considering this issue either this year or next year. It is not even mentioned in the Republican contract. It is not on the majority leader's list of items we need to do before the August recess. I am afraid that it might not even be on the list of the things we need to do before the turn of the century if we do not pass some kind of resolution.

It is clear that the campaign spending in our political system is spiraling out of control. The FEC recently releas ed some startling numbers with respect to the level of spending in the 1994 elections. According to the FEC, the 1994 elections were the most expensive in history, sporting a price tag of $724 million. That is a 62-percent increase—Mr. President, a 62-percent increase—from aggregate spending just 4 years earlier in 1990.

The effect of this escalation in spending to me is a sort of politics of exclusion as it becomes increasingly difficult for average working Americans to run for public office. It is very distressing that candidates are first and foremost judged on their fundraising ability and their personal wealth rather than their merits as candidates. I think most of us would agree that the democratic political system should encourage individuals to run for elective office but that is not what our current system does.

Moreover, the current system sends a message that political campaigns are expressly reserved for the very few who have the ability to do what the current system requires of them to run an effective campaign, and we all know it. The message we get is that if you cannot raise and spend millions of dollars, you are not really an effective or viable candidate.

If you are a powerful member of the Senate Appropriations Committee, as was my opponent in 1992, and you have the ability to raise nearly $6 million for a campaign, then the current system, of course, accommodates you. If you are a member of the city council and decide you would like to use your wealth to run for elective office, as the current trend seems to me, then the current system also accommodates you. If you are a schoolteacher and serve part time in the city council and decide you would like to run for the U.S. Senate, then the current system tells you that because of your salary, your unemployment status, and other such factors, you are automatically a long-shot candidate. Your positions on the issues are at best secondary. Your experience as a teacher and your record on the city council is secondary. Why? Because you lack substantial campaign funds, or a war chest as it is called now, that will inhibit you from getting your message across to a statewide electorate. This makes you a long shot, and the thought of not running at all has to cross your mind.

This has to change. Unfortunately, despite the nearly universal agreement that something needs to be done to curtail campaign spending and improve the election process, time and time again Congress fails to pass the needed legislation. So I offer this resolution today because there needs to be, first of all, a clear statement that campaign finance reform should be on the agenda for this Congress. It is not even mentioned, as I said before, in the Republican contract, and we need to figure out a way to get it onto the agenda.

The only effort that has been made in the whole Congress this session on campaign finance reform was to take away the campaign finance system we have that helped make Presidential elections more fair. Thankfully, we defeated that effort, and we did it on a bipartisan vote. It is now time to refocus our efforts on fixing the congressional system and to find answers to a disturbing question. That is, how, Mr. President, can we expect ordinary Americans to run for elected office when the price tag is literally, literally millions of dollars and the costs escalated at a rate of over 60 percent in the past 4 years?

I know recently there was a handshake between the Speaker of the other body and the President about a commission. I noticed there was no Members of the other body mentioned in that agreement, so it did not terribly impress me in part for that reason. But the Speaker recently just backed off of that anyway, so let us not assume that any sort of commission will ever be created let alone believe that it will make a difference.

There is no reason at all for this body not to move forward on this. We cannot pretend that this is not a pressing problem, and we cannot pretend that we do not know how to deal with it. Congress has to demonstrate to the American people that it can act responsibly and decisively and that it can approach this problem in a bipartisan manner.

On another front, Mr. President, the set of figures recently released by the FEC gives us some telling data, sur­prising data, about how PAC contributions by political action committees to all congressional candidates back in 1990 totaled $149 million. Now, this went up slightly in 1992 to $178 million and stayed in 1994 at $1 million. So, Mr. President, PAC contributions, even though many people would like to see them eliminated, have been fairly level over the past three election cycles.

On the other hand, and this is what really shocked me, contributions and loans from candidates themselves—in other words, those who contribute to their own campaigns—increased at a rate of 37 percent from the 1992 level. So personal contributions to your own campaign is now sort of the new growth industry in the area of campaign financing.

That means the greatest increase in campaign financing comes from candidates that finance themselves. That translates into an electoral system tailored only for those who either have access to a large base of campaign contributors or another group, those who have the personal wealth and means to afford an expensive political campaign. Either way, again, the schoolteacher that serves on the city council is becoming increasingly less likely to have any chance at all of seeking this office and serving it.

Mr. President, not too long ago, I heard one of the candidates for President, the Senator from Texas, say something that I found kind of fascinating. Announcing his bid for the Republican nomination to the White House in 1996, the Senator from Texas stated that he had the most reliable friend you can have in American politics and that is ready money.

There was a time when the most reliable friend you could have in politics was a strong record on the issues, substantial grassroots support, or maybe even the endorsement of a large newspaper in your State. But a candidate for the Presidency has indicated that he may be the best candidate in 1996 not because of his stance on the issues, not because of his popularity with the people, not because of the point he gets out the most money, or at least did at that time, of the eligible candidates.

Those remarks are simply an accurate portrayal of what our election system has become. It is not so much about your stance on the issues or the speeches you give on the campaign trail or even the countless volunteers that the Senator from Minnesota and I remember so well from our campaigns who usually sit in unairconditioned offices all day stuffing envelopes for you. Sadly enough, our election system has become all about money—who has it, who can raise the most, and who can spend the most. It is no longer one per son, one vote. It is more $1, one vote, or $1 million, 1 million votes.

I was a supporter last year of S. 3, the campaign finance reform bill, and I still believe that is the right thing to do especially if the thought of not having a fair electoral system is what concerns you. It is our job to give the American people that it can act responsibly and decisively and that it can approach this problem in a bipartisan manner.
On the first day of the 104th Congress, I introduced S. 46, another attempt to try to reform our campaign system. I do not hold out any false hopes, but I do know that my bill will become law in the near future. That is why I am certainly willing to compromise on this issue and to work with my colleagues on both sides of the aisle to write a bill that will somehow get us off the road we are on of further protecting incumbents and encouraging multimillion dollar campaigns.

I do, however, in working with the Senator from Arizona, who has been a tremendous partner in this issue, believe that certain principles have to be included. A good bill has to provide incentives to keep campaign spending down to a reasonable level, and it has to provide some sort of assistance to legitimate but underfunded challengers, so that our elections will indeed be competitive and fair. I also want to see candidates raise more of their funds in their own home States rather than seeking outside contributions from the country looking for funding from the West to the East coast.

Mr. President, for the past several months, the Senate has been diverting almost all of its attention to the Republican Contract With America. This was the campaign that said, "Put us in power and we will change the way Washington does business." But it is disappointing again that this subject has not really come up. How can you suggest that we need to change the electoral process of our Nation. To that end, challenges, not the least of which is ensuring the credibility of this institution and the American people want. In 1994 the American people said, "We do not like the way you do business in Washington.

Mr. President, if I may. Campaign finance reform is something that the American people want. In 1994 the American people said, "We do not like the way you do business in Washington. Do not like the way you do business." And they also said, "We do not like the way you get there." I know, that message was clear. And I am confident, because I believe in representative government, Mr. President, that sooner or later we will address this issue, because it is the will of the people. They do not like what is going on. Now we may make it worse, I do not know. I think we can make it better. But no average citizen in America believes that the system under which we elect Presidents of the United States and the system under which we elect representatives to Congress is a fair and equitable system, because of the role that money plays in these campaigns.

If I could just, as an aside, say to my friend from Wisconsin—just an aside—if he is going to quote Republicans now, it would be fair if he quoted the latest deal that people can have that the Democratic National Committee gave if you want to have breakfast with the President or meetings with the President, all those good deals. Let us put some balance in this now. Let us not make it a partisan issue. There are egregious activities on both sides on this issue.

Returning back to the fundamental point, I do not believe, Mr. President, that 1 or 2 or 5 or 10 Senators will be able to block the will of the American people.

For us to start in with parliamentary maneuvering not allowing people who have a reasonable amendment with an agreement for a reasonable time frame, I think is a betrayal, frankly, of what we have promised the American people.

I hope in the future we can avoid this kind of thing and sit down and say, OK, what will the arrangements be? If I am today, not next month or next year. But filling up the tree with parliamentary maneuvering, I think, is beneath us.

I want to make one additional point, and that is the Senator-may I withhold? The PRESIDING OFFICER. (Mr. CAMPBELL). The Senator has 6 minutes 8 seconds.

Mr. FEINGOLD. I yield 5 minutes to the Senator—may I withhold?

Mr. MCCAiN. Will the gentlemen yield 3 minutes to me?

The PRESIDING OFFICER. The Senator from Arizona has 20 minutes under the unanimous agreement.

Mr. McCAIN. OK.

Mr. FEINGOLD. I yield the floor.

Mr. MCCAiN. Mr. President, I yield myself whatever time I may consume.

Mr. FEINGOLD. I yield myself whatever time I may consume.
July 20, 1995

CONGRESSIONAL RECORD—SENATE 19621

a framework, which we will be intro-
ducing this week, for campaign finance
reform that has the fundamental ele-
ments that we believe are the will of
the American people. We want to en-
gage in a debate. We want—it is not a
perfect document—we want to engage in
this debate. I think the only way that will lead us to a fundamental reform of
the system that most Americans think
is broken. And I think we have that ob-
ligation. I would like to work with all
of my colleagues and any of them on
this issue. But I greatly fear that un-
less we do this, unless we embark on
this very difficult effort, the American
people will lose further confidence in
us and their system of government and
the way we select our leaders, whether
it be a Presidential campaign or any
other.

So, I think it is an important issue,
and I think the Senator from Wiscon-
sin has a right to use at least what the
will of the Senate is here. Maybe his
motion will be tabled. I do not know.
But the fact is that we need to get
about addressing this issue, and we
proved in the last few years that we
cannot do it on a partisan basis. It has
to be on a nonpartisan basis.

Mr. President, I thank my colleagues
and I want to thank whoever worked
out the agreement for this time agree-
ment and the tabling motion to give
the Senator from Wisconsin an op-
portunity to get a vote on this issue as to
what the will of the Senate is.

Mr. FEINGOLD. Will the Senator
from Arizona yield for a question?

Mr. MCCAIN. Yes; I will be glad to
yield to the Senator from Wisconsin.

Mr. FEINGOLD. Let me, first of all, ask
the question and say that I fully
agree with the Senator from Arizona
that it certainly would not be accurate
to assign to only one party the blame
on this issue. In fact, in my comments
I indicated that this thing went down largely because of a Republic-

Mr. FEINGOLD. Mr. President, how
much time do I have?

The PRESIDING OFFICER. The Sen-
ator has 4 minutes.

Mr. FEINGOLD. I yield 4 minutes

The PRESIDING OFFICER. The Sen-
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Mr. WELLSTONE. Mr. President, it
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A very good friend of mine who is
going to be leaving the Senate, PAUL
Simon, wrote a book not too long ago,
and I had a chance to read a rough
draft. The first chapter was on cam-
paign finance reform. I said to the
Senator, “That should have been the first
chapter, because this is really the root
issue.”

I think it is the root issue and really
the root problem for several reasons.
I only have 4 minutes today, but we will
be coming back to this over and over
again, because I think we are going to
insist on this reform during this Con-
gress.

First of all, it is a root issue. Mr.
President, because I think, in a way,
this mix of money and politics, which
really becomes the imperative of
American politics. If you will, this
money chase, it undercuts democracy
and it undercuts democracy for two
reasons.

First of all, it undercuts the very
idea of a fair person in Colorado, Min-
nesota, Washington, or Florida should
count as one and no more than one,
because that is not really what is going
on any longer to the extent that big
money has such a dominant influence
in politics.

Second of all, it undercuts democracy
because it represents corruption, but
not the corruption of individual office-
holders, but rather a more systemic
type of corruption where too few people
have too much wealth and power. That
is what is skeptical, cynical about pub-
lic affairs, and all of us, Republicans
and Democrats alike, have the strong-
est possible self-interest in having your
citizens really believing in politics and
public affairs. But when people see
this influence of money, they become very
cynical.

Mr. President, it also has a lot to do,
unfortunately, with representation or
lack of representation. I remember
during the telecommunications bill—
and I am not trying to pick on any
group of people—but the reception
room was packed with people. Some
people just march on Washington every
day, they are lobbyists or others, they
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I say to my colleague from Wisconsin, I view all of these reform efforts—the gift ban and lobbying disclosure, which we take up on Monday, the campaign finance reform—to be just critical measures, because I think people have to believe in this process or they are not going to believe in the political system.

I think people feel that politics has become a game they cannot play. I think people feel like this is a political process that does not represent them well. I think people feel like only a few people are well represented in politics.

We have to make our political process more accountable, more honest, more open, with more integrity, and I cannot think of a better way to do it than to take strong action and pass a comprehensive gift ban and lobbying disclosure bill next week—I know we are going to have spirited, long, hard, tough debate about that—and, in addition, pass this campaign finance reform bill sometime this Congress. Again, the only thing this amendment says is we should take this up.

Mr. President, I will make one final point. I am now up for reelection. I was so hoping we could pass a campaign finance reform bill. I think people feel that politics has gone sour. They want more opportunities for people to run for office. They want more openness in the political process. They yearn for a political process they can believe in. What better thing could we do than to take up campaign finance reform, along with gift ban and lobbying disclosure, and pass a reform bill of which all of us can be proud.

Mr. FEINGOLD. I ask unanimous consent that I may be yielded such time as I may require, on the time of the Senator from Arizona.

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

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. He and I have worked together on many issues. We sat down, as he indicated, in the beginning of this Congress and listed a couple of our top priorities of what we would like to see happen here. At the very top of the list was our shared belief that if there is anything that needs to be changed in this country, it is the way Members of this body, including the Senator from Minnesota, myself, and the Senator from Washington, Senator MURRAY, did get elected even though we were not Members of Congress and were not personally wealthy. But we all know we are the exceptions to the rule.

Mr. WELLSTONE. How does the Senator know that I am not personally wealthy?

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Mr. WELLSTONE. How does the Senator know that I am not personally wealthy?

Mr. FEINGOLD. I saw the recent reports on the Members of the Senate. You were not high on the list. I regret to say that neither was I.

Mr. WELLSTONE. I stand corrected.

Mr. FEINGOLD. We all had campaigns that people watched. Do you know why? Because we were not supposed to win, because of big money. Even though we happen to be sitting here and it is a wonderful thing to have this opportunity, there are thousands and thousands of Americans as well qualified as any one of us who decided not to get into the fray because of the money, because of the absolutely daunting nature of the amount of money that is required to run for the U.S. Senate.

Mrs. MURRAY. Will the Senator yield?

Mr. FEINGOLD. Yes.

Mrs. MURRAY. I compliment the Senator from Wisconsin for his amendment that comes before us today and for his perseverance on this critically important topic of campaign finance reform.
Public Citizen, again, shows enormous levels of contributions, Senators receiving over $300,000 in contributions from the interests in that issue, and many others in the $250,000 or $100,000 category. That is just an interest relating to that one particular bill. So we decided to use this bill as a vehicle to make this simple statement. I believe, Mr. President, that this is the beginning.

People often say, what is the point of a sense-of-the-Senate resolution? Well, what we are trying to do, as the Senator from Arizona knows, is to try to take the first step. You have to take the first step, which is to get everybody on record either for or against the concept of campaign finance reform. It is regrettable that we are a quarter of the way through the 104th Congress and we have not even taken that first step.

But I hope today, when the tabling motion is made, that the Members consider what the view of the people of this country is. I am confident that whether you are Republican or Democrat, the American people are generally disgusted with the way these campaigns are financed. Perhaps the California Senate race was the most extreme example. When you tell someone that a person spent $28 million of his own money trying to get elected to the U.S. Senate, they really wonder whether they have anything to do with the process at all anymore. How can they possibly even dream of running for the U.S. Senate if that is the kind of ante that is required?

So, Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER: Who yields the floor?

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

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

The PRESIDING OFFICER: The absence of a quorum is declared.

The legislative clerk will call the roll.

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

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

Mr. DOLE. Mr. President, I have listened to this debate. The debate has not changed. I came to the conclusion years ago that we are never going to get campaign finance reform if we leave it up to the two parties, because there is always the case that the parties in the majority will obviously try to fix it to suit them and make it a little better for the majority than members of the minority.

That has been true in the past, and I assume it will be true today. In fact, I suggested a number of times that we have a commission of outsiders with no ax to grind to take a look at campaign finance reform. I guess that is pretty much what Senator GINGRICH and Mr. docks propose. I am a big supporter of each other up in New Hampshire.

In any event, it seems to me that with all the things we have yet to do in this Congress, and certainly campaign finance reform is important, we have regulatory reform right now. It means a lot more to most families than campaign finance reform. It costs each family about $6,000 per year, and we are about 2 votes short of getting 60 votes to move on regulatory reform. It is much more important than campaign finance reform. We are taking money out of someone's pocket. They may not care a thing about politics and never contribute a nickel to anyone. We cannot do that, because we cannot get the votes on the other side.

We have welfare reform to take up. It will take a long time. I just suggest that this may be of great priority with a few Members of the Senate. It does affect all Members. We can all reach down and find some horror stories.

In fact, we could go to the White House if we had $100,000—I think that is the going rate to do business with the President—$100,000. They have different packages for different people of different economic circumstances. That does raise eyebrows, when people say, “I have to see the President. It is $100,000”—I guess that is per couple. That is about $200,000.

Maybe that is what the people have in mind here. I assume this would apply to the executive branch as well as the Congress. There are excesses. There are people who get elected with out a lot of money. I am finding out right now in the Presidential race, the worst part of the job is trying to raise the money. I do not ask people for money. I do not make telephone calls. I do not like to do that. I do not mind somebody else asking, but I do not like to ask.

In any event, this may have some merit, but with all the other things we have on our plate, and with part of the August recess already slipping away, I know this says “by the end of the 104th Congress,” and it seems to me that it will be even more difficult next year because then we are in an election year, when everybody wants to be involved in politics, politics becomes the focus of a lot of people.

Mr. President, I move to table the underlying amendment, No. 1803, and I ask for the yeas and nays.

The PRESIDING OFFICER: The amendment is as follows:

Mr. DAVEY. Mr. President, this budget that is brought to the floor, I think, deserves commendation of all of the Members. This is an extraordinary departure from past policies. It involves a general and automatic cut that the President had requested for funding for Congress, and virtually a 9-percent real cut, actually a little over that, 9.13-percent real cut, over what we spent in the past generation.

I am not aware of any Congress that has taken such dramatic action in the history of our country, to reduce its expenditures. Certainly in terms of dollars that have been cut from the budget, this has to be the all-time record winner. I think the distinguished chairman and the ranking member deserve a great deal of credit for bringing this kind of proposal to the floor.

It reflects a sincere and real interest in coping with some of our problems with regard to the budget. It does it in a very important way. It does it by setting an example.

It not only talks about reducing spending, but it proposes a budget for the Senate itself that reduces spending. That, I think, is the critical key element. If we are to have credibility in trying to deal with our budget problems, it is no secret to anyone here.
that this country has the biggest deficit of any nation in the world. It is no secret here that this country has the biggest trade deficit of any nation in the world. It is no secret here that we have one of the lowest savings rates of any major industrialized country in the world.

The American people believe it is long past time we ought to face up to these problems. So this budget that is for the Senate itself sends an important message. It sends an important message, not because we are the biggest nation in the world, not because we are the biggest trade deficit of any nation in the world, but because we are the biggest industrialized country in the world. It does not call for the dismissal of any employee to operate the elevators, but it does suggest that we should not hire new ones. As elevator operators on the automatic elevators retire, this measure contemplates that we would not replace them. It is important that Members should consider with this. If we are not willing to eliminate elevator operators on automatic elevators, what kind of confidence can this country have if we are going to deal with $200 billion to $300 billion deficits? What kind of belief can they have that we are going to stick with a budget plan that lasts 7 years? If we are not willing to make even a modicum of effort to control spending in our own house, on an item as frivolous as this, then I think that it sends an important message to the American people. It sends an important message that we intend to reduce the deficit by hundreds of billions of dollars? The answer is, we will not. And the answer is, it is important Americans believe that we have a new commitment and a new willingness to deal with problems.

Is this a small item? Of course it is. But the symbolism is terribly important. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, [Mr. MACK].

Mr. MACK. Mr. President, the Senate from Colorado has gained a tremendous reputation over the years for his efforts to reduce Federal spending, and I compliment him on that. I was interested in his comments about having "every confidence that Members can push the buttons on the automatic elevators." That was an unquestioned level of confidence. It has been a long time since I have heard that level of confidence in our colleagues. But I accept that comment. I would say to the Senator, I am prepared to accept the amendment but it does, in fact, go counter to the approach that the committee has taken with respect to reducing the expenditures of the Federal Government, particularly the Congress, the legislative branch. We had a very significant request, if you will, or directive given to us, to reduce the legislative branch budget by over $200 million, which, in fact, we have accomplished with about $1,000 to spare. We accomplished that, however, not by having the committee try to find every item throughout the legislative branch that any of us, or either of us, thought was important to cut. I will say to my friend and colleague that I think it is more important that we give a direction, or a directive, to the individuals responsible for the various functions of the legislative branch, indicating to them what we think they should do as far as a total is concerned, and ask them to, in essence, make the best judgment about how to reach that goal. I believe with the approach that we have been successful in our effort.

The Sergeant at Arms was given a directive of a reduction of 12.5 percent. The Sergeant at Arms came back with a little bit over 14 percent, and should be complimented for that achievement.

But as I indicated a moment ago, even though I have a different approach in bringing about significant reductions to the legislative branch, I am prepared to accept the amendment.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

"Mr. BROWN. Mr. President, I would be remiss if I did not note that our new Sergeant at Arms has done a very admirable job. He has already cut the number of elevator operators from 20 to 10, and saved over $118,000 in this fiscal year. So I would not want a moment to pass without recognizing what I think is a very dramatic change in policy by the new Sergeant at Arms. I think this amendment will help affirm that very significant effort.

The PRESIDING OFFICER. Is there further debate? The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I, too, will not object to accepting this amendment. Let me just add, I concur with the manager of the amendment, Senator MACK, who I think has done an outstanding job working with the different departments. The Sergeant at Arms did come back with a 14.5-percent cut. They are definitely going to be looking at how they can do that in the coming months when we will see the effect of that. It is, I think, difficult for us to micromanage them from this point, but I am willing to accept this amendment.

Let me at this point say, in doing so, I also want to send my compliments to our current elevator operators, whom I think many of us do not take the time to say "thank you" to often enough. They are always kind and courteous and efficient. I appreciate the fact that they find me in the crowds. I know that is not a problem that some of the other Members have.

But they are always here, they are always smiling, they are on time. I think sometimes when we have amendments like that, it is seen as a slam on some people who are doing a very efficient job, and, I think, one that we do not say "thank you" for, often enough. So let me take this opportunity to thank them for the job that they do for all of us.

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

The amendment (No. 1805) was agreed to.
Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. INOUYE). Without objection, it is so ordered.

AMENDMENT NO. 1065

(Purpose: Expressing the sense of the Senate regarding war crimes in the Balkans)

Mr. SPECTER. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. SPECTER. Mr. President, I ask that it be modified to be put in the form of an amendment to the pending bill.

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

The clerk will report the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1065.

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

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

The amendment is as follows:

At the appropriate place insert the following new section:

Sec. . . . (a) FINDINGS.—The Congress finds that—

1. war and human tragedy have reigned in the Balkans since January 1991; and

2. the conflict has occasioned the most horrendous war crimes since Nazi Germany and the Third Reich's death camps;

3. these war crimes have been characterized by "ethnic cleansing," summary executions, intact campos, displacement, massacre, and systematic rape, and attacks on medical and relief personnel committed mostly by Bosnian Serb military, para-military, and police forces;

4. more than 200,000 people, mostly Bosnian Muslims, have been killed or are missing; children are refugees, and another 1.8 million have been displaced in Bosnia; and

5. the decisions of the United Nations Security Council have been disregarded with impunity.

(b)bosnian Serb forces have hindered humanitarian and relief efforts by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other relief efforts;

(b) Bosnian Serb forces have incessantly shelled relief outposts, hospitals, and Bosnian population centers;

(b) the rampage of violence and suffering in Bosnia and Herzegovina continues unchecked and the United Nations and NATO remain unable to act with vigor; and

(b) the feeble reaction to the Bosnian tragedy is sending a message to the world that barbaric warfare and inhumanity is to be rewarded; Now, therefore, be it—

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate hereby—

(b) condemns the continuing war crimes against humanity committed by all sides to the conflict in the Balkans, particularly the Bosnian Serbs; and

(b) condemns the policies and actions of Bosnian Serb President Radovan Karadzic and Bosnian Serb military commander Ratko Mladic and urges the Special Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

(b) It is the sense of the Senate that the Special Prosecutor for the International Criminal Tribunal for the Former Yugoslavia should investigate the recent and ongoing violations of international humanitarian law in Bosnia and Herzegovina.

(b) the Bosnian Serb President, Radovan Karadzic, and the Bosnian Serb military commander, Ratko Mladic, and urge the special prosecutor in the International Criminal Tribunal for the Former Yugoslavia to cooperate with the United Nations, NATO, and the United States to expel the review of evidence for their indictment for such crimes.

I had spoken on this subject generally on Tuesday evening following the introduction of the resolution by my distinguished majority leader calling for lifting the arms embargo so that the Bosnian Moslems may have an opportunity to defend themselves.

I support the action of the majority leader in urging the adoption of that resolution. It seems to me that the mission of the U.N. forces in Bosnia has been a mission impossible when they are charged to keep the peace when there is no peace to keep. U.N. forces ought to be withdrawn so that they can no longer be held hostage and so that then the Bosnian Moslems may have an opportunity to defend themselves.

Another example, a woman hiding in a barn with her husband and two young daughters, ages 13 and 7. Five Chetniks, Serbian paramilitaries, find...
them, beckon the father over, and in the sight of his two young daughters and wife, brutally murder him with a gun without his having uttered a word.

In the presence of an elderly woman, the guards from the prison, accosted by Bosnian Serbs, as they were fleeing, slicing his throat right in front of her, causing death.

Mr. President, I ask unanimous consent that examples be admitted into the Record without going through them in detail at this moment which chronicles and specifies the kinds of blatant atrocities which are being perpetrated by the Bosnian Serbs.

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

EXAMPLES OF WAR CRIMES OR CRIMES AGAINST HUMANITY IN THE FORMER YUGOSLAVIA

EXAMPLE 1

The Final Report of the Commission of Experts to Investigate War Crimes in the Former Yugoslavia reveals the existence of hundreds of torture sites containing between 5,000 and 7,000 detention facilities in which, up until March 1994, an estimated 500,000 persons were imprisoned, murdered, tortured, and raped.

The estimated number of tortured persons is over 50,000.

The estimated number of raped women is over 20,000.

The Serb policy of ethnic cleansing included total forcible transfer of civilian populations from Serb controlled areas in flagrant violation of international humanitarian law as well as the destruction of public and private property, including religious and cultural heritage.

All of the above constitute war crimes and crimes against humanity and could even rise to the level of genocide.

EXAMPLE 2

The camp commanders—Zeljko Mejakic:
A. Complicit in the killing of, and in the deliberate infliction of conditions of life on, Bosnian Muslims and Bosnian Croats people, intending to bring about their physical destruction as a national, ethnic or religious group

B. Held individually responsible for the crimes committed by his close subordinates (deputies and shift commanders) and by the guards who regularly and openly killed, raped, tortured, beat and otherwise subjected prisoners to conditions of constant humiliation, degradation, and fear of death.

C. Personally beating the prisoners upon arrival with batons and other weapons

D. Kicked one prisoner who was tortured in the chest.

EXAMPLE 3

Zoran Zigic and Dusan Knezevic ordered prisoners to drink water like animals from public fountains. The ground, jumped on their backs and beat them until they were unable to move; as the victims were removed in a wheelbarrow, one of them was accosted by Bosnian Serbs who poured the contents of a fire extinguisher into the mouth of one of the victims.

EXAMPLE 4

Dusan Tadic and others: Belonged to a group of Serbs from outside the camp, who called on one day prisoners out of their rooms, severely beat them with various objects and kicked them on their heads and bodies. After one of the four prisoners was beaten, two other prisoners were called on and ordered by a member of the group to lock his battered body in a cell to severely mutilate him: one of the two covered the prisoner’s mouth to silence his screams, and the other bit off the prisoner’s testicle.

This prisoner and two other died from the attack; the fourth one, who was severely injured, was thrown onto the back of a truck with the dead and driven away.

EXAMPLE 5

Most recently, in the wake of the fall of Srebrenica, there are numerous accounts of new Serbian cruelty: throats slit, women raped before women and children were “picked on buses for a mass ethnic deportation.”

Twenty-year-old woman made her way into a grove of trees near the refugee camp at night and hung herself.

Hundreds of men were reportedly killed by Serbs and thousands taken away for investigations into the possibility of war crimes.

One refugee reported that the buses carrying the Muslims were stopped outside Srebrenica and Serbs tore young men and women off. “They made us watch while they cut the men’s throats and raped the women.”

EXAMPLE 6

In Potocari, where there was a U.N. base to which many refugees fled, there were accounts of Bosnian Serb soldiers coming into the factories where spending the night.

“They took some young boys with them, kids who were probably between 12 and 17 years old. Later we heard screaming outside. . . .” On Wednesday morning we went outside. . . . I saw seven of the boys with their throats cut, and two others hanged from a tree.”

The same night, Serb soldiers reportedly abducted three women, ages 12, 14, and 23. When the three returned several hours later, they were naked and covered with scratches and bruises, and the two youngest were bleeding from the assault. At dawn, the 14-year-old "slipped off to the side. She took a scarf from the dead, tied it around her neck and hanged herself from a beam.”

Wednesday morning, the Serbs “took about 15 women from the president’s house. They were screaming, the Chetniks [Serb soldiers] covered their mouths and dragged them away. We left the factory on busses a few hours later and by the time we arrived, the bodies had come back.”

(EXamples continued on next page)

EXAMPLE 7

Thousands of thin and exhausted Bosnian Muslim men have begun pouring into Tuzla, near Sarajevo, after being missing since the fall of Srebrenica a week ago.

One soldier told of seeing a father shoot his badly wounded son when he could carry his child no farther.

Others said they saw comrades commit suicide during the long walk by pulling the pins on hand grenades and holding them to their necks or by standing next to them as they exploded.

“There were dozens and dozens of dead bodies on my trail.”

U.N. High Commissioner for Refugees said about 18,000 of Srebrenica’s 42,000 residents still are not officially accounted for.

EXAMPLE 8

Another U.N. official relayed the following account: “Police and guards told us that her husband was grabbed by the Bosnian Serbs as they were fleeing Srebrenica and they slit his throat right in front of her. She said she saw the bodies of at least eight other men whose throats had also been cut.

EXAMPLE 9

A report from the Bosnian War Crimes Commission in 1992 claimed that since the beginning of the war, at least 1,000,000 people had passed through concentration camps and prisons set up by the Serbs while 10,000 people had been killed in them.

EXAMPLE 10

The Report described the mutilation and torture of men, women and children by Serbs: “One account . . . claims that Serbian fighters burned alive elderly people who refused to leave their homes and forced mothers to drink the blood of their murdered children.”

(EXamples continued on next page)

EXAMPLE 11

Zerina Hodzic’s account of what happened to her husband is typical: I was hiding in the barn with my husband Rifet age 35 and our two daughters ages 13 and 7. Five Chetniks—Serbian paramilitaries found us and pointed their index fingers at my husband and beckoned him toward them. One of the Chetniks shot him without ever having uttered a word.

Mr. SPECTER. A summary, Mr. President, was contained in the final report of the Commission of Experts to Investigate War Crimes in the Former Yugoslavia. The existence of some 150 mass graves containing between 5,000 and 3,000 bodies each, and 700 detention facilities where up to 300,000 persons were imprisoned, murdered, tortured, and raped, estimated at some 20,000.

And I will further call attention. Mr. President, to the fact that in the proceedings in the international criminal tribunal for the former Yugoslavia, that Bosnian Serb commanders are being held responsible for atrocities. In the case of two of the commanders, they were held responsible for the acts of their subordinates, which gives rise to an expectation that officials at the highest level may be held responsible in the International Criminal Tribunal.

Mr. President, it is a difficult matter as to how far the United States and NATO can go in assisting the Bosnian Muslims, I have said on this floor that I am opposed to the use of ground forces in that arena. It is an open question as to whether other support can be given, such as heavy bombing, which
July 20, 1995

CONGRESSIONAL RECORD—SENATE 19627

could perhaps bring about a balance of power between the Bosnian Serbs and the Bosnian Moslems, giving the Bosnian Moslems an opportunity to defend themselves. But there are a wide range of options.

Mr. BENNETT. If the people of this country understood the intensity of the barbarism which is going on, when you have acts like cutting off ears and cutting off noses, slicing the throats of young boys, and have the brutal conduct of leading young women to hang themselves rather than be subjected to the atrocities from the Bosnian Serbs, there might well be a different public reaction. And the thing which is important to me is this: the independent, unbridled reaction if the President would speak out to the Nation as a whole, using the force of his bully pulpit. Some people watch C-SPAN 2 and do not know what is going on, and see what is being done. But it is too hard for people to follow the atrocities that are occurring, too hard for people to follow the fine print in all the newspapers to see exactly what is going on. But the people of America were aware of what is going on, I think there would be widespread public outrage, just as outrage has been expressed by this Senate, about the leadership on this issue. I was unprepared for this leadership, this lack of leadership. I was unprepared for what I heard about this Senate floor.

So it is minimal, but I think the least that we can do, to express our outrage and to have the voice of the Senate speak out in condemning the act of the Serbs, condemning the action of the Serbian President Radovan Karadzic and the Serbian military leader Slobodan Milosevic, and asking the special prosecutor of the tribunal to review the issue of indictment, that if we will not act directly in a military sense, that at least we will put those people on notice that what they are doing will not be ignored, and will be subject for criminal prosecution at a later date, by analogy to the Nuremberg war trials. The day of reckoning may come, and those leaders and all highways of all highway criminals will face the death penalty in a court of law for their acts of brutality in Bosnia today.

So I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. First, let me commend my friend from Pennsylvania for his leadership on this issue, I was unaware that the Senate did not yet issue a statement of the denunciation of these kinds of atrocities. I agree with him that it is time we did so. And I appreciate what he has done here today.

Mr. President, I ask unanimous consent that I might be allowed to proceed as in the morning.

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

TERM LIMITS

Mr. BENNETT. Mr. President, if I may be allowed a moment or two to speak personally, I would like to refer to events that took place in the Senate yesterday. By several votes today, the term length for the Senate campaign, which is fast fading into memory, but some portions of which are pretty firmly etched in my memory as I am sure is the case with everyone here.

During the campaign, one of the issues that was raised continually by my constituents was the issue of term limits; because they said they had the feeling that the system was so unresponsive back here in Washington that something had to be done structurally to shake it up. Knowing a little bit about the Senate and the way it worked, I suggested to some of my constituents that while we debated the overall issue of term limits, which probably will require a constitutional amendment, there was something else that could be done quickly without a constitutional amendment that could bring some change and perhaps free up the things that are done in the Senate. Specifically, I suggested to my constituents that it would be a good thing if we limited the terms of committee chairs in this body so that someone who assumed a committee chair would not assume the posture of divine right in that circumstance and then stay there forever and ever, dispensing whatever favors or power goes along with that assignment.

My constituents liked that and indeed many of them said to me as they came to me in the closing days of the campaign, "We are going to vote for you but you want your personal pledge when you get there you really will work for significant change in the way business is done.

Of course, as you do in a political campaign, when somebody says that to you, you say, "Why, of course you have my pledge that I really will work to see that that is done." When I arrived here in January of 1993 and suggested term limits for committee chairs, I found a very interesting circumstance. Among my fellow freshmen Senators, one of whom is on the floor here today, there was great sympathy. There was great agreement: Yes, we need to limit term limits, if you will, the time of committee chairs. Among the freshmen Republicans, we had unanimity on that issue. But there were only six of us. And we were told when you have been here a little longer, when you understand how the system works a little better, you will not be quite so zealous to call for the term limits which I would like to see.

Well, when I went back home, I found myself hoping people did not ask me, "What have you done to carry out your campaign pledge to see to it that there would be some structural reform in the way the Senate and the House run?" When I did get asked, I would say, "I am trying." And then when they pressed for details, I would say, "Well, I am in concert with all my fellow freshmen"--the Republican six, as we are called. Finally, with the addition of Kay Bailey Hutchison--"We are working hard." And my constituents would begin to get that look on their face that says, "Yeah, we heard that before. You're going to try to do something but, in fact, nothing is really going to change, and the longer you are back there, the more you are going to become part of the system and everything is going to stay the way it's always been.

There was another election that took place. The distinguished occupant of the chair was part of that, and instead of six Republican freshmen, all of a sudden we had 11 Republican freshmen. And added to the 6, that gave us 17, which constituted a sufficient block of the Republican conference that all of a sudden we were being listened to in ways we had not been when there were just six.

Mr. President, as you well know, yesterday the Republicans had a marathon session talking about the way things should be structured in the Republican conference. And out of that session came an action which I applaud wholly; that is, the Republicans have agreed to term limit the chairmanship of a Senate standing committee. I wish we could amend the rules of the Senate itself so that it was written into the Senate rules and had the protection of the two-thirds requirement so that it could not be altered, except by a subsequent vote of 67 Senators. I do not think we can do that. I do not think the votes are on the floor to do that.

But I can now, with a clear conscience and a smile on my face, say to my constituents: "I may not have been able to work successfully to change the rules of the Senate, but I have joined with my colleagues in an effort, successfully, to term limit chairmen, at least those who are freshmen." If I may be allowed a slightly partisan note, Mr. President, I hope that will be the case for many years to come; that is, that all of the chairs of all of the committees will be Republicans for at least as long as I serve in the body. In that case, our failure to change the Senate rules will not make any difference.

I think the Republican conference needs to be congratulated for taking this step. It demonstrates a willingness to allow those of us who are newcomers more of an opportunity to hold positions of responsibility perhaps sooner than would otherwise be the case, allows for fresh ideas and fresh approaches to come into the system more openly than would have been the case if we had stayed with the old rules. Yes, it is still most important I would like to do in the name of congressional reform. If I could sit down and write the rules all by myself, I would change a lot of the rules around here, and I have
Mr. President, I appreciate the indulgence of the Senate in allowing me to make this comment, allowing me, if you will, to crow a little to my constituents back home over the fact that we have taken this first step that I did pledge to work toward while I was in the election, and express my satisfaction and gratitude to my fellow members of the Republican conference for this decision.

With that, 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. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

THE 1994 ELECTION MANDATE

Mr. INHOFE. Mr. President, I sat presiding in the chair listening intensively as the Senator from Utah talked about the mandate, as he understood it, when he was elected to the U.S. Senate in 1992.

As one who was elected 2 years later, in 1994, that mandate was not quite the same. It was interesting that those individuals who are talking about term limits did not really address the fact that we have a problem, in that we have the same leadership within each party in the U.S. Senate, as they were concerned about the term limits of individuals serving in the House and in the Senate.

Maybe it is unique to my State of Oklahoma that we had such an intense interest in the fact that people should come here as citizens, serve for a period of time, and then go home and serve under the laws that they passed. It seems as if the term limits debate has become very silent now. I have decided that one reason is that they felt if we had such a turnover, as we had in both Houses of Congress this last time, maybe people do not think that there is a need for term limits anymore. But I saw a poll that was taken yesterday. I saw the poll that was taken last week, and I was shocked to find out that 72 percent of the American people have very strong feelings about limiting the terms in which Members of the House and Members of the Senate can serve.

I did not expect this because I have heard so many people around the beltway—which is not really real America—say we do not need it anymore because we know now that we can flesh things out and get new blood.

I think that the poll, as it was interpreted, says that people like what happened on November 8, 1994, but they are not real sure that they want to wait 20 years for the same thing to happen again. We are, indeed, better off to have people here who have been in the real world.

I got to thinking about the arguments, since I was the one who proposed term limits many, many years ago. When I was running for office, I stated I would do everything I could—the same as the Senator from Utah said he would do everything he could—to see to it that the terms of leadership would be limited. I made that same commitment to continue the effort to limit terms.

I observed something when I was first elected to the U.S. House of Representatives. I have to say, Mr. President, that I am a truly blessed individual. I decided 35 years ago, when all my kids were grown and the runt of my litter was out of college and off doing her thing, that I would do what I always wanted to do and run for Congress. That happened in 1966.

When I arrived in Congress, I found something that shocked me. That is, that the prevailing ideas and mentality of those who are in power in Congress was totally alien to what people outside the beltway thought.

For example, I categorize the thinking of Congress, the majority of Congress who are making the decisions, who are setting the agenda, who are carrying on the debate, into four categories, what they really believe. First, in terms of crime, they really believed that punishment was not a deterrent to crime. In the second area, they believed that government, with Congress, can run the lives of the people of America better than people could in the private sector. They believe that the cold war is coming to an end. Of course, subsequently it was ended, and therefore it is not necessary to put more money in our Nation's defense. That money should go into social programs. They felt that deficit spending is not bad public policy.

When we stop to think about those four areas, almost everything, at least that this Member, former Member of the House experienced, found very offensive, fell into one of those four categories. People in Congress, if they were concerned about the cold war, they could in the private sector. They believe that the cold war is coming to an end. Of course, subsequently it was ended, and therefore it is not necessary to put more money in our Nation's defense. That money should go into social programs. They felt that deficit spending is not bad public policy.

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there are between 20 and 25 nations that have developed or are developing weapons of mass destruction. They are all developing the means to deliver those weapons of mass destruction. We have the Saddam Hussein's and the Qaddafi's, and those out there able and willing to buy technology that is on the market.

Here we are, with a group of people who really believe that there was not any threat out there, when the vast majority of the people of America who voted in the elections in November of 1994 said, "Yes, we need a strong national defense."

Government and its relationship to our lives in 1987, when I first got to the U.S. Congress, the majority of people in leadership really believed that the only thing wrong with America was we did not have enough government regulation. We needed more government regulation. When, in fact, that is exactly what the problem.

Here, and those individuals believe these things? They believed these things because many of them had come straight from the fraternity house to Congress—never been out in the real world, that they wanted to make the real changes in government as we know it.

We are with the deregulation bill that is right now kind of on high center. All we are trying to do is say to the people who voted in new people in Congress, "Yes, we heard you, loud and clear. We are going to get rid of this.

That is what precipitated what I refer to as the revolution of November 8, 1994, when we had the greatest turnout in our country's history. People finally decided, whether they are Democrats or Republicans, back in the real world, that they wanted to make major changes in government as we know it.

Here we are with the deregulation bill that is right now kind of on high center. All we are trying to do is say to the people who voted in new people in Congress, "Yes, we heard you, loud and clear. We are going to get rid of this.

Someone on a radio talk show not long ago, in fact, the No. 1 radio talk show in America, the host said if you want to compete with the Japanese, we export our regulations to Japan and we will be competitive with the Japanese. We truly are an overregulated society. I have told this story many times, people that I know back in my State of Oklahoma. A guy name Keith Carter, in Skiatook, OK, invented a spray that you put on horses, and apparently it worked. Whatever it does, it must work, because he had four employees, and a couple years ago they moved to a larger place down the street from his house, still in Skiatook, OK. He called me up, 4 days before Christmas—this was 2 years ago—and he said, "Congressmen, you know it takes me to California, in the House of Representatives—he said, "The EPA came along and put me out of business." I said, "What did you do wrong?"

I moved down the street 2 years ago, I forgot to notify Washington and the EPA that I had moved." I said, "You mean they did not know where you were?" He said, "I notified the regional office, but they did not tell Washington."

So we got it taken care of. He called back a little later, and he said, "I appreciate all you did for me, and you got me back in business, but now I have another problem. I have $25,000 worth of spray to put on pumas." During the 2 weeks I was revoked that they say I cannot use.

This is the type of overregulation we have in society today. I think the regulation bill is going to come out. I think the people of America will have to speak up again and let them know, let Members know, that they are still interested in reducing the abusive role of government as we have come to know it today.

Mr. President, term limits is a very real thing today, and just because we made some major turnovers does not mean that we should not continue the good thing that happened in 1994. A lot of people say, "Well, you cannot do that; you are taking away my constitutional right to vote for someone as I see fit." It was not very long ago when we had a term limit on the President of the United States. And it has worked very well since then.

We could use the same arguments. Well, you have taken away my right to vote for a Member of Congress who has already served two complete terms. Almost every State in the Union right now has term limits on its Governors. The vast majority of the States that have the petition process, the initiative process, were able to either vote in or through an initiative and impose term limits on themselves. However, the U.S. Supreme Court came along and said, "No, you cannot do that." So it can only be done, to be effective and endure the future generations, is to do it with the constitutional amendment.

I intend to continue in that fight. I believe that the message is loud and clear. There are a lot of messages that came out of the elections.

I mentioned that the majority of people who had been operating without term limits and have been here since they graduated from college and did not have experience in the real world, that they honestly did not believe that punishment was a deterrent to crime.

Senator Richard Shelby, from Alabama, and I introduced a bill that would change our prison system and put the work requirements back in. People say, "How cruel can you be, because these people are poor products of society, and it is not their fault they are going there, but someone that is wrong. You should not be punishing them."

There is an article, Mr. President, you ought to read. It was in last November's Readers Digest. It says, "Why the War on Prisoners Be Resorts?" And it talks about the new golf courses that they are putting in next to the polo field, or next to the bocce courts. Whatever that is. And how we are going to have to take care of—they do not even call them prisoners anymore in some prisons, they call them clients, because they do not want to offend them.

I may be old fashioned in my thinking. I think punishment has deterred crime. I think history showed that. When we passed the soft-on-crime bill, the omnibus crime bill of 1994, that was the midnight basketball and dancing lessons and all that, the American people were offended by that and those individuals who voted for that bill, most of them, were voted out of office in November 1994. It was just another one of those areas where, if you had been inside the beltway listening to people around here, you forget what the real people at home are thinking. Because it is a different mentality here in Washington, DC.

I do not think that Oklahoma is unique in that respect. I would share an experience that will offend. I think, some of the people here. But it is something that happened to me.

The State of Oklahoma is, by regulations, the toughest State in the United States. And the Democrats in the State of Oklahoma are very conservative. They are unlike the Democrats that we have here in Washington. I had an experience on McCurtain County. McCurtain County in Oklahoma, Mr. President, is what we call severe little Dixie. There are not any Republicans. They are all Democrats. I remember being down there in the campaign and my opponent was an incumbent, the same as I was, an incumbent from the House, both running for the Senate, so we each had records.

I remember someone standing up in a meeting of about 45 people in McCurtain County. I was the only Republican who was in that room that day, including a New York Times reporter who was following me around. Someone stood up and said, "I'm an Oklahoman from southeastern Oklahoma, where there are not any Republicans, and said "Inhofe, you are going to be the first Republican to carry McCurtain County since statehood, the State of Oklahoma statehood in 1907." I said, "Why is that?" He said, "Because of the three G's." He said, "God, gays, and guns."

Let us look at what they were really saying. He said school prayer was an anathema to them and school prayer, gays in the military was an issue, and gun control was an issue. During deer season, they closed schools. These are real people. These are not the kind of people you find around the beltway. And this gets right back to the whole idea of term limits.

I really, honestly, believe in my heart that we would not have a lot of this. I think history showed that. When the 1960's about the role of Government in our lives, we would not have the
huge deficits we find ourselves with—if we do not change our spending behavior, a person who is born today is going to have to spend 25 percent of his or her lifetime income just to service Government. And this is what we are going to change.

So I believe the term limit debate is going to be very hot again, even if I am the one who has to revive it, because I think the vast majority of Americans honestly and sincerely in their hearts believe that those of us in Congress should someday have to go out and make a living under the laws we passed. The only way to ensure that is if we have limitation of terms.

Early in this country’s history it was not necessary. We had people who came in and they could only afford to be here for a short period of time. They did their patriotic duty and they went back and lived with the laws they passed. I think that is exactly what is coming back again and it is going to serve my grandchildren and all of America very well.

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

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask unanimous consent I be allowed to proceed for 10 minutes as in morning business.

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

THE REGULATORY REFORM BILL

Mr. JOHNSTON. Mr. President, I want to note that we have collected a report on the regulatory reform bill as I see it. As of last night, those of us who were in favor of regulatory reform had presented a list of four amendments which we were willing to concede to. In my judgment, they went further than I would have liked to have gone. One dealt with that issue of least cost. In the current Dole-Johnston amendment, least cost is not the test. We have made that repeatedly clear. However, we have offered an alternative that is framed in terms of the language that the opponents of regulatory reform wished, and we have heard nothing back from that, at this point, together with three other amendments we were willing to go along with.

As I understand it, those who are opposed to the Dole-Johnston proposal are urging people not to vote for cloture. On the surface, it seems that, if this great negotiation going on that is getting close. If there is such a negotiation going on, I am not aware of it. We are waiting for an answer and not receiving one.

I did not know whether the majority leader is going to call for another cloture vote or not. At this point, I must say, it appears we do not have the votes for cloture, which means the regulatory reform bill will go down to defeat. The majority leader, of course, is in charge of the schedule, but I am advised that is a busy schedule.

Unfortunately, there are members of the other party who would like the issue of regulatory reform not to pass, and to have the issue. There are Members on this side of the aisle, I think, who would like the issue for the opposite reason. And many of us are in the middle, who fervently believe we ought to have regulatory reform, that it is one of the most wasteful operations of Government that we now have, that we have an opportunity, really to do something that will go down that will really make sense out of the regulatory problems we have today.

I very strongly believe that. I have very strongly believed in regulatory reform for 2 years. Since the Senate initially passed, last year, by a vote of 94 to 4, a risk-assessment proposal. Now, when we are on the threshold of being able to get it done, unfortunately it appears it is going down the drain, mainly by arguments against the Dole-Johnston bill which are simply not correct; some of which, by the administration, are made disingenuously, in my view.

To say the test is least-cost under the Dole-Johnston bill is just not true. It is there in very plain language, very plain language. Nevertheless, I think we will probably, if I read the majority leader correctly, have another cloture vote; and failing in that, which I guess we will, it will be farewell to regulatory reform. That is a real shame. And I do not understand the opposition to this bill.

If there are amendments that need to be made, let us know about them. There is nothing, nothing, zero, going on, in terms of trying to resolve this question. It looks as if it is a lost cause, and I regret that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I want to take this occasion to commend the Senator from Louisiana for his leadership on this issue, and assure him that this is one Senator who agrees. I do not want it held as an issue. I want it as an accomplishment.

If I think we would all be better off if we went home and campaigned on our accomplishments than on our rhetoric and on our demagoguery on these issues.

I know the Senator from Louisiana has labored long and hard on this issue. He has shown his usual patience. I served as a member of a committee which he chaired and discovered that patience in a variety of circumstances.

I want to commend the Senator from North Dakota here today, and want to align myself with his plea, for whatever we will do on my side of the aisle, to say let us not hold this as an issue, let us do something that we can to bring it to a head, get cloture and get this done.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was interested. As the Senator from Louisiana began speaking he talked about speaking on behalf of those who want regulatory reform. I do want to say I think the Senator from Louisiana is one of the best Members of the U.S. Senate, is one of the most thoughtful, bright, and interesting Members of the U.S. Senate.

I think to him, however, that I do not think there is a division in this body between those who want regulatory reform and those who do not. I am someone who supports the Glenn-Chafee substitute. It is in my judgment, a legitimate, serious substitute that will in and of itself create substantial regulatory reform.

So I really do not think this is a question of a group of people who want things just the way they are, and who love the status quo with all current regulations. It is not the case. Most Members of the Senate, I believe, feel very strongly that there are some Government regulations that are silly, that are intrusive, that are totally inappropriate, and that simply overwhelm for no good cause a lot of Americans who are trying to run small businesses, or big business for that matter. We want to change that.

But we also care very much about important, good regulations that work. I know the Senator from Louisiana does well. We have to in the circumstances with respect to the Clean Air Act. The Senator was describing the other day circumstances in which I believe it was EPA was describing the kind of approaches here on regulations as a result of popular public opinion or public opinion polls. I understand what the Senator was saying.

On the other hand, in the 1970’s America woke up and decided as a result of a new consciousness with Earth Day and other things that we cannot keep spilling the nest we are living in, that we have to stop polluting the air and start cleaning the air, that we have to stop polluting the water and start cleaning our water. If that was the public will, I applaud EPA, and others, and applaud the Congress for saying this is the public will, to let us decide to hitch up and do it.

The PRESIDING OFFICER. The Senator from Louisiana well knows, we now use twice as much energy in America and
have cleaner air. Is it perfect air? No. We still have some air quality problems. But instead of the doomsday scenario that a lot of folks felt were heading toward with continually degrading our airshed, we have over the last 20 years, even as we have substantially increased our use of energy, cleaned America’s air. We have cleaner air and less smog. I happen to feel very proud of that. I think that is an enormous success story.

Not many people even know it. No one will talk about it, because success does not sell. Failure and scandal sells. Success does not. We have fewer problems with acid rain. We have cleaner rivers, cleaner streams and cleaner lakes in America now than we had 20 years ago. That is quite a remarkable accomplishment and achievement once our country decided we were going to do things the right way. I am enormously proud of that.

I just do not want to under any condition retreat on those fundamental principles. We are fighting for clean air, we are fighting for clean water, and we are fighting to maintain a safe food supply. All of those things are important.

I join the Senator in his concern about trying to streamline regulations with regulatory reform. The desire for regulatory reform, I think, is shared by virtually every member of this body. The division at the moment is a division between those of us who want to do this in the manner described in the Glenn-Chafee substitute versus those who want to do it in the manner described in the Dole-Johnston substitute.

I just took the floor in order to say that I think there is a uniform desire here to do the right thing with respect to regulations. We do not in any event want to roll back the regulations that have allowed us to achieve significant victories in the last 20 years with respect to clean air, clean water, and safe food. I want to do what I think the real debate is about.

So I appreciate the thoughts of the Senator from Louisiana. I wanted to rise to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I will state this—in this case, this is not as easy as those who are against the bill as opposed to those who are for it. I think the Senator from North Dakota correctly states that it is those who are for the Glenn-Chafee bill and those who are for Dole-Johnston bill. The difference is that many of us regard the Glenn-Chafee bill as being a permissive bill; that is, it permits the agencies to engage in regulatory reform but it does not require them to do so. Whereas, Dole-Johnston does. We are operating under an Executive order now that on its face requires it, but actually does not require it. And if we are talking about a permissive kind of bill, in my view, that is what we have here.

To be sure, it has resulted in great advances forward. Look, all of the laws for which we voted—I voted for all of these, the Clean Air Act, the Clean Water Act, et cetera—have made some great advances. And if you want to keep the present status quo, I would say the thing to do is vote for Glenn-Chafee. Glenn-Chafee will not pass, in my view. I just think it is unfortunate that this is being painted as an ongoing negotiation.

Mr. KERRY. Will my friend yield?

Mr. JOHNSTON. Yes.

Mr. KERRY. It is the last comment previously made on the floor that helped bring me to the floor, and I thank my friend from North Dakota for already responding to some degree, and I know the Senator from Ohio is aware here of where I stand on that.

We are perfectly prepared to sit down, and we have been on an ongoing basis, Yesterday afternoon, I believe, I got in written form a response to the roll call vote yesterday, suggesting that may be a real opportunity with respect to the bill. The principal sponsor of the bill is on the floor now. I know he will say that he is not stuck in the mud or cement or anything with respect to the fact that the Glenn-Chafee bill in and of itself, in its entirety, is somehow presumed to be the only vehicle to pass. We understand that full well. Nor are we in a position that is embracing a no-bill strategy. We have a lot of folks on our side of the aisle, myself included, who would like to vote for regulatory reform, number one, and who are prepared—in fact, more than prepared—we are already agreed in our negotiations to arrive at new decisional criteria.

There is some outside who do not want that. But we have agreed that cost evaluation and risk assessment are appropriate things in a modern society to do to make a judgment about whether or not you are spending more money than the benefit you are getting.

The problems that remain, however, are significant. When you have 48 Senators, obviously going to diminish by 1, 2, 3—we all understand how it works around here. But when you have a sufficient number of Senators still saying this is a problem, and much more importantly, I say to my friend, when you have the President of the United States and his full Cabinet saying in its current form this bill will be vetoed, then there ought to be a legitimate effort here by all of us to legislate in a way that precludes that veto or try to reach a reasonableness where the best effort has been made to do so.

With all due respect, we still have a lot of work to do, whether we still fighting and the Senator knows what it is about. It is about these 88 different standards, new standards for litigation, and the fact we do not feel we have sufficiently made this a bill which will, indeed, be the best effort. Our fear is that this bill in its current form is going to result in the agency being so swamped with petitions and things and having to respond to so much judicial review that they simply cannot do what they were intended to do, which is protect the health, the safety, and the environmental concerns of Americans.

Now, I do not know how many times we have to say it. There are stupid agency rules in existence. I am confident that people of good faith can sit down and identify them. There are excesses where agencies have even reached beyond the stated intent of a statute.

That is not what we are here to do. I am confident if we sit down further and continue to be able to try to reach somewhere between what Senator GLENN and Senator CHAFEE have put together and what we know the bill represents, there ought to be a meeting of the minds.

Mr. JOHNSTON. If the Senator will yield, we submitted four major proposals and have asked can we clear those. Every time there is an argument—yesterday we had an argument about whether this is least cost. My friend from Michigan said no because there is this word “nonquantifiable.” I said, “I have an amendment here to take it out. Would you permit me to do so?”

“Not now.”

Then there were other speeches back to back. We could not take it out. Now, we offered four amendments yesterday which I thought were agreeable amendments. Can we at least have agreement to take those out, to try to improve the bill on matters that we agree on, does not seem to be possible.

Mr. KERRY. Let me say to my friend,

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Will the Senator yield?

Mr. JOHNSTON. Mr. President, I will yield for a question.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I was surprised in my office to hear practically the death knell being rung over our efforts to get regulatory reform. The Senator is aware that he sent us a fax last night, and we are working out the answer to that. Meanwhile, each one of the cloture votes that we have had have allowed us to make some progress. We have made a lot of progress on this regulatory reform bill. They have offered to substitute “least cost” for “greater net benefits”—this is an improvement and if we can write it up properly, we may be able to agree to their proposal. “Net benefits,” as I understand it, is in the Executive order language. They want to use that language in the decisional
criteria, and we are willing to consider their proposals. We are making progress.

We have also made progress on litigation opportunities and judicial review, as I understand it. I believe we agree that the final rule will be what is challenged. We do still have a problem with the new petition process. We are working on that. I think the Senator from Louisiana agreed a couple days ago at least on reasonable alternatives. Where it says "reasonable alternatives," I believe his suggestion is to limit those alternatives that the agency has to consider to three or four.

This is a major issue. We have not all agreed on that yet, but I think we can make major steps forward.

Now, on automatic repeal of a schedule for some rules, I think we are pretty close on that. We still do not agree on a third area, though—on special interests, such as including the toxics releases study in this bill.

That is a major concern. We have made substantial progress in a number of areas here, and we have three or four more to go. But the Senator from Louisiana states that we have not gotten back with an answer yet to a proposal last evening. I am sure the Senator from Louisiana will agree this is very complex legislation. We have been working on it all morning and are going to meet on it this afternoon.

So I hope we still continue in good-faith negotiations. I think we have made a lot of progress, and this is probably as complex a bill and as far-reaching for every man, woman and child in this country as anything we will consider in this Congress.

I think we are making progress here. We are about to go to a meeting where we are going to talk about some of these very complex issues. We are supposed to meet at 2:15. And we are negotiating in good faith. I certainly do not read into our processes here anything exclusivity or something that describes what an agency has to do to make a rule.

So I was a little bit surprised to hear the doom and gloom that I heard in my office a little while ago, and that is the reason I came over to the floor. I think we are making good progress on this. There are a number of areas that I think we can agree on, and I hope we can have more before the afternoon is over.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I wish I could share the optimism of my friend from Ohio. He and the Senator from Massachusetts are both my good friends. I have great respect for their good faith, for their sincerity in all of these matters. But, Mr. President, it was my understanding that today we were going to have our final cloture vote and I am not to be happening. It seems, at least it is my view, that the requests for amendments are in sort of an expanding file; you get one and you agree to it, and then 2 or 3 days later it comes back to you as a criticism of the bill because somehow you did it wrong.

It is a complicated bill. It is not that complicated. It is fairly straightforward. Some of these four amendments that the Senator from Louisiana, to strike provisions that people disagreed with. Now, we ought to do that. We ought to say, "I ask unanimous consent that we strike this." We cannot get agreement even to strike the language that is used against us. And the reason is, I think, because it improves the bill and helps get toward cloture.

I hope that there is hope, but I do not share that hope.

When it comes down to the final vote, whenever that is, and this bill goes down, there will be those who say, "Oh, we were so close." I, for one, would just like to say I do not believe we are so close. I think there are 88 ways to appeal or to attack on appeal, using that logic there are billions of ways because there is only one appeal and one standard for appeal. That is it, is the final agency action arbitrary and capricious?

Now, you can use an unlimited number of arguments making sense or not making sense, but those 88 standards are not standards for appeal. They are simple things that somebody can argue. Why not make it 1,000? It is limitless what you can argue to a court. There is no limit. But there is one standard: Was the final agency action arbitrary and capricious?

That is the standard—only one—and only one appeal.

This came out of the Justice Department. They produced this long list of 88. If that is the kind of logic that we have to face from the Justice Department, there is no hope on this bill, because it defies logic. One appeal and one standard.

Mr. KERRY. Mr. President, let me just answer my friend, if I may.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. This is an example of how close, but in a sense how far, because the 88 standards that are here are not currently in the law. In the current law for rulemaking there is one page that describes what an agency has to do to make a rule.

You talk about what this grassroots revolution is all about in an effort to kind of get the process closer to America and less government; one page is the current law. This bill creates 88 new pages of requirements. That is more government.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. I would like to finish the point. I will be happy to yield for a queue of questions, if you want, sure.

Mr. JOHNSTON. Yes, I was going to say in the Glenn-Chafee amendment,
advisedly to determine whether that final agency action is arbitrary and capricious.

Now, the standard that the Senator just read, did you use the best science, may or may not bear on the question of the final rule being arbitrary and capricious. If it is one of these rules where the issue is the quality of the science, and they did not use proper science, but rather subjected the American public to billions of dollars in regulation, which flies in the face of good science, then, yes, that violation could be conceivably arbitrary and capricious, make the final agency action arbitrary and capricious. In most instances, it would not be.

But the very idea of having risk assessment and cost-benefit analysis is to find out what the cost is and to make the agency focus on science and use good science. Because, Mr. President, the reason I brought up risk assessment almost 2 years ago was that I found that the rulemaking petitions I chaired at that time, that they were not using good science, that they were ignoring their own scientists, that they did not have the foggist notion what the regulations were going to cost.

In one particular case, it was $2.3 billion dealing with a nonexistent risk, and they did not know what it was going to cost. They had ignored their own scientists. Now, that goes on—not every day, not in every regulation. And, yes, we make some great progress on a lot of these environmental laws. And I voted for virtually every one.

But do not ever think, Mr. President, because the air is cleaner and the water is cleaner and all of that, that there are not great excesses in our environmental regulation system. If you just want to make it permissible, you know, say these are good employees of the Government and they are doing their job well and the air is cleaner, well, that is fine. If that is what you believe, then you know, business as usual is good. It is making progress in one sense. I do not believe that is so, Mr. President. I think I can prove it. I think I have proven it.

Mr. KERRY. I do not disagree with what the Senator just said. But he did not, in effect, answer the problem that I posed. Now we have language that we have given to the Senator. The Senator has accepted one form of language, but the other committee’s language tells us that we have not cured the problem we are talking about. We have given him new language which we think cures it.

Mr. JOHNSTON. What is the new language?

Mr. KERRY. Let me point to another kind of problem just to kind of articulate, I think, the good faith with which we are framing some of these issues.

There is a rulemaking petition process. I have agreed, Senator GLENN has agreed, and Senator LEVIN has agreed that all of us think any American entity, a corporation, some kind of environmental group, that feels aggrieved by a decision, ought to have some means of redress for that sense of grievance. They ought to be able to come into the agency and say, “Hey, wait a minute. This is a crazy rule. We want you to be able to review this rule.”

We agree with that. I am sure most of us would say that is reasonable. We do not want Americans running around, companies or individuals, feeling as if there is no path to a legitimate review.

What we do not want, Mr. President, is an unlimited Pandora’s box for gaming the system, where one company can come in and bring a petition, then their ooh ooh friend company could come in and bring a petition, then another company associated in the same industry but not the same could come in and bring a petition. Under the regulation, for the life of the bill—I say to my friend in the chair and others—this is not going to reduce Government. This is not going to streamline the agency process. This is not going to lift the burden of regulation. It is going to create far more gridlock than we have had before because you are going to take a fixed number of employees with a shrinking budget, give them greater responsibility to answer petitions, greater responsibility to do risk assessment, greater responsibility to do cost evaluation. And there will be less people to do it.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. This is an unfunded mandate. My friend from Ohio said this: “This is the mother of all unfunded mandates.”

Mr. JOHNSTON. Mr. President, if my friend will yield, I have two questions. First of all, I have not seen the judicial review language. If it has been done, there must be some progress.

Mr. KERRY. Mr. President, the problem with this is, we are trying to write one of the most complicated pieces of legislation in none of the committees to which the jurisdiction falls. The committee to which the jurisdiction fell was the Governmental Affairs Committee. They sent us the Glenn-Roth bill at the time. It came out to us 15 to 0. So we did have a bipartisan consensus about how to approach this.

Mr. JOHNSTON. Not on the Glenn-Chafee bill?

Mr. KERRY. No, not Glenn-Chafee. I said Glenn-Roth. I said Glenn-Roth. In the exchange between Glenn-Roth and Glenn-Chafee, I believe fundamentally, is the fact that the sunset is out and there is a minor change or two. But the other committee, the Environment and Public Works Committee, that has jurisdiction, was completely bypassed. The Judiciary Committee, as everybody knows from the report, barely had an opportunity to legislate.

Now, what did we get? We got a bill written in back rooms, cloakrooms—who knows where—offices. It comes to the floor, and now we are trying to write legislation. So it is difficult when you are weighing the impact of each of these words to do it in an afternoon, with a Whitewater hearing and a Bosnia debate and all the other meetings that we go to. It is not a question of bad faith.

Mr. JOHNSTON. Will the Senator yield.

Mr. KERRY. Let us look at the rule-making petition process. Here is what it says:

Each agency shall give an interested person the right to petition.

So we are opening up to everybody in America the right to petition.

For the issuance, amendment or repeal of a rule, for the amendment or repeal of an interpretative rule or general statement of policy or guidance, and for an interpretation regarding the meaning of a rule, interpretive rule, general statement of policy or guidance.

There are 14 different things that somebody can come in and just peti­tion, “I want this changed.”

The agency is then required to grant or deny a petition and give written notice of its determination to the petitioner with reasonable promptness but, in no event, later than 18 months afterwards.

So all of these requests could come in. You have a fixed period of time to provide the answer. You have no additional personnel to do it.

The written notice of the agency’s determination will include an explanation of the determination and a response—

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1803

The PRESIDING OFFICER. The hour of 2:30 having arrived, by previous order, the question occurs on agreeing to the motion to lay on the table amendment No. 1803 offered by the Senator from Wisconsin [Mr. FEINGOLD]. 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 Hawaii [Mr. INOUYE] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of attending a funeral.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote “nay.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber désirous of recording their votes?

The result was announced—yeas 41, nays 57, as follows:
Mr. DOMENICI. Mr. President, I rise to ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1854, the legislative branch appropriations bill for fiscal year 1996.

The bill, as reported provides $2.1 billion in new budget authority and $2.2 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

When outlays from prior year appropriations and other adjustments are taken into account, the bill totals $2.2 billion in budget authority and $2.3 billion in outlays. The bill is under the subcommittee's 602(b) allocation by $38 million in budget authority and less than $500,000 in outlays.

I want to commend the distinguished chairman and ranking member of the legislative branch subcommittee for producing a bill that is substantially within their 602(b) allocation.

I am pleased that this bill incorporates most of the changes endorsed by the Republican Conference last December and achieves the goal of reducing legislative branch spending by $200 million from the 1995 level. It is important that the Congress set an example for the rest of the country by cutting its own spending first.

Another important feature of this bill is that it provides an increase of $2.6 million over the 1995 level for the Congressional Budget Office to enable that agency to meet the new requirements that were created in the Unfunded Mandates Reform Act passed earlier this year.

I urge the Senate to adopt this bill and avoid a second amendment which would cause the subcommittee to violate its 602(b) allocation.

I ask unanimous consent that a table relating to spending totals be printed in the RECORD.

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

LEGISLATIVE BRANCH SUBCOMMITTEE
(Spending totals—Senate-reported bill; fiscal year 1996 in millions of dollars)

<table>
<thead>
<tr>
<th>Category</th>
<th>Budget authority</th>
<th>Outlays</th>
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<tr>
<td>Nondefense discretionary</td>
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<tr>
<td>Outlays from prior-year BA and other actions continuing</td>
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<tr>
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<td>1,961</td>
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<td>Subtotal</td>
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<td>Nondefense discretionary</td>
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<td>H.R. 1854, as reported to the Senate</td>
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<td>92</td>
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<tr>
<td>Adjustment to conform mandatory programs with Budget Resolution assumptions</td>
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<td>-2</td>
</tr>
<tr>
<td>Subtotal mandatory</td>
<td>90</td>
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Adjusted bill total | 2,220 | 2,053 |
Mr. HOLLINGS. If there is no objection, the bill itself.

The PRESIDING OFFICER. Without objection, the pending amendment will be temporarily set aside, and the clerk will report.

The bill clerk reads as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. HATCH, Mr. SYVAN, Mr. WELLSTONE, and Mr. KENNEDY, proposes an amendment numbered 1808:

Strike page 39, line 6, through page 39, line 20, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public law 92-486), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), $15,000,000. Provided, That the Librarian of Congress shall report to Congress within 120 days after the date of enactment of this Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: Provided further, That notwithstanding any other provision of this Act, each of the following accounts is reduced by the amount provided elsewhere in this Act: "salaries, Office of the Architect of the Capitol, Architect of the Capitol": "Capitol buildings, Architect of the Capitol": "Capitol grounds, Architect of the Capitol": "Senate office buildings, Architect of the Capitol": "Capitol power plant, Architect of the Capitol": "library buildings and grounds, Architect of the Capitol": and "salaries and expenses, General Accounting Office," are reduced by 1.92 percent.

Mr. FEINGOLD. Mr. President, will the Senator yield for just a moment?

Mr. HOLLINGS. Thank you, Mr. President. I thank the distinguished colleague. I thank the Chair.

Mr. President, this amendment is one that was first introduced in the Office of Technology Assessment. It first occurred over on the House side. The bill came out of the committee abolishing the Office of Technology Assessment but on the floor the House added $15 million for its continuance, taking it out of the hide of the Library of Congress.

On yesterday, Mr. President, at the full appropriations committee markup, the distinguished Senator from South Carolina for his courtesy.

Mr. HOLLINGS. Mr. President, I thank the distinguished colleague. I thank the Chair.

Mr. President, this amendment is one to the Office of Technology Assessment. It is some $22 million, and this continues OTA but levels a 30-percent cut, at a level of $15 million, to be obtained from a 1.12-percent cut from the various legislative accounts—the Office of the Architect of the Capitol, the Capitol Buildings, Capitol Grounds, Senate office buildings, the Capitol Power Plant, the salaries and expenses of the Superintendent of Documents, the Government Printing Office, and a 1.92-percent cut out of the GAO. We thought, twofold; one, we could make that a little over 1-percent cut across the board, obtain the $15 million, keep OTA in harness, and otherwise, Mr. President, have a study recommendation made by the distinguished colleague from Alabama, who is no longer but served with distinction as the chairman of the Office of Technology Assessment. His campaign finance reform. It is something that should be considered during the 104th Congress.

Mr. President, this is precisely what we had hoped for, a vote by the Senate. I hope, given the fact that it is the majority leader's intention to support his own proposal, that we will have very, very strong bipartisan support to add that to the list.

This is a shift from earlier in the day when the proposal by the Senator from Florida listed many important items but did not include—in fact excluded—campaign finance reform. We are extremely pleased that we will have the vote, another vote in addition to the other one that we had, with the vote which was very strong, to from a 1.12-percent cut from the various legislative accounts, we should reform this terrible system.

I again thank the Senator from South Carolina for his courtesy.

Amendment No. 1808 withdrawn.
suggestion was that we have a study on how best to consolidate the various legislative activities within this segment of the budget and save money.

There is no question that this amendment not only saves OTA, but it saves money as well. I offered this amendment for myself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr. LIEBERMAN, Mr. KENNEDY, Mr. WELLSTONE, and others who support this legislation. We have solved the problem relative to the Library of Congress; Mr. Billington—and he is a good friend and an outstanding librarian—has been doing his homework.

Mr. President, I do not have charts or prepared statements. I agreed to limit my comments without charts so let me get right to the heart of the matter.

Back in the Nixon administration, they abolished the Office of Science Adviser, and at that particular time the various committees were crowding in saying we have to learn about this, we have to know about that. We always refer back to the Office of Science Adviser. We could depend on it; it had credibility.

They said, let us get together in a bipartisan fashion, which we did, with alternating between the House and the Senate as chairman, alternating between Democrats and Republicans. We have had quite a successful administration at the Office of Technology Assessment.

One way it saves us money is by having these distinguished boards, advisory panels, counseling the Office of Technology Assessment. They are comprised of college presidents, heads of the science departments from the institutes of technology, and others around the country who give outstanding assistance free of charge, counseling on the various technological questions.

If we go right to it, I think one of the principal objections is that the needs for these studies will not go away. If each committee crowds in on the National Science Foundation for information from the General Accounting Office, obviously the General Accounting Office will go out and hire all of these people and meet themselves coming around the corner having in all probability expended more money.

Now, what is wrong? This crowd—and I guess I am in on it, too, because I get frustrated on figuring out where you try to save money. I have been through the exercise of freezes, the cuts of Gramm-Rudman-Hollings, a value-added tax allocated to the deficit, and all the other attempts made to get us in the black. Unfortunately, in today's political climate, individual chairmen come around and say, "Well, I have got to eliminate something." And more or less, if this amendment passes, it would take away a Brownie point from their political resume.

It is easy to go campaign next year and say, "I am for economy, and I got rid of the Office of Technology Assessment. That is saving $15 million." Come between right now, when ABC reported on a particular misguided missile, $4 billion. You never heard this crowd that is fussing about $15 million—we took almost 2 hours in the Appropriations Committee trying to save $15 million. I do not think there is need to know of the Members of this Congress. But they do not talk about that $4 billion.

Now, that is where the Congress ought to really be working. Do not come around here to get a Brownie point on a political resume about how we saved and got rid of the Office of Technology Assessment. That is good in the 20-second bite. They will not just say how much they saved and everything else of that kind. But instead they cry in frustration. "Well, if we can cut this, where can we cut?"

I can give them a list. I voted this morning off the National Science Foundation. I was former chairman of Commerce, Science, and Transportation. I do not vote to against the space station, but I am trying to maintain the space program and in order to learn from experience. They came forward with the space station at $3 billion. The next thing you know it was at $17 billion. The next thing you know it was $30 billion. We have had four revisions of cutting it back until all I think we are going to get is the booster or the thruster up in space and we will call it a station before we get through.

Now they have a new angle—that it is a matter of comity with the Soviets and everything else. Fine business. If we were fat, rich, and happy, a space station could well be in order. But we are broke. This Congress and Government around here for 15 years now has been spending on an average of $200 billion more than we are taking in. So we are not paying our way, and we have to not just cut, we have to forgo. Another one is AmeriCorps. I believe in voluntarism, but I expect it. We had it when we had Hurricane Hugo. I stood in the rain that weekend, and we counted up volunteers from 38 States that had come around to help us. The first plane that landed in Hurricane Andrew or whatever it was down there at Homestead was our plane that carried generators, clean water, and personnel. We had Spanish-speaking police officers, and you saw them at Hurricane Andrew in the recovery. No cost to Florida, we sent them down from Charleston.

The people of America in Homestead and uninterting, and they just continued to work to help their neighborhoods. Oh, it is good to say on your resume I believe in voluntarism and I voted for AmeriCorps. But instead, I withheld my vote. So I have been saving the money.

So do not come around here saying, "Oh, if we cannot get rid of this." You are not getting rid of it. The need is there. What you are doing is eliminating the most economically sound approach, the most technologically adept approach to this technological need.

Now, that is the best statement I can make. I note that some of the other Senators want to talk, but I can mention the two best examples of where we save the Government not just millions but billions.

The distinguished Senator from Alaska, I do not know whether he can approach the floor. On yesterday, we talked about the spectrum auction, and that came out of the Office of Technology Assessment. And we put it up, and in the last 2 years now we have brought to the Government $12 billion—not $15 million, $12 billion—from those auctions. So here is a money-making entity.

Those who are frustrated and say, "If I cannot cut this, where can I cut?" I can tell them, people who are committed to ignorance. We are trying to find out. We are trying to learn. We, who have been dealing with the Office of Technology Assessment, study very closely and look at their particular commitments. We just do not take anything and everything.

In fact, all of the requests made are bipartisan. They come from the chairmen, the ranking members of the committees themselves. We get way more requests than we respond to and cannot take on each and every question that would come. So it comes with a real need from the Congress itself. OTA has responded. It has done a professional job. There is no criticism in this debate about the quality of work.

I am not going to try to overwhelm you and bring all the studies and everything else. But we can get into a few of them. I am pleased—I have checked this amendment through with our distinguished ranking member, the Senator from Washington, and I will be glad to adjourn.

Do not tell me that we can give everything to GAO; we know GAO can do it. That is not true. I worked closely for years as chairman of the Legislative Appropriations Subcommittee, working with Elmer Staats and everything else. What we had to do was cut out all the term papers that were being made for high school graduates and everything over there. They will take on anything to keep the work going. Let us not do that. Let us keep the Office of Technology Assessment at an economical price and continue it and not abolish it in the political urge to get rid of something there.

I yield the floor:

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there is no one in the Senate I have more respect for than the junior Senator from the State of South Carolina. But having
July 20, 1995

said that, I am not sure who would have won in the Appropriations Committee if all the proxies had been given. That is something we do not know. The fact of the matter is, this amendment was brought up before the Appropriations Committee in an effort to remove this, and that amendment lost.

Mr. President, I, for 6 years, served as chairman in the Legislative Branch Subcommittee of the Appropriations Committee. And we went through some very rough times. In prior years, there was quite a bit of money to pass around in the legislative branch. There came a time when there had been cutbacks in Washington generally, and no place has it been focused more than in the legislative branch. So for my friend from South Carolina to talk about going into the black box where all these secret things are, or the A-12, we all know that we cannot do that here today. We are bound by what is in the Legislative Branch Subcommittee of Appropriations. We have been told that we cannot deal with. We cannot deal with A-12's, space stations, or black box matters. We have to deal with what we have in this very tiny little Appropriations Subcommittee.

And what we have is the fact that we have to cut $200 million from this subcommittee. This amendment will cut approximately—this—what has been done the subcommittee level there approximately $22 million. It is a tremendous step forward to arriving at the goals we have to meet.

Mr. President, the Office of Technology Assessment is a luxury. It is something that would be nice to have if we had lots of money like we used to have. But we do not have the money that we used to have, and we have to look somewhere to make cuts. The amount offered in the Appropriations Committee took the money from the Library of Congress. Well, it is obvious that that has not sold very well. And now, there is an across-the-board cut, cutting things like the General Accounting Office.

Mr. President, if there has been one entity that has been hit hard in the legislative branch for the past 6 years, it has been the General Accounting Office. Last year, the General Accounting Office was hit with $99 million in cuts. This next year, it is $45 million in cuts. It has been cut back about 25 percent, and that is a significant cut for the watchdog of Congress. The General Accounting Office has saved this country billions and billions and billions of dollars. And they are now cut back to the point where they have significantly cut back their budget, and that they cannot meet the requests that we make to them that they can meet. The Office of Technology Assessment did 50 major reports last year, 50 major reports for $22 million. Now, Mr. Grassley, if this Office of Technology Assessment had been eliminated, how much money would have been eliminated? And, OTA is certainly not the way to run a business.

Mr. President, we cannot, in my opinion, having worked on this subcommittee for 6 years, continually cut these entities that make up this Legislative Branch Appropriations Subcommittee: the General Accounting Office, cut to the very core. The Government Printing Office cut, cut. We have significant security needs. We are doing our best to maintain those. This amendment will take from that.

I just do not think it is right that we have an entity that did 50 reports last year—CRS did 11,000, the General Accounting Office did hundreds and hundreds and hundreds of reports. There is no agency that we depend on more than the Congressional Research Service. This amendment will cut from that. We do not have the ability to have in the congressional staff the Congressional Research Service, which the congressional staff depends on around here to meet the requests of constituents at home and Members of the Senate. Our staffs depend on the Congressional Research Service. They did not depend on the Office of Technology Assessment.

Now, Mr. President, I say that the work of the OTA can be done by other agencies. The General Accounting Office can do it. It is not hard to do. The General Accounting Office does the same thing. It is interesting to note, in one of the most scientific matters we have had before this body in a decade; namely, the superconducting super collider, we did not see a word from the Office of Technology Assessment on the superconducting super collider—one of the most scientific measures brought before this body in the last decade. OTA did not write a report on it.

I repeat the words of the Senator from South Carolina: If we cannot cut funding for OTA, we cannot cut funding for anything. If this is not fat and something that we do not need, then there is nothing we can do—$22 million in this very tiny little subcommittee.

The proposed amendment attempts to keep OTA alive. We do not kill things around here; we just kind of choke them to death. What we are going to wind up doing with all these budget cuts is having a significant number of entities, none of which work very well—OTA cutting at 25 percent. I respectfully submit to this body that the budgets in this Legislative Branch Appropriations Subcommittee are stretched to the near breaking point. We have heard a lot about the Library of Congress and we should hear a lot about the Library of Congress. We do not have the ability to maintain the structure of the Library of Congress. The Senator from South Carolina indicated what they have done in the House is they said, "Well, we are not going to cut OTA. We are going to keep the Library of Congress intact." What kind of way is that to do business? $18 million out of the Library's budget? That is what they are going to do to conference on. That is the House's position. That is not the way to run Government. If it is certainly not the way to run a business.

Mr. President, we cannot, in my opinion, having worked on this subcommittee for 6 years, continually cut these entities that make up this Legislative Branch Appropriations Subcommittee: the General Accounting Office, cut to the very core. The Government Printing Office cut, cut. We have significant security needs. We are doing our best to maintain those. This amendment will take from that.

I call upon my colleagues to defeat this amendment. In the gesture of what we are trying to do around here, to make a more efficient Government, to save money, we are going to have to eliminate programs, we are going to have to eliminate entities and agencies around here. That is the only way we can do it. We cannot keep everything a little bit here and little bit there. We have to start making major decisions. This is a major decision. This involves almost $22 million a year.

Mr. Grassley addressed the Chair. The PRESIDING OFFICER. The Senator from Iowa.

Mr. Grassley. Mr. President, I speak in support of the amendment of the Senator from South Carolina, Senator Hollings. I am also expressing my view of preserving the Office of Technology Assessment. I am not here to make a case that it be preserved with a certain amount of dollars. I am not here to make a case that we maintain the status quo. I am not here to make an amendment. It is in complete non-connection with less people. I am not even here to say that you ought to maintain the Office of Technology Assessment Board, and I am a member of that board.
congressional aid ought to be maintained. We need OTA because it provides information so that we can identify existing and probable impacts of technological application. The application of technology impacts upon a lot of public policy that we make in the Congress of the United States. We need to have great confidence in the information that is available for changes in public policy or the creation of public policy.

Before I ever came to Congress, Congress saw the need for this sort of information. By statute, OTA must secure unbiased information regarding the impact of technological application.

OTA is one of the few truly neutral sources of information for the Congress. In a very real sense, OTA is our source of objective counsel when it comes to science and technology and its interaction with public policy decisions.

There are plenty of places for information in this town, but so many of these sources of information come from the private sector—and there is no question but that private sector—there is nothing wrong with organizations protecting their own interests, even if it is in the area of science and technology. But if we do not have an unbiased source of information, then we have to rely on organizations with a stake in keeping alive programs that benefit their interests.

Special interests can fund research, that goes without saying. But it seems to me that Congress ought to have an independent source of information representing all interests in science and technology. Pretty much the same way that the subcommittee has made a determination that a lot of other agencies that it funds ought to exist because of their independence. The General Accounting Office is an example. The subcommittee this year decided that the General Accounting Office should get less money next year than this year and that it ought to be streamlined and have staff reductions. But that respected organization is being maintained because the subcommittee felt that a postaudit agent, that is responsible to the Congress, should continue to exist.

It is not any different for science and technology. We ought to have an independent source of information, unbiased, not tied to any special interest. The information that OTA provides comes to us and we use it to determine public policy that has a scientific or technological basis.

It goes without saying that except for a few professionals here and there, like a medical doctor or an engineer, there are not very many Members of Congress who are experts in technical and scientific fields. Of course, we have our personal staff and we have committee staff. But our committee staffs lack the time and the expertise to do in-depth analysis of these issues. OTA can do that.

Congress has not made up of a wide range of professional backgrounds. Two-thirds of the Senators are lawyers. Half the House of Representatives, I believe, is made up from the profession of law.

As I remind you so often, there are only a few of us in this Congress who are farmers. But I would not rely on my judgment on highly technical and highly scientific agriculture issues the same way that I can rely upon OTA when they do studies in these areas that are so essential to agriculture. It puts me in a much better position, and my colleagues in a much better position, to make decisions on agricultural policy based on science and technological based information.

Neither the Federal Government nor the private sector can do analysis that is unbiased and in the interests of congressional committees. OTA can do just that. And it is the smallest and the least expensive congressional agency.

OTA is intimately interfaced with Congress through its bipartisan Technology Assessment Board. The Board is equally made up of Democrats and Republicans. I have served on this board since 1987 and I can certify the Board ensures compliance with statutory and procedural requirements for each OTA project. This is a unique governance for oversight purposes. Other agencies—like GAO—do not have this special bipartisan group overseeing their operation.

I want to assure all my colleagues that OTA resources are carefully managed in this bipartisan way, and I can certify that the OTA board carefully screens for—and most importantly, does not allow duplicate work. Projects are not self-generated; they are initiated at the request of congressional committees. The committees that have requested the most studies are the Senate Commerce, Science and Transportation; Senate Environment and Public Works Committee; Senate Environmental and Public Works Committee; Senate Governmental Affairs Committee; Senate Agricultural, Nutrition, and Forestry Committee; Senate Armed Services Committee; Senate Finance Committee; Senate Veterans' Affairs Committee; and the Senate Committee on Indian affairs.

A few of my colleagues have said that the OTA can do a good job. But the General Accounting Office is not equipped to do the highly technical and scientific work that is done by OTA.

Let me explain the backgrounds of the staff of the particular agencies. The General Accounting Office's staff, process, and traditions are primarily those of an audit and program evaluation unit. Only four percent of the GAO staff have Ph.D's, and few of these doctorates are in science and engineering. In contrast, 58 percent of OTA's staff has Ph.D's in these areas, and half of those hold degrees in hard sciences.

As we continue moving into a highly technical world, we must ensure that we know how public policy impacts future trends and the reverse of that. OTA provides a very high level of expertise to help us understand these trends, while balancing the views of opponents and proponents of various courses of action.

OTA translates modern technical material for legislative and oversight purposes and gives us a heads up on important but complicated science and technology issues in areas like space, defense, and energy.

OTA's studies on energy crops, for example, are particularly important for farm States such as mine. Their study on the "Potential Environmental Impact of Bioenergy Crops" showed that energy crops, such as switch grass, could have net environmental benefits, rebutting the concerns of certain environmentalists.

This study and other studies they have done are going to be very helpful as we debate the farm bill and as we look for new crops to maintain the viability of the farm community. As the domestic supplies of oil and gas diminish and dependence upon foreign sources continues to increase, we will be looking for new ways, even beyond ethanol, for instance, to use farm products to fuel our machines and vehicles. That is also an issue regarding the energy independence of our country, for national security purposes. OTA is doing very good work on renewable biofuels, which can help us address our economic issues in rural America.
In addition, OTA helps the Congress make decisions that save the U.S. Government money. I have given examples of where OTA actually helped us save money. OTA’s study of the Social Security Administration plan to purchase computers saved $355 million. OTA’s cautions—a word I use to slightly say—about the Synthetic Fuel Corporation helped to secure $50 billion of savings.

Let me explain that to you. Many thought that it would take $80 billion to do the work of the Synthetic Fuel Corporation. OTA testified that $80 billion was an overestimate. In the final analysis, Congress put up only $20 billion for the Synthetic Fuel Corporation. This saved the taxpayers $60 billion.

OTA’s studies of preventive services for Medicare have assisted legislative decisions for the past 15 years. Studies of pneumococcal vaccine and pneumonia for Medicare patients would save money. Both proposals passed as legislation.

OTA’s work on nuclear power plants played a central role in eliminating poorly conceived and burdensome regulations on the U.S. power industry. I urge you to look very closely at the amount of money that is being spent on OTA. I urge you to look very closely at whether the number of people employed is the right number. I urge you to look at the administrative setup. I even urge you to consider abolishing the board of the Office of Technology Assessment, if you want. But I also urge you to look at the product of the OTA, and you will come to the same conclusions in 1996 that Congress came to when it was set up: that we need independent sources of information, particularly in science and technology, which we did not have and we will not have after this day if this is abolished.

I urge the President to consider the OTA. OTA offers a unique and essential service for Congress, and I am very impressed with OTA’s credible analyses of the developments in technology and related public policy issues. I urge my colleagues to support this amendment that preserves the functions of the Office of Technology Assessment.

Mr. GLENN. Mr. President, “What’s that other government?” Now there’s a topic you do not see often these days. Yet on May 15, 1994, this was the title of an article that appeared in Library Journal discussing the sixty-three finest government publications in 1993. Out of the 20 selected federal government publications that were honored, three of these reports were issued by the congressional Office of Technology Assessment, including one called, “Proliferation of Weapons of Mass Destruction: Assessing the Risks.”

Here is what Key Davidson, a reviewer in the San Francisco Chronicle had to say about the report on April 7, 1995:

For years, OTA has generated some of the most readable and useful reports imaginable about US research and its impact on social, political, military and economic policy. I always look forward to those which are extraordinarily clear, thoughtful and well-illustrated—extraordinarily considering that they come from a government agency. When’s the last time you enjoyed reading a government document? Not long ago I was on a plane flight, completely absorbed by an OTA report on US efforts to control nuclear weapons and other ‘technologies of mass destruction.’

The distinguished journal, Foreign Affairs reviewed another report in a recent series of OTA studies on nonproliferation and came to the following conclusion: “The Office of Technology Assessment does some of the best writing on security-related technical issues in the United States, as evidenced by this excellent October 1993 report.”

Of course, this is not the first time that OTA has been recognized for excellence. The June 1989 issue of Washington Monthly featured a story on OTA, holding it up as a model for the rest of the government—over a picture of the Lincoln Memorial, the Washington Monument, and the Capitol, the cover of this journal declared, “At Last! A Government Agency That Works.” Indeed, in the last 4 years, 24 OTA reports have been selected in national competitions as among the best government publications nationwide, even worldwide.

None of this acclaim surprises me. OTA has had a long and distinguished track record of publishing informative studies on nonproliferation issues. In 1977, OTA issued a 270-page book on Nuclear Proliferation and Safeguards that is still valuable reading. In a hearing on April 4, 1977, of the Subcommittee on Energy, Nuclear Proliferation, and Federal Services of the Committee on Governmental Affairs, I called this report a classic; that it “will make a substantial contribution to everyone’s understanding of this highly complex and emotionally charged issue.”

Highly complex indeed—I can say without doubt that halting the global spread of weapons of mass destruction is one of the most vexing problems that either the Executive or Congress has had to confront in modern times. The political and diplomatic problems of addressing this threat are bad enough. But the technological aspects of this problem are so complex that many public officials and citizens around the country have just given up—they need help to sort out the issues, weigh the stakes, and outline courses of action.

The OTA has responded to this need in a manner which brings credit not just to OTA, but to our system of government: I am proud that the U.S. Congress recognized the need for such an agency 23 years ago. My purpose today, however, is to praise OTA for the specific work over the last few years on the subject of weapons proliferation. I urge all of my colleagues in the Senate and the House, even those who have called OTA “a luxury we cannot afford,” to sample some of the following reports on weapons proliferation issues.

First, “Nuclear Safeguards and the International Atomic Energy Agency” OTA-ISP-615, June 1992, 147 pages (released this month; also available in a 22-page summary).

This report reviews the origins of the IAEA, describes its safeguards system in terms that non-specialists can easily understand, discusses numerous options for strengthening the IAEA safeguards system, and outlines other possible initiatives to strengthen the global nuclear nonproliferation regime.

Second, “Proliferation and the Former Soviet Union”; OTA-ISP-605, September 1994, 82 pages.

This report is essential reading for all those who are concerned about problems of “loose nukes” and the “brain drain” following the breakup of the Soviet Union. The report documents specific problems with respect to weaknesses in national systems of nuclear accounting, controls over exports, and the ability to police borders.


Here the OTA addresses the contributions and limitations of export controls as a tool of nonproliferation policy. The study offers insights and technical details about the export licensing process, in particular measures to make this process more efficient and effective in achieving nonproliferation objectives.


This report is essential reading for anybody both for those who have official responsibilities to tackle this problem, and those who are simply curious about what all the fuss is about concerning these deadly weapons.


I have already discussed this award-winning above. If a reader has no background on proliferation issues and wants to read some of the clearest possible introduction to the subject, this is the report to read.


The Senate will take up ratification of the Chemical Weapons Convention later this year. An important topic of this process will be the costs to U.S. industry from complying with this convention. Given that the treaty will...
cover controls over chemicals that are either produced or used throughout the Nation, this study should be of great interest indeed.

If the publication of 6 major studies in less than two years is not enough to illustrate the necessity of an independent, professional, and critical impact," no executive or Legislative branch agencies were capable of providing Congress with "adequate and timely information, independently developed, relating to [their] potential impact." In its 23 years, OTA has filled that need—and in an age when cost/benefit analyses will figure so prominently in evaluating Federal actions, I can think of no more great need in Congress than for the types of skills and services that OTA offers today.

This is why the presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine have warned that abolishing OTA will diminish the quality of advice to Congress. Representing the interests of over 240,000 electrical engineers nationwide, the Institute of Electrical and Electronics Engineers calls OTA a "highly regarded and respected institution" that serves as an "irreplaceable asset" to Congress. The world's largest scientific organization, the American Association for the Advancement of Science, says that abolishing OTA would be a "strategic error for Congress" that would seriously harm the national interest.

OTA does not only prepare formal high-level reports—Congress has repeatedly drawn upon the agency's in-house expertise to provide short-notice testimony, briefings, and replies to congressional questions on many high technology subjects on the policy agenda. Following the nerve agent attacks in Tokyo and the bombing of the Federal building in Oklahoma City, for example, OTA staff were able to respond both promptly and comprehensively to represent congressional questions.

To whom will Congress turn if the next explosion in an American city involves a weapon of mass destruction? Though the Executive can occasionally be helpful in providing information, there is no substitute for Congress having an independent, bipartisan source of expertise on exactly such technically-complex issues. I can assure my colleagues, I know where I would like to turn in the years ahead, to the Office of Technology Assessment.

I ask my colleagues to join me in saluting OTA for having performed its mission with dignity and professional excellence. This is not an agency Congress can do without.

Mr. PELL. Mr. President. I am in support of the effort to preserve the Congressional Office of Technology Assessment. The President of OTA, on whose board I currently sit, has been of profound and indispensable use to the Congress in the carrying out of its function of an independent source of complex, unbiased analysis of the technology issues facing our country today. I firmly believe that it would be short-sighted and unwise for us to eliminate entirely this agency, even as we strive to effectuate budget savings with the legislative branch.

The OTA was created in 1972 as a result of a far-sighted, bipartisan effort led by the Senate Committee on Foreign Relations then ranking Member, Senator Clifford Chase of New Jersey. It evolved from the need to have objective, expert analysis to assist the Congress in assessing the potential effects of a nuclear war on the United States. Again in the late 1970's, the OTA conducted an expansive and detailed study on the same issue. These two studies were among the first comprehensive unclassified efforts to provide realistic assessments of just what nuclear war might mean for the citizens of this and other country's. They proved to be extremely valuable in helping inform the Congress as we developed national policy in this area.

Since those studies, the OTA has proved itself time and again in hundreds of studies across the board spectrum of technology assessment. Throughout its tenure, it has become recognized around the world of its competent, professional, and unbiased work. It would be foolhardy to shave that expertise now in a blind effort to simply slash budgets.

I am thankful that under the amendment, the valuable and irreplaceable congressional institution, the Library of Congress, will not be subject to budget cuts in order to spare the OTA. Both of these organization have an exemplary record of in their service to the Congress and I am glad that an annual mean has been found to adequately preserve the functions of both.

I am hopeful that my colleagues will join me in this effort to preserve a sound and credible, competent institution doing so, in order that the Congress will continue to be able to make informed, reasoned decisions regarding the complex technology issues that it will inevitably face in the future.

Mr. BENNETT addressed the Chair. The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, we are in an interesting time. I say that reminded me of the old Chinese curse, "May you live in interesting times." I have been through this kind of time in my private life, and I would like to share with you some observations there, as I then addressed the question of what to do about the Office of Technology Assessment.

I remember visiting with a CEO of a fairly large corporation, and he told me of a very difficult experience that he had just been through in his company. He said, "I have just gone through the whole company, looked at everything, and ended up cutting back here, cutting back there, leaving a lot of blood on the floor, if you will, as I have had to clean up the company. And then I said to all of the employees who survived this exercise, this is it, this is as deep as we are going to cut, and you start all relax now because you have passed the test, and we have seen to it that everything that is excess, everything that is wasteful has been taken care of."

Then, he said to me, "I quietly in my own office went to my calendar, flipped the pages forward about 3 years, and wrote down, 'Do it again,' because I realized no matter how zealously we were in trying to keep from getting duplication and creating redundant services and getting too fat, no matter how hard we worked at it, in about 3 years time in our company we would suddenly wake up and discover we had too many people doing the same thing, and I would have this same kind of circumstance again.'"

We do not do that in the Federal Government. That is, we do not go 3 years ahead and write down, "Do it again." Instead, once something gets out of hand, it continues, regardless of whether or not it has outlived its usefulness.

The PRESIDING OFFICER. We have a previous order to vote at 4 o'clock.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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

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

VOTE ON AMENDMENT NO. 1807

The PRESIDING OFFICER (Mr. CRAIG). Under a previous order, the question is on agreeing to the amendment numbered 1807, offered by the majority leader, to the amendment numbered 1806. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 91, nays 8, as follows:
Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

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

Mr. DOLE. Mr. President, let me just indicate what I am doing here.

I am trying to determine whether or not we will go to S. 343, which is regulatory reform, which I have a right to do under the order. That is, why I do not want to get bogged down with some other amendment because I need to give an hour or so, or some advance notice to the minority leader, Senator Daschle, then there would be 1 hour of debate and then there would be a vote on cloture on S. 343.

Following that, we would, if cloture is not invoked, either move on to something else, or I assume somehow we get back to this bill, which I thought would take 2 hours. We started at 10 o'clock.

I want to accommodate the Senator if I can. Does he want to speak for 10 minutes or 15 minutes?

Mr. KENNEDY. Less than that. I know the Senator from Utah was addressing this issue as well. I am more than glad to either proceed or wait until after the Senator from Utah, and then at a time that the leader wants to gain control of the floor to make a request, I would withdraw.

Mr. DOLE. If I could request that I be recognized.

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

Mr. KENNEDY. Mr. President, I wanted to speak briefly—

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. But I understood from the Senator from Florida that the Senator from Utah was in the middle of a statement. I will be glad to wait until after he concludes.

Mr. President, I will yield the floor, but before doing so, I ask unanimous consent that when the Senator from Utah concludes, I might be recognized.

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

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. Thomas). The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator for his courtesy.

It is true I was in the middle of a statement when the regular order intervened and we had the vote. I do not have much more to say, but I was in the middle of making the point that every organization in every industry is finding that it grows more than it really needs to. There is an inertia—it is almost organic—in organizations that says we start this, which is a good thing, and it grows a little, and then we start another, which is a good thing, and it grows a little. And just like a plant, organizations need to be pruned back every once in a while. I have done it in my business. I know there are others here who have business experiences who have had to do this.

As we address this OTA circumstance, it is my feeling that this is what we have here. OTA in my belief has been a good agency. It has done good work. I hear the Senators talk about its work, and I agree. If you look just at the OTA, you would come to the conclusion that it deserves to remain.

At the same time, Mr. President, that OTA was doing its work, the Library of Congress was building a capacity to deal with technology issues. At the same time, the GAO,就连 into many issues that were the same kinds of issues as OTA. And as we looked at this within the committee, I came to the conclusion that we have simply proliferated capacity in this area throughout the Government, that it is time to prune the bush.

Now, I am sorry personally for those who are connected with OTA that they are the ones who have felt the pruning shears and that the function will be transferred, if we continue with the actions recommended by the subcommittee, to other agencies. This is always a wrench for the individuals involved, and they say, with some degree of fairness, "Why me? I have done a good job. I have done what the Congress has asked me to do. I have produced a report that is of value and precise. Why are you cutting back on me?"

Those of us who are in this position must look at the entire Government, not just one agency at a time. When we do that, we have to see if the people who are feeling the effect of the pruning shears, if it were not you, it would have to be someone else because there is redundancy here.

We have the responsibility in the overall budget circumstance to do as the CEO I was referring to in my beginning remarks, go through and clean out the duplication and sharpen up the organization.

I realize this is not an exact analogy, but nonetheless it illustrates the point. I read a column recently where the columnist was talking about a television station that went off the air because of financial difficulties. They did not want to lose their license, so they said we will cut back a little, and then we started losing. We in fact will keep broadcasting a signal while we work out our financial difficulties. They do not want to lose their license, so they said we will cut back a little.
place. When they solved their problems financially, and they could go back to regular programming, they took the fish off the air and put on the regular programming. And what happened, Mr. President? They were deluged with phone calls complaining about the fact that they had taken the fish off the air.

It seems that once something gets started, it develops a constituency regardless of whether or not there are other options. So to my point, as I say, suggesting in any way that the OTA is simply broadcasting of the fish, but they have developed a constituency that is appropriately calling for their preservation in an atmosphere when there are other facilities capable of doing this.

So painful as it is, Mr. President, difficult as it is to explain to the individuals who are doing a good job, I have to come to the conclusion that as a total Government we have the capacity elsewhere to do what we have been doing in the OTA. It has become redundant because of what we have funded in the Library of Congress and in the General Accounting Office, and I support the subcommittee's report that says this is the place we shall prune.

I thank the Chair.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know that there are other Members who want to speak, so I shall not take much time.

Mr. President, I wish to just review for the Senate where we are on this issue of OTA. The issue no longer is the size of the budget. That issue has been basically agreed to. So this is not something that is in addition. This is not something that we are adding. The total amounts in terms of the budget have effectively been agreed to and that really is not before the Senate.

The question here is whether we are going to retain the capability of OTA to deal with technological issues which can be helpful to the Congress and to the American people generally. That is only the issue.

That we have to evaluate now is whether we can do with the existing agencies, the Congressional Research Service, or other agencies, or whether it is best to try to hold together the capability that has been developed in OTA, to be able to give advice, counsel, and judgment to the Congress on matters of technology that we are going to face in terms of the future.

That is basically the issue. Now, I say it is to come from Utah, this is like we have had the expression of the American Academy of Sciences, the Institutes of Medicine, American Academy of Energy, and science advisers, in a Democrat, in a Republican, in the President alike. All are in agreement that this function ought to be continued. They had an opportunity to say no, let us separate out OTA and let it go to CRS or let it go to other agencies; we do not believe that it will really make much difference in the ability of Congress to get this information.

They were asked that very question, and the most important, prestigious institutions that deal with the most complex issues of technology and new technology and advanced technology have recognized and respected OTA for being the center of excellence for technology, to advise us in the Congress and Senate.

So if the issue of the budget is out of the way, we have to ask ourselves what is in the best interests really of the Congress generally, the House and the Senate, and even the executive and the public because these studies are made available to the public, and what is really the best way to do it, because you have to face the fact that we in the Congress are going to be faced with all those technology issues into the future of this country — increasing technology, cutting edge technology, technology that is going to be at the heart of the American economy after the turn of the century and in many respects is there even now.

I can see in my own State with bio-technology, telecommunication, fiber optics, the wide range of new kinds of technology. And the question is, how does that impact the lives of the American people? And how will it affect that?

We do have a resource that is special, that has been recognized, not just by Members of Congress, but by the most prestigious, important and significant institutions that are dealing with these issues, that have made their judgment. And so whether it has been those institutions or whether it is the CEO's of the top companies in this country that are devoting the greatest amount of their own resources in terms of technology, whether it is the former science advisers under Republicans and Democrats alike, they have all come virtually to this conclusion: It is important to maintain OTA as an institute. Where it is going to sit, and within the various framework of existing agencies is a matter of administration. And I think that could be worked out by responsible individuals in the course of the conference with the House of Representatives.

But what we should not lose is that capability, that capacity, that kind of integrity which has been of value to this Congress on issues involving DNA, on new technologies in education, on the issues of polypolygraph. Their recommendations that they made to the Congress were later taken and put into law by Senator HATCH and myself. On instance after instance so many areas of important technology, OTA has been there. I have agreed with some of their conclusions, differed with others. I think every Member of the Congress realizes it really represents an extraordinary degree of knowledge and awareness and background and experience and really the best in terms of bringing evaluations of technology. It is an area that we cannot afford to lose. And I hope very much that the amendment will be accepted.

I strongly support the amendment to maintain the Office of Technology Assessment as a valuable and needed arm of Congress.

OTA was created 23 years ago by the Technology Assessment Act of 1972. In the years since then, OTA has become a world-renowned source of information and analysis on current technology issues. It plays an invaluable role in helping Congress assess and apply scientific and technological advances for the benefit of the American people.

OTA's budget is currently $22 million. Clearly, OTA is prepared to tighten its belt substantially along with the Federal Government. In fact, under the able leadership of Dr. Roger Herdman, OTA has already taken major cost-cutting measures on its own initiative.

But, regrettably, the bill before us proposes to eliminate this needed and unique agency.

Each year, OTA prepares dozens of formal assessments, background papers and case studies on subjects ranging from adolescent health to nuclear disarmament. OTA's well-researched and carefully reasoned reports are must-reading in the committees of Congress that address scientific issues, and in the executive branch and private industry as well.

OTA enjoys the full support of the scientific community. The American Association for the Advancement of Science has called it: Unique and highly respected . . . (a) model for legislative bodies around the world . . .

The experts outside the beltway know that we cannot afford to lose OTA's preservation. These are not the reviews one would expect for an irrelevant or superfluous or unneeded organization. The experts outside the beltway know that modest funding for OTA is a wise investment for Congress and an excellent bargain for the Nation.
OTA's large impact on the legislative process is its proportion to its relatively small size. Let me offer just a few examples:

In the wake of the Oklahoma City bombing, Congress debated a bill promoting technologies to help prevent terrorism and enhancing the ability of law enforcement agencies to apprehend those who commit such crimes. OTA had already laid the groundwork for this discussion. In July 1991 and in January 1992, OTA issued a pair of reports that evaluate technology for bomb detection and target hardening, airline passenger profiling, and other antiterrorism strategies. Not only were these reports helpful to those drafting counterterrorism legislation, but within days of the Oklahoma City bombing, OTA staff conducted indepth briefings on the subjects for Members of Congress and their staffs.

Discussion of medical malpractice 2 months ago, OTA's landmark studies on medical negligence and defensive medicine seemed to be in the hands of every Member. Senators Kassebaum and Bentsen, both of whom made much of OTA's conclusion that "the one reform consistently shown to reduce malpractice cost indicators is caps on damages." I was on the other side of that debate, but I had no cause to challenge OTA's credibility or impartiality.

OTA's study in the 1980's on polygraph testing is also a landmark document. It is recognized as the definitive review of scientific research on this topic. The report was used and cited extensively by the Senate Committee on Labor and Human Resources, then chaired by Senator HATCH, during the legislative process that led to enactment of the Employee Polygraph Protection Act. That bill was signed into law by President Reagan in 1988.

OTA has been in the forefront of efforts to promote the successful application of medical technologies. It produced the first report documenting the health and economic benefits of vaccinating the elderly against influenza. Based directly on these findings, Congress included coverage for these vaccinations in Medicare, a step that has prevented thousands of deaths and saved millions of dollars that Medicare would otherwise have spent on hospital costs.

On the other hand, OTA documented in 1989 that cholesterol screening of the elderly would not be cost effective. That report was a major factor in the decision not to cover this screening under Medicare, thus saving the program substantial amounts.

In the late 1970's research on recombinant DNA was considered potentially dangerous and had aroused widespread public concern. More than a dozen bills had been introduced in Congress to halt genetic research. But OTA's 1981 analysis, "Impacts of Applied Genetics," helped to convince key Members of Congress of the economic potential of this promising science. Today, this technology has expanded the boundaries of medicine, agriculture and commerce. The United States leads the world in this field, and OTA deserves a share of the credit.

In the "Building Future Security: Strategies for Restructuring the U.S. Defense Industry," OTA conducted a comprehensive analysis of defense technology and the Nation's industrial base. It produced a major restructuring of the military industrial complex, in order to maintain defense capabilities during the transition to the post-cold war economy, while meeting pressing domestic needs. The report has greatly assisted deliberations on this subject in both the legislative and executive branches.

There are many other fields in which OTA's influence has been substantial. Its work on computer technology in the classroom has helped shape important legislation on education. Over a period of many years, OTA has been deeply involved in Congress's efforts to design a comprehensive Air Act. When the Exxon Valdez disaster occurred off the coast of Alaska in 1989, OTA's suggestions on maritime precautions were incorporated in the Oil Pollution Act of 1990.

These are just a few examples of timely and incisive OTA reports that have improved the quality of legislation.

Some contend that OTA's work can be handled by other congressional support agencies. I have the utmost respect for the Congressional Research Service and the General Accounting Office, but neither agency is equipped to take on the exceptionally challenging and specialized tasks of OTA. Although CRS and GAO existed 23 years ago, we recognized the need at that time for a smaller but expert agency with the specialized mission to focus on science and technology. That need is even greater today. It would be a tragic mistake to drain the reservoir of expertise that OTA has developed over the past 23 years, and try to reinvent it in some other congressional support agency.

Let's be clear. This is not a budgetary issue. The amendment proposes no new expenditure of funds, only that a very small portion of the money already allotted for the support agencies under this bill be used to preserve OTA. The sole question now is structural. Whether we should keep OTA's experts intact and centralized, or whether we should disperse OTA's responsibilities among the other support agencies and suffer the consequences.

One way or another, the work of technology assessment must go forward. It is simply a matter of common sense to keep intact the one agency that already knows how to do this job and meet the needs of Congress in this highly specialized field. Breaking up OTA in the name of streamlining Congress makes no sense.

It should also be emphasized that this amendment involves no cut in funds for the Library of Congress. The concerns of Library supporters have been completely addressed—the Library will not be cut.

In the years ahead, as we move into the 21st century, there will be even greater need to rely on OTA for impartial assessment of technology-related policies. The world of science and its impact on public policy are becoming more complex, not less. Technology is central to every aspect of American life, from biotechnology to law enforcement, from agriculture to education. It would be a serious mistake to limit our ability as a legislature to evaluate and respond to the scientific and technological challenges facing Congress, the Administration, and the Nation.

The Office of Technology Assessment has performed the task we assigned to it superbly. It continues to serve an indispensable role. It should bear its fair share in the current budget crisis—but it should not be abolished.

I urge adoption of the amendment. Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah, Mr. HATCH, Mr. President, I have been listening to my colleague from Massachusetts. As everybody in this body knows, we do not always agree. In fact, there are some that think we disagree quite often.

But I have to say he is right on this issue. I have watched what OTA has done for the whole time I have been in the Congress. And I have to tell you, if you are going to shift that burden to CRS or some other support group, you are going to spend more money than you spend on OTA and you are not going to have the congressional benefits that you come from the current budget crisis—but it should not be abolished.

I urge adoption of the amendment.
Mr. President, I support the amendment offered by Senator HOLLINGS to restore some funding for the Office of Technology Assessment (OTA) during the next fiscal year.

Mr. President, my support for this amendment should not be confused with a failure to recognize the very difficult task the Legislative Branch Subcommittee is faced with this year in making its share of budget reductions. There is no question that Congress must contribute its share to deficit reduction, especially in light of the budget resolution we have just passed. I commend the managers of this bill on what they have been able to bring to the floor.

However, I am concerned about one of the rationales used to justify the elimination of OTA. I do not agree that there is no longer a need for OTA. On the contrary, I believe that Congress needs technical scientific analysis to be brought into the floor. This brings me to the budget implications of this amendment. And, let me state strongly for the record that I absolutely agree that reductions have to be made everywhere. I do not advocate that OTA be restored to 100 percent of its current level. OTA, like all other federal advisory agencies and programs, has to absorb its share of the necessary reductions.

My distinguished colleague from South Carolina, Senator HOLLINGS, has done an excellent job in finding the necessary offsets so as not to disrupt the overall budgetary outlays already contained in this bill and in the budget resolution. He has gone the extra mile to make sure that these offsets are germane, that they are fair, that they are cognizant of the concerns that have been expressed by the affected agencies whose budgets will further be reduced by this amendment.

But let me say, for example, under the House proposal, the Congressional Research Service would be required to provide the entire $15 million outlay for the continuance of OTA's functions, a burden that would stand quite overwhelmingly and quite frankly, unfair to the Library of Congress. CRS's burden under the House proposal takes on added significance when you know time has been taken to ensure that the structural changes required by the provision will maintain the integrity of both support agencies.

In contrast, the Hollings amendment not only maintains OTA's independence, but it does not require any additional budget outlays be taken from the Library of Congress, as stipulated in the chairman's mark. This provision also eliminates the additional need to make the House-required structural adjustments that would create an even greater burden upon the Library of Congress.

Now, we recognize the reality that the structural changes will be necessary, and the Hollings amendment shrinks over the next several years. The Hollings amendment stipulates that the Library of Congress undergo an evaluation of how the services of GAO, OTA, GPO, and CRS can be consolidated by the year 2002. This is a responsible approach under the circumstance. That will allow us time to ensure that the services provided by OTA can be most effectively maintained over the long term while recognizing that inevitable structural and budgetary changes will continue to be necessary for the years to come.

All I can say is that, as a conservative who believes that we have to cut back, who believes we need to reach that balanced budget by the year 2002, having served with OTA and understanding the interworkings of OTA and having watched what they have done for all the 19 years I have been in the Congress, I have to say it would be a tragedy for us to cut it out completely. And I do not think you could find any other agency that is doing work that will provide the services that we need that OTA provides. And Heaven knows, in this very complex world, this complex present time, we in Congress have got to have that kind of equity at our beck and call. OTA has provided it for us. And I hope that folks will vote for the Hollings amendment.

Therefore, Mr. President, I commend Senator HOLLINGS for his leadership on this amendment, of which I am pleased to be a cosponsor.

I encourage all of my Senate colleagues to support this important measure.

Mr. STEVENS addressed the Chair. The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I served on the Office of Technology Assessment Board from January of 1974 to January 1992. Since it was established, OTA has completed 721 studies to date. During the period I was there, 18 years, I obtained board approval for four studies that addressed Alaska's needs.

For instance, we had one study that addressed our rural village sanitation problem in Alaska. We had another that addressed the technical feasibility of transporting some of our very abundant fresh water from Alaska to California, which had been suggested to alleviate water shortages there. It did not prove to be economically feasible. We had another one concerning the technological considerations of generating power in very remote Arctic villages. And another was the review of oil production challenges in an Arctic environment.

There were three others that touched my State in that period of time. One addressed the Exxon Valdez disaster; another oil and gas development; and another, nuclear waste in the former Soviet Union. They were not particularly at my re­

I want the Senate to know that in my time on this board I became convinced that this is a shared staff. And I have often referred here on the floor of the Senate to the benefits derived from this shared staff in the Office of Technology Assessment. Not only do we share staff, but by virtue of the professional staff we have in the Office of Technology Assessment, they attract the leading experts of our Nation, if not the world, in the development of new technology.

I think that without this OTA, what will happen is—and now I am speaking in my role as the chairman of the Rules Committee—that we will face increasing demands from individual committees for funds to hire people to do
the same thing that the OTA does. The only difference is we will have, as we did this summer in the committees of the OTA, a group of people exploring the same subject with people who are not the experts of the country and without the basic experience of the OTA in framing the issues for review in Congress.

As I came over here today, I picked up from the edge of my desk some of the OTA reports that I have reviewed over the years. This is "Critical Connections, Communications for the Future, A Summary," prepared for the Congress in January 1990. It addressed, as my friend from South Carolina mentioned, the frequency spectrum problem. It was this summary that got me thinking about frequency spectrums. And for three Congresses, I asked Congress to change the policy of dealing with the spectrum that the FCC has under its jurisdiction in our airwaves.

They used to have a policy of having a drawing. And for $20 you got a slice of the spectrum that could be worth anything from nothing to $1 billion.

I felt that this summary would convince anybody that this system of disposing of a very valuable commodity, if maintained in the future, was wrong. It led to, as the Senator from South Carolina has stated, action finally in 1993 by the Congress. Last year we received $12 billion for the sale of units of the spectrum. We have OTA to thank. At least the people who have paid any attention to what is done with OTA's work understand where the credit belongs.

Here is another one, March 1992, "Global Standards, Building Blocks for the Future." I keep this on my desk and find it interesting.

"Finding a Balance: Computer Software, Property and the Challenge of Technological Change."

They have another one that I keep and I think other Senators might be interested in it. It is dated June 1993: "Advanced Network Technology."

They went into another background paper at our request: "Accessibility and Integrity of Network Information Collections." That was later in 1993.

Incidentally, one of OTA's members referred me to this. It was a cover story of the fall issue of Up Link. Any one who wants to catch up with what we are talking about should read "Digitally Speaking," a very interesting article.

All I am telling you is, Mr. President, and Members of the Senate, that this entity has led us to become aware of and become interested in and to try to utilize technology to meet the needs of the United States. I know of no other way we can get that except through shared staff.

The House has access to OTA. The Senate has access to it. We have equal representation on its board. Republicans and Democrats, and we always have, since its inception, without regard to which party controlled the House or the Senate.

Now to the challenge to the very existence of OTA, and I am compelled to rise and say I think that OTA is a misguided target. I do believe, as the Senator from Utah said, we can make reductions in the expenditures by OTA. We have made a 15-percent reduction in the staffs of every committee in the Senate. There is no reason why we could not make a 15-percent reduction in OTA, and that was the intent.

But now we face a question of obliteration of the OTA. I want to tell the Senate that I believe the studies that I have seen by OTA have been at the request of a Senate committee or a House committee or by individual Senators. OTA made these through without approval of the OTA board. None of them go through without a majority of the vote of three Members of each party from each House.

This is a very restrained board in terms of committing money of the United States. I have not agreed with some of the studies, and the record will show I voted against some of them. I voted against some of them because I did not think they involved the assessment of technology. They involved trying to pursue the application of technology. But if we keep to the subject at hand and restrict the OTA to what it was intended to do, it is one of the most valuable entities I have found in the Senate to get access to material that is current about technology.

We are entering an era now of technology expanding at an explosive rate, the likes of which the world has never seen. We are going to see developments—and I saw AMO sitting here a while ago, our good friend Mr. Houghton from Utah—and they are going to be about fiber optics and how it came about that we have that concept now in the world.

We are looking at technology. We are at the edge of a precipice, Mr. President. The precipice is one that we can analyze the way to get across that chasm to the future that is so bright you can hardly imagine it. I was talking to some of my interns today, and they asked me about what we are going to do in my State when the oil runs out, what happens to our State, supported primarily by oil revenue. I remarked to them about Mr. Houghton's company. Who would have thought in the days gone by we would take grains of sand from a beach and turn it into the most capable means of conveyance of communications known to man?

When it comes down to it, we have used technology in this country to stay ahead militarily, to stay ahead economically, to meet the needs of our people, and yet here we are about ready to do away with the one entity in the Congress that tries to collect and analyze and deliver to Members of Congress credible, timely reports on the development of technology.

I believe, more than most people realize, that we are changing the course of history in this Congress, but this is not one of the hallmarks of that change. This entity ought to be out in the forefront of that change, and it will not be unless it is properly funded and maintained. I support this amendment.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I ask unanimous consent that the recognition of Senator Dole be at 5 p.m. be postponed for 15 minutes.

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

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in behalf of my colleagues in support of retaining the Office of Technology Assessment. I support the agency and hope that my colleagues will consider it favorably.

OTA is a unique and valuable asset of the Congress. For many years it was also unique to the United States; but within the past few years, it has been used as a model by many democratic nations for establishing their own technology assessment organizations.

OTA is a small agency with 143 permanent employees and an annual budget of $22 million. The agency analyzes science and technology issues in depth for the Congress. It provides Congress with objective, nonpartisan reports and offers options for Members in dealing with related public policy issues. Its reports are initiated by full committees or a combination of the Senate and/or House and are approved by the Technology Assessment Board, TAB, which oversees the agency. That Board consists of six Senators and six Representatives, equally divided by party.

OTA is a first rate scientific organization. Its retention has been supported by the National Academy of Sciences, the American Association for the Advancement of Science, the American Physical Society, Dr. Sally Ride, and a host of important companies, such as TRW.

OTA is unique on the Hill because of the bipartisan Technology Assessment Board. No other support agency has such a mechanism to ensure balance in the representation of both Houses and both parties. This structure is instrumental in keeping the work objective and balanced, as well as acting as a priority-setting mechanism for the work that is conducted, ensuring that it is based in important issues the Congress to leverage OTA's limited resources to greatest effect.
OTA works almost entirely on a bipartisan basis, doing major projects requested by both chairmen and ranking minority members. Since 1980, 79 percent of OTA reports have been requested on a bipartisan basis. That is again the case.

For many years, the party holding the majority in Congress did not control the White House. That is again the case. Many years, the party holding the majority in Congress did not control the White House. That is again the case.

OTA's work differs from other congressional support agencies because its work is based not only on the scientific and technology area; the information is not readily available for look-up in the immediate scientific literature; it is not an audit of a current issue or a project of costs. The indepth process and review of the issues is unique only to OTA, and the scientific and technological expertise of OTA's staff facilitates this approach. With the budget reductions other congressional support agencies are making, it is unrealistic to assume they could pick up OTA's work.

I come from a region that understands that high technology is the area of the future that will provide us the jobs and information that we need. That is what OTA is all about.

It does not get information from here. It goes all the way across the Nation to my State to help establish the policies and procedures we need in this Senate. It has been highly reliable, and I think it would be a grave mistake for this Congress to lose it.

I did hear one of my colleagues say that we need to consolidate. Who would not agree in this time of budget cuts? But I recall that amendment to the Hollings amendment he requires the Librarian of Congress to report to Congress within 120 days on how they could consolidate the OTA, GPO, and GAO. I think that amendment looks to their recommendations, which I think is reliable. We need the agencies to tell us how they can be efficient and reach those goals. I remind my colleagues, also, that I have heard some say, "If we cannot cut here, where can we cut?"

This bill in front of us cuts $200 million. It shows where effectively we can cut. I remind everyone that OTA is out by 25 percent in this amendment. This is a very important agency to me. I hope we do not lose it this year, because I think we will see what the future brings us, and that technology and science is even more critical in the years to come.

Mr. MACK. How much time do we have remaining?

The PRESIDING OFFICER. I believe until 5:15, which is approximately 10 or 11 minutes.

Mr. MACK. I ask the Senator from South Carolina how much additional time he would need?

Mr. HOLLINGS. As the distinguished Senator from Florida knows, I do not need very much time. I am trying to respond to a request that we have on this side to vote around 5:45. Is that agreeable?

Mr. MACK. I must say to the Senator that I was under the impression that he and I would be the last to speak on this issue, and I had asked for a delay of recognition of Senator Dole until 5:15, with the intention of having a vote at 5:15. I understand that it would be the intention of the Senator to delay his vote until 5:45.

Mr. HOLLINGS. I have a request on this side by my colleagues here. Mr. MACK. Then at this point, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for business be suspended for the purpose of the amendment.

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

Mr. MACK. Mr. President, this debate has gone on for some time now with respect to OTA. I will attempt to make my comments brief. Again, those of you who have mentioned a moment ago that OTA is unique to the Hill, or to the Senate, it is not unique, though, in what has happened to it.

The Office of Technology Assessment was begun, I believe, in 1972. The idea was that it would be a small cadre of individuals, to make some decisions, would gather information together as to what scientific and technical data is available and provide that to Members of the Congress.

We now have an Office of Technology Assessment that has 203 people, with an expenditure of over $33 million annually. Again, the billwriters have said that we need a counterbalance to the administration. Well, it is interesting that the administration has something like just under $5 million in its budget for its science advisor, with 39 people.

Another point I will make is that I was called by a number of people asking me to reconsider the proposal to eliminate the Office of Technology Assessment. One of those individuals that called me said, "Frankly, after I found out what was going on at OTA, I thought it was a small cadre of individuals, a small tight-knit group that would get this information out to Members of the Congress, and I found they had $23 million for their budget." He said, "That should not be."

There is a sense that if we eliminate OTA, somehow science and technology in America will come to a crashing halt. Again, earlier today we heard about the significance of a grain of sand, if you will. A grain of sand has turned out to be a very significant item on this planet, which is, essentially, responsible for the computer. It is not interesting that the computers we deal with today, somehow or another, magically occurred without the Office of Technology Assessment in the Congress of the United States?

During our committee hearings, we had testimony and review of a number of documents. Again, this is the Office of Technology Assessment. Here is a report entitled "Understanding Estimates of National Health Expenditures Under Health Reform." I make the claim that, frankly, that has very little to do with the Office of Technology Assessment.

There is study after study where there is duplication. We basically—when I say duplication, I mean duplication in the sense of the outside,
July 20, 1995

CONGRESSIONAL RECORD—SENATE

where we can turn to America and ask them for information that is available. We do not need to spend $23 million in a year in order to bring that about.

Another point: I think that probably one of the most significant scientific debates or debates about technology that we have had in the Congress in years is the issue of the super collider. Interestingly enough, there was no report from OTA on the super collider, again, one of the most significant new technologies that the Congress was considering.

There are those who say that now that we have the budget battle out of the way, this is really not an issue about whether we will cut $200 million; it is a question of where.

Mr. President, I refer to a chart behind me showing the history of GAO’s full-time equivalent. We began the process in 1993 to reduce the staff and the size of GAO. It has gone from 5,150 down to 3,865 as proposed under this bill. It is going to go further as a result of what we do in 1997, and what is proposed in this bill as well. This amendment says we ought to go further.

Chuck Bowsher, the Comptroller General of the United States, was not happy to learn that over a 2-year period we would reduce his budget by 25 percent, but he worked with us. We asked him the best way to go about it, and we worked out a plan. We will cut $86 million from GAO this year. Now, with this amendment, GAO will be asked to cut an additional $7 million out of their budget.

This is the wrong way to do it. Mr. President, I urge my colleagues to vote against this amendment. This is only the beginning of the debate. Imagine, here it is, the first appropriations bill, we have suggested eliminating the OTA, an agency, in essence, which we believe is not necessary because we believe we can get similar information from a whole series of sources. And what we are hearing stories here on the floor of the Senate that basically say if we eliminate OTA, we will end the technology revolution in America. Mr. President, that is impossible because the technology revolution in America is driven in the private sector, not in Government. I yield the floor.

Mr. HOLLINGS. Mr. President, I understand we are trying to terminate debate on this particular amendment and then the leader wishes a vote on another matter.

Let me thank Members for the bipartisan amendment that was introduced by the experts that we have heard in the debate, especially the distinguished ranking member of our committee, who has studied it closely. We made the cuts. We were using a $22 million figure. The distinguished chairman of that subcommittee was told it is $23 million, so now it amounts to more than a 30-percent cut that we are cutting the Office of Technology Assessment.

When he talks of the number of employees, Mr. President, there are 4,707 employees over there at GAO. I think we perhaps ought to consolidate it a little bit more. These arguments that we have heard out of the whole cloth, never have I heard such arguments. The distinguished Senator from Utah and the Senator from Nevada and I agree on. It is $36 billion in research and studies and development over in the Pentagon—billions. The distinguished Senator from Nevada says we have to economize. But then the Senator from Utah says, “Wait a minute. We have to look at the entire Government.”

I do not know how to satisfy these arguments. We have worked to protect the Library of Congress in this amendment and hope that our colleagues will support us.

The PRESIDING OFFICER (Mr. ABRAHAM). Under the previous order, the hour of 5:15 having arrived, it is time to recognize the majority leader.

Mr. MACK. Mr. President, I move to table the Hollings amendment.

Mr. DOLE. I ask for the yea and nays.

The PRESIDING OFFICER (Mr. ABRAHAM). The yea and nays will be recorded.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yea and nays were ordered.

Mr. DOLE. Before we start the vote, I will enter a unanimous-consent request. I am waiting for Senator Dole to request the record vote.

Mr. MACK. Mr. President, I move to table the Hollings amendment.

Mr. DOLE. I ask for the yea and nays.

The PRESIDING OFFICER. The yea and nays will be recorded.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yea and nays were ordered.

Mr. DOLE. Before we start the vote, I will enter a unanimous-consent request. I am waiting for Senator Dole to request the record vote.

Mr. DASCHLE. Mr. President, as I understand it, the unanimous-consent agreement just proposed by the majority leader would then require two recorded votes beginning at 6:15.

Mr. DOLE. I did not propound it. I wanted to wait until the Senator was on the floor.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

Mr. DOLE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The bill clerk read as follows:

The Senate resumed consideration of the bill.

Pending: Dole amendment No. 1801, in the nature of a substitute.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. Dole. Mr. President, I exercise my right to call for the regular order, thereby beginning 1 hour of debate prior to a cloture vote on the reg reform bill.

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

The clerk will report.

The bill clerk read as follows:

A bill (S. 343) to reform the regulatory process, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Dole amendment No. 1487, in the nature of a substitute.

Ashcroft amendment No. 1786 (to Amendment No. 1487), to provide for the designation of distressed areas within qualifying cities as regulatory relief zones and for the selective waiver of Federal regulations within such zones.

Hutchison/Ashcroft amendment No. 1789 (to Amendment No. 1786), in the nature of a substitute.

Mr. DOLE. I ask unanimous consent that all second-degree amendments under rule XXII must be filed by the time of the cloture vote.

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

Mr. DOLE. I further ask unanimous consent that regardless of the outcome of the cloture vote, and notwithstanding rule XXII, immediately following the cloture vote, the motion to table by Senator MACK be voted on, on amendment No. 1808, the legislative appropriations bill.

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

Mr. DOLE. I also ask unanimous consent that if cloture is not invoked, the Senate resume the legislative appropriations bill.

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

UNANIMOUS-CONSENT AGREEMENT—S. 21 Mr. DOLE. Mr. President, I think we have an agreement on Bosnia.

Let me indicate, as I said last night, I did have a phone visit with the President of the United States, and obviously I want to cooperate with the President. I think we now have an agreement that does that. I thank the Democratic leader.

I move unanimous consent that S. 21 be temporarily laid aside; that on Tuesday, July 25, the majority leader, after notification of the minority leader, may resume consideration of S. 21, the
Bosnia Self-Defense Act, and the following amendments be the only first-degree amendments in order to the following amendments be the only first-degree amendments in order to the following amendments be the only first-degree amendments in order to the Dole substitute, and they be subject to the Bosnia Self-Defense Act, and the following amendments, following a failed motion to table: There be a Nunn amendment, relevant to the Gloucester amendment, relevant; Massachusetts amendment, relevant. Two Nunn relevant amendments. Four amendments by the distinguished Democratic leader or his designees, relevant amendments; a Byrd amendment, relevant; Kerry of Massachusetts amendment, relevant.

I further ask unanimous consent that following the disposition of the above-listed amendments, the Senate proceed to vote on the Dole substitute, as amended, if amended, to be followed by third reading, and there be 4 hours of debate equally divided between Senator Boren and Senator Nunn. Then final passage of S. 21 as amended, if amended.

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

Mr. DOLE. So, Mr. President, now we have the 1-hour debate before the cloture vote. Senator JOHNSTON is here, Senator ROTI is here, and there will be a cloture vote and then we will be back on the legislative appropriations bill. Hopefully we can finish that tonight.

Then, we will have the debate, hopefully, on the rescissions bill tonight. I will be talking with the Democratic leader about that.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I think the two unanimous-consent agreements are ones we feel very, very encouraged by. I think there is little likelihood that all of the amendments that were listed in the unanimous consent agreement dealing with Bosnia will be utilized, but I think it does allow for whatever extenuating circumstances may occur as a result of the two sides. But I certainly appreciate the cooperation and the sensitivity demonstrated by the majority leader on this issue. I hope at some point next week we can finalize our work on the legislation, however it may turn out. So tonight, I hope we can have a good debate on the cloture motion and also complete our work on the rescissions bill so we leave nothing other than the votes tomorrow morning on the rescissions package.

There is a good deal of work we can do tonight. I hope Members are all aware that there will be additional votes, at least two additional votes tonight and perhaps more, subject to whatever else may be brought up and as a result of legislative appropriations.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BROWN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is S. 343, the regulatory reform bill.

Mr. BROWN. Mr. President, I call up my amendment 1550.

The PRESIDING OFFICER. The Dole substitute is not open to amendment at this time.

Mr. JOHNSTON. Mr. President, parliamentary inquiry: Who is it that controls the time?

The PRESIDING OFFICER. At this point, the time is controlled by the two leaders or their designees.

Mr. DOLE. Mr. President, I designate Senator Hatch.

Mr. DASCHLE. I designate Senator Glenn.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The Hutchison amendment No. 1789.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside that amendment so I may offer my amendment No. 1550.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, I hate to object, but I think we have the 1-hour debate before the cloture vote.

Mr. BROWN. Let me assure the Senator. My hope is this could be unanimously accepted but I would be happy to agree to a 5-minute time limit. Let me explain very quickly.

Mr. JOHNSTON. Mr. President, if one of the Senators can see if we can clear it, then we might not have any debate. Mr. BROWN. I thank the Senator.

Mr. JOHNSTON. Mr. President, I wonder if the Senator will yield me 10 minutes?

Mr. HATCH. Could the Senator take 5 now and if he needs more I will be happy to?

Mr. JOHNSTON. Fine.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, it is like that tennis match I saw the other night, where the games were even and they were in the tie breaker. It is 6-all in the tie breaker, and there is 1 point that is going to make the difference. And it is this vote. The question is, Does regulatory reform survive or not? Mr. President, it will survive if this cloture vote is granted.

We have been told that there is ongoing negotiation. I can tell you, there are at least three points which are not solvable, and upon which negotiation is not getting closer but is getting further away. Let me explain those three points.

First, can you review existing rules? All of those rules out there which have been adopted, some without consideration of science, some without the foggiest notion about what the impact is, cost, some defying logic, some being adopted in opposition to what their own scientists have said—can you review those existing rules?

In the Dole-Johnston substitute, you can review those existing rules. In the Glenn substitute, there is no right to review existing rules.

Second, the question of what we call decisional criteria. That is a very minimum, commonsense rule that says in order to have a rule you have to be able to certify that the benefits justify the cost. Mr. President, you would think that would be not only common sense but that would be a rule of logic, a rule of proceeding as to which all Federal bureaucrats would adhere. But there is a gulf between the two sides in this dispute. We have decisional criteria. The Glenn substitutes have what you might call standards for discussion. That is, you can discuss whether or not the benefits justify the cost, but it is not a test and it is not going to be used by anybody in determining the reasonableness or the arbitrariness of that regulation.

Finally, there is a question of whether the court can review the risk assessment, or the cost-benefit ratio for determining whether or not that rule is arbitrary and capricious. I will read the latest draft.

The adequacy of compliance or failure to comply shall not be grounds for remanding or invalidating a final agency action.

The adequacy of compliance or the failure to comply shall not be grounds for remanding or invalidating a final agency action.

In other words, it does not matter how bad this risk assessment is; it does not matter how central the science is to the question to be done; it does not matter whether it is junk science that scientists will not trust it will be, there are a lot of trust it will be, there are a lot of uncertainties in the information.
CONGRESSIONAL RECORD—SENATE

JULY 20, 1995

amendments we are perfectly willing to consider.

But there has to be an end to this process. We cannot have amendments out of the expanding file where they keep coming and keep coming.

Mr. President, the things that we have solved here—judicial review, we thought we had solved that; superman­date, we accepted their language; we thought we had solved decisional criteria; we thought we had solved agency overloads, had taken Sally Katzen’s own concept; we dropped the Tucker Act; we dropped the chevron language; we upped the threshold from $50 million to $100 million; we gave new language on TRI; we are willing to do more; we are willing to discuss the Delaney rule; we did away with Superfund. Mr. Presi­dent, we have done a lot. I think we have solved all nine of them. We have made progress on those. Some of those solutions use the words of the oppo­nents—conceding to them. They used those words against us which they admitted, which they confected. They used those words against us. Mr. Presi­dent, I do not think it is reasonable. I hope my colleagues will bring this debate to an end so we can get on with the amendment process, and so we can pass this bill. It is R.I.P. It is so long to risk assessment.

The PRESIDING OFFICER. Who yields time?

Mr. O’BRIEN. Mr. President, I yield my time of 10 minutes.

The PRESIDING OFFICER. The Sena­tor from Ohio.

Mr. O’BRIEN. Mr. President, I do not really recognize what has happened here by the description we just heard on the floor. We have been negotiating in good faith. There has been a lot of progress made. We started out with some problems with that. We are work­ing some of those things out. We are working some of those things out. So we have made progress in that area.

Judicial review—it went to the final rule. But one of the real killers in this is the fact that we still have unlimited new petition processes. That is just a way of saying that anybody that has an interest in killing any particular legisla­tion or any particular regulation will have the opportunity by the possibility of not just a few but hundreds and hun­dreds of potential routes in the petition process by which they can prevent legislation or prevent regulations being written that might benefit all of America. Yet, they can stop it with this particular bill with those petition processes. That is a killer. We made some proposals on that.

It was my understanding, in talking to the majority leader on the floor about an hour and a half ago, that maybe there was some give in that area and perhaps we would be willing to talk about the petition process, which they were not willing to do be­fore.

Another one that is a killer on this is going to require that when an agency reviews the rule that all reasonable al­ternatives have to be considered. That is an infinite direction. That is a direc­tion to do that that is probably not possible to do, to take all reasonable alternatives. We wanted to do what the distinguished Senator from Louisi­ana proposed back several days ago, and that was limit that to perhaps just three or four. We were willing to do that. That is fine.

The sunset provision on this, we made progress in that particular area. On the special interest section, there were proposals made on that that they were willing to discuss. The toxics re­lease inventory, we want to do that.

At each step along the way what has happened is when we have gotten a let­ter from the opponents, a petition process, real an­swers to some questions we had, we have responded. We are in that same position right now. We are responding. A letter will go back which we worked on early today and earlier this after­noon. That letter is going back right now proposing some give and take in these particular areas.

Why we have to go to a cloture vote now I do not know. My own personal bottom line on these things has nar­rowed down through all of this process over the last 2 weeks to the no new pe­tition process, to limiting the reason­able alternatives to three or four, as was already agreed to, and to striking that section on special interests. That is the one that is a real killer as far as health and safety goes because it leaves the toxics release inventory. It takes it out. It takes the Delaney bill, which needs modification but not just elimination. And food safety, health, things like that go by the board.

So I just disagree strongly that we have not made considerable progress on this bill.

Now let me start with some truths in this debate. We have heard lots of hor­ror stories about bad regulations on the floor from the proponents of S. 343. I do not have to hear those on the floor. I get enough of them when I go back home. Many of the stories brought out on the floor here were just plain false. I gave the rebuttal to some of those stories on the floor here where we think they went too far. Some of the ones were completely valid. We have pointed them out on the floor too.

Let me respond to several of the ac­cusations that the Senator from Lou­si­ana has made about the Glenn­Chafee bill.

We had lookback provisions for review of existing rules has “no teeth.” That is wrong. We do have judicial re­view of the agency requirements to re­view rules, but we do not let special in­terests petition to put rules on the list. Instead, we provide a process where in­terest groups can appeal to Congress to have a rule reviewed. And that makes more sense. It is more fair.

He says our judicial review language allows more avenues into reviewing parts of cost-benefit analysis and risk assessment than the Dole-Johnston bill. I do not feel that is true. In fact, I think it is not true. We state explic­itly in our language that “the court shall not review to determine whether the analysis or assessment conformed to the particular requirements” of cost-benefit analysis and risk assess­ment. We would like them to do the same. I think we are making progress in that area, too.

Senator JOHNSTON wrote a letter to me, Senator BIDEN and Senator BAUCCUS in March of this year stating all of his concerns with the Dole bill as it was then. Many of the issues he raised —like too much judicial review and the petition process—were proposals made on the Glenn-Chafee bill in fact. In fact, he stated explicitly in his letter that he did not agree with a petition process for the review of rules. Now he is call­ing the Glenn-Chafee bill weak for not hav­ing such a process.

No, 3, many have accused us of not really being serious about regulatory reform. Let me give you a little back­ground on our good-faith effort to put together a viable regulatory reform package.

The Governmental Affairs Commit­tee reported out a strong regulatory re­form bill with full bipartisan support 15 to nothing, coming out of committee with 8 Republicans and 7 Democrats. This bill formed the basis for the Glenn-Chafee substitute. It is a strong, a balanced approach to regulatory re­form. It will rely on the courts, it will rely on the Congress to address law­suits on businesses as well as protect the environment, the health, and the safety of the American people.

On the other hand, the Judiciary Committee, on which the Dole-John­ston bill is based, had a very divisive debate on this bill, and they ended up reporting out the bill without amend­ment.

Before bringing the Dole-Johnston bill to the floor, we sat down with the supporters of S. 343 and had very seri­ous negotiations on two different occasions. We outlined our concerns; we provided written changes to their lan­guage. And for the most part our con­cerns were dismissed out of hand.

Now, after a strong vote on the Glenn-Chafee substitute and two losing cloture votes, they wanted us to come back here and negotiate one more time. And we did that yesterday because we want regulatory reform. I am as dedicated to regulatory re­form as anybody in this body. We need it. But we want commonsense reform.
We do not want regulatory rollback
that is disguised in the rhetoric of reg­
ulatory reform. We cannot tie the agen­cies up in unneeded bureaucratic steps for fear of new lawsuits.
That is not regulatory reform. That is
what this bill does.
We gave Senator HATCH a list of
changes that were necessary before we
could consider supporting the Dole-
Johnston bill. They appear to be mov­
ing on a few important issues. Today they are proposing to:
First, change—this was yesterday—
change the "least cost" language in
decisional criteria and replace it with
"greater net benefits."
Second, modify a few parts of their
judicial review language, including get­
ting rid of "interlocutory review,"
which is encouraging. However, there
are still some questions in this area.
Third, they would possibly adopt the
sunset language in the Glenn-Chafee
bill.
Fourth, they said they would discuss the toxics release inventory.
But these are not definite changes, and,
even so, this bill still has signifi­
cant problems. First, it has six new pe­
tition processes. All, except one, are ju­
dicially reviewable and must be grant­
ed or denied by an agency within a cer­
tain period. This is just a formula to
tie up the agencies and prevent them
from doing their jobs effectively.
They did not change the effective date
of this bill. That means that as soon as
this bill becomes law everything on
that date must immediately comply
with the many rigorous requirements
of this bill. This captures all the rules
that are out there in the pipeline right
now, and will send agencies back to
square one on some regulations delay­
ing them unnecessarily.
This is a poor use of Government re­
sources.
Third, they still have special interest
fixes. They say they are willing to dis­
cuss TRI, and we want to talk about
that. But doing a cloture vote now does not permit that to happen right
now. We think these provisions simply
do not belong in a regulatory reform
bill. The Governmental Affairs Com­
mittee and the Judiciary Committee
have held no hearings on these issues.
In effect, we are taking jurisdiction
away from the committees of normal
jurisdiction in these areas. These are
special interest fixes, clear and simple.
Fourth, they still have major
changes to the Administrative Proce­
dure Act, including adding new peti­
tions. These are unnecessary. They will
only add to litigation.
Fifth, too many rules are covered,
given the Nunn amendment that
sweps in any rule that has a signifi­
cant impact on small businesses. These
are just some of the major issues still
down the road.
Now, we still want to work in good
faith with Senator HATCH, Senator
DOLE, Senator JOHNSTON, and others,
but we do not want medicine that is
worse than the disease itself. And we
need sensible, balanced, regulatory re­
form. Today they now would per­
mit any interest group to tie up in leg­
islation anything for an indefinite pe­
riod of time that they did not want to
see go through. That is not reg reform.
That is regulatory favoritism for the
favored few. I do not see that that does
anything for the American people.
Under the Glenn-Chafee bill—
The PRESIDING OFFICER. The 10
minutes have elapsed.
Mr. GLENN. I yield myself another 2
minutes.
What we do in that bill is try to hit
a balance. We provide redress for reg
reform that has gone too far. We pro­
vide review over a period of time for
every single law, every single rule and
reg that is out there now. At the same
time, we do not dump all of the health
and safety regulations that have been
built to protect us, just toss them out or have the possibility by the
processes we are providing in this law
of throwing them out.
That would be a mistake. We do not
want to throw the baby with the
bath water. What we set up in our bill,
the Glenn-Chafee bill, was an even­
handed approach to this thing: All you
can say when you are setting up a bill
like the Dole-Johnston bill that pro­
vides means by which any interested
party can prevent a rule or regulation
from going into effect for an indefinite
period of time—and that is exactly
what this bill does—it cannot be
performed anything except regulatory fa­
voritism. That is not in the best inter­
est of the American people.
I reserve the remainder of my time.
The PRESIDING OFFICER. Who
yields time?
Mr. HATCH addressed the Chair.
The PRESIDING OFFICER. The Sen­
ator from Utah.
Mr. HATCH. I yield 3 minutes to the
distinguished Senator Illinois.
The PRESIDING OFFICER. The Sen­
ator from Oklahoma.
Mr. NICKLES. Mr. President, first I
would like to compliment my friend
and colleague, Senator HATCH, from
Utah and also Senator ROTH, from
Delaware, for their patience in working
on this bill. I will admit that they have
shown greater patience than myself.
They have, I think, done an outstand­
ing job on a very difficult bill. It is
very difficult bill. I also want to com­
pliment the majority leader of the Sen­
ate, Mr. DOLE.
I will tell you, we are going to have
this third cloture vote, and I think this
is the vote. I have heard some of my
colleagues say, well, we need to make
some more adjustments. We have made
I think over 100 adjustments to this
bill as it is now in list, or maybe put a list in the RECORD, of
some of the changes we made.
I remember 10 days ago they said we
need to increase the threshold from $50
to $100 million. That has been done. We
eed to eliminate the provisions deal­
ing with Superfund. That has been done. We need to clarify that it does
not jeopardize health and safety. We
have done that as well. We have had
many people mention that it does have
a supermandate in it. We said, no, it
does not have a supermandate. It does
not override the law.
Mr. President, my point is that we
have bent over backward to negotiate
with our friends and colleagues who
have different views, but we have to
draw this thing to a closure. We have
to have it come to a conclusion. We need
to have, unfortunately, cloture. I say
unfortunately; I do not like clo­
ture. But if we are going to end this
bill, we have to have cloture. We have
over 250 amendments filed—250 amend­
ments—many of which are very arbi­
tary. Some are serious.
I wish to compliment my friend and
colleague, Senator JOHNSTON from
Louisiana, because he has worked tire­
lessly to put this package together. Is
it perfect? No; but is it a giant step to­
wards the necessary and overly
expensive regulations? Yes; it is. And it
needs to pass. The cost of regulations
today exceeds $6,000 per family. And
that is growing out of control. We need
to rein it. This is the bill to do it.
We cannot do it if we do not get clo­
ture. I do not think we are going to
have another cloture vote. I think this
is it. If we do not get cloture today, my
guess is we are killing this bill for this
Congress, and a lot of people have
worked too hard for that to happen.
For all my colleagues who say they
want regulatory reform, if they want
it, they need to vote for cloture. We
will have the opportunity to make
some adjustments to improve the bill if
that is necessary.
I urge my colleagues to vote for clo­
ture and let us pass a positive bill that
will rein in unnecessary regulations.
Mr. HATCH. Mr. President, I yield 6
minutes to the distinguished Senator from Rhode Island.
The PRESIDING OFFICER. The Sen­
ator from Rhode Island.
Mr. CHAFEE. Mr. President, I am
going to vote for cloture on the next
vote, this vote coming up. If regulatory
reform means rules that are more cost
effective and based on better science
and information, then I am for regu­
larly reform. I continue to believe
that the Senate can produce a good
regulatory reform bill. So I will vote
for debate on this bill to go forward.
Now, can I do that if we do not get cloture?
There are over 200 amendments
pending to this bill. Some of these
amendments, if enacted, would roll
back the progress that has been made
towards health and the environment
over the past 25 years. Every Senator
will be reserving judgment on that
July 20, 1995

CONGRESSIONAL RECORD—SENATE

final vote to see the final package when the day is done. In other words, this is no commitment on my part to vote for the final bill. We will see what it looks like.

If cloture succeeds, I will be working to improve this bill. I have spoken to Senator Hatch and Roth about provisions that continue to cause me concern, and they have agreed with some of those concerns and promised to work with me on those items.

I want to be grateful to the majority leader and to the Senator from Utah Mr. [HATCH] and the Senator from Delaware, Mr. [ROTH] for their willingness to address the concerns that I have expressed. We have put together a package of amendments that will be offered later. They have promised support for those amendments. They will make several changes to this bill that will resolve some of my major concerns.

This package of amendments will strike the provision in the bill that requires agencies to pick the least costly regulatory approach that will no longer be required. They will not be required to pick the least costly option. Instead, they are to select the option that provides the greatest net benefit. Now, this is a very significant change.

This package that we are talking about makes several changes to the judicial review provisions, including deletion of the item that would have required substantial support in the record for all the facts on which the rule is based. That is deleted.

The package also deletes the automatic sunset of existing rules. It scales back the large number of petitions that could be filed under the Administrative Procedure Act. These amendments will definitely improve this bill.

It is time, in my judgment, to complete work on this and move on to other important business in the Senate. We have a lot before us. If we work hard, we can get a good regulatory reform bill.

Mr. President, I will certainly be striving to achieve that.

Mr. COHEN. Will the Senator yield?

Mr. CHAFEE. I would.

Mr. COHEN. I would like to associate myself with the Senator's remarks and indicate that I wish to commend him for the effort he has made to try to persuade our colleagues to move closer to the position of the Senator from Rhode Island and the Senator from Ohio.

Mr. President, I have been engaged in the debate over regulatory reform since February when the Government Affairs Committee held a series of hearings on this issue. I was involved in the negotiations over the bill that emerged from the committee and held a field hearing in April where Mainers had an opportunity to express both support and opposition to regulatory reform.

I have also carefully watched the debate that has transpired on the Senate floor over the past 2 weeks. Tuesday there was a vigorous debate on the Glenn-Chafee substitute, which, to my disappointment, was narrowly defeated.

I believe that there has been sufficient time for all views to be aired and that extended debate has let it to subsequent amendments. The Glenn-Chafee bill. S. 343 has changed a great deal since its introduction. Its supermandate has been significantly modified, its petition process has been narrowed, and the scope of judicial review has been reduced. Due to an amendment on the floor, the threshold for rules to qualify for cost-benefit analysis has been raised from $50 to $100 million, a change that will help agencies target resources at removing rules that impose the greatest burden on the economy.

Additional negotiations have taken place during this week, since the first cloture vote. Among other things additional concessions have been made to opponents of the bill. I believe that both sides have negotiated in good faith, and I applaud Senators Hatch and Roth and others involved in the process for accepting a number of reasonable changes to the underlying bill.

While these changes do not go far enough to ameliorate the concerns I have previously expressed about the bill, there comes a time when the majority must be permitted to impose its will. I believe that time has now come.

I would prefer to see a bill that relied more on Congress to improve the regulatory system than the courts, and I would like to try more incremental reform instead of flooding our agencies with such burdensome analytical requirements that their effectiveness may be hampered.

Yesterday I had occasion to discuss this legislation with Philip Howard, author of the book that has been cited dozens of times during the course of this debate, "Death of Common Sense." To summarize his views, the man who wrote the book about common sense believes that the bill, in its current form, does not make sense. Its over reliance on litigation and Rube-Goldbergesque petition process will complicate the regulatory process instead of streamlining it. We might well do better to start all over again and try to come up with a bill that is less complicated and would achieve the goal of meaningful regulatory reform.

Even though I have been unable to convince my colleagues on these issues, I will not stand in the way of permitting an up or down vote on the approach that they support. But if cloture is obtained, I will vote against the bill.

Even if the bill passes the Senate, there remains a long way to go before the bill becomes law. The legislation that passed the House is clearly unacceptable. By voting for cloture today, I am not suggesting that I will vote for cloture on a conference report that contains the same defects as the House version. It addresses the weaknesses of the Senate bill.

But the time has come for the process to move forward. I still hold out hope that the bill will continue to be improved and that a bipartisan regulatory reform bill will be enacted into law during this session of Congress.

Mr. CHAFEE. Mr. President, I think we share those concerns. We do not have any idea what will emerge from conference, and we are not sure what is going to happen to these amendments that are before us that will be taken up. So my commitment is to vote for cloture. That completes my commitment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I yield 7 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think most Members of this body want a strong regulatory reform bill. I hope most Members of this body also want to make sure that we preserve important health, safety, and environmental protections. The problem with the current version, the most recent version of the bill before us, is that it fails both tests. The bill before us has such procedural complications, so many grounds for litigation, so many appeals to court, that it will not cure the patient. And this patient is sick. It is going to choke this patient with litigation that for the first time will be permitted on just about every request that is made to an agency. Under this bill, for the first time, if you make a request to an agency for an interpretation of a general statement of policy, then the letter that you get back from the agency—and there are tens of thousands of these letters—is subject to judicial review.

We have not had judicial review of agency letters giving guidance, statements of policy, or interpretations of interpretive rules. For the first time; for the first time.

Probably 90 percent of the paper that comes out of an agency in terms of giving guidance to small business people is going to be subject to litigation. This is not curing the patient, this is killing the patient. This is choking the patient to death instead of giving corrective surgery. Now, that is the current version, the current version of the Dole-Johnston bill.

Now, we understand there are going to be some changes that will be offered in this as a result of negotiations, and that is fine, if, in fact, those changes are agreed to by the Senate, and if there is a chance to debate and review these things to see whether or not, in fact, it has happened. But we have just
been informed of this in the last few minutes. In the last few minutes we are now informed there is going to be a whole bunch of additional changes that are going to be made in the Dole-Johnson bill, and changes are needed.

There are a lot of additional changes which are needed, as well. There are amendments at the desk which are relevant, which will be precluded from being offered if cloture is invoked. That is a critical distinction, because cloture will prevent the sponsors of relevant amendments which are not technically germane from offering those amendments. And may I say, that is also going to be true of changes in the proposals which are going to be offered by the Senator from Rhode Island. That language has not been offered yet. Amendments to that language presumably are not going to be in order because that language was not even in the bill at the time the cloture motion was filed.

Yet, if cloture is invoked, amendments which are relevant to the bill which was on file when cloture was filed will prevail, as well as the amendments to these new changes which have been discussed in the last few minutes.

Now, we have made too much progress to legislate this way. We have had negotiations which have been fruitful. We have made progress which is reflected by the fact that the Senator from Rhode Island is now saying that many of his concerns have been addressed. That represents progress because many of the Senator's concerns are the same concerns that this Senator has and many other Senators have.

But there are other concerns which we can address if we will continue a process which has made some progress. To suddenly terminate these negotiations by voting cloture and to rule out precluding the possibility of relevant amendments which many of us have filed in this bill is not the way to address regulatory reform.

Mr. President, whether or not cloture succeeds—and I hope it fails—these negotiations should continue. I think all of us that have been involved in these negotiations, as long and as time consuming as they have been, at times as frustrating as they have been, can honestly say we have made substantial progress. The last thing that we did was to submit a package proposal, and as far as I know, we have not yet received a package response. But rather than get involved in the debate over what the last item of negotiation was, let me simply say that we have made significant progress during these negotiations and that will be sufficient. We upset if cloture is invoked, which prevents relevant amendments from being offered. And amendments to language which has not even yet been seen, but which presumably will be accepted, according to the Senator from Rhode Island, are also going to be precluded, because that language which is going to be presumably accepted was not part of the bill at the time that the cloture motion was filed.

I do not know of anyone who has worked harder for regulatory reform in this body than the Senator from Ohio. As long as I have been here, he has fought for regulatory reform, including cost-benefit analysis, risk assessment, and other changes. The bill which he sponsored, along with the Republican chairman of the Governmental Affairs Committee, got unanimous, bipartisan support in Governmental Affairs. That bill represented significant progress. That bill got 48 votes, basically, in this body a few days ago.

There is, I believe, again, almost a consensus that we must do things differently in the regulatory area. The Senator from Ohio has been a stalwart fighter for regulatory reform. I think it is a mistake to derail the process which we now have, which is to negotiate a strong regulatory reform package, but one that does not chock the patient in the name of reforming regulations. We can have clean air, clean water, a safe environment, and we also can get rid of the abuses of the regulatory process. We cannot have both.

The version that I have last seen, at least—the last version that we have—does not yet achieve those goals. Therefore, I hope that cloture will not be invoked, and that we will then pick up that negotiating process and conclude it. It was moving along quite well until this cloture motion was filed. I am afraid that this cloture motion, instead of advancing the goal which we all share of strong regulatory reform, will derail those negotiations. And that would be too bad.

Mr. President, I yield the floor to the PRESIDING OFFICER, Who yields time?

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Missouri 2 minutes.

Mr. BOND. Mr. President, I thank the distinguished manager of this bill. He has done an excellent job with respect to the negotiations. They have been going on since February. We have been working on this bill for over a month. The last package that was presented to us by the other side actually gutted the provisions that small business needs in regulatory flexibility. They took out three other main provisions that small business wants.

As I have said on this floor before, small business has made regulatory reform a priority. The number three item of the delegates to the White House Conference on Small Business was making regulatory flexibility work for small business. We have just successfully negotiated with the distinguished chairman of this Committee and Public Works Committee, Senator CHAFEE, a commonsense change in regulatory flexibility that harmonizes it with the provisions in cost-benefit. So they are concerned at the capacity of the regulatory process to work and undoes years of progress with respect to the health and safety and environment on behalf of special interests, or...
whether you want to continue to nego-
tiate in an effort to come up with a bill
that is fair and reasonable.

Let me answer the questions of the Senator
from Louisiana himself. He suggested to the Senate the question, can we, in the
context of regulations, defer or delay, under Dole-Johnston, you can, but
under Glenn you cannot. That is not
true. That is just not true.

Under the Glenn bill, you have the
ability to get on to the schedule
through the agency, and even if the
agency turns you down you have the
ability to have judicial review, and if
judicial review turns you down, you
have the ability to come before the
U.S. Congress and have the Congress
put you on the list. That is review:
Congressional review, judicial review,
and agency review.

The Senator suggested that on
decisional criteria, there is somehow a
gulf between both sides. He said that in
Dole-Johnston there is decisional
criteria, but in Glenn-Chafee there is not.
But the truth is, we have come to a
point of compromise on decisional cri-
teria, and we have given by accepting
something that is not even in the
Glenn-Chafee bill. We put into our
compromise an acceptance of the con-
cept of decisional criteria so that you
will, for the first time, have risk as-
sessment and cost evaluation. That is a
giving by both sides, which is reflective of
what the compromise process ought to be.

The last question the Senator asked
was whether or not you can review in
the end. He suggested that somehow we are
trying to set up a process that will
preclude review of the cost evaluation
or the risk assessment. I say to my
friend, that is not accurate. We are pre-
pared to accept, and have accepted, the
concept of cost analysis review taken
into the whole record and judged for
arbitrariness and capriciousness, and we
have accepted the notion of risk as-
sessment being reviewed as part of the
whole record and taken into considera-
tion for arbitrariness and capri-
ciousness.

What we disagree on to this day is
whether or not the language set out in
the Dole-Johnston bill sufficiently pre-
cludes the procedural aspects from
being thrown into the mix in a way that
increases more regulatory process.

Mr. President, I have shown this bill
for I show it again because it is not
heard. If Philip Howard's book about
the death of commonsense suggested
that the current regulatory process
represents that death, this bill is the
funeral, not just for commonsense but
for the progress we have made on the
health and safety and the environment,
because it creates 88 different stand-
ards, formal standards, which will be
considered mandates which will then
be subject to the review that the Sen-
ator will not assist us in guaranteeing
will draw the distinction between pro-
cedure and the overall record.

I respectfully say to my colleagues,
this is not a matter about whether you
want regulatory reform or not. It is a
vote to say whether or not we are going
to continue to put this bill in a posi-
tion to become a sensible bill that rep-
resents the resurrection of commons-
ense as a practical process.

This bill, in its current form, has
more petition processes than any agen-
cy could conceivably live under. If
you are in favor of streamlining Govern-
ment, if you are in favor of reducing
bureaucracy, if you are in favor of tak-
ing the maddening chase of Washing-
ton out of the process, then you should
not vote for cloture, because the fact is
that this is a matter of such a tier of peti-
tioning processes with so many re-
quirements for evaluation, with so many
time periods of a fixed certain
time that you are going to have this
bureaucracy tangled up on top of each
other without the ability to serve the
American people, which is their pur-
pose.

The PRESIDING OFFICER. The Sen-
ator's time has expired.

Mr. KERRY. Mr. President, I hope
our colleagues will allow us to try to
continue and to negotiate a reasonable
bill.

Mr. HATCH. I yield 2 minutes to the
distinguished Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise
to say that I am pleased we are mak-
ing progress on this bill. I have watched the bill as it
has progressed, and I have not sup-
ported cloture up to this point, because
I felt it was necessary to keep pressure
on to make sure that constructive
progress was made.

I have seen things with respect to
cost benefit, to net benefit and matters
of change relative to judicial review,
and substantial other improvements.
There are also other amendments pend-
ing which I believe can improve this
bill. Whether they will improve this
bill to the point that I could vote for
it, I am not sure. But I will
watch the progress as we go along.

The filibuster should not be used
purely to prevent passage of bills, but
it should be used in a meaningful way
to ensure that an opportunity is made
for constructive change and construc-
tive passage of a piece of legislation.

So although I have not supported clo-
ture in the past, it is my view that it
is time to allow us to continue, rec-
ognizing that by granting cloture does
not mean the debate closes, but rather
that we will have amendments which
are already filed and are relevant to be
taken up.

So I look forward to seeing what kind
of progress we have made, what the bill
looks like and, therefore, it is my in-
tention to vote for cloture this time,
whereas I have held my vote in the past
two attempts.

Mr. HATCH. I thank the Senator
from Vermont. I yield 3 minutes to the
distinguished Senator from Delaware.

The PRESIDING OFFICER. The Sen-
ator from Delaware.

Mr. ROTH. Mr. President, I rise to
urge my colleagues to come together to
support the ongoing effort to reform
the regulatory process. We want to
make this process faster, more efficient
and more effective. We want to protect
health, safety, and the environment in
a more effective way, and we want to
reduce the cumulative regulatory bur-
deads that impact all of us, consumers,
wage earners and taxpayers.

This is a call for progress, not re-
treat. Since the beginning of this ses-
sion, I have stated repeatedly that reg-
ulatory reform should be a bipartisan
issue and virtually everyone who has
examined the regulatory process, re-
gardless of their political bent, has
concluded that it needs to be reformed.

Let me just take a moment to share
some revealing statements.

President Clinton, in the preamble to
Executive Order 12696 on regulatory
planning and review, has indicated:
"The American people deserve a regulatory
system that works for them, not against
them: a regulatory system that protects
and promotes their health, safety, environ-
ment, and well-being and improves the per-
formance of the economy without imposing unac-
cceptable or unreasonable costs on society;
regulatory policies that recognize that the
private sector and private markets are the
best engine for economic growth; regulatory
approaches that respect the role of State,
local, and tribal governments; and regula-
tions that are effective, consistent, sensible,
and understandable.

The Executive order then concludes
that "We do not have such a regulatory sys-
tem today." In a seminal report, "Risk and the
Environment," a bipartisan, blue rib-
bon panel of the Carnegie Commission has emphasized:
"The economic burden of regulation is so
large, and the time and money available to
address the many genuine environmental
and health threats so limited, that hard re-
source allocation choices are imperative.

Since the appointment of Supreme Court
Justice Stephen G. Breyer, who was
nominated to the Supreme Court by
President Clinton, has testified:
"Our regulatory system badly prioritizes
the health and environmental risks we face.
Paul Portney, vice president of Re-
sources for the Future, has observed that
"Much good can come from a care-
ful rethinking of the way we assess
risks to health and the environment and
the role we accord to economic costs in setting
regulatory goals." All of these quotes show quite clearly
that there is a very real and pressing problem with Federal regulation. This
is not about rolling back environ-
mental, health, and safety standards. This
is about reforming the regulatory
process so we can achieve more good
with our limited resources. This is not
a one-party issue.

Let me point out that, today, the managers of S. 345, again,
have agreed to many changes to ac-
commodate the concerns of our col-
leagues. I doubt that our distinguished
Vice President has had the opportunity to review these changes. But I hope he will, because I think if he did, he would see that this legislation that we are proposing today means real reform to a system that is badly out of kilter.

Let me point out that we have agreed, for example, to add new language to make perfectly clear that S. 343 does not contain a supermandate. We have also agreed to amend the cost-benefit decisional criteria of section 624 to replace the least-cost test with a greater net benefits test. Moreover, we have agreed to streamline the petition provision to section 553; to delete interlocutory appeals; to replace the automatic sunset in section 623 with a provision in the Glenn-Chafee substitute providing for a rulemaking to repeal a rule; and to delete the requirement that a rule have substantial support in the rulemaking files.

Mr. President, these changes show clearly that we are acting in good faith to meet the concerns of our colleagues who want regulatory reform. I now call upon those who want to help this effort to step forward and support cloture. We must reform the regulatory process in a meaningful way, and the Dole-Johnston compromise would provide the reform we need. It would be a terrible waste to destroy this unique opportunity to reform the regulatory process.

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

CLEAN WATER ACT PENALTIES

Mr. PRESSLER. Mr. President, it is my intent to offer an amendment to lift the unfair burden of excessive regulatory penalties from the backs of local governments that are working in good faith to comply with the Clean Water Act.

Mr. President, the goal of the underlying legislation is to bring common sense to the regulatory process. That is the goal of my amendment.

Under current law, civil penalties begin to accumulate the moment a local government violates the Clean Water Act. Once this happens, the law requires that the local government present a municipal compliance plan for approval by the Administrator of the Environmental Protection Agency (EPA), or the Secretary of the Army in cases of section 404 violations. However, even after a compliance plan has been approved, penalties continue to accumulate. In effect, existing law gives the EPA the authority to continue punishing local governments while they are trying to comply with the law.

When I speak with South Dakotans, a few topics raise their blood pressure faster than the point of frustrating dealings with the Federal bureaucracy. Government is supposed to work for us, not against us. Mr. President, this is clearly a case where the Government is working against cities and towns that are trying to comply in good faith with the Clean Water Act.

In South Dakota, the city of Watertown's innovative/alternative technology wastewater treatment facility was built in joint partnership with the EPA, the State of South Dakota, and the City of Watertown in 1982. The plant was constructed with the understanding that the EPA would provide assistance in the event the new technology failed. Unfortunately, the facility was modified and rebuilt in 1991 when it was unable to comply with Clean Water Act discharge requirements. Unfortunately, the newly reconstructed plant still was found to violate Federal regulations. The city now faces a possible lawsuit by the Federal Government and is incurring fines of up to $25,000 per day.

The city of Watertown has entered into a voluntary compliance plan with the EPA. Under the agreed plan, Watertown should achieve compliance by December 1996. However, that plan does not address the issue of the civil and administrative penalties that continue to accumulate against the city.

Under the law, Watertown could accumulate an additional $14 million in penalties before the treatment facility is able to comply with the Clean Water Act requirements.

Mr. President, I do not know of any cities in South Dakota that can afford those kinds of penalties.

My amendment would offer relief to cities like Watertown. Under my amendment, local governments would stop accumulating civil and administrative penalties before the treatment facility is able to comply with the Clean Water Act requirements.

Mr. President, I yield back the remainder of my time.
businessmen, who, 15 years ago, were working people, got into a business. They worked hard. The banks lent them some money. In both cases, they are very wealthy today, and they have families. They struggled through 15 to 18 years of hard work in businesses.

One of the most deplorable statements I have ever heard is that these two men have both sold openly and publicly, "I do not want my sons to go into business. Business is not worth it anymore." That is what we are talking about here. They did not say that because business was too hard for them, but because Government had made it too hard for them, and it did not justify their hard work and dedication sufficiently for them to want their sons to join and go into the private sector as young businessmen and struggle in the American regulatory environment of today.

That is what this evening is about. We are choking that kind of enthusiasm. And I can tell you—I do not know what it is widespread, but I am frighten to hear it. If it becomes widespread in America, it will choke what America needs most—risk-takers, small business people who are thrilled enough about it, that they would love to have their kids join them and go into business.

So if we wonder who we are working for—the Vice President's letter says "special interests." Whenever there is nothing else to talk about, the Vice President or somebody in the White House says, "special interests." Our special interest is the small business men and women in America, who create the jobs, create the wealth. They cannot stand it anymore. How much longer do we have to stay on the floor before we send them a little hope that what we are doing is not going to continue? You know what I mean. You know that they do not think they would believe us anyway. The more they watch what is going on here, the floor, I am confident that if any of them did, they are even more sure that we do not know whether we are ever going to help them or how we are going to help them.

SMALL BUSINESS ADVOCACY AMENDMENT

Mr. DOMENICI. Mr. President. I am pleased the Senate has accepted my small business advocacy amendment to the regulatory reform bill. Several issues have been raised relative to this amendment that I believe warrant clarification.

First, a concern has been raised about the issue of timing; that small businesses will have input into the regulatory process prior to a notice of proposed rulemaking is issued and that other affected interests do not have this special treatment. In response to this concern, let me quote several findings from the July 1994 "Small Business Forum on Regulatory Reform—Findings and Recommendations of the Industry Working Group:"

The work groups clearly felt that early communication and input from small businesses, other owners and other stakeholders would be key ingredients in the achievement of the dual objectives of participation and partnership. Many, if not all, respondents, by computer, the progress of all proposed regulations have reached the drafting stage. Each agency presently prepares and submits to OMB comprehensive agendas every six months which includes all regulations proposed by the agency.

Much discussion and deliberation took place in the work groups regarding the earliest date at which input should or could be solicited from stakeholders affected by a proposed regulation. At any given moment in time, there may be hundreds of ideas and concepts afoot in an agency. To solicit input at the very inception of the idea would impose too much of a burden upon the agency and the small business community. Often, one, two or even more years pass while a regulation is in the development stage, supported by the information being gathered. When such issues are being made. At the same time, waiting until a regulation has been drafted, and a notice of proposed rulemaking (NPRM) has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough to improve the final product.

Let me emphasize, the working groups—which included participants from the Environmental Protection Agency and the Department of Labor—had a multiple sessions over a 3 month period of time. A total of 70 Government representatives participated in the work sessions. The report stated that although the interagency groups worked independently, their reports reached similar conclusions:

Their similarity suggests that the problems facing both small business owners and the agencies in the regulatory process may transcend universal problems in industry and agency lines. The groups all agreed that a comprehensive, multi-agency strategy, with improved public involvement, is likely to be the most effective way to improve the quality of regulations and to enhance regulatory compliance.

As the working groups noted:

... waiting until a regulation has been drafted, and a notice of proposed rulemaking (NPRM) has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough in the process.

The working groups explored various ways to address the need for early input, suggesting an Electronic Regulatory Information Center [ERIC] or electronic docket to address the most interested parties of forthcoming regulatory initiatives. These suggestions have considerable merit, not only for small businesses but for any others who are interested and interested in the impending regulations.

It is absolutely true that the small business advocacy amendment has single out small businesses as important entities deserving early participation in the regulatory process. I believe the specific requirements for input, as articulated in the amendment, are wholly consistent with existing statutes, various Executive orders, and countless studies and reports that require or recommend participation and partnership in the process. And, as evidenced by the agency working groups in the small business forum on regulatory reform, early participation has a beneficial impact on the relationship of the stakeholders and the Federal Government.

I believe I speak for millions of small businessmen, men and women—why I think that a "partnership" with their government is what they are after, not the present "adversarial" relationship. Let us not be afraid to change the present system—we know it is not working at its optimum. If we need to change the entire system so other affected members of the public have a means of voicing their particular concerns early in the process, then let us do it. Let us work together for all our citizens who feel too burdened in the present system: The need for early input for information and discussion purposes to make the process more efficient and effective. I am pleased that this principle of reaching out to affected citizens is one with which we seem to all agree. I suggest, therefore, that if this mechanism works as we all believe it will, that it may just have a positive impact on the way all regulations are developed in the future for all of our citizens who wish to make things work more efficiently and effectively. The bottom line is that the regulatory process should be a collaborative effort between the public and the Federal Government.

As important, small businesses should not be seen as autonomous, faceless, inhuman entities trying to skirt the health, safety and well-being of their fellow citizens. These are men and women—and in my State, the majority of new businesses are small businesses, and the majority of those are women-owned businesses—who are trying to make a living, with fairness and good business practices. They may not be as big as the Ciy or establish a women's magazine for the local community, set up a hardware or supply company, or make salsa to sell at the local museum—they all fit the definition of small businesses. When there is criticism that the workers
may be shortchanged in a new regulatory process, I suggest we should consider changing our definition of work
ers. These men and women are worker
ers, and their voices are as critical to the process as are, for example, the voices of a 20,000-plus member labor
union.

The second issue I want to clarify is
that a post-regulation survey may be a burden on an agency. I strongly sup
port efforts to reduce the paperwork burden on all Americans, including our federal agencies. Relative to this sur
vey, I cannot believe that agencies are disinterested in how their regulations are working. We, in Congress, certainly receive enough inquiries requesting revisions to various regulations to know that some regulations need changes. And, we certainly know that small businesses find complying with multiple regulations imposes an incredible burden on them because a company of 25 employees must comply with most of the regulations as a company of 1000 employees: this costs time and money a small company often does not have.

To better understand the impact of a major regulation on small entities, a survey will provide vital information as to how well it is working and whether there are ways to adjust the regulation to meet changing circumstances or needs. Why should such a survey be a burden or incur a frightening scenario to an agency? The agency does not have to be involved with the survey—it will hire a firm to conduct the sur
vey and provide its findings. And, there is nothing in this amendment that mandates a small business must re
spond to a survey or that the agency must adhere to any of its findings. In fact, from all of the information I have received from the New Mexico Small Business Advocacy Council—which I established 2 years ago—and other small business suggestions, small busi
nesses would love the opportunity to provide an assessment of how a regulation affects them.

Mr. President, I and others have been listening to the men and women in our States who have said there is a prob
lem with the regulatory process. In ef
fect they have been telling us in every possible way that they need to be a participant in this process; they would like to offer suggestions that will make regulations work better; that they have some common sense suggestions that can make the regulatory process a participatory one. But, there is no mechanism that provides an informal way of getting their message out. Everything is complicated. Every
thing is rigid. And, nobody cares.

We are offering a possible solution so that the voices of millions of men and women-owned small businesses can be heard. We are offering a mechanism for a question and answer survey to be conducted that may provide some
meaningful insights as to how regula
tions, including, for example, how health and safety standards can be bet
ner implemented.

I am sure that some of you have heard of this amendment. I do not believe the majority of Americans are fearful of this approach; it is an in
ventive one that we hope is responsive to legitimate concerns.

I believe that revisions worked out prior to the amendment's acceptance helped clarify its intent. I hope we can wholeheartedly embrace this innova
tive approach to 'hearing' from our American men and women-owned small businesses. Their voices—their counsel and advice—can help make our regulatory process more responsive and workable. Everyone will benefit.

SOUND SCIENCE AND RISK ASSESSMENT

Mr. DOMENICI. Mr. President, I would like to register a small histori
cal footnote during the debate on the regulatory reform bill. During consid
eration of the Clean Air Act Amend
ments of 1990, I stated that our intel
ligence, as well, at the so-called mythical man
ture today if they thought for a minute
what this bill means. We and many of our colleagues were surprised, and somewhat incredulous, as we learned that these risk assess
ments involved unrealistic assumptions about human exposure and overly conservative assumptions multiplied by other assumptions. I still refer with wonderment—and I know Senator DOLE does this as well—at the so-called mythical man standing at the fenceline breathing a pollutant continuously for 70 years, never bothering to leave for work or to raise a family—or even move 20 feet away.

As a result of this inquiry, we estab
lished under the Clean Air Act a Com
mission on Risk Assessment and Man
agement to advise the Congress and the administration on appropriate prin
ciples of risk before the residual risk section of the air law takes effect. We also commissioned the National Acad
emy of Sciences to do a report on cur
rent risk assessment practices. That report, entitled "Science and Judg
ment in Risk Assessment," was issued last year, and contained a number of criticisms in the way that the Environ
mental Protection Agency presently conducts its assessments during rule promulgation.

As a result of this activity, I sought and got an amendment during reau
thorization of the Safe Drinking Water Act last year that would have required regulations issued under that act to be based on the best available peer-reviewed science. Such good science was clearly needed with regard to the operation of the Safe Drinking Water Act. For example, EPA has consistently proposed a minimum contaminant standard for radon in drinking water which could cost water systems upward

of $12 billion in capital cost alone, even though EPA's own Science Advisory Board criticized that standard for not focusing limited resources on more im
portant drinking water issues.

My good science amendment was a specific remedy in one law. But I be
lieve that there is an urgent need for realistic and plausible exposure sce
narios and sound science in all risk as
sessments. I am pleased, therefore, that the Dole bill requires that risk as
sessments be based only on the best available science, a basic requirement which has been sorely needed for far
 too long.

I yield the floor.

The PRESIDING OFFICER. Who yields?

Mr. HATCH. How much time is left?

The PRESIDING OFFICER. The Senator from Utah controls 8 minutes. The Senator from Ohio has 4 minutes.

JOHNSON. Will the Senator yield me 2 minutes?

Mr. HATCH. I would like to yield the last 2 minutes to the distinguished Senator from Louisiana, if I can.

First, I yield myself all but the last 2 minutes. I would like to have notice when 6 minutes is used.

I really have to say that I am very upset right now with some of the state
ments that I have heard from the other side, because they could not have read this bill, could not understand the con
cessions that we have made time after time, day after day, meeting after meeting, hour after hour, and make the state
ments that were made today.

Some on the other side are so worried about subjecting the bureaucracy to too many "hoops," that they forget the American public out there and how many hoops they have to jump through.

Let me tell you, we are being regu
lated to death in this country. What about the hoops that the American citizens have to jump through because of a bureaucracy inside this beltway that does not consider their needs and enacts silly, stupid, dumb regulations that are wrecking our country. On this bill, we have had it with some in the media, who continue to completely misrepresent, in the most despicable way, what this bill means.

I assure you that we would not have some of these Senators voting for clo
sure today if they thought for a minute that some of these representations were true. Now, we do not believe that the latest Kerry-Gleno proposals are right. They not only do not address our offers made on Tuesday, which were made to meet both side's concerns, in words that we thought we had agreed on in the meetings; but then their counteroffer significantly expands the areas of disagreement by adding new issues. That is what we have been going through the whole time. We get to where we think we have it, and the next thing you know, 10 more issues are on the table.
Let us worry a little more about the American people. This bill takes care of providing that the best science will be applied, and that the right decisions will be made, and that the bureaucracy will have to be accountable for the first time in the history of this country. This is one of the most important bills in the history of this country because it forces the economic and legal advantages of the status quo, and the unthinking bureaucracy, off of our backs and makes them become more responsible to issue good regulations, rather than bad, based upon the best science available.

It gets the American public from underneath the horrendous burden of unnecessary, silly, and dumb regulations. If there is a funeral, to use the metaphor used by one of my colleagues, it is a "funeral for common sense" if we do not pass this bill. If there is a funeral on the other side of that quotation, then it is the celebration of the status quo. I would have to say that most of the people on this side have even read it. They could not have read it and made some of the comments that they made.

We have tried and we have worked very hard to bring people together. We have been criticized—Senator Roth and I, in particular—we have been criticized by people on both sides of the aisle. Our goal is to bring together the best bill we can, that will stop some of the overregulatory killing that is happening in this country today.

We think we are there. That does not mean if we invite cloture that we will not continue to work to try and satisfy our sincere colleagues on the other side, not the least of whom is Senator Glenn, who has worked very hard to try and resolve this. I know he is very dedicated, and sincerely so, to resolve these problems. There are a number of others who are as well, and I want to pay tribute to them.

We have tried and we have worked very hard to bring people together. We have been criticized—Senator Roth and I, in particular—we have been criticized by people on both sides of the aisle. Our goal is to bring together the best bill we can, that will stop some of the overregulatory killing that is happening in this country today.

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We have tried and we have worked very hard to bring people together. We have been criticized—Senator Roth and I, in particular—we have been criticized by people on both sides of the aisle. Our goal is to bring together the best bill we can, that will stop some of the overregulatory killing that is happening in this country today.
It does not, however, address our concerns about the new petitions and the review process.

Second, our July 19 offer included cost-benefit analysis, but not a new and inflexible decisional criteria. In your counteroffer, you proposed a revision to the decisional criteria that we are willing to consider, continuing the review concern about the effect of decisional criteria of substantial support in the rulemaking review provisions.

Third, with regard to judicial review and unilateral review, we continue to believe that it is a welcome change.

Fourth, on the subject of special interest issues, while we continue to believe that it should not be included in the legislation, we are certainly willing to discuss the Toxic Release Inventory. We remain equally concerned that our respective provisions have been identified.

Finally, important issues not addressed in your July 19 letters include a limitation on "unwarranted litigation," a future effective date, a limitation on extension of deadlines, the number and scope of rules covered under the law, and revisions to the Regulatory Flexibility Act. The specific language and/or regulatory deadlines (to allow agencies time to implement new regulatory process requirements) that can be accepted by the vast majority of our colleagues.

While we are pleased to see progress on key regulatory reform issues, each of these issues is part of a package. We are not able to accept proceeding with any of these as individual amendments without addressing the package as a whole. We hope you will look closely at this letter and the attached language, and respond to us. Working together in this way, we are confident that we can develop a regulatory reform proposal that can be accepted by the vast majority of our colleagues.

We look forward to hearing from you.

Sincerely,

JOHN GLENN, CARL LEVIN, JOHN KERRY.

SPECIFIC LANGUAGE, 7/29 RESPONSE TO 7/19 ROTH/HATCH AND JOHNSTON LETTERS

1. Decisional criteria
   A. Discussion needed on decisional criteria standards and relation to underlying statutes.
   B. Limit alternatives agencies must consider to a limited number of alternatives.
   C. Strike regulatory flexibility decisional criteria and replace Regulatory Flexibility Act judicial review (Glenn Amendment #1856).

2. Litigation opportunities.
   A. Strike petition processes (Levin Amendment #1648): on page 11, strike lines 5 through 19.
   B. On page 12, strike lines 9 through 12.
   C. On page 59, strike line 10 and all that follows through page 60, line 23.
   D. On page 44, strike line 14 and all that follows through page 46, line 4.

The elimination of the interlocutory review language in Dole/Johnston sec. 625(e) is a good step, and we assume this includes the elimination of the Reg Flex interlocutory appeal provisions. Also, the elimination of the "substantial support" language in Dole/Johnston sec. 706(a)(3)(F) is a welcome change.

The PRESIDING OFFICER. Only by unanimous consent.
July 20, 1995

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

OF HELMETS AND HAMMURABII

CONGRESS: DECIDING WHAT YOU EAT AND BREATHE

Soon after Linda Brown moved into her Sedgwick County, Kan., farmhouse in 1982, she noticed that wind blowing from the direction of the nearby Vulcan Chemicals plant smelled like "the inside of an inner tube." So Maddy joined with neighbors to ask Vulcan what, exactly, it was venting. None of your business, Vulcan replied. Then came a 1990 law requiring companies to report—no stop, just report—their toxic releases. Vulcan turned out to be spewing 50 percent of Sedgwick's total emissions, including carcinogens. Spurred by local outrage, Vulcan voluntarily reduced its pollution by 90 percent. "We felt obligated," says plant manager Paul Tobias, "to win back the public's trust."

The Toxics Release Inventory (TRI) seems to be a sure way to reduce pollution. But Congress has put TRI and every other federal health, safety and environment rule in the crosshairs. The House passed a strong regulatory rollback bill in February. Last week the Senate fought over whether it, too, would (pick one) "wage a full frontal assault on the American people and their environment," "stymie" regulatory action, or "think in terms of win or lose." The Protecting America Against Environmental Threats Act (PAEAT) to do all three.

Adam Babich, an environmental lobbyist, says the industry could sue to overturn the rules on a new backdoor. "It's coming at a time when the EPA is doing some of its best work,” he said. "Even Clinton has a bit of regulation cutting religion; he's eliminated hundreds of silly federal rules. But more rollbacks are coming, politically. It's coming at a time when GOIP budget cutting—EPA is looking at a 40 percent hit—will make it even tougher for agencies to meet the stiffer requirements for justifying rules. But maybe that's the idea."

REGULATIONS ON THE BLOCK

Washington appears determined to review, and in some cases dismantle, health and safety rules. They are all over the place. We provided redress for the system, cannot be used to swamp the health, safety and environment rule in the system, cannot be used to overflow the system, cannot be used to swamp the system, cannot be used to swamp the system, cannot be used to swamp the system.

Mr. GLENN. Mr. President, it details some of the problems involved, and I wish we had time to read it in the RECORD. It puts it very well, that what we are doing here is not only providing the regulatory reform if we pass the Dole-Glenn amendment. We have already lost 343 has the potential of doing. We want regulatory reform. We want regulatory reform as badly as anybody. I am sorry we cannot continue this negotiation today. I hope our colleagues will not let cloture be imposed on us; and when they do, we can continue with these negotiations.

Mr. HATCH. Mr. President, just to make one point, if we invoke cloture tonight, this Senator is going to work with the other side. I know the Senator from Delaware will. I know the distinguished Senator from Louisiana will.

On all relevant amendments, we will work on those with them, and what we can agree on we will put in by unanimous consent. I just want people to understand that.

This cloture vote is very, very important. It has a lot to do with whether we will ever get regulatory reform.

I yield the balance of my time to my colleague from Louisiana.

Mr. JOHNSTON. Mr. President, we have had a lot of talk here on the floor about good faith and negotiation, and there has, in fact, been good faith and good negotiation by both sides.

Believe me, Mr. President, the majority leader has yielded and yielded and yielded, and I have given a list of those things he has yielded. There was some progress made on the bill.

Mr. President, ultimately there are a few basic differences. Really, three in number. A lot of small ones, but three basic differences on this bill that constitutes a wide chasm and a wide gulf.

Now, the first is whether we can question existing rules. I have heard it said you could. Mr. President, let me read what the Glenn substitute says. The Glenn substitute says, "The head of the agency, in his discretion, picks what is to be reviewed." In his sole discretion. When you get around to a review, it says, "judicial review of the agency action taken pursuant to these requirements shall be limited to review of compliance or noncompliance with this section." You review at the sole discretion of the head of the agency.

Now, Mr. President, if that is a right to challenge an existing regulation, then I am not a U.S. Senator, because, Mr. President, it is no right at all. It is business as usual.

The head of the agency has that discretion right now. If you want to keep things exactly as they are, then vote against cloture. I say vote for the Glenn amendment. We have already voted for the Glenn amendment once and it went down. It constitutes the bureaucrats preservation act, because it keeps things exactly as they are.

Mr. President, we can make more progress in negotiation if cloture is voted on, but we have an agreement to this process. Mr. President, there is an

CONGRESSIONAL RECORD—SENATE

19659

That is what S. 343 has the potential of doing. We want regulatory reform. We want regulatory reform as badly as anybody. I am sorry we cannot continue this negotiation today. I hope our colleagues will not let cloture be imposed on us; and when they do, we can continue with these negotiations.
end to this bill. I believe strongly in this bill. I hope we will get cloture. I have been called a recusant.

Mr. DASCHLE. Mr. President, I un­derstand that all time has expired, so I will use part of my leader time to com­ment briefly on the pending resolution. I note that my colleagues have made the best speeches ever. Those who have pre­ceded me in opposition to this cloture motion, I think, have made the case that I would simply like to summarize prior to the time we come to a vote.

The first and most important point is that this vote is unnecessary. There is no effort to filibuster. No one is delay­ing final passage on this bill. No one is trying to stop us from coming to a con­clusion on this legislation. There has been a sincere attempt, by virtually every Senator involved in this debate, now for several weeks, to try to improve the legislation and accommodate the very difficult points that have been raised. In many cases resolve as a result of those negotiations. So that is point No. 1; no filibuster.

Point No. 2, there has been, as my colleagues have indicated, substantial progress since the day we began this ef­fort several weeks ago; substantial progress. Senator KERRY, Senator CHAFEE, Senator GLENN, Senator LEVIN, and Senator JOHNSTON on our side have all indicated that progress, as a result of these negotiations, has been real. And I think the latest testament to the fact that progress is being made is what the Senator from Rhode Island has just announced. As a result of the efforts in the last 24 hours, he, too, has been able to get additional concessions as a result of these negotiations, con­cessions that would not have been made were we not at this point in this deliberative, process, concessions that we have been talking about for some time. So, with each stage in the development of this debate, additional progress has been made up until this very moment.

Point No. 3, from the outset we have laid out some principles that we say are essential to a good bill. They are very simple.

First and foremost, we have to have a bill that does not roll back laws that have provided cleaner air, purer water, and safer food.

Second, we will not support a bill loaded with special interest fixes.

Third, we will not have a bill that re­sults in an avalanche of litigation from hundreds and hundreds of lawyers.

That is it. Those are our principles. We are guided by those and it is in that effort to maintain our allegiance to those principles that we continue to negotiate in good faith. I believe those concerns have not yet been adequately addressed. I believe equally as strongly that we act now. I be­lieve the Glenn-Chafee bill would have gotten us there, and 46 Senators agreed with us on that matter. But most im­portant in the statement, I want to emphasize right this minute: We are going to bring this bill to the floor, we will go into the room, continue to work, continue to work out the differences, as has been the case now for several days.

Finally, let me make a point about the issue raised by the distinguished Senator from Pennsylvania. I have said, and I do not think that we are going to close to this bill, one of the most important things we have to do is ensure that those Sen­ators who have amendments that are relevant but not germane can be pro­tected. Regardless of whether or not we come to closure in the next couple of days on this bill, it is very important that those who want to make addi­tional contributions to this legislation, to try to improve the bill with or without negotiations that may or may not come to any fruitful conclusion, they ought to be protected in their right to offer those amendments and have them be considered. That is the principle that I believe should be voted on. A vote against cloture en­sures that they will have that right, and I think it is very, very important that everyone understand that.

So, the message is very simple. A vote against cloture is a vote for progress, progress that has been demonstrated over and over again as we have resolved these differences and as we continue to work for final passage, as we continue to guarantee that the principles we laid out at the very beginning can be protected.

I am optimistic that we can achieve that. I believe we can continue to work in good faith to accomplish what re­mains. And I believe voting against cloture today is the fastest way to get there.

I yield the floor.

The PRESIDENT. Mr. President, I will just take a minute or two because I know we have had a lot of debate here and we still have a lot of time and we have been negotiating since April. This is about the 10th day now on this bill.

I think what we have forgotten—we keep talking about—we have to satisfy this Senator, that Senator—somewhere out there some small business man or woman or farmer is saying, what are these people doing in the U.S. Senate? We have been on this bill 10 days. We had about 2 weeks of negotiation before that. We have made over 100 changes. When do we stop? When we satisfy every liberal Senator on the other side of the aisle? Then you could not find the nebbies in the crowd.

I note in the latest offer they made they say, "We are not able to accept proceeding with any of these as indi­vidual amendments without addressing the package as a whole." So, you take this package, then tomorrow you will have another package, oh, just four or five more things we thought of or the staff thought of or the administration thought of or the bureaucrats thought of.

It is one thing to say we are for regu­latory reform. But we are not going to have it unless we have cloture. So the moment of truth is about to arrive. The moment of truth is about to ar­rive. The moment of truth is about to ar­rive, the moment of truth is about to ar­rive. The moment of truth is about to ar­rive. The moment of truth is about to ar­rive.

Mr. Dole. Mr. President, I was not—and I have listened to the speeches. I suppose everybody wants some vague regu­latory reform. But by the time we adopt every amendment we have had proposed by some of my colleagues, we would not have regulatory reform. We would satisfy the bureaucrat, which is apparently what some wish to do. The Senator from Louisiana just read a piece of the Glenn bill, "in sole discre­tion." They make the determination.

So I hope my colleagues will under­stand, we have a lot of work to do this year. In fact, we just voted earlier today on an amendment, I think it had to do with the tobacco industry, on the vote was 91 to 8—91 people voted for this broad bill that had regulatory re­form, tax reform, grazing reform, all the reforms we could think of; 91 to 8 voted for it. So, I ought to be 91 votes for cloture.

I just hope my colleagues—we have made a lot of progress. Every Republic­an will now vote for cloture. That is up from about 45 to now it is 54. But we cannot get there alone. I tell the Amer­i­can people, we cannot have regulatory reform without at least a half dozen on the other side. It is not possible to sat­isfy the concerns of some. It is never possible in any legislation.

I do not know what a filibuster is, but it seems like after a couple of weeks we ought to make some deci­sions. There are a lot of amendments filed, relevant, germane. There are still opportunities to improve this bill after cloture is invoked. Some of these things, in my view, we ought to just say, "If we cannot reach an agreement, then the Senate has voted to not do it. We would win some, the other side would win some, but at least we would have some resolution.

So I urge my colleague, particularly the other side of the aisle—and I know you are under extreme pressure. I know the little sweatshop is working right outside the corridor here. I know there are a lot of people coming out there with arms that are hurting. Some say, "Hey, I know the pressure is great, all the way from the White House, the President, the Vice Pres­i­dent, every bureaucrat in town is con­cerned about this bill because they do not want it to happen."

I think it is time we just, in the next 20 minutes, think about the American people during the vote—people in Kan­sas, Rhode Island, Georgia, Virginia, New York—wherever is before we cast our vote—Oregon. Anybody else who is here. We are all one big country. It is going to be one big vote.
The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk reads as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Dole-Johnston substitute amendment to S. 343, the regulatory reform bill:

Bob Dole, Christopher S. Bond, Bill Roth, Frank H. Murkowski, Rod Grams, John Ashcroft, Spencer Abraham, Craig Thomas, Pete V. Domenici, Bill Frist, Fred Thompson, Mike DeWine, Thad Cochran, Larry E. Craig, Bob Smith, Chuck Grassley.

The motion to table the amendment (No. 1808) was agreed to.

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

The Senate continued with the consideration of the bill.

Mr. DOLE expressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me indicate to my colleagues this will not be the last vote this evening because we will try to finish the legislative branch appropriations this evening and then later on in the evening, much later on in the evening, we will take up the rescissions bill. When everything else is done, nothing else is left to do, we will take it up.

The motion to lay on the table was agreed to. The Senate continued with the consideration of the bill.

Mr. DOLE addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I would like for the RECORD to indicate that my colleague from Nevada, Senator REID, joins me in the tabling motion.

Mr. DOLE addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me indicate to my colleagues this will not be the last vote this evening because we will try to finish the legislative branch appropriations this evening and then later on in the evening, much later on in the evening, we will take up the rescissions bill. When everything else is done, nothing else is left to do, we will take it up.

**LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996**

The Senate continued with the consideration of the bill.

Mr. DOLE addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I would like for the RECORD to indicate that my colleague from Nevada, Senator REID, joins me in the tabling motion.

Mr. DOLE addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me indicate to my colleagues this will not be the last vote this evening because we will try to finish the legislative branch appropriations this evening and then later on in the evening, much later on in the evening, we will take up the rescissions bill. When everything else is done, nothing else is left to do, we will take it up.

The motion to table the amendment (No. 1808) was agreed to.

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

The Senate continued with the consideration of the bill.

Mr. GRAMM. I move to lay that motion on the table. The motion to lay on the table was agreed to.

**COMPREHENSIVE REGULATORY REFORM ACT**

The Senate continued with the consideration of the bill.

Mr. DOLE addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I want to thank my Republican colleagues and four of our colleagues on the other side who voted for regulatory reform and congratulate those who stuck together to bury it. It seems to me they have been successful.

I will just say, we thought we made a good effort. There is always more and more and more, and maybe this is all a way to keep the bill from going to the White House where the President indicated he would veto it.

We have had months of negotiation, hundreds of changes, 10 days of consideration, and then we are told, "Oh, we just need more time." Either we are for regulatory reform or we are not. We cannot satisfy everybody in the Chamber, and those people made their choices.

After the vote, people said, "Oh, we just need to negotiate more. Let's just have some more negotiations."
The truth is that our bill largely tracks President Clinton's Executive order. It has the same important differences. This bill will ensure the requirements are actually carried out.

I particularly want to commend Senator Johnston for his work, and his tireless efforts. He came to me—it seems like months ago now, but I guess it was just weeks—and he said, "We are not going to get anywhere unless we make some changes in this bill." So we sat down to small changes. Today, and across America—I do not have a copy—we are being flooded with statements by the Democratic National Committee on this vote about how Senator Domenici is for dirty meat, and Senator Warner and somebody else is for dirty meat. They mixed it up a little, depending on where you live. It has a little cartoon there with our pictures in the middle. Very nicely done.

I think that has been the purpose right along—to try to get a campaign issue. Forget about the farmers and ranchers in Montana, or Kansas, or Virginia, or somewhere else. Forget about the business owners from coast to coast, and women all across America. We have to protect the bureaucracy. We cannot have the bureaucracy overworked in Washington, DC. That is what we have had to do, the last 3 days.

Not many people in Russell, Kansas, are worried too much about the bureaucracy in Washington, DC. They have never seen it, most of them. They have felt it in their wallets, and they feel it when they go out of business, and they feel it on the farm, and they feel it on the ranch, and they feel it all across America. But they cannot have regulatory reform because we cannot get the cooperation.

Everything in this Senate needs 60 votes. To get 60 votes, you end up with nothing. I do not believe that is what the American people expect us to do.

We can hold our heads high, those of us who voted for cloture. We can look the small businessman in the eye, and we can look the rancher in Montana in the eye, or wherever he may live, and say we did our best, we tried once, twice, three times. We were told, oh, nobody is delaying this bill; we do not want to delay this bill, and we are all for regulatory reform—until a vote came.

Mr. President, I do not know—I think I know what the final outcome is. I do not want to cause any anxiety for my friends on the other side, but I thank Senator Breaux and Senator Bilkis and Senator Nunn for their votes, because I know the pressure was great, intense, and steady.

I assume we could have put together a package that would have gotten 100 votes; it has been worth anything, but we could have said we all voted for regulatory reform. Particularly, Senator Roth and Senator Hatch, and others on this side, have worked so hard to try to bring it here. I think there is a little bit of principle left in this argument. We would like to think that we have at least 58 votes. That is 58 percent of the Senate that would like to have regulatory reform. Two percent of the American people would like to have it. But we cannot get it because we are short 2 percent. Two percent of the Senate is denying about 65 or 90 percent of the American people regulatory reform.

That is a right we all have. We have all been through it. Some of us have been on the other side. I do not know of any more important bill than this one. But I think the dye has been cast. I am willing to entertain any legitimate concerns, but no more of these four or five pages that say at the end, "we are not able to accept proceeding with any of these individual amendments without addressing the package as a whole." Then I assume that if this were addressed, there would be another one ready. They are endless.

So I assume that we have failed the American people—again. But there will be other opportunities. I, again, thank my colleagues on this side of the aisle for being 100 percent for regulatory reform. One hundred percent. You cannot get any better than that.

Mr. Daschle addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. Daschle. Mr. President, I listened with great care to the comments made by the distinguished majority leader. I hope that he will not be discouraged. I hope that, given all the progress we have made so far, we go right back and make some more. I do not think there is a Senator here who would deny that we need regulatory reform.

But I also think that virtually every Senator who has examined this issue has concluded that indeed it was one of the most far-reaching, most complex issues we are going to address this year.

We have all been around this place. We all know that when it comes to issues with the magnitude we are talking about now, it is not something you pass on a Tuesday afternoon. I can recall having come here several years ago and spending more than a month on the Clean Air Act. We spent a month. We negotiated and we said we do not know that there is ever going to be a chance to make anymore progress. Lo and behold, we stuck to it because the leaders on both sides said we had to, and what do you know, we did it.

I remember Senators on the other side last year talking about how we really want health care, but it is just not yet exactly what we want, so let us keep negotiating. There is a utilitiy that never got health care, unfortunately. I remember talking about the need for campaign finance reform, and vote after vote on cloture, and people on the other side said we have to have campaign finance reform, but this is not the bill. I do not know what their motivation was in voting against cloture on those occasions. I know a lot on that side did not want health care reform, and they have made that a legitimate position. A lot did not want campaign finance reform, and that is a legitimate position. But a lot of people on this side want regulatory reform. We are continuing to work on this bill because we are not in agreement yet.

I believe that we can reach agreement. I believe that there is a legitimate desire on the part of more and more people to try to resolve these outstanding differences, to get a bill very soon. I just remind all of our colleagues, the bill that was defeated 48 to 52 passed unanimously; Republicans and Democrats voted unanimously for the bill in the Governmental Affairs Committee. If it was so bad then, why did every single Republican vote for it?

I also remind my colleagues, of the 41 votes cast so far, 27 of them have been offered by Senators on the other side. Only 14 amendments have been offered on our side. So I do not want to delay this thing. I do not want to find any more reasons to delay final passage.

Senators on our side are as frustrated as those on the other side. But it is through that frustration that we must work to accomplish what I believe we all truly want—a good bill, a bill that can bring us an ultimate resolution on something that we all recognize we need.

I yield the floor.

Mr. DOLE. Mr. President, of the 27 amendments on this side, many of them were offered to accommodate requests on the other side, to make the bill "better."

I do not believe the vote on the Glenn amendment reflected the vote that Senators on both sides of the aisle, and indeed it was unanimous. As I recall listening to the Senator from Delaware, that is not the case. It is a different bill entirely. I ask the Senator from Delaware, am I accurate, or have I misstated the problem?

Mr. ROTH. I say to the distinguished majority leader that what we voted for in Committee was entirely different from what was voted for on the floor in the Glenn substitute. The Glenn substitute was toothless. Take, for example, the lookback. The lookback was purely discretionary on the part of the agency head. In our legislation, every rule had to be reviewed in 10 years, or 60 days, or whatever.
strict definition of a major rule, $100 million a year, no automatic sunset review, and simplified risk assessment, which was what the National Academy of Sciences decided. Out of those three things, I think—and I can be corrected—I believe it is largely word for word the same thing we brought out of committee unanimously.

One of those three major items was added to the bill that came out of committee. If anyone can show me different, get up on this floor and say that. To say that to me stated and that I misrepresented the Glenn-Chafee bill is just flat not right. It is basically word for word the same as the Roth-Glenn bill that came out of committee, with those three changes I just mentioned.

I want to correct that so we make sure all Members know that.

Mr. ROTH. Mr. President, I do not want to extend the debate on this, but I do want to make it perfectly clear that there were significant differences between the Glenn substitute offered on this floor and what passed out of the Governmental Affairs Committee.

It is a fact, as far as cost-benefit analysis was concerned, the use of it was totally discretionary in the bill proposed by Senator GLENN; whereas, in the Governmental Affairs Committee, it had to be reviewed and included as part of the review.

When it came to the lookback of rules, it was discretionary, totally discretionary on the part of the agency head as to whether there would be any rule on the schedule. Whereas, in contrast, in the Governmental Affairs Committee bill, every rule had to be reviewed in a 10-year period or it was terminated.

So, while a lot of the language was the same, the fact was the thrust was different, because in one case there were requirements that cost-benefit be done, and the other there was not.

Mr. President, we will make an analysis and enter in the RECORD tomorrow what the exact changes were. I do not believe that is a fair representation of the bill. We will make the entry in the RECORD tomorrow after we have had a chance to analyze both bills, side by side.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1825

(Purpose: To ensure equal opportunity and merit selection in the award of Federal contracts)

Mr. GRAMM. I hate to bring this debate to a close, but let me send an amendment to the desk and ask for its immediate consideration, and I ask that the complete amendment be read.

The PRESIDING OFFICER. The pending amendments will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1825.

Mr. EXON. Mr. President, since I have the floor, I lost the floor at the discretion of the Chair, and I do not wish to delay this matter a great deal, but I do think that the discussion that has taken place between the majority leader, the minority leader, and others—

The PRESIDING OFFICER. Is the Senator seeking to object to the reading being dispensed with?

Mr. EXON. I believe I was recognized by the Chair in my own right, was I not?

The PRESIDING OFFICER. The regular order is the reading of the amendment to proceed.

The Chair recognized the Senator from Nebraska on the assumption that he might request the reading not proceed. But if the Senator does not rise for that purpose.

Mr. EXON. Would the Chair kindly explain the rules to the Senator? I believe the rules say that when an amendment is offered, if the Chair chooses to recognize someone else, that is within the authority of the Chair. Is that not correct?

The PRESIDING OFFICER. That is correct, if the amendment has been read in its entirety. The amendment was being read when the Senator from Nebraska sought recognition. Recognition is often sought for the purposes of asking unanimous consent that the reading be dispensed with, and the Senator from Nebraska was recognized with that in mind.

Mr. EXON. I certainly want to abide by the rules of the Senate, and after the amendment has been read I will seek recognition again and let the Chair make the ruling that the Chair thinks is proper at that particular time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following new section:

SEC. PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—The term "outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term "historically Black college or university" means a part of an institution, as defined in section 322(2) of the Higher Education Act of 1965 (30 U.S.C. 1061(2)).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority manager of the bill, who has precedence over all other Senators when there is a communication of Senators seeking recognition.

AMENDMENT NO. 1826 TO AMENDMENT NO. 1825

Mrs. MURRAY. Thank you, Mr. President. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. DASHLE, Ms. MOSLEY-BRAUN and Mr. COHEN, proposes an amendment numbered 1826 to amendment No. 1825.

The amendment is as follows:

In lieu of the text proposed to be inserted, insert the following: "None of the funds made available in this Act may be used for any program or the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quota, or is inconsistent with the decision of the Supreme Court of the United States in Adarand Constructors, Inc. v. PenA on June 12, 1995."

REGULATORY REFORM

Mr. EXON. Mr. President, I understand now we are on the affirmative action matter. Before we go into that, I will make a few brief remarks with regard to the exchange between the majority leader, the minority leader, and others, with regard to the bill that just failed with the third cloture vote.
I encourage the majority leader to recognize the fact that there are many, if not all Members on this side of the aisle, who are concerned about regulatory reform as those on the other side of the aisle.

I was, frankly, rather amused to hear the majority leader say it takes 60 votes to get anything done around here. Does anyone remember last year? Does anyone remember last year, when we had to have 60 votes to do anything, with the possible exception of adjournment?

Now, the facts of the matter are, as one Senator who has been on many sides of many issues on this floor, I simply say that I was with the majority leader on a very close vote not too long ago with regard to how we are going to balance the Federal budget, and a constitutional amendment to do that.

Once again, the Senate is so closely divided on this issue, regulatory reform, because it is a very key issue. I say to the majority leader that at least as one Senator, and I know from the meetings that I attended there are others, as so ably stated by the Democratic leader, that we think we are simply saying that I was with the major­ity leader on a very close vote not too long ago with regard to how we are going to balance the Federal budget, and a constitutional amendment to do that.

I do not wish to impugn the motives of the majority leader at all. But I happen to compliment the Demo­cratic leader for saying this probably is the most far-reaching bill that we will even consider or pass in this session of the Congress. It is a very important matter and there are some major con­cerns on this side of the aisle, some of which are not necessarily shared by this individual Senator. But I happen to feel it is critically important for us to recognize and realize, when we pass major pieces of legislation, we must take the time to consider as best we can. And I happen to feel it should be clear to all that, when we get ourselves into a situation where we are passing this type of legislation, major legisla­tion under anyone's definition of that, that 60 votes should be in order. I think the 60 votes are there. I really believe we can get things done in this particu­lar matter if we just keep on trying.

Therefore, I say to the majority lead­er, come forth once again, Mr. Majority Leader, come forth and talk to the minor­ity leader. I feel very confident that we are that close to coming up with something I think would be generally satisfactory—not totally satisfactory, because this is a piece of legislation that is obviously so complicated and so difficult that we are probably never going to get unanimous consent. How­ever, I say to the majority leader, come, let us reason together. I have talked at great length about this with the minority leader, and I think the minority leader is in a position to speak for enough of us on this side that we could get cloture.

The PRESIDING OFFICER, The Sen­ator from Texas.

Mr. GRAMM. 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.

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.

REGULATORY REFORM

Mrs. HUTCHISON. Mr. President, I would just like to talk, again, about regulatory reform. We have been dis­cussing, on this floor, who killed regu­latory reform. We have been trying to get the quorum—get the quorum—get the quorum—get the quorum—get the quorum.

Mrs. HUTCHISON. Mr. President, I would just like to talk about the number one cause of death in this country, when we have so many regula­tions that our businesses are spending money in lawsuits and regulatory compli­ance and they cannot put the money
I have never heard in any of the remarks tonight what it does to individuals. What does it do to the general public? What does it do to the worker? What are these things we are trying to do here?

I hear nothing about big business. Big business had a 14-percent increase in profits the first quarter and individual hourly wages went down. Something is going well out there, if they are making that kind of money. Somehow we have to come together and think about the individual and working with the companies.

Mr. President, I had not intended to make any remarks. I do not normally make many speeches on the Senate floor. But I just think this knocking each other out here, just hardens the situation. It creates gridlock, to come out here and get accused of things. We do what we think is best. I do not always win. I am having a hard time winning anything right now. But I understand the procedure. I was here for 6 years when the Republicans were in the majority in the Senate before. I went from majority to minority. Then all of a sudden we got it back again. We are back someplace else.

So it is the system, and the system is debating. The system is communicating. The system is doing the best job you can, and you have to have something that you really believe in. And when you vote for it, you voted on the best piece of legislation that can be proposed to this institution. Sure, we have disagreements. That is what it is all about. That is what the committee system is all about. We do basically the same thing in committees that we do on the Senate floor. We listen to witnesses. We make up our mind. We offer amendments. We vote on amendments, and we vote the legislation up or down to the floor. That is part of the system. Then we do it basically again. It goes through the mill several times before it goes to the President for signature.

This is not a stealth Congress. A stealth Congress is to do it real quick and get rid of it before you get someone to jump on you or before the phone starts ringing off the hook, before people start sending out letters. Stealth Congress is do it quick and get it over with.

Some things are too important to do them quickly and get it over with. Big business sometimes recognizes them before anybody else. I understand that. That is a precedent. We exercise that. But everybody else has an individual right here. So we exercise that. I hope that we never lose that and that we start working together rather than try to divide, which will not get us together in the future.

I yield the floor, Mr. President.

Mr. GRAMM addressed the Chair.

PRESIDING OFFICER. The Senator from Texas.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me just say, I have been listening to all this back and forth. I think it is part of the process. It does not bother me too much. But I listened to my constituents. One Senator gets up and says it this way. Another Senator gets up and says no. It is this way and you are wrong. No, you are wrong.

Somebody has to be right and somebody has to be wrong. I learned from the other side of the aisle how to file amendments. They bring them in here at a time, you know? They taught us how to put the amendments on. Now we get accused of having a few amendments out. We talk about NAFTA. Something happened to NAFTA in the House because they cut off the ability here all night. Recently we have not been spending the night here recently. Get the public? What does it do to the worker? What are these things we are trying to do here?

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I yield the floor, Mr. President.

Mr. GRAMM addressed the Chair.

PRESIDING OFFICER. The Senator from Texas.
hold seminars on bidding, provide as­
sistance to people who want to bid on
contracts, or go out and inform people of
the existence of Federal contracts.
In short, we can expend money. We can
exercise tremendous effort to try to
help people get on the playing field
and to compete. But once contract of­
fers have been submitted, then the se­
lection process must be based on
merit—and on merit alone.

The next provision of the bill makes
it clear that we are not seeking here to
override contracting that is done with
schools designated as historically
black colleges and universities.

The next provision of the bill makes
it clear that this is all prospective. We are
not going to go back and undo any
existing contracts. In addition, we are
not going to override any existing
court orders. If a court acts in the fu­
ture and finds that a remedy for dis­
crimination is the establishment of a
set-aside, we are making it very clear
that is absolutely not what we are doing.

Now, basically, that is what my
amendment does. And if my amend­
ment is adopted, what it will do is end
set-asides in contracting for the legis­
lative branch of Government. If this
amendment is adopted and it becomes
law, what it means is that none of the
money appropriated in this bill can be
used for the purpose of letting a con­
tract where anybody is given a con­
tract based on race, color, national ori­
gin or gender.

Now, let me talk a minute about the
Murray amendment, because what we
have in the Murray amendment is the
same convoluted language that the
President used yesterday. This is more
of the same effort to try to use words
to confuse. Let me just read it to you,
and I think that if you think about it
for a minute it jumps out at you as to
what this amendment is trying to do.

Let me read you the language:

None of the funds made available in this
act may be used for any program for the se­
lection of Federal Government contracts
when such program results in the award
of Federal contracts to unqualified persons.

Mr. President, no one is saying that
people who get contracts because of
race or color or national origin or gen­
der are necessarily unqualified. That is
not the point. In fact, it seems as
though the whole purpose of this lan­
guage is to confuse. What we are say­
ing is they are not necessarily the best
qualified. They very well may be qual­i­fied, but the point is somebody else
might have been better qualified or
have submitted a lower bid. If all we
are doing is saying that you cannot
grant contracts to people who are un­
qualified, as the Murray amendment
says, then we are not doing anything
unless I can come in and say: Well,
look, I bid a contract to build a side­
walk here at the Capitol and I bid the
contract at $155,000, and they got the bid.

Now, under the Murray amendment, the only
way that I could get any relief, if I was
the contractor who bid it at $55,000,
would be if I could prove that the con­
tractor who got the bid for $155,000 was
unqualified.

Now, they may be qualified; they
may have been the best qualified. The
Federal Government should not be
paying $155,000 for work that it can get
for $55,000. Nor should it be letting con­
tracts in America where somebody is
given a special advantage over some­
body else.

We listened yesterday as the Presi­
dent gave a very passionate speech, but
when you got down to the specific lan­
guage of the details of the proposal, it
was more doubletalk. And the double­
talk basically is the implication that
this is an issue about whether a privi­
leged contractor is qualified. It is an
issue of whether they are the best
qualified.

The second issue has to do with the
fact that you cannot give somebody
preference over somebody else without
discriminating against the person who
is not receiving the preference.

In the final analysis, nothing that the
President clearly is clever enough to
understand but was hoping we were
clear enough to understand is that
when you give somebody a special
advantage on the basis of race or color
or national origin or gender, that
means someone else is discriminated
against because they do not get that
benefit. I believe that what we have got
to do is to end set-asides in contract­ing
and what better place to start than in
the legislative branch of Government.

So we have before us two amend­
ments. One amendment is a serious,
real amendment which says that none
of the funds contained in this bill will
be used for contracts where someone is
given a special privilege so that they
get a contract that on the basis of
merit they would not have gotten. The
other amendment says that any of the
funds will be used to award a contract
if doing so results in the award of Fed­
eral contracts to unqualified persons.

Mr. President, that is not the issue
here. The issue here is whether the con­
tractor who got advantage based on
race or color or national origin or gen­
der was qualified. The question is were
they the best qualified.

The amendment then goes on to use
many terms which are very difficult, if
not impossible, to define. For example,
"in reverse discrimination." Well, by
definition, if the most qualified con­
tractor with the lowest price did not
get the contract, I think any reasona­
bly person would call that reverse dis­
crimination.

Now, Mr. President, here is the point,
and then I will yield the floor because
I understand that an agreement may
have been worked out. If you are for set­
asides, I think you ought to have
courage enough to stand up and say it.
If you believe that in America we
ought to legislate unfairness for some
reason, that we ought to reject merit,
and that we ought to give people con­
tracts based on their race, their color,
their national origin, or their gender,
they may be the best qualified. The
point is that they are not qualified.

If you do it any other way than merit,
it is inherently unfair. It is in­
herently divisive, and it ultimately
pits people against each other based
on their group. The genius of America is
competition based on individual deci­
sion making and individual qualities.
What makes America work is that in
America we are not part of groups; we
are individuals, and we have an oppor­
tunity to be judged as individuals
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What makes America work is that in
America we are not part of groups; we
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tunity to be judged as individuals
based on our merit.

While some will say that trying to
stop unfairness written into the law of
the land, because for 25 years we have
had unfairness written into the law of
the land in set-asides and quotas, and
people in America know it and they re­
sent it and they want it changed, what
we are doing when we eliminate set­
asides is we are going back to the uni­
fying principle of America. And that
principle is merit.

What we are saying is that if any
contractor in America wants to bid for
a Government job, they have as good a
chance to get that contract as anybody
else. They have a chance to be judged
on their merit on their bid. To do it
any other way is totally and absolutely
unfair. And I believe it should be re­
jected.
minutes for debate on the pending Gramm amendment, No. 1825, and the Murray amendment, which would be modified to reflect that it be added at the appropriate place in the bill, and that the time be equally divided between Senator Gramm and Senator Murray. And that following the conclusion or yielding back of time, the Senate proceeded to vote on the Gramm amendment, to be followed immediately by a vote on the Murray amendment, as modified, and that no amendments be in order prior to the disposition of the two amendments, and that the Exon amendment, 1827, be withdrawn. Mr. President, I ask unanimous consent that the time already consumed by both sides be considered subtracted from the overall time limitation.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mrs. MURRAY. Reserving the right to object. Mr. President, I will not object. Mr. President, I do not know how much time would be left on both sides?

The PRESIDING OFFICER. The Senator from Washington would have 1 hour. The Senator from Texas would have 44 minutes.

Mrs. MURRAY. Thank you, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object. I would like the stipulation added to give this Senator 10 minutes.

The PRESIDING OFFICER. Would the Senator from Pennsylvania restate his request?

Mr. SPECTER. As I understand it, there is 1 hour on each side.

The PRESIDING OFFICER. The Senator from Washington has 1 hour. The Senator from Texas has 44 minutes.

Mr. SPECTER. Perhaps I can inquire of the Senator from Washington if I might have 10 minutes on your side?

Mr. MURRAY. I would be willing to yield 10 minutes from my side to the Senator.

Mr. SPECTER. I thank the chair. I will not object.

The PRESIDING OFFICER. Is there objection?

Hearing none, so ordered.

So, the amendment (No. 1826), as modified, is as follows:

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

Sec. 6. None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in Adarand Constructors, Inc. v. Pena on June 12, 1995.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

Mrs. MURRAY. Mr. President, I sit here tonight and I think about the words “affirmative action,” and I listened to the words on the floor. I wonder sometimes if we have all grown up in the same country because I grew up in a country that said you have equal opportunity, an equal chance and an equal ability in this life to get a good education, to get a good job and make it in this country.

Mr. President, that is what the affirmative action program means to this Senator from the State of Washington who stands here tonight on the floor of the Senate as one of eight women in this body.

Mr. President, when I hear the words “quotas,” “reverse discrimination,” “preferences for unqualified individuals,” I am astounded because that is not what I see in affirmative action today. And I think it is a twisting of the debate to try and make people think this program is about something that it is not about. This program is about giving people an ability to make it in a country where we care about all individuals, no matter who they are or where they come from or what they look like.

And I think that is a particularly important agenda to retain in this country. It certainly is one I want for my children and my grandchildren who will follow me.

The amendment that I have put forward says quite clearly that no Federal programs that result in quotas, in reverse discrimination, or in the hiring of unqualified persons. The amendment makes it very clear to the agency that its affirmative action programs must be completely consistent with the Supreme Court’s recent decision in the Adarand case that affirmative action programs could be justified only if they served a compelling interest and were narrowly tailored.

The amendment recognizes that the battle against discrimination in America has not yet been won. And I invite all of you to go out into our schools—go out into our institutes of higher education, to go out into the workplace and see that it is not yet won for women and for minorities. And affirmative action programs are very important to winning that battle.

Mr. President, as I listen to the amendment that comes before us—and I heard my colleague from Texas say he was going to offer this amendment on every appropriations bill—I wonder how much money he is talking about and who he is going after. I did not have time, of course, to put this into a chart that all of you could see. Frankly, I did not have the time. I urge my colleagues to defeat the Gramm amendment and to vote for the Murray amendment. That is a positive way to move in affirmative action in this Nation.

Mr. President, I ask the Senator from Maine how much time he would need?

Mr. COHEN. Ten minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Maine.

Mr. COHEN. I thank my colleague for yielding.

Mr. President, I was intrigued with the Senator from Texas’ comment toward the very end of his presentation where he said that for 25 years we have legislated unfairness. We have passed legislation not based on quality, but rather on race and gender.

The 25 years stood out in my mind because it tended to ignore that for 200 years we have tolerated and practiced unfairness. We said that all men are created equal. That is our defining document. Not “all women are created equal.” Not “all blacks are created equal.” They were not even treated as human but only three-fifths human, as slaves, as pack mules. We broke up their families, and we humiliated them for years and years—not 25 years—but a couple of hundred years or more. And suddenly we come back and say, “Well, it is all equal now.” The field is completely leveled. We have a colorblind society.” Does anyone here really believe that, that we live in a colorblind society?

There was an item in the paper recently about “good ol’ boys” getting together for a good old time. They were Federal employees—ATF, maybe FBI, maybe Secret Service, maybe IRS. Does anyone here truly believe that we do not live in a colorblind society today, that discrimination does not exist?

The Senator from Texas says that we should not let someone get a contract based on a preference. He believes that if you give someone a special preference, you impose a disadvantage on others. That is one side of the argument. How about whenever you impose on someone a special disadvantage by the virtue of their race or gender? It seems very clear to me that it is a good goal in this country to assure that disadvantaged people, that people who do not have the same opportunities, are given the ability to move ahead in the workplace. And I urge my colleagues to defeat the Gramm amendment and to vote for the Murray amendment. That is a positive way to move in affirmative action in this Nation.

Mr. President, I ask the Senator from Maine how much time he would need?

Mr. COHEN. Ten minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Maine.

Mr. COHEN. I thank my colleague for yielding.
The Senator from Texas would like to have the best-qualified people receive contracts. I agree. How about Jackie Robinson, do you think he was professional leagues? Jackie Robinson, yes, he was the first to break through the color-barrier, after years and years of practiced racial discrimination. Satchel Paige played the prime of his career in the Negro Leagues, only making it into the big leagues after the color-barrier had been broken. But he made it to the Hall of Fame nonetheless.

The difficulty is, of course, that none of us believe in quotas, because quotas are arbitrary, they are capricious, they are without merit. But the Senator from Texas believes we should have not more group preferences. Well, how about veterans? Is that in the amendment? I do not think so. I hope not. But make no mistake, we grant preferences to many groups.

We grant preferences to veterans because they have made a great sacrifice for this country. We take that into account and we grant them preferences, regardless of what their contribution was. Some served in combat. Some served as medics. Some served as flight assistants. Some served back in the United States. They all were willing to make the commitment, so we treat them as a group and we give them special consideration, as we should.

How about small businesses? Are we prepared to eliminate the small business set-asides, and give no more preferences in government contracts to small business? Should we let them go up against the giant conglomerates, without a care of how small or how capable they are. Even if they cannot compete against the big guys—tough luck, no special consideration.

I know that there is some disagreement about this. The Senator from Illinois has referenced the now-infamous case of the black man who was watered out of a water fountain. This is in the days when there was official segregation. I know there are those on the floor who will say our goal must be a color-blind society, and I agree, but we are not there yet, not when you put Martin Luther King's photograph in the cross-hairs on a T-shirt, not when you put signs up that say, "No blacks"—and I am qualifying it a bit here—"are allowed to cross this line." The Senator from Texas has said this is simply a surgical strike on this particular piece of legislation. But he has already indicated there is going to be surgery after surgery. This is only one surgical strike. We have a bombardment coming until every aspect of any kind of remedial action for past, present and future discriminatory policies are eradicated.

So why have we had set-asides? We ought to face the issue, why have we had set-asides? It is because blacks and other minorities have been frozen out and women have been locked out of opportunities. We have had 200 years-plus of this discrimination, but only 30 years of trying to overcome that. We are not trying to put unqualified people into positions, but to give those people who are qualified an opportunity to break through the barriers that we have allowed Texas says this is simply a surgical strike on this particular piece of legislation. But he has already indicated there is going to be surgery after surgery. This is only one surgical strike. We have a bombardment coming until every aspect of any kind of remedial action for past, present and future discriminatory policies are eradicated.

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favor of America and the kind of country that we are, a diversity of people, people of all colors and genders and coming together, and that somehow or another this supports that vision of America.

But, in fact, just as we all knew that the water coming out of that fountain in that segregated train station in Alabama was not pink and green and blue, we know, in our hearts, we knew it was just plain old water, but it was going to be set aside. It was different water. It was a segregated situation for those of us who were not white.

We know at the base that this amendment seeks to roll back the clock and turn back the gains that women and minorities— as limited as they may be— have made in this country in the last several decades.

You know, maybe we should thank the Senator from Texas because, quite frankly, this issue was bound to come to the floor. He has already said he is going to have it on every bill. Maybe we do have this debate on every bill. But I think it is of critical importance that we tell the truth about what this amendment is and point out to the American people that colored water is not pink and green. It is not a rainbow. Colored water is just that—it is something that is less than what is given to everybody else.

This amendment of the Senator from Texas is just that—it is something less. Yes, we are indeed clever enough to use his words to understand exactly what he is talking about in this amendment. And this world will understand exactly what he is talking about with this amendment.

The Senator from Maine talked about the past and the ugly history that we all know about in this room. Let me submit that the issue of affirmative action is not as much about the past, or even the present, as it is about the future—the future that these young people will have, the future that we give to the next generation of Americans.

If that future is going to allow for us to build as a nation on our diversity, as a strength of our Nation as opposed to weakness, then we must defeat this attempt by the Senator from Texas and every other one he or anybody else comes up with on this floor. If we are going to send a signal that we believe in opportunity for America, then we must defeat this attempt to roll back opportunity.

There is no question, as the Senator from Washington pointed out, affirmative action does not guarantee anything to anybody. It is not a carving stone. It is not a gene pool. All it does is open the door just because of your belonging to a group. It is a principle based on merit. It is not about quotas.

Frankly, when we talk about preferences, the Senator from Maine is exactly right. We have all kinds of preferences. We have preferences for senior citizens; we have preferences for people, depending on where they live; we have preferences for people based on the fact that they served in the military, whether they ever saw war or not; we award preferences because we think there is an objective, a value, if you will, that is important to promote.

So why, then, this argument that we are somehow allowing an opportunity to compete for women and minorities, sets up some preference that may not be logically or ethically or intellectually supported? Why, then? Given the history, and given where we are and the fact that the evidence makes it clear that discrimination and exclusion for women and minorities still exists, not only in our community, but also in our economy.

There were, in the report that the President had done, "The Affirmative Action Review," results from random testing. They make the point that there were seven out of nine Supreme Court cases between 1990 and 1992. It revealed that blacks were treated significantly worse than equally qualified whites 24 percent of the time, and Latinos were treated worse 22 percent of the time, et cetera, et cetera. It goes on.

So we know, everybody here knows that discrimination still exists, even though we are all, I hope, committed to its eradication. We all know that is a fact. But discrimination notwithstanding, the fact is that the numbers do speak for themselves. Why is it that we are still looking at a situation in which, for our procurement in this Nation, at this time 50 percent of the population being female, 1.21 percent of the contracts awarded in 1993 went to women-owned businesses—1.21 percent. The amendment of the Senator from Texas seeks to roll that back.

Now, does this suggest that 98.89 percent of the people that got the contracts were better qualified than that 1.21 percent of women-owned businesses? No, it does not. Everybody listening knows that there are other explanations for why that figure is so low.

So why, then, is it inappropriate to suggest that we give women-owned businesses, that we give minority-owned businesses a shot; that we give them a chance to compete, not based on any lack of qualifications, but, indeed, based on qualifications? Why are we suggesting that we close the door on that chance, that we shut down that opportunity and indeed cripple the diversity that I believe—and I hope my colleagues will concur—is at the heart of the future of America.

The fact of the matter is that diversity has been talked about in many instances by businesses in this country as a business imperative. We are in a global economy with global markets, and not everybody in the world who does business is male, and not everybody in the world who does business is white, and not everybody who does business in the world speaks English, for that matter. So does it not make sense for us to try to give the competitive pot a little bit, to allow for an equality of opportunity for all Americans to participate in this economy and in building this Nation for this global economy and preparing our country to compete in this world market? Does it not make sense for all Americans to allow every child a chance to participate on an equal basis, to give everybody a shot—not that we guarantee a young person a chance when we allow for a college scholarship. We do not guarantee them an "A" in chemistry, but we guarantee them a chance to get into the classroom so that possibly if they are an "A" student, our Nation will benefit from the contribution they can make.

Well, that is the whole point of affirmative action, Mr. President. That is the whole point of the kind of initiatives that have been made, that if you will, sheltered markets for women and minorities, and it is not as though anybody has abused any of this. There are only 1.21 percent women-owned businesses.

Last year, Senator Hutchinson and I worked to pass legislation calling for a 5 percent procurement goal— goal, not quotas; not a guarantee, but a goal—for women-owned businesses. Five percent. Half of the population in this country are female. We said, How about 5 percent? This amendment would roll that back and say, you have 1.21 percent now and last year we thought it would be a good idea to move the goalposts and allow you to at least compete, to try to get to 5 percent. And now we are going to say, well, all bets are off, here is your colored water, drink it and be happy. And do not think that is the will of this U.S. Senate. At least, I certainly hope not.

I would go further to say that the position that is expressed in the Gramm amendment has already been rejected by seven out of nine of the Supreme Court Justices in the recent case of Adarand versus Peña. I would like to read what Justice O'Connor said in Adarand. I think it is something we need to hear. This was the author of the majority opinion that said race-based classification had to withstand strict scrutiny. She said:

The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and Government is not disqualified from acting in response to it.

Yesterday, President Clinton made a statement in which he said we are going to comply with the law, with Adarand; we are not going to allow for any quotas. We are going to make sure the programs, where they have not
worked appropriately, are going to work right. We are going to do this right. He called upon the American people, really, to speak to the higher angels of our nature, to what kind of future do we want to see. Do we want a future in which diversity becomes part of the energy of this country, where if you, again, stir the competitive pot and allow minorities to participate in the economy and allow women to participate in the economy and allow Americans all to participate in this economy and to participate in making our Nation strong? The President thought that was a sensible approach.

I daresay, Senator Murray's amendment, which I strongly support, underscores that notion. Her amendment says that "none of the funds in this act may be used for any program when such program results in the award to unqualified persons in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court in Adarand." So her amendment says we are going to do this right, do it consistent with the law. Senator Gramm's amendment, on the other hand, says we are just going to knock the feet underneath the table of opportunity, and we are going to tell women and minorities, "Do not bother to come around. We hang a sign that says we are not going to comply, you are going to have to do it as though you were not female, minority, or as though you were starting on a level playing field.

I think everybody knows that is colored water.

Now, I mentioned appealing to the higher angels of our nature. I know many other people are waiting to speak on this. I would like to yield the floor so that they can. But I would like to refer to Abraham Lincoln, who, of course, was a U.S. President from my State of Illinois. I like to refer to him because he was one of the greatest Presidents this country has ever had. He said in an 1862 address to Congress:

"Fellow-citizens, we cannot escape history. We must take our stand with the highest of our ancestors. We must remember what Washington said; "We shall not flag or fail. We shall go through, nor shall we turn back. Our country is at the point of decision. Let us be men."

And, Mr. President, Abraham Lincoln was talking about the great conflagration that this country went through. At the same time, I think that we are right now at another kind of crossroads in this country that will determine whether or not we will go forward, we will nobly save or meanly lose the last, best hope of Earth.

This Nation's future will depend on whether or not we can awaken our arms and whether or not we can provide for equality of opportunity, a chance for every American. I appeal to my colleagues not to close that chance down, not to shut the door on the efforts that have begun by women and minorities to integrate themselves as full participants in the economic and cultural and social life of this great Nation.

Our future is at stake in this vote and the following votes. I encourage my colleagues to take the high road and to support the Murray amendment and to reject this attempt—reject this attempt—to divide us and to send us back to a day which, I think, is one that none of us will be proud to visit again. Thank you very much. I yield the floor.

Mr. Gramm. Mr. President, I always love it when Abraham Lincoln is quoted. I quote Abraham Lincoln in this body because everyone in this body agrees with the quote that we just heard. In fact, the Nation fought a bloody civil war over it and ended up having settled the issue, which had to be settled, and was settled correctly.

That is not what Abraham Lincoln said about fairness. In fact, there is another Lincoln quote that goes right to the heart of this issue. That Abraham Lincoln quote is where Abraham Lincoln sought to say, what is the objective of government in providing fairness? On this issue, which applies directly to this point, Abraham Lincoln said, "The best that a government can guarantee is a fair chance and an open way."

I do not believe, Mr. President, that any living Lincoln scholar would argue that if Abraham Lincoln stood here on the floor of the Senate today, he would support a provision that gave one American an advantage over another when the American who lost the advantage had merit. I do not believe that Abraham Lincoln would have argued that two wrongs make a right, which is an argument that we heard earlier today presented, as well as a bad argument can be presented. But it is a bad argument, nonetheless.

Let me begin by trying to answer each of the points that were made. First of all, the Adarand decision. Senator Murray's amendment conforms to Adarand because it has no choice but to conform to it because it was based on the Constitution of the United States.

Contrary to the distinguished Senator from Illinois, my amendment is written in total conformity with Adarand. In fact, it has written on page 3 language consistent with the Adarand decision. That is, if the court finds that a contractor was subject to discrimination, the court may provide a remedy with a set-aside to correct the impact of that particular discrimination.

My amendment has the core of the Adarand decision written right into it. In no way is it inconsistent with Adarand, nor could it be, since the Adarand decision is now binding.

Now, let me go through the points. One of the things I want to thank my colleagues for is that nobody argued that the Murray amendment was a real amendment. We heard arguments that my amendment would end set-asides, and that set-asides should not be ended, that people should be given preference, and that it is perfectly acceptable in America to give contracts to people who are not the low bidder and who might not have merit. I want to thank them for doing that, because that is something that Bill Clinton did not have the courage to do in his speech the other day.

Nobody here tried to argue that, to say that you could not give a contract to someone who was not qualified, somehow represented a real alternative to the amendment. Everybody that has spoken thus far has made it very clear that this is an issue about set-asides, and that we are arguing with them, and that they believe that preferences are right, and that they are somehow justified.

Now, here is how they are justified. Senator Murray says they are justified because under 8(A) contracting there is only $8 billion, that they are justified because we are giving only $8 billion on a noncompetitive basis, and we are spending so much money, and that is so little money, so the unfairness involved here is relatively small, and therefore, we ought to continue to do it.

Now, it does not take into account all the other contracts that have some set-aside written in them. Just about every highway contract in America has a set-aside for subcontractors. Set-asides create unfairness. That is what the Adarand decision was about.

The second argument is an argument that 90 percent agree there has been terrible unfairness in our country. I think everyone realizes that. I think it is part of our history. I think the greatness of America is that we have worked to overcome it. I am proud of that. I take a back seat to no one in hating bigots and hating racism and hating prejudice. Hate is a strong word, and I use it advisedly. Two wrongs do not make a right. We cannot correct inequity in America by making inequity the law of the land. We cannot correct things that happened 200 years ago by discriminating against people in America in 1995.

The only way to have a clean break from the unfairness of the past is to purge unfairness from the present and the future. I believe we need to be absolutely relentless in enforcing the civil rights laws. It is fundamentally wrong
to give somebody a job when someone else is better qualified. It is fundamentally wrong to promote someone based on some privilege they are granted, rather than promoting the person who had the better record.

It is fundamentally wrong, in fact, it is un-American, to give somebody a contract when they were not the low bidder, when they were not the high-quality bidder. I do not believe that two wrongs make a right. I think what we have to do is relentlessly pursue fairness. You cannot have fairness by legislating unfairness. That is what this debate is about.

The next argument is that women get only 1.21 percent of the contracts. I remind my colleagues, women own over half the wealth in America. It is almost certainly true that, given the fact that women own over half of General Motors and General Electric and General Dynamics, trying to take the set-asides in a particular program of the SBA and say that those are the only contracts that women are getting is inaccurate. Women run large corporations, women are running businesses that are not applying for contracts under set-asides and which get contracts in America every day.

The next argument is: Allow people to have a shot. Continue set-asides so that people have an opportunity to compete.

People have an opportunity to compete in America because our system today, and we thank God that it is so, is based on merit and competition. Not that it is perfect. Not that we do not need to work relentlessly to make it closer to being perfect. But the point is, people are allowed to compete. And to say that people cannot compete unless they are given a special privilege, I think, perverts the whole idea of equality. The idea that by ending set-asides it is fairer to minorities, “Do not come around,” assumes that only with set-asides can women and minorities compete.

Finally, the argument for equal opportunity is completely turned on its head here. What my amendment seeks to do is to bring fairness back to the American system of contracting. For 35 years in America, beginning with an Executive order under Lyndon Johnson, compounded by an Executive order under Richard Nixon, and now written into numerous laws and regulations, we have written in quotas and set-asides. We have written in a system that consistently, in terms of the programs that are targeted for this purpose, grants contracts not based on merit but grants contracts based on privilege. That is fundamentally un-American. It is fundamentally wrong and it is unfair.

The American people, by overwhelming margins, are opposed to set-asides. We are spending the taxpayers’ money. How can we be good stewards of the taxpayers’ money when we grant a contract to someone who was not the high-quality or low-cost bidder? I think we cannot.

It is fundamentally unfair to give a contract to someone who did not win it on merit. What my amendment seeks to do, and does it explicitly, is this. It preserves our ability to spend money to recruit, to educate, to help. Under my amendment we can go out and advertise contracting all over the country. We can target the advertising to specific groups. We can help specific groups in learning how to do Government contracting. We can help them get onto the playing field. But that is where help ends and competition begins. Because under my amendment, unlike the amendment of Senator MURRAY, once people are on the playing field, once the contracts are submitted, we are then forced to make the judgment on merit and merit alone. I conclude by simply saying this. There is no other way to make decisions on the basis that men and women are fundamentally equal.

As long as we make decisions on any basis other than merit, they are inherently unfair. As long as we make decisions on any other basis besides merit, then we are judging our fellow Americans as part of groups rather than as individuals. When the whole world is torn apart with struggles where people feel themselves more part of a group than part of a nation, I think this is a destructive policy that divides Americans. And I think it needs to end.

Our goal as Americans has always been that people would be judged as individuals. As a great American once said, “that they would be judged by the content of their character and not the color of their skin.”

Set-asides are wrong. They are unfair. They are un-American. And they should end.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, will the Senator from Texas yield to the question?

Mr. GRAMM. Mr. President, let me try to answer this one. Then I will go with the regular order. I am not objecting.

Let me say this: What I have done in section B on page 3 is simply made it clear that if a set-aside is granted as a remedy to an act of discrimination that has occurred where the party that is being subject to the set-aside committed discrimination, then clearly it would be allowed under section B. I believe that is consistent with the Adarand ruling. And I believe it is consistent with what I am trying to achieve here.

My objective is not to ratify the Adarand ruling; my objective is to end set-asides—except in those cases where the party that might have a specific remedy to discrimination which has been committed by the party that the set-aside is being imposed on. For example, if the courts found that a contractor had engaged in discrimination against a subcontractor, under my amendment they would have the potential remedy to order that the contractor grant a set-aside of the contract to the party that has been discriminated against. But under my amendment, they could not order that the contractor—or my amendment would not order that the contractor have a set-aside program for people who have never been discriminated against by him and may never have been discriminated against by anyone else.

Mr. SPECTER. Mr. President, that is very interesting but not a response to the question. And with 10 minutes I cannot engage in a dialog with the Senator from Texas.

I submit to the body that under the standards articulated by the Senator from Texas in the Adarand case, his
amendment must fail because where there is a preference based on action by the Government, or where there is a preference based where a previous court order has not been complied with, that is already disfavored.

And Justice O'Connor goes on to point out that in the Paradise Case, United States versus Paradise, in 1987, every Justice of this Court—that would include Justice Scalia—agreed that the Alabama Department of Public Safety's "persuasive, systematized, and obstinate discriminatory conduct;" justified the narrowly tailored race-based remedy.

One of the difficulties, Mr. President, in considering a matter of this complexity within the confines of a 2-hour time limit is that it does not give nearly enough opportunity to go into depth on these very intricate issues. And I think it is worth noting that both the Speaker of the House of Representatives and the majority leader of the U.S. Senate decided not to take up this complex matter in this session as the Speaker put it, there could be other determinations made to help women and minority groups in America.

The first notice I had of the amendment by the Senator from Texas was shortly before he presented it on the floor. It is a very, very complex matter, it is a very serious matter, and it is one that underwrote the Senate cannot deal intelligently in the course of 2 hours of debate.

My own view, Mr. President, is that it would be vastly preferable to deal with discrimination on an individualized basis, and that we really ought to have an EEOC which did not have a backlog of 100,000 cases. I am very much opposed to discrimination in any form, and that includes reverse discrimination, as the Supreme Court of the United States struck down reverse discrimination against white males in the Memphis firefighters case, when the real orders of the Senate cannot deal intelligently in the course of 2 hours of debate.

But there are situations where the unanimous Supreme Court has decided that where there has been a situation where the Court has ordered a remedy, and it has been disregarded, or when there is State action such as the activity of the Alabama State Police, that a remedy is required and a remedy is entirely in order.

The comments by Justice O'Connor, it should be noted, were concurred in by Chief Justice Rehnquist and by Justice Anthony Kennedy. And it is a very important fact, as noted by the Court, that the persistence of both the practice and the lingering effects of race discrimination against minority groups in this country constitute an unfortu­nate reality and Government is not disqualifying from acting in order to avoid it.

I must say, Mr. President, that on short order, the amendment offered by the Senator from Washington cannot really be considered appropriately, and at sufficient length either. But it is my hope that this body does not act summarily and hastily in an effort to deal with the very important point involved here.

In the last few seconds that I have, let me ask the Senator from Texas one further question as to whether he would agree that a preference based on race would be justified in the case of United States versus Paradise, where, as noted, the Alabama Department of Public Safety had a pervasive, systematized, and obstinate discriminatory conduct, consistently refusing to hire any African-American, which an unanimous Court, including Justice Scalia, said justified the narrow race-based remedy, whether the Senator from Texas would agree that that is proper, and that it is not within the confines of his amendment but, in fact, would be prohibited on the face of his amendment.

Mr. GRAMM. Mr. President, if I might respond, let me say that the case that is referred to by our distinguished colleague from Pennsylvania has to do with quotas. My amendment has to do with set-asides so they are entirely different subjects.

But let me say that I refer him to section B on the page where I, specifically, in my amendment, provide a remedy based on a finding of discrimination by a person to whom the order applies.

So that, if a contractor, which is the relevant person to whom the order applies, a remedy that the Court can use under this amendment is to impose a set-aside, and clearly, in that case, different than a quota case which would have no application here, it would be permissible.

The PRESIDING OFFICER (Mr. FRIST). The time yielded to the Senator from Pennsylvania has expired.

Mr. SPECTER. May I have 1 additional minute?

Mrs. MURRAY. Yes, I yield 1 additional minute.

Mr. SPECTER. Since the Senator from Texas bases his distinction of set-asides as contrasted with quotas—this Senator is very much opposed to quotas—then would he agree that a preference based on race would be justified in the face of a discriminatory practice as indicated by the State of Alabama?

Mr. GRAMM. I believe that, if it is proven that an employer is engaged in discrimination, a justifiable remedy is to set a quantifiable goal whereby they demonstrate as a way of undoing that discrimination that it no longer exists.

The point is in my amendment I specifically allow that with regard to set-asides.

Mr. SPECTER. That would be a preference.

The PRESIDING OFFICER. The Senator from Washington.
That is a nonsensical statement, Mr. President, because if we have a contract bid and we have the five of us who are here and we all have a bid on the contract, and if Senator Domenici is given the contract, the preference is given to people from New Mexico, when in fact the Senator from Illinois has submitted the low bid, and let us say, to make the case as clear as possible, won a quality contest to do the job, by the very act of giving Senator Domenici the contract, anyone who had a lower bid than he did has been discriminated against.

There is only one way to decide who ought to get a contract in America, and that way is merit. There is only one way to fairly decide who gets a job, who gets a promotion, who gets a contract, and that is merit. When you decide it on any other basis, you are inherently unfair and you are inherently discriminating against people who would have won the contest on merit. Once you start doing this, you are building unfairness into the system.

We need to end set-asides. We need to continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it—we must continue our efforts to increase the work force by ignoring it.

The issue is not that the bidder who gets the contract is unqualified. The issue is when you have a set-aside, the bidder who gets the contract is not necessarily the best qualified. And that is a key distinction. That is why one amendment does away with set-asides and why the other amendment is a ruse to protect them, to foster and to continue the unfairness that is imposed on the system.

I reserve the remainder of my time. The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, civil rights remains the unfinished business of America. We have taken very bold steps in recent decades toward racial and gender equality, but discrimination in this Nation persists, sometimes in very obvious forms, and sometimes, in very subtle forms.

The recent report of the Labor Department's Glass Ceiling Commission highlights the many problems still encountered by victims of discrimination seeking to move up the ladder in firms across America. That study, which resulted from legislation sponsored by Senator Dole, reported that 97 percent of the top executive positions in Fortune 1900 companies were held by white men, who are just 43 percent of the total work force.

According to U.S. Department of Labor statistics, black and Hispanic men in 93 were about half as likely as white men to be employed as managers or professionals and much more likely to be employed as operators, fabricators, and laborers. Black and Hispanic women were much more likely than white women to be employed in generally lower paid service occupations.

In the Nation's largest companies, only six-tenths of 1 percent of senior management positions are held by African-Americans, four-tenths of 1 percent by Hispanic-Americans, and three-tenths of a percent by Asian-Americans. White males make up 43 percent of our work force, but hold 85 percent of these jobs. Only 9 percent of American Indians in the work force hold college degrees.

These are just a few statistics that indicate that a level playing field does not exist in the American work force. Much remains to be done. We will not eradicate race and gender bias in the work force by ignoring it—we must continue our efforts to increase the participation of individuals who traditionally have been excluded. Only then can we claim to be a nation of opportunity. Only then can our diversity truly become our strength.

We are now in the midst of a significant debate over how best to fight discrimination. This debate is sometimes very difficult, and often very painful.

The issue of discrimination is too important to be left to the mill of partisan politics. We must examine the methods of fighting discrimination, but we should not question the goal of realizing truly equal opportunity for all Americans.

Affirmative action is one of our most effective means and best hopes for realizing that goal, and for rooting out bias we must continue to promote fairness by legislating unfairness.

The President said it best: "When done right, affirmative action works. It contributes to greater diversity in environments where none existed. It provides opportunity for individuals who have been denied opportunity through discrimination, hatred, exclusivity, and ignorance."

Civil rights is and has always been a bipartisan issue in Congress. The Party of Lincoln has produced many stalwart supporters of strong civil rights legislation: former Senators Everett Dirk­sen, Jacob Javits, Lowell Weicker, and Jack Danforth have led the way in the past, and many of our Republican colleagues carry on that distinguished tradition today.

We must continue that bipartisan effort in the ongoing battle against discrimination in all its ugly forms.

If there have been abuses of affirmative action, then we need to review and address those abuses. Every Federal affirmative action program should be reviewed to determine whether it has been effective or detrimental.

But we must be careful to protect those programs that have worked and that continue to work well.

President Clinton is right to broaden set-asides, to oppose quotas, to reject preferences for unqualified individuals and reverse discrimination, and to end programs that have been unsuccessful.

And he is right to support the continuation of a program that continues to make a difference in the lives of those who would otherwise remain on the fringes of society, despite their qualifications, their education, their hard work, and their integrity. Those principles are the essence of the Murray amendment, and I urge the Senate to approve it.

And so, Mr. President, affirmative action remains the unfinished business of America. We have taken very bold steps in recent decades toward racial and gender equality, but discrimination in this Nation persists, sometimes in very obvious forms, and sometimes, in very subtle forms.

The President said it best: "When done right, affirmative action works. It contributes to greater diversity in environments where none existed. It provides opportunity for individuals who have been denied opportunity through discrimination, hatred, exclusivity, and ignorance."
I'm talking about persistent bias against minorities, against women, and against economic empowerment.

What do I mean when I say persistent bias? I mean when people are told throughout their lives "no" based on their skin color, gender, and ethnicity.

When they are told no, you can't go to that school, no you can't belong to that club, no you can't go to that college, no you can't have that job, no you can't have that promotion, no you can't have that salary.

Persistent bias exists. The Supreme Court knows it. Statistics show it. And every day, someone in the United States feels it.

Mr. President, statistics prove that persistent bias exits. The Glass Ceiling report shows the disparity against minorities and women.

Black men with professional degrees earn 79 percent of what white men make with the same degree and in the same job.

The report states that white men make up 43 percent of the workforce, but hold 95 percent of the senior management positions.

And women and minorities who do make it to the top, make less than their male counterparts. Why is this the case? Persistent bias.

It's not just about race, it's about gender too.

Exactly how far have women come? Only 5 percent of senior managers in Fortune 2000 industrial and service companies are women.

Women are over 99.3 percent of dental hygienists, but are only 10.6 percent of dentists. Women are 48 percent of all journalists, but hold only 6 percent of the top jobs in journalism. And it's 1995.

Mr. President, with facts and statistics like these, the need for affirmative action programs is crystal clear.

I'm against discrimination. Everybody else says they are too. But the problem is that many people don't pursue what they want because of the practices.

Throughout America, growing and pervasive economic insecurity has created immense anger and anxiety. We've heard it all. Some say that minorities and women are the problem. And so, many, many attack affirmative action.

Everyone is afraid of losing their job, being downsized or being left behind.

Blacks and whites, men and women are being picked against each other—most often for political gain. But, let's be clear. Scapegoating takes us nowhere.

Look at how we all benefit from having an inclusive society where everyone has the opportunity to achieve and compete. Affirmative action has just begun the process of opening up the competition to everyone.

Between 1963 and 1987, the number of women-owned businesses rose more than 58 percent.

And now we see more women and minorities in law enforcement, firefighting, skilled construction work, and as doctors, and lawyers. But, it's not enough.

Discrimination is still alive and well. My constituents write me repeatedly about discrimination in our Federal Government agencies and right here in our own U.S. Congress.

Mr. President, We must provide an opportunity ladder. The Glass Ceiling amendment cuts off that opportunity.

You were just here to sacrifice quality when you pursue equality. Affirmative action is not a guarantee for those who could not otherwise succeed. It's simply an opportunity to compete. I support giving everyone that opportunity.

I'm going to fight for equality, fairness, and a merit-based society, with real opportunity structure so that people can make it, and the end of persistent bias. We have to show people that we are on their side.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

MRS. MURRAY. Mr. President, I ask unanimous consent to add Senator DODD and Senator FEINSTEIN as cosponsors of the amendment.

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

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President and my colleagues, I thank my colleague from Washington for yielding. I rise in strong support of her amendment and in opposition to the amendment of the senior Senator from Texas.

Let me give you a very practical example. When I was in the State legislature, a young African-American contractor just starting off wanted to do a little bit of curbing work at Scott Air Force Base. He could not get a bond. I went to bat for him. I could not believe the barriers that were there for this person to get a surety bond so he could get a construction job.

We finally, after screaming and holding, broke through, and he built up a business and eventually moved to Atlanta and became one of the 10 wealthiest African-Americans in our country. The barriers are there for a great many people, and surety bonds are a good illustration.

I introduced a bill last session—I believe I have introduced it again this session—to say you cannot discriminate in the issuance of surety bonds. Why, you would think a little bill like that would have no trouble at all. What a storm of opposition it got.

We have to make opportunity for people. Has anyone here ever heard of a country club that is all white and all male? Well, they are all over the place. We know it. And that is where a lot of business gets done.

Can affirmative action be abused? Of course, it can be abused, like education and religion and a lot of other things, but it is sound.

We have to recognize that there have been some abuses in our society.

Let me just give you one example. Today, the average woman who works makes 72 cents as much as the average male. That is not good. But it used to be 59 cents. That is progress. I have seen a lot of progress in our society, and if this is adopted, this is just one step down the road to knocking out other affirmative action.

We all practice some affirmative action. It is very interesting that in Senator GRAMM's amendment, he accepts that we are going to have affirmative action for historically black colleges and universities. I applaud him for taking that step, but what is true for historically black colleges and universities ought to be true for women and minorities who are in business also.

What we have to do in our society is make opportunity for people. The amendment offered by our colleague from Washington moves on some of the abuses without saying let us stop doing this. And make no mistake, if this is adopted, there will be other amendments in the future.

When my friend from Texas says, well, people can go to court and get this resolved, let us say you are a small contractor and you cannot get a surety bond. No. 1, you probably cannot afford to go to court. No. 2, going to court sounds like an easy remedy—and I see I am getting the look from the Presiding Officer here—but the reality is that it is just not a realistic option. The Gramm amendment should be defeated.

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

Who yields time?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator GRAMM knows that I hold him in high respect, but frankly I do not think this is the way we ought to handle a matter of this importance. Everybody that is speaking tonight in the Chamber obviously is well motivated, but from my standpoint there is an awful lot of discussion in the Chamber that ignores reality.

The reality is that the U.S. Supreme Court, while it said we have to do these things differently, acknowledged that there is discrimination in the United States. I believe there is. I believe we are doing better. And clearly we are
July 20, 1995

CONGRESSIONAL RECORD—SENATE 19675

better than we were 100 years ago and better than 50 years ago.

Mr. President and fellow Senators, there is no question that this is an important issue—discrimination. And to come to the floor on an appropriations bill, no public hearings that I know of, no committee hearings that I am aware of, and to suggest that on each appropriations bill we are going to tailor some way to get rid of affirmative action in the United States, in my opinion, is as apt to miss the point as it is to solve anything.

Frankly, in the United States of America, we cannot rely solely upon the discrimination laws of this land to bring equity and fairness to Americans. In fact, many of us would stand up and say society is already overburdened by antidiscriminatory legislation and that there ought to be a better way to bring some equity into this system.

Now, I am a staunch proponent of capitalism, but I tell you, to come to the floor and say that the capitalist system is only as good as we make it. If everything is not based on competition and merit, is to ignore reality.

There is plenty of rule and regulation of the capitalist system that sets apart merit and competition and is not based on either merit or competition. And the truth of the matter is we ought to find a way to comply with the Supreme Court's decision and do something about antidiscrimination from the standpoint of opportunity. Not from the standpoint of going to court to enforce one's rights.

And I submit we can find some ways. It certainly is not what we are doing today. And it is not what either of these amendments will accomplish in my opinion.

The Senator from Washington yielded time to me, and I will say to my good friend, I was not for her amendment either. It is too difficult to understand. We ought not be debating it here at 9:20 with 15 or 16 minutes per speaker. This is an important issue, really. And perceptionewise, it is a gigantic issue. And I do not know why we have to do it this way. I do not know why we have to say to the millions of Americans who are worried about discrimination, "It is just plain and simple. There is nothing to it. Just come to the floor. And I have 16 words. We will fix it all up."

My friend from Texas is a great wordsmith and I have great respect for him. But I submit to him this is not the way to do business. I will not convince him because he is convinced that this is a most important issue. And for that, I admire him. He has always spoken up in the Senate. It is the way to address this issue in the United States of America on an hour's notice on an appropriations bill about the legislation of the United States and how we pay for it. And we ought not do it. Both amendments ought to be defeated. And we ought to pass a legislative appropriations bill tonight.

I yield the floor.

Mrs. MURRAY addressed the Chair. The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Let me thank my colleague from New Mexico. And I agree with him we should not be legislating on this. The ranking member on this committee, I did not choose this evening and this time to have this debate. It was certainly brought before us by the Senator from Texas. And under that I offered my amendment to second degree it. I am not afraid to debate this. But I agree with you. It should not be done on a legislative appropriations bill.

I thank the Senator.

Mr. GRAMM addressed the Chair. The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I could not disagree with my colleague more strongly. We are getting ready to spend billions of dollars on all of these appropriations bills of this year. The American people have debated this issue. The President of the United States spoke at great length on it yesterday. It has been an element in the platform of my party for over a quarter of a century.

This is an issue which is well understood and it is not complicated. The issue here is, should we have contracting through the Federal Government? Is this case through the legislative branch of our Government, that part that we control directly—should we be letting contracts as a Congress not on merit but rather on race, color, national origin, or gender?

I say no. The American people say, overwhelmingly, no. And if we let these appropriations bills pass without ending set-asides, then we are continuing a practice that the American people clearly rejected in the 1994 election, and that, by huge a majority, the American people want fixed.

This is not an amendment that was born out of thin air. This is the amendment that has been worked on by many, many people. It is a joint effort that I have undertaken with Congressmen GARY FRANKS in the House. His cosponsor is NEWT GINGRICH and the amendment is supported by the entire House leadership. And what the amendment says is very, very simple. It says that none of the money we are going to be spending under this bill can be used for the purpose of granting contracts that are awarded in total or in part based on race, color, national origin or gender.

My amendment clearly allows for an outreach program. The Government can spend any amount of money, helping people learn how to bid, helping people to get to the site of the bidding, helping people put together their bid. But, under this amendment, once the bids are offered, the contract has to go to the most qualified contractor. The contract cannot be given to someone on the basis of preference rather than on the basis of merit. The amendment is drafted so as to allow the courts to grant a specific remedy where discrimination is discriminated against. Now let me touch on several other issues that have been raised by other speakers before I yield the floor.

No, there have been abuses in the past. No one disagrees with that. No one could live in America and not understand that there have been abuses in the past. The point is, by legislating today and now, we are continuing and in the future, do we correct the unfairness of the past? Do two wrongs make a right? If two wrongs make a right, then the adage we learned as children does not apply to this.

Second, a point was made it is difficult for some contractors to go to court. That is equally true for contractors who are discriminated against by the Government.

The Senator claims to be offering an amendment as an alternative to mine, which says that programs cannot be awarded to unqualified persons. The issue here is not whether the person who gets the contract is qualified, the issue is, are they the best qualified?

The fact that the Court said under Adarand that certain types of quotas could be allowed under the Constitution does not mean that the Court said they have to be. We are able to set by law whether we want quotas or not. And we do not want them. If the present and in the future, do we want set-asides or not. And I do not want them. I think merit is the only fair way to decide who gets a contract in America. And the fact that the Adarand case said that it is constitutional for Congress to have very narrowly focused set-asides does not mean that the Court said Congress has to have them. It simply said that, if we would have set-asides, it would have to be done under the Constitution. But no one questions that we have the right to limit them.

Quite frankly, my amendment does not prohibit or ban all set-asides, but the only place where a subcontractor or a contractor can prove that they were discriminated against in the past, on the basis of that proof a set-aside could be used to remit a specific wrong which is proven.

The idea that some have argued here is that we have a pure system of capitalism that breaks down when there are impurities in it— I make no such argument tonight. America can survive set-asides. America has survived quotas and set-asides for 25 years. I never cease to be amazed that our system overcomes not only the illness but the absurd prescription of the doctor. It survives not only the natural problems we have, but the problems we impose on ourselves. But the point is, do we want to continue to allocate contracts in America, spending the taxpayers' money, on a discriminatory
basis or do we want to demand merit? I want to demand merit.

Final point. This is not a difficult issue to understand. And I want to emphasize this one more time because I am certain that there will be those when the vote is cast who will look at the Murray amendment and say, well, I voted to fix this problem. But the issue here is not whether in my amendment we ban set-asides based on race, color, national origin, or gender, period. Under the substitute amendment which is going to be voted in sequence, what it bans is granting an award to an unqualified person. The issue in set-asides is not that the person who gets the contract is unqualified, the issue is that they are not necessarily the best qualified. Is it fair to give a contract to a qualified person when another person is better qualified? If you have two qualified builders, and one submits a bid for $100,000 and one submits a bid for $200,000, is it OK to give the contract to the one who bids $200,000 simply because they are qualified? The point is, and I am very proud of the fact that nobody here has claimed that in opposing my amendment, they are doing anything other than supporting set-asides, period. That is what the issue is.

There is going to be one real vote on one real amendment. If you are against set-asides in contracts and you want a merit system, then you want to vote for my amendment. If you are not against set-asides you want to vote "no." If you simply believe that we ought to continue discrimination written into the law of the land, as long as the person who is getting the privilege is qualified, even if they are less qualified, even if they have a higher bid on their contract, then you could find the Murray amendment acceptable. But this is a very clear issue. I think everybody understands what it is about.

Again, when we are spending money is the time that we ought to talk about the conditions under which it is going to be spent. If my amendment is adopted, every contract that we let through the legislative branch of Government will be done on merit, and the contractor with the highest quality work and the lowest price will get the contract. That is the only fair way to do it. The American people support it. It is the American way, and I think it is time we get back to it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Will the Senator from Texas yield for a question on his time?

Mr. GRAMM. How much time does the Senator have?

The PRESIDING OFFICER. The Senator from Texas has 16 minutes, 52 seconds, and the Senator from Washington, 8 minutes, 45 seconds.

Mr. GRAMM. Mr. President, if the Senator uses her time up, I will, at that point, yield for a question.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I may not take all 5 minutes because I know others want to be heard as well.

If he had not said it, I think I would have said it. I want to commend our colleague from New Mexico this evening for his comments. I will support the Murray amendment, which is the one distinction, and I do that because I think having an alternative is necessary.

Frankly, as the Senator from Washington and the Senator from New Mexico have said, we ought not to be considering any of these amendments. I say, with all due respect to my colleague from Texas, that it was once said by some sage that for every complex problem, there is a simple solution. I do not have a simple solution, and it is usually wrong.

With all due respect, I suggest to my friend from Texas that people have debated and discussed and thought about this issue for a great deal of time on how we try and deal with what the Senator from New Mexico has very appropriately and properly said, regrettably, deeply so, there is still racism in our country, there is still discrimination based on gender. Anyone who thinks otherwise is living on a different planet than I am. That is a fact.

No one has yet come up with a perfect solution as to how we solve these problems. The Senator from Washington has offered something on which I think all of us agree. Maybe we ought to this evening support that amendment, because I hear the discussion all the time about reverse discrimination. Her amendment at least puts us on record on those issues. I think that is worthy of support.

We had the President yesterday give a major speech on this issue. He has been under significant pressure for some months to come up with some ideas and solutions on how we might address the issue of affirmative action. Whether or not you agree with everything he said in his speech, he has laid out a roadmap, a plan on how we might deal with these issues.

I think it is only fitting and proper that we in this body at least exercise a modicum of the same degree of deliberation as we look at these issues. To suggest in the space of an hour or half an hour and a half, with an amendment thrown out this evening, that we are going to solve this problem once and for all, I think is terribly, terribly shortsighted.

So I urge my colleagues this evening, whether you agree philosophically with the Senator from Texas or not, this amendment ought to be rejected, and we need to figure out in the legislative process, can decide what best action we ought to take.

Mr. President, let me say for my part, I happen to think that affirmative action in its pure form has made us a stronger, a better, a richer nation, because we have reached out to people. Merely look in your own neighborhoods and communities and recognize today what a better country this is than it was even 2 or 3 decades ago when major portions of our population were denied public access to basic facilities.

We are not talking 100 years ago. We have come a long way as a people. The great strength of our country is our diversity, and we need to give people and figure out how we can constantly be more inclusive. That is our strength. It is not our weakness.

Too often when people address this issue, they appeal to the emotions of people. There are people who are troubled today, worried, frustrated about the economic downturn and their futures, and it is so easy to come along and to point to some problem as the reason for their difficulties and then to appeal to those emotions. This is not a time for that. We need to figure out together, in this body and elsewhere, in the private sector and public sector, how we can come together and help address this difficulty.

This is not the way to go about this. This is not the answer, no matter how appealing the language may be. This is not going to help us solve our problems. It divides us, and that is not what we ought to be about in the U.S. Senate. We ought to be seeking the common ground that the President talked about the other night and that the Senator from New Mexico addressed in his brilliant remarks.

The Senator from New Mexico is right; this is not the time or the place. There is a place, there is a time, but this is not the answer to it. So I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me just respond very briefly. I do not think there is anyone here who argues there is no racism in America or that we do not have any discrimination today. I think we all know that, thank God, there is not as much as there used to be, but if there is any, and there clearly is, it is too much.

The point is, however, that we cannot correct unfairness in America by making unfairness the law of the land. We cannot correct injustices of the present or the past by legislating injustice in the present to carry us into the future.
I did not choose this bill. This bill happens to be the first appropriations bill that came up. But I think the good thing about choosing it is we begin by practicing what we preach, because all the other appropriations bills have to do with the executive branch of Government.

So what I am saying here is that any contract let, whether we are doing construction work on the Capitol, or whether we are doing work at the Library of Congress, or whether we are doing work at the Congressional Research Service, or whether we are building the new dorm for pages—a dorm that I did not even know existed, which is why I always vote against this bill, because there is always something in these legislative appropriations—or has been until this year, and I have always opposed this appropriation in the past—that I do not know about. So what this would say is, to give you an example, in the subcontracting or the contracting on the page dorm, that contracts cannot be let on the basis of a set prop. They cannot be let on the basis of a set-aside, clear and simple.

Mrs. MURRAY. Will the Senator further yield for a question?

Mr. GRAMM. I will yield for one last question.

Mrs. MURRAY. I appreciate that because I wanted to ask the Senator this. Under the legislative branch appropriations in fiscal year 1995, the Library of Congress awarded five contracts for a total of $10 million that would be affected by your amendment. Out of, I believe it is, well over $266 million total contracts, only five of those would be affected by your amendment. I am curious as to why you are approaching that for such a minute number.

Mr. GRAMM. The Senator has said that under SBA there are only $8 or $9 billion of set-asides. But my response is that this is a matter of principle, it is a matter of merit. It is a matter of fairness. It really should not be debated tonight on an appropriations bill—the legislative appropriations bill.

I guess about all I can say in 2 minutes is that I wish it was the case when I visit hospitals—now being a grandparent because of two small grandchildren—that I could look at a child and feel reassured that that child, regardless of gender, or regardless of race, or regardless of disability, would have the same opportunity. That is called equality of
opportunity. I am the son of a Jewish immigrant from Russia, and I think that is one of the most important principles to me in our country, which is why I love our country so much. But, Mr. President, that is not the case.

I think that we ought to think long and hard before we pass an amendment which, I believe, is very extreme, and I believe that its effect—I do not know about purpose—turns the clock back a good many decades. I think it would be a profound mistake for us to support the Gramm amendment. I think that the Murray/Cohen/Daschle/Moseley-Braun amendment, if we are going to have this debate tonight, should and must be the prudent middle ground for us.

Mr. GRAMM. Mr. President, for 30 years we have had unfairness built into the law of the land. I am trying to turn the clock forward to the future, where not only do we have a goal of equal opportunity and merit as a nation, but this is the only way it works.

In terms of what we all wish when we see our children, I think we all hope for them a society where ultimately merit triumphs. We have heard a lot tonight about America's past, and there are a lot of them. But I think, also, we have to give ourselves credit. America is the greatest, freest country in the history of the world. Since our colleague brought up looking at his grandchildren and thinking about their future, let me conclude on that remark by talking about America in action.

My wife's grandfather came to this country as an indentured laborer to work in the sugarcane fields in Hawaii. I do not know whether they let him work or they worked off that contract. His son, my wife's father, became the first American ever to be an officer of a sugar company in the history of Hawaii. Under President Reagan and President Bush, my wife's granddaughter, my wife, became chairman of the Commodity Futures Trading Commission, where she oversaw the trading of all commodities and commodity futures, including the same sugarcane her grandfather came to this country to harvest so long ago.

That is not the story of an extraordinary family. That is the story of a very ordinary family in a very extraordinary country. I want every child born in this country to have the same opportunities that my wife's grandfather had when he came to America. But we are not going to grant those opportunities by writing unfairness into the law of the land. We are not going to fix problems and unfairness in the past by writing unfairness into the law.

There is only one fair way to decide who gets a job, who gets a promotion, and who gets a contract. That fair way is merit, and merit alone.

What my amendment tries to do is go back to merit. This is not a sweeping amendement. This amendment applies to this bill, this year. What this amendment says, very simply, is this, that in letting contracts—it does not apply to contracts that already are in existence, but on the contracts that we will enter into through the funds that we appropriate this year, new contracts—that the letting of those contracts will be on a fair, competitive basis, where merit will be the determining factor.

This is not a revolutionary idea. Although, I guess in a sense it is a revolutionary idea. It is the most revolutionary idea in history. It is the American idea. It is the American ideal. Merit should be the basis of selection and award. That is what my amendment says.

The amendment which is offered, the alternative, says that you should not give contracts to people who are not qualified, but that begs the question of whether someone else was better qualified. Merit is what I seek in this amendment. I think that you should support the amendment. If you support set-asides, I believe you should vote against my amendment and you should vote for the amendment of the Senator from Washington [Mrs. MURRAY].

I reserve the balance of my time.

Mrs. MURRAY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes and the Senator from Texas, 3 minutes.

Mrs. MURRAY. I yield 1 minute to the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President, and I thank the Senator from Washington. I will be very brief.

The Senator from Texas keeps referring to two wrongs not making a right. We all know that the first wrong which he refers to, the history as well as the present experience that we had in this Nation, was discrimination.

Let me submit to everyone who is listening, the second wrong is not affirmative action. It is not our effort to fix that tragic legacy. The second wrong lies in this amendment in shutting the door, closing down the small efforts, the small steps we have taken, to remedy, to provide for opportunity, to give people a shot, to give people a chance. I say to my colleagues, as someone who is both minority and female, I am not comforted at the notion that by getting rid of affirmative action anybody is doing me a favor. So I encourage my colleagues to defeat the amendment from the Senator from Texas.

UNANIMOUS-CONSENT AGREEMENT

Mr. MACK. Mr. President, I have a consent agreement that has been approved on both sides be have aisle on a matter other than this bill.

Mr. DOLE. Mr. President, as some of my colleagues may know, I am in the process of preparing legislation that is designed to get the Federal Government out of the business of granting group preferences. I will be introducing this legislation next week.

The amendment offered by my distinguished colleague from Texas is consistent with the approach embodied in the bill I will be introducing next week. And of course, I look forward to working with him as well with all of my colleagues on both sides of the aisle.

Rather than the piecemeal approach of amending each of the appropriations bills, I would prefer to address this very, very important issue more thoroughly and as a separate matter—and that's the point of my bill—to serve as a starting point for this discussion.

This legislation may not be perfect, but it is my hope that it can act as the basis for a serious, rational, and, yes, optimistic dialog on one of the most contentious issues of our time.

Of course, our country's history has many sad chapters—slavery, Jim Crow, separate but equal. And, of course, discrimination persists today. We do not live in a color-blind society. I understand this.

But, Mr. President, fighting discrimination should not be an excuse for abandoning the color-blind ideal. The goal of expanding opportunity should not be used to divide Americans by gender, race, color, or ethnic background. Discrimination is wrong, and preferential treatment is wrong, as well.

So, Mr. President, our goal should be to provide equal opportunity—but not through quotas, set-asides, and other group preferences that are inimical to the principles upon which our country was founded.

A relevant civil rights agenda means conscientiously enforcing the antdiscrimination laws. It means outreach and recruitment. And it means knocking down regulatory barriers to economic opportunity, including repeal of the discriminatory Davis-Bacon Act; enacting school choice programs for low income minority families; and fighting the scourge of violent crime that is unquestionably one of the biggest causes of poverty today.

This is the agenda upon which dreams can be built—and it is an agenda that this Congress should be relentlessly pursuing.
July 20, 1995

UNANIMOUS-CONSENT REQUEST—H.R. 1944

Mr. MACK. Mr. President, I have a consent agreement that has been approved on both sides of the aisle on a matter other than this bill.

I ask unanimous consent that following the disposition of the legislative appropriations bill, the Senate turn to the consideration of H.R. 1944 and it be considered under the following agreement:

The amendment in order to be offered by Senators WELLSTONE and MOSELEY-BRAUN regarding Education Funding/Job Training and LIHEAP, on which there be a division, and each of the two divisions be limited to 1 hour, to be equally divided in the usual form with all time being used tonight except for 30 minutes under the control of Senator WELLSTONE; and that at 10:20 a.m. the managers be recognized to utilize 10 minutes for debate to be followed by Senator MOSELEY-BRAUN to be recognized for his 30 minutes of debate, to be followed by a vote on a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the Calendar, and if that action is not exercised, the Senate then proceed immediately to a vote on a motion to table the second Wellstone division and that following that vote the majority leader be recognized to exercise the same right with respect to placing the bill on the Calendar, and if that action is not utilized the Senate proceed immediately to a vote on passage of H.R. 1944.

Mr. WELLSTONE. Reserving the right to object.

Ms. MOSELEY-BRAUN. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mrs. MURRAY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. One minute, 6 seconds.

Mrs. MURRAY. I want to thank all of my colleagues who have come to the floor tonight to speak so eloquently for equal opportunity.

I yield my remaining time to the Senator from Maine, Senator COHEN.

Mr. COHEN. Mr. President, at the heart of the amendment of the Senator from Texas is that everything should be decided on merit. That makes the assumption that we are all starting off on a level playing field. That makes the assumption that we all have equal opportunity and we are born with that equal opportunity.

That completely ignores what is a reality of our lives—that not everybody has an equal opportunity, not everyone has equal access to education, not everyone has the same opportunity to break through various barriers.

There is the assumption that everything is decided on merit. If that is the case, why do we have laws against monopolies? Why do we just not say the company that gets the biggest, that provides the most for the least should prevail in every case? Why do we need to break up monopolies if everything is to be decided on merit?

We have the amendment that because we understand that not everyone is treated equally in the marketplace.

The PRESIDING OFFICER. The Senator from Texas has 3 minutes and 20 seconds.

Mr. GRAMM. Let me begin with the last point. No one has ever argued, nor does anyone believe, that any two people are born equal. No one believes that the playing field is level.

If the mother of the Senator from Maine loved him and my mother did not love me, no law can ever make us equal. I do not know how much property the father of the Senator from Maine owns as compared to any other Member. Society cannot guarantee equality, except in one way, and it is what Abraham Lincoln called a fair chance and an open way. There is no legislative remedy to an unlevel playing field other than leveling it in the future so that people can compete. Because there have been wrongs in the past does not justify making those wrongs the law of the land in the future.

I believe that merit does not hold people down. Merit liberates people. I think we are down to a moment of decision. I want to use my final moments in defining what I have offered, a very limited amendment that says on this bill, this year in the Congress in congressional spending, that we will provide under this appropriation that contracts cannot be let on any basis other than merit.

Nothing in my amendment limits outreach, limits recruitment, nothing in my amendment overturns an existing contract, nothing in my amendment overturns a court order or prevents the court from issuing an order in the future to remedy a specific problem.

What my amendment seeks to do is to bring back to America, and in this particular bill, legislative branch spending, the concept of merit. The alternative which is offered by the Senator from Washington simply says that contracts have to go to qualified persons. That is not the issue. Mr. President. The issue is not that the person who gets a discriminatory contract is unqualified. The issue is that they are not the best qualified candidate. The issue is they did not submit the lowest bid or the best value.

There is only one fair way to decide who gets a job, who gets promoted, who gets a contract, that is merit. That is what I am trying to bring back to this House, the concept of merit.

If you oppose set-asides, and a huge percentage of the American people do, then I urge Members to vote for my amendment and vote against the Murray amendment. The Murray amendment simply precludes giving contracts to people who are not qualified. My amendment requires giving contracts to people who are the best qualified. Everyone agrees that the best way to go is the test of merit. Not that the loser of the competition has no merit; it is who has the most merit. That is the issue.

The PRESIDING OFFICER. Time has expired.

Mrs. MURRAY addressed the Chair.

AMENDMENT NO. 1827 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendment No. 1827 is withdrawn.

So the amendment (No. 1827) was withdrawn.

The PRESIDING OFFICER. The vote is on amendment No. 1825.

The PRESIDING OFFICER. Time has expired.

Mr. DASCHLE. Mr. President, I want to use just a couple of minutes of my leader time to comment on the pending vote. I was prior to the vote. I will be very brief.

Since the days of the New Deal, our Government's goal has been to expand opportunity, to give more Americans a fair chance to succeed, to open doors, not to close them.

Affirmative action has been a bipartisan part of that goal for 30 years, since the days of the civil rights revolution.

President Johnson issued the Executive order which authorizes programs of affirmative action. President Nixon greatly expanded and strengthened that Executive order. That at 4 years ago, the Congress enacted the Civil Rights Act of 1991, reversing Supreme Court rulings which undermined fundamental civil rights—and part of the bill included the Glass Ceiling Commission, to study why women, who are 45 percent of the work force are less than 5 percent of top management in the private sector.

Just 1 year ago, the full Senate, Republicans and Democrats alike, with a Government-wide goal of 5 percent of contracts for women-owned businesses.

If affirmative action was needed 9 years ago; if a study of women's workplace role was needed 4 years ago; if a Government-wide goal for women-owned businesses was a good idea 1 year ago—then those who now, suddenly oppose all affirmative action, all goals, all efforts to study the makeup of our work force, have a responsibility to explain to the American people what has changed.
In fact, not much as changed. Our goal is a colorblind society. But identifying a goal and reaching it are two different things. We have not reached that goal, and until we do, the amendment of the Senate from Texas should be voted down. It is an effort to divide people, not to find common ground. It is a political effort, and it deserves to fail. I yield the floor.

VOTE ON AMENDMENT NO. 1855

The PRESIDING OFFICER. The question is on amendment No. 1825. Mr. GRAMM, Mr. President, I ask for the yeas and nays.

Mr. GRAMM. Is there a sufficient second?

Mr. D'AMATO. It is my understanding that there are no further votes necessary on the legislative appropriations bill, that if we were to take the motion agreed to.

Mrs. MURRAY. Mr. President, I do believe we will have a vote on the pending question. Mr. D'AMATO. Right. I mean after this next one.

Is there any demand for a rollcall on final passage?

Mr. MURDOCK. No; it has been cleared on both sides.

Mr. D'AMATO. If we cannot get an agreement on the rescissions package, I intend to offer it as an amendment and then have the Wellstone-Moseley-Braun amendments and do it all tonight. We are not going to add any more time in the morning. We have been trying to put this together for 3 weeks. I have been here a long time. I have never been so frustrated in my life. So if they want to stay here tonight and keep everybody else here half the night, I am prepared to offer the rescissions package as an amendment as soon as we complete the next vote. If they are prepared to enter the agreement we thought we had, we are prepared to do that. So we can think it over during this vote, and I am prepared to offer the amendment right after this vote.

Mr. STEVENS addressed the Chair. The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I informed the manager of the bill I did have an amendment on OTA.

I would call the attention of the Senate to the fact that the bill which has come to us from the House takes the money out of the OTA from the Library of Congress, something that I wish to avoid. The House voted strongly in the Chamber on that matter.

I think we have made a mistake, not correcting that situation to protect the Library of Congress. But perhaps we can do it in conference.

In view of the problems that the majority leader just announced, I will not offer that amendment now, but I want the Senate to know I think we are making a big mistake to leave this situation where the House has voted overwhelmingly to maintain OTA but to take the money out of the Library of Congress. And we have not solved that problem here, in my opinion. I disagree with the manager of the bill and his solution. It is not a solution. The GAO has informed a lot of us here that there is nothing stands out in my mind more than the $1 billion that the Federal agencies toss out the window every year in energy waste.

The Federal Government is our Nation's largest energy waster. This year agencies will spend almost $1 billion to heat, cool, and power their 500,000 buildings.

So the amendment (No. 1826), as modified, was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1856

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1835, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

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

The result was announced—yeas 84, nays 13, as follows:

[Roll Call Vote No. 318 Leg.]
Both the Office of Technology Assessment and the Alliance to Save Energy, a nonprofit group that I chair with Senator Jeffords, have estimated that Federal agencies could save $1 billion annually.

To achieve these savings, agencies just need to buy the same energy saving technologies—insulation, building controls, and energy efficient lighting, heating, and air-conditioning—that have been installed in many private sector offices and homes.

I know what you may be thinking, "Here we go again with another crazy idea about how we need to give agencies more money so they can hopefully save money sometime in the future."

Well, you are wrong. Why? Because there are now businesses, known as energy service companies, that stand ready to upgrade Federal facilities at no up-front cost to the Government—that's right, at no up-front cost to the Federal Government.

These companies offer what are called energy saving performance contracts which provide private sector expertise to assess what energy saving technologies are most cost effective, provide nongovernmental financing to make investments, install the equipment, and maintain the equipment, and guarantee that energy savings will be achieved.

Agencies pay for the service over time using the energy costs they have saved—if they do not see the saving they do not pay for the service—it's that simple, that's the guarantee.

This type of contract is used every day in the private sector and State and local government facilities. For instance, Honeywell Corp. has entered into these energy-saving arrangements with over 1,000 local school districts nationwide, allowing schools to reinvest $500 million in savings in critical education resources rather than continuing to pay for energy waste.

Unfortunately, even though Congress first authorized Federal agencies to take advantage of this innovative business approach in 1986, agencies have been dragging their heels.

To help get things moving, the Department of Energy recently prepared streamlined procedures to encourage their use.

Now is the time for Congress to put the agencies’ feet to the fire on financial reform of Government energy waste. Agencies must enter into these energy service contracts with private sector companies to attain savings nationwide, allowing schools to reinvest hundreds of millions of dollars every year, at no up-front cost to taxpayers.

**UNANIMOUS CONSENT AGREEMENT—H.R. 1944**

Mr. HATFIELD. Mr. President, I would like to propose a unanimous consent agreement relating to a rescission package that has been here before the Senate. I understand that it has been agreed to by the parties involved and the leadership on both sides of the aisle.

Mr. President, I ask unanimous consent that following the disposition of the legislative appropriations bill, the Senate turn to the consideration of H.R. 1944 and it be considered under the following agreement:

One amendment in order to be offered by Senators WELLSTONE and MOSELEY-BRAUN regarding education funding, job training, and low-income energy assistance, on which there be a division, and each of the two divisions be limited to 1 hour each, to be equally divided in the usual form and with all time being used tonight except for 30 minutes under the control of Senators WELLSTONE and MOSELEY-BRAUN; and at 10:10 p.m. the managers be recognized to utilize 30 minutes for debate to be followed by Senators WELLSTONE and MOSELEY-BRAUN to be recognized for their 30 minutes of debate, to be followed by a vote on a motion to table the first Wellstone division, and that following the division, the majority leader be recognized to place the bill on the calendar, and if that action is not exercised, the Senate then proceed immediately to a vote on a motion to table the second Wellstone division, and that following that vote, the majority leader be recognized to exercise the same right with respect to placing the bill on the calendar, and if that action is not utilized, the Senate proceed immediately to a vote on passage of H.R. 1944.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

**LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996**

The Senate continued with the consideration of the bill.

Mr. MACK. It is my understanding that there has been a request for a recorded vote. So I ask for the yeas and nays.

**AMENDMENT NO. 1803**

The PRESIDING OFFICER. Without objection, the amendment, No. 1803, as amended, is agreed to.

So the amendment (No. 1803), as amended, was agreed to.

**AMENDMENT NO. 1804**

The PRESIDING OFFICER. Without objection, the amendment, No. 1804, as amended, is agreed to.

So the amendment (No. 1804), as amended, was agreed to.

**AMENDMENT NO. 1805**

The PRESIDING OFFICER. Without objection, the amendment, No. 1805, as amended, is agreed to.

So the amendment (No. 1805), as amended, was agreed to.

**AMENDMENT NO. 1806**

The PRESIDING OFFICER. Without objection, the amendment, No. 1806, as amended, is agreed to.

So the amendment (No. 1806), as amended, is agreed to.

**AMENDMENT NO. 1807**

The PRESIDING OFFICER. Without objection, the amendment, No. 1807, as amended, is agreed to.

So the amendment (No. 1807), as amended, was agreed to.

**AMENDMENT NO. 1808** (Purpose: To retain the Capitol Guide Service and Special Services Office).

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: Provided, That none of these funds shall be used to employ more than thirty-three individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and that no more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

**SPECIAL SERVICES OFFICE**

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

**AMENDMENT NO. 1809** (Purpose: To repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes).

At the appropriate place, insert the following new section:

**SPECIAL SERVICES OFFICE**

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.
under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

"(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; and

"(B) an evaluation of the character, loyalty, or suitability of such individual.""

AMENDMENT NO. 1850

At the end of Sec. 308(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States exists prior to the completion and submission of the study to the Board as required by Section 239 of the Congressional Accountability Act of 1996 (2 U.S.C. 171).

AMENDMENT NO. 1851

(Purpose: To add a general provision)

At the end of the bill, add the following:

(a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction in facility energy costs from fiscal year 1995 levels. The head of each such agency shall include in the budget for the fiscal year for the total amount of savings achieved under this subsection, and the amount transmitted shall be used to reduce the deficit.

(b) The head of each agency described in subsection (a) shall report to the Congress not later than December 31, 1996, on the results of the actions taken under subsection (a), together with any recommendations as to how to further reduce energy costs and conserve energy for the future. Each report shall specify the agency's total facilities energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

AMENDMENT NO. 1852

On page 60, line 1, strike all through the period on line 17.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed immediately to vote on the passage of the bill with no other intervening action on the floor. The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 1854), as amended, was passed.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I will take this opportunity to congratulate the managers of the first appropriations bill to come to the floor, Senator MACK of Florida and Senator MURRAY of Washington State. We started them off here on the trail to sort of get a feel of the body in terms of acting on these appropriations bills each year for all the Members of Congress. We not only demonstrated the skill in putting the bill together in the committee framework, but certainly here managing on the floor.

Mr. President, this is a very tough year for the Appropriations Committee. It has the various forlorn Members, but especially the Appropriations Committee, because in effect we are playing the implementer, the mortician, the executioner, and many other roles in terms of the budget resolution and all the other various forces that are forcing Members to face up to some of these fiscal problems.

I hope that at an appropriate time we reconsider an action that would permit legislation on appropriations, because this type of legislation attracts all kinds of policy issues. It should not be on this bill or on any other appropriations bill. We must resist that effort on the floor and on the part of the committee. Since we found the test case, we will bring some more appropriations bills. But I want to thank these managers.

I have one further point to make, and that is when I visited Antarctica and was introduced to the culture of penguins, at once one of the things about the culture was that there are seals, giant seals under the ice. The penguins go along the edge of the ice looking into the water to see if there are any seals there, and they are not certain by their vision. So pretty soon they nudge one into the water, and if they swim away, there are no seals and the others jump in.

So to speak, an analogy can be drawn here tonight. We have had the seal test and it has passed well. I congratulate my colleagues.

Mr. MACK. Mr. President, I want to thank the chairman. At least, I think I want to thank the chairman for his remarks. I appreciate that and appreciate his assistance as we have begun this process.

I also want to thank Keith Kennedy and Larry Harris for the work they have done to prepare us and the bill and to assist as we move forward. And again, to Senator MURRAY, it has been a pleasure working with the Senator through conference and completing the bill.

Mrs. MURRAY. Mr. President, I too, want to thank the appropriations Chair, as well as the ranking member, Senator BYRD, who have been very helpful in this process, and in particular to thank the Senator from Florida, Senator MACK, for a job well done.

We have not agreed on every part, but he has been wonderful to work with and I appreciate his willingness to step down and go through this with me. I thank him, and Jim English, who worked with me.

I appreciate the opportunity to work with you on my first bill, Senator.

UNANIMOUS-CONSENT AGREEMENT—S. 1817

Mr. MACK. Mr. President, I ask unanimous consent that at 5 a.m. on Friday the Senate begin consideration of H.R. 1817, the Military Construction Appropriations bill.

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1844) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and for rescissions. The bill was introduced to the culture of penguins. At once one of the things about the culture was that there are seals, giant seals under the ice. The penguins go along the edge of the ice looking into the water to see if there are any seals there, and they are not certain by their vision. So pretty soon they nudge one into the water, and if they swim away, there are no seals and the others jump in.

So to speak, an analogy can be drawn here tonight. We have had the seal test and it has passed well. I congratulate my colleagues.

Mr. MACK. Mr. President, I want to thank the chairman. At least, I think I want to thank the chairman for his remarks. I appreciate that and appreciate his assistance as we have begun this process.

I also want to thank Keith Kennedy and Larry Harris for the work they have done to prepare us and the bill and to assist as we move forward. And again, to Senator MURRAY, it has been a pleasure working with the Senator through conference and completing the bill.

Mrs. MURRAY. Mr. President, I too, want to thank the appropriations Chair, as well as the ranking member, Senator BYRD, who have been very helpful in this process, and in particular to thank the Senator from Florida, Senator MACK, for a job well done.

We have not agreed on every part, but he has been wonderful to work with and I appreciate his willingness to step down and go through this with me. I thank him, and Jim English, who worked with me.

I appreciate the opportunity to work with you on my first bill, Senator.

AMENDMENT NO. 1853

(Purpose: To strike certain rescissions, and to provide for the extension of the Emergency Supplemental Appropriations Act, 1995)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself and Senator MOSELEY-BRAUN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate resumed consideration of the bill.

AMENDMENT NO. 1854

(Purpose: To strike certain rescissions, and to provide for the extension of the Emergency Supplemental Appropriations Act, 1995)

Mr. WELLSTONE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed.

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

On page 83, strike lines 24 and 25 and insert the following: "under this heading in Public Law 103-332, $204,000 are rescinded: Provided, That section 2007(b) relating to the administrative and travel expenses of the Department of Defense is amended by striking "re­ rescinded" the last place the term appears and inserting "re­ rescinded, and an additional amount of $319,000,000 is rescinded": Provided further. That the funds made available":

Beginning on page 34, strike line 24 and all that follows through page 35, line 16, and insert the following: "Public Law 103-332, $1,125,254,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of U.S. Corps centers. $2,500,000 for the School-to-Work Opportunities Act, $4,260,000 for section 401 of the Job Training Partnership Act, $3,743,000 for section 403 of such Act, $3,861,000 for service delivery areas under section 101A(d)(4)(A)(ii) of such Act, $100,031,000 for carrying out title II, part C of such Act, $2,223,000 for the National Apprenticeship and Training for Employment Policy and $600,000 for..."
because I believed that if we were serious about our future, if we were serious about national security, about gener­ating a legacy of debt, if we were serious about reducing Federal deficits and taking the steps necessary to achieve balance, to get on the glidepath to a balanced budget and not bankrupting the country by the turn of the century, if we were going to do that, we ought to move in the direction of trying to achieve budget balance.

The good news, Mr. President, is that this time the Senate, in the budget that has been adopted, did achieve budget balance, or headed in the direction of budget balance, or put us on the glidepath in that direction. The bad news, in my opinion, it did it in a way that speaks very poorly of priorities and speaks very poorly of the allocation of contribution by various sectors of our population.

If anybody has a problem with the rescissions bill, and I point out to those night owls who are listening and who get sometimes turned off by the more technical language that we use, a rescission bill is taking back. It is a take-back.

It is the first step. It takes back money that was appropriated last year and says OK, we are not going to do that after all. We are going to rescind, we are going to turn that around, and then we are going to go forward. So in that regard the take-back bill from last year's appropriations effort in the context of this session is the seal test, in some ways, that the Senator from Oregon referred to. It is the first step that we take on the glidepath toward a balanced budget.

Unfortunately, the seal test and the first step that is taken by this rescissions bill, I believe, calls for more sacrifice from the most vulnerable populations in our country than ought to be the case in any rescission package or, frankly, in this budget.

In fact, a new report by the Center on Budget and Policy Priorities, it was found after analyzing the numbers and how the cuts weigh in, the center found that some 62 percent of the cuts in this rescissions bill would come from discretionary programs to serve low- and moderate-income individuals, even though that group of Americans represent only 12 percent of discretionary spending overall.

There is a kind of technical, 62 percent for low- and moderate-income individuals. But the cuts that this bill would have us undertake come in areas that, frankly, again, I just, for one, not only personally cannot accept, but that I believe would be inappropriate for us to accept as our first step on this glidepath. If anything, our priorities ought to reflect shared sacrifice. We are moving the plate around the table, as Americans and make some sacrifice in order to get our fiscal house in order. We are all going to have to make a contribution to resolving budget deficits and to getting us on a glidepath, if you will, to budget balance, that glidepath that is opposite to the trends that we have taken, that we are taking right now.

I served as a member of the President's bipartisan Commission on Entitlements and Tax Reform. There was no question, if there is one message out of the entire hearings and the information that we looked at in terms of the budget, it was that current trends, budget trends are unsustainable and that we had to change the way that we do business. That is one of the reasons why this rescissions bill is so important and that is why I believed, and still believe, that it was so critically necessary to have the debate in the sunshine, to have the debate in the daytime, to allow people to know what it was that we were talking about, what was at stake and what were the issues.

In the first instance, among the cuts in this bill that are sought to be restored by the Wellstone/Moseley-Braun division, and it is a division because the amendment is in two parts, among the restorations are a program that I have worked on, education infrastructure, to help rebuild some of the dilapidated schools around this country, schools that are falling apart. I do not think it is a secret, at this point, given the discussion about the condition of American schools, our schools are falling apart. They are not equipped to prepare our youngsters for the 21st century. We do not have the infrastructure in them even to make them computer ready, if you will. In many instances, the electricity is not there.

So we are really, I think, missing the boat and really shortchanging our children by refusing to even take some small steps toward getting our schools in better shape. But that was cut. That program was terminated altogether in the legislation.

Safe and Drug-Free Schools and Communities—that was cut by $15 million. Again, youngsters who have difficulty going to school for fear of being shot by the drug dealers, that kind of a cut is a major impediment to their education.

Education technology, another $17 million cut. You talk education technology. It is clear what that is, the whole idea we are going into this information age without allowing our youngsters to get adequately prepared.

Eisenhower Professional Development, to help teachers be better teachers. Again, another set of cuts. This is one, Eisenhower Professional Development, was cut by $69 million. Again, I think that is inappropriate.

Then we get to the really difficult ones. There really has been—just as it hits people who are probably more in need than just about any other group: Homeless veterans jobs training. The
homeless veterans job training program was cut by $5 million. How we can cut something for homeless veterans, in terms of job training, is a mystery to me. Yet that was a decision that was made as part of this rescissions compromise.

Displaced worker training. With all the base closings and all the dislocations in our economy with job downsizing and the like, again, to cut displaced worker training by $27 million seemed to be inappropriate.

Adult job training was cut, JTPA adult job training, cut by $58 million. JTPA youth training cut by $272 million. Again, in communities particularly where there is less than—and there are communities in this country, Mr. President, and I am sure you are aware of them—in which there is about 1 percent—in fact I will be specific. In a community in the city of Chicago, in my State of Illinois, 1 percent private employment, 1 percent. That is economic meltdown. If we do not undertake some steps to provide for job training, if we do not provide new jobs for people who live in communities with 1 percent private employment in them we are setting ourselves up for a black hole to develop in our social fabric from which we may never recover. Again, those cuts, it seems to me, are inappropriate. And as the seal test, as that first step on the glidepath, seems to me to be the absolute wrong place for us to go.

Interestingly, this amendment calls for an offset. Because we are all talking about, “Can we pay for these things?” The offset which would pay for these restorations, which the Wellstone/Moseley-Braun amendment suggests, comes from the administration and travel budget of the Department of Defense. According to the General Accounting Office, the DOD has that money and money to spare when it comes to administration and travel. Certainly, the absorption of these costs would not be something that would cripple the ability of our military to travel around the world.

So it would seem, starting from the notion that justice has to be shared sacrifice, the amendment that Senator WELSTON and I put together—again I hope he will be able to talk about in the sunshine—would have gone a long way to restoring our capacity to respond to some of the most vulnerable populations and respond to people who are least able to take the impact of the cuts of this rescissions legislation.

The second part, the second division of the amendment has to do with the Low Income Home Energy Assistance Program, LIHEAP. Mr. President, I know you probably noticed in the newspapers, in the city of Chicago in this last couple of weeks we had a heat wave that left almost 300 people dead. Mr. President, 300 people died because they could not physically tolerate the heat that came into the city. Chicago, IL does not have a cooling assistance program under LIHEAP, although those things are allowed. It does not have a cooling assistance program but it does have heating assistance. It is one of the worst places in the Chicagoland area and the State really, but as beautiful as it is, it is known for some extremes of temperature. It can go from having 300 people die because there is no assistance and they are too poor to move away from the home and into the nearby hotel into an air-conditioned room, but at the same time, come winter, when the temperatures fall to below zero, it is just as likely that in the absence of LIHEAP, in the absence of heating assistance for poor people, we will see the same kind of loss of life and the same kind of attendant tragedy.

That is a preventable tragedy and it has been prevented over time by the Low Income Home Energy Assistance Program. It is a program that provides energy assistance for heating and cooling to economically disadvantaged individuals, particularly senior citizens, particularly those more fragile, very frail, all 50 States. The LIHEAP program was cut by $319 million in this rescissions package and I daresay, given the need for the assistance, particularly for senior citizens, given the vulnerability of these populations to die when the temperature gets over 100 degrees or die when it gets under 32, it was inappropriate for us to take that kind of cut. Inappropriate for us to head on this glidepath, calling on them to make a sacrifice that, unfortunately, in all too many instances, could well be the supreme sacrifice.

So that is what this amendment is about. I know we have 30 minutes tomorrow to debate this issue. I know, also, there are other things about this legislation that encourage my colleagues to want to move it quickly.

As an aside from the beginning of this debate, I was watching news and no one was interested in holding up relief for California or relief for Oklahoma City, and those are parts of this rescissions legislation. So no one has been interested in that. But, at the same time, for us to respond to those emergencies and at the same time trample over the emergency that is faced by the low-income individuals who have faced 62 percent of the cuts in this bill seems to me to take a wrong step, in the wrong direction, in the wrong way.

So we thought it appropriate and believe it appropriate to have a chance to talk at length about these issues. While we will get to talk about it for an hour tomorrow morning, and we will be able to pass the issue, there are other parts of this legislation of the rescissions bill that are problematic. There are some environmental issues that are problematic.

But, again, we all know that part of the legislative process is that things that you do not like often get wrapped up in things that you do like. In fact, one of my colleagues a few moments ago used an expression that I have liked to use over the years. The expression is that those who love the law and those who love sausage should not watch either of them being made. Quite frankly, this legislation, I think, fits into that category very well because it has a combination of some palatable initiatives such as California and Oklahoma City, and then an awful lot that would just make you, in my opinion, gag on what has happened here.

Quite frankly, I think that the issue that is on fire is the one that we really do need to engage, an entire legislative body with everybody participating and talking about—the direction that our country will take as we try to achieve budget balance and integrity in the way we handle these fiscal year issues. Quite frankly, one of the things people ask me very often is, “What do you like about being in the Senate?” And I tell them that I cannot imagine— I am sure the Presiding Officer will relate to this—I cannot imagine a more exciting time to serve in the U.S. Senate or to serve in policymaking, the policy of a legislative body of our Government, precisely because so many of the issues that have been around for a long time, as well as issues that are new to our time, are now facing us four square and calling on us for resolution, calling on us to express an opinion; issues that 5 years ago did not get talked about. I mean, when they were building up huge budget deficits nobody really talked about it. What should be our foreign policy? You had a Soviet Union. It was pretty clear-cut. Now we have to construct something.

What is going to be the direction in terms of diversity? We just had the vote on affirmative action. What kind of economy are we going to have in the future? All of those issues and a host more that I know you colleagues were probably the rest of the night to talk about, all of these issues are before us now.

So when it comes to specifically the issue of budget priorities, now is the time for us to take up that debate and not to handle it willy-nilly. Let us get it done, kind of make those sausages faster, but in a way to allow us to really have a comprehensive and coherent debate and input from every Member of this U.S. Senate. That is what we were sent here to do.

Again, to the extent that my colleagues had concern that the holding up of this legislation would have untold effects, I am optimistic that those effects will not be untold and that we will be able to go forward, and hopefully we will pass the Wellstone/Moseley-Braun amendment. I am not unrealistic about that. But I would encourage my colleagues to take a look at the amendment, a serious look at the amendment, recognizing that we
Mr. President, there have been numerous editorials and articles written about this provision, most of which have urged the President and the Congress to reject these sweeping changes. In addition, recent statistics on employment and growth rates within the timber industry indicate the picture of the industry is not as bleak as some have predicted. I ask unanimous consent to insert some of these materials in the RECORD at the conclusion of my statement.

THERE THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. MURRAY. In summary, I believe this is the wrong bill at the wrong time. The Senate has passed its own balanced budget resolution, and recently passed the conference report. The cuts in this resolution bill are pitiful by comparison. And the timber salvage provisions go too far without adequate safeguards and public participation.

I urge my colleagues to oppose this unnecessary, harmful bill.

EXHIBIT 1

WESTERN STATES GAIN 14,251 IN TIMBER JOBS—JANUARY 1993—SPRING 1995

(In thousands)

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These figures are based on the most current data available from state economists. The numbers represent job losses or gains in the timber, wood manufacturing, paper and allied industries.

The net gain in timber jobs since the 1992 elections for these eight western states is 14,251 jobs. There is no need for salvage sufficiency language.

(From the Seattle Post-Intelligencer, June 1995)

CLINTON'S VETO THE RIGHT ACTION

President Clinton has done the right thing in vetoing a bill that made the wrong cuts in the budget and left too much leeway for cheating in salvage timber sales in the Northwest. The president said it's wrong to cut education programs but to fund members of Congress' pet pork-barrel projects such as roads. The bill cut $16.4 billion from previously approved social programs.

*We must recognize that the only deficit in this country is not the budget deficit. There's a deficit in this country in the number of drug-free children. There's a deficit . . . in the number of safe schools. There's an education deficit,* he said in wielding the nation's first veto.

It took perhaps even more courage for the president to set himself up for cheap-shot charges by Northwest Republican lawmakers.
that he is anti-job because he insists that the nation's forests be harvested under rule of law. But there are sure to be further attempts to deregulate the process, and Clinton should stand tall against them.

The bill, using poorly defined criteria, would have given the timber industry three penalty-free years to remove "damaged" trees that threaten a fire threat. The trees would have been removed without the benefit of the standard environmental safeguards that are meant to protect salmon streams and water-sheds, and citizens would have been legally barred from filing suit to object to any violation of environmentally sound harvesting no matter how gross.

The salvage program must get under way, and Congress is perfectly capable of passing legislation that provides for responsible removal of trees that pose a fire hazard without abandoning environmental safeguards.

But by sending the White House an irresponsible proposal for timber salvage, Congress has thrown away valuable timber and risked further fire losses in the Northwest woods.

Members of this state's delegation should have insisted on using their time to prepare an acceptable plan for this summer's fire season rather than in devising a political booby-trap for the president.

LOGGING BILL FLAWED

A case can be made for salvage logging of some federal lands where that would relieve a dangerous accumulation of dead or diseased trees that pose a fire hazard.

But a case cannot be made for the sweeping logging proposals now under consideration in Congress that sets aside environmental safeguards and promises to raid the treasury for the benefit of private timber companies.

The overly broad language of the bill renders it unacceptable; more important, existing law makes it unnecessary.

The bill arbitrarily mandates a doubling of the amount of timber to be felled over the next two years from federal lands, whether or not that much timber needs to be salvaged and that is the door for a giveaway of public property.

That's because it cleverly stipulates that no so-called "health management activities" directed by the legislation shall be precluded simply because they cost more than the revenues derived from sale of the salvaged timber.

And the bill says that any environmental review, however cursory it may be, "shall be deemed to have satisfied the law."

Sponsors wrongly imply that the bill is needed to permit the Forest Service to conduct salvage logging. But Sierra Club attorney Todd True notes, "Existing law already gives the agency authority" for whatever salvage logging it deems necessary due to threat of fire and insect infestations.

Last summer's huge, costly fires in Eastern Washington forests provided clear evidence of the folly of the Forest Service's past policy of suppressing natural wildfires. It bears noting that the agency followed that practice partly to protect adjoining commercial timberlands.

If it can't get the Forest Service's budget for environmental impact studies, those important reviews can be done in a timely manner and permit defensible salvage-logging operations.

[From the Los Angeles Times, June 22, 1995]

THE LOGGER'S AX: NO WILD SWINGS—CLINTON SHOULD HOLD FIRM AGAINST AMENDMENT THAT THREATENS FORESTS

In the early days of his presidency, Bill Clinton proposed legislation that addressed the volatile issue of forest management by breaking with the tired "jobs versus owls" rhetoric of past decades. Instead, he showed he understood both the need to preserve dwindling federal forests and the painful dislocations that new limits on logging would cause. So Congress should hold the line and instituting programs to retrain displaced workers. But now, locked in battle with congressional Republicans, Clinton seems to be in danger of abandoning that principled approach.

Last month he rightly vetoed a congressional revisions bill that was loaded with special-interest riders. One of them, the deceptive "Emergency Two-Year Salvage Timber Sale Program," in essence would have ordered the U.S. Forest Service to sell as much as 3.2 billion board feet of "salvage" timber from national forests. It would have allowed logging of trees killed by windstorms, insects or disease and permitted selective thinning of forests to control forest fires.

The legislation, pushed hard by timber companies, also contained the provision that the Forest Service to sell twice as many trees as it felt appropriate. Further, these sales would have been exempt from environmental review and public comment. Worst of all, the language was so vague that virtually any tree, living or dead, standing or fallen, could have been defined as "salvage," even the dwindling stands of old-growth redwoods in California's national forests. For these reasons Clinton should stick to his guns as Republicans seek to gut this already inexcusable amendment in a compromise recisions package. The President reportedly is considering accepting it.

Even the staid Sunset Magazine highlights a special report entitled "The Crisis in Our Forests" in its current issue. Sunset doubts that stepped-up salvage operations would markedly improve forest health or prevent the spread of wildfires.

The salvage amendment has nothing to do with cutting wasteful government spending but everything to do with wasteful cutting. The President must hold firm—the amendment must go.

[FROM THE WASHINGTON POST, MAY 3, 1995]

CHOPPING BLOCK

It isn't just spending that would be cut by the bills the House and Senate passed a month ago that provide direction for the current fiscal year. A fair amount of timber would likely be cut, too—cut down, that is. Each version of the bill includes a rider that would aim at sharply increasing the timber harvest this year and next in the federal forests.

If the riders did no more than urge an increase in the amount of timber the Forest Service could cut, that the cut be as large as possible under the law, that would be fairly enough. There's always a great dispute about the amount of timber that can be harvested on national forests and other public lands. The total last few years has been well below the level to which the industry became accustomed in the 1970s. Without the riders, there would be no cap on the cut; the amount of timber could be increased—finally argues among much else that there is currently an enormous amount of timber on federal lands that the forest that will otherwise go to waste—and the new majority in Congress agrees.

But the riders don't stop there. To make sure that no obstacles in the form of con-
July 20, 1995

forests. But this measure is especially troubling because it tosses aside most environmental considerations the Forest Service usually weighs before deciding how much logging to allow.

When the rescissions bill lands on Clinton's desk, the President should veto it because of the timber and other environmental provisions. When Congress votes whether to override the veto, Campbell this time should side with common sense instead of letting his new partisan allies dictate his behavior.

SHIFT IN U.S. TIMBER POLICY PUTS FORESTS, FIRST AND WILDLIFE AT HURI-Congress- MOVES TOO FAST, WITH TOO LITTLE THOUGHT

The pendulum in the nation's timber policy is swinging too fast and too wide.

The public has become accustomed—dazed may be the correct term—to the daily headlines of sharply revised public policy on welfare, immigration, food programs and more. But the sudden shift in federal timber policy is more than even the most blase citizen may be able to accept.

The U.S. Senate Appropriations Committee has followed the House's lead in opening big areas of our national forests to harvesting without the normal regulations to protect fish, wildlife and the environment and without allowing the public to bring legal challenges.

The committee-passed proposal directs the forest service to set aside existing environmental laws. Although the original intent of the legislation was to speed up the salvage of dead and dying timber, this measure may go beyond that. It gives sole discretion to the Forest Service to harvest wherever it wants.

Only designated wilderness areas are off-limits.

No one can be sure what forests and what areas might be subject to harvesting—or how carefully it would be done.

The public will not stand by and watch the years of protecting our forests against environmental damage be wiped out in a spurt of action by a Congress that has so many pro-harvest allies in its midst.

Our forests can be harvested without damage to our environment. But doing so requires more scientific and technical thought than Congress appears willing to devote. The final protection against abuse is the legal system. If that access also is prohibited, then all of us should worry.

Citizens should demand that Congress slow down and remember its stewardship duties to the public land.

Narrowly focused salvage harvesting is acceptable. Abandoning our traditions of environmental protection and legal accountability is not.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1944, the revised emergency supplemental appropriations and rescissions bill for fiscal year 1995.

It is time for Congress to complete this bill and provide the emergency assistance that is needed in at least 40 States to respond to natural disasters.

It is time to complete action on the rescissions in the bill so that agencies can close out the fiscal year, and Congress can address the funding issues for the new fiscal year. The Senate will be returning to the fiscal year 1996 funding bills this week.

I am pleased that the President will support this bill. It provides funding the administration requested to respond to the tragic bombing in Oklahoma City and to carry out a proposed counterterrorist initiative.

Mr. President, the bill before us will save $15.3 billion in budget authority and $9.6 billion in outlays from the current fiscal year through the rescissions in the bill. As chairman of the Senate Budget Committee, I ask unanimous consent that a table displaying the relationship of the bill to the Senate Appropriations Committee's budget allocation be placed in the RECORD at this point.

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

H.R. 1944, EMERGENCY SUPPLEMENTAL AND RESCISSIONS

| Fiscal year 1995, in millions of dollars, CBO scoring |
|-------------------------------|---------------|
| Subcommittees | H.R. 1944 | Subcommittees | Senate 602(b) |
| Current status | | Total | allocation |
| Agriculture—RD | BA | 58,117 | -82 | 58,035 | 58,118 | -83 |
| Commerce—Justice | OR | 50,300 | -30 | 50,270 | 50,300 | -30 |
| Defense | CH | 25,387 | -99 | 25,118 | 25,429 | -141 |
| District of Columbia | BA | 241,000 | -38 | 240,627 | 240,330 | -297 |
| Energy-Water | BA | 712 | -712 | 712 | 712 | -8 |
| Foreign Operations | OR | 20,103 | -233 | 19,870 | 20,493 | -623 |
| Interior | CH | 29,748 | -52 | 29,696 | 29,748 | -17 |
| Labor—HHS | BA | 12,357 | -1 | 12,356 | 13,830 | -173 |
| Legislative Branch | OR | 6,297 | -7 | 6,290 | 6,297 | -8 |
| Military Construction | BA | 1,415 | -1 | 1,414 | 1,403 | -12 |
| Transportation | OR | 8,756 | -12 | 8,744 | 8,756 | -10 |
| Treasury—Postal | CH | 11,568 | -198 | 11,589 | 11,758 | -190 |
| VA—HUD | BA | 778,674 | -15,300 | 763,374 | 785,343 | -21,969 |
| Reserve | BA | 804,950 | -600 | 804,358 | 806,377 | -2,019 |

Note—Details may not add to totals due to rounding.

Mr. HATFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Illinois has another 11 minutes and 33 seconds left.

Mr. HATFIELD. I have 30 minutes.

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. The proponents?
MR. HAYS, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2039. An act making appropriations for the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED
The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2039. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES
The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:
S. 919. A bill to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes (Rept. No. 104-117).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:
S. Res. 103. A resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES
The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:
James L. Dennis, of Louisiana, to be U.S. circuit judge for the Fifth Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:
Robert L. Meybohm; Robert L. Meybohm; Dolly W. Ward; Mildred W. Ghotti; and Hana W. Fowler.

MESSAGES FROM THE PRESIDENT
Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED
As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE
At 1:55 p.m., a message from the House of Representatives, delivered by Mr. HAYS, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2039. An act making appropriations for the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes.

SECONDO UNIVERSITY OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER (for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, Mr. LATHENBERGER, Mr. LOTTER, Mr. MORELEY-BRAUN, Mr. MUKOWSKI, Mr. PACKWOOD, Mr. PELL, Mr. PRIYOR, Mr. ROTH, and Mr. SIMON):
S. Res. 155. A resolution expressing the sense of the Senate that the action taken by the Government of Japan against United States air carriers represents a clear violation of the United States/Japan bilateral aviation agreement that is having severe repercussions on United States air carriers and, in general, customers of these United States carriers; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. HATCH (for himself and Mr. BAUCUS):
S. 1052. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits; to the Committee on Finance.

THE ORPHAN DRUG ACT OF 1995
Mr. HATCH. Mr. President, today I am introducing the Orphan Drug Act of 1995, legislation to modify and extend permanently the orphan drug tax credit. Identical legislation has been introduced in the House by Representatives by NANCY JOHNSON and ROBERT MATSUI. This credit encourages private firms to develop treatments for rare diseases. As many of my colleagues know, this medical research tax credit expired at the end of 1994. I am pleased that my good friend and colleague from Montana, Senator BAUCUS, is joining me.

Since the 1983 enactment of the orphan drug tax credit, we have seen very encouraging progress in developing new drugs to alleviate suffering from a number of so-called orphan diseases. The name "orphan" was coined to reflect a perceived lack of concern about...
diseases that affect relatively small numbers of people.

Mr. President, the incentive provided by this credit gives hope to individuals who suffer from such rare but devastating conditions as Tourette's syndrome, Huntington's disease, and neurofibromatosis. Many drugs designated as orphan drugs have a much smaller potential market than even the 200,000 patients referred to in the definition in this bill—sometimes they are for conditions that affect as few as 1,000 persons in the United States. This means that without some incentive there is simply no possibility for a firm to profit from its decision to develop drugs that treat these diseases.

Fortunately, the "orphan" perception has been changing over the 12 years that this research credit has been in effect. In fact, Mr. President, pharmaceutical companies have made great strides in discovering treatments for these orphan diseases. While only seven orphan drugs were approved by the FDA in the first year of the initial passage, over 100 have been approved since and approximately 600 are now in development.

For example, the FDA recently approved the first-ever treatment for Gaucher disease, a debilitating and sometimes fatal genetic disorder. This disease afflicts fewer than 5,000 people worldwide, yet Genzyme Corp. expanded its time and money to search for a treatment precisely because of the orphan drug credit's incentives.

Mr. President, this credit's effectiveness has been tested for the past 12 years, and it has passed with flying colors. Few provisions of the Tax Code can claim to have clearly reduced human suffering and to have expanded our store of medical knowledge. This credit has done both.

Helping small, entrepreneurial firms to take advantage of the orphan drug credit, we can make it even more effective. Currently, Mr. President, the tax credit only serves as an incentive for the year in which a firm incurs a loss. Under the previous law, if the credit could not be used immediately, it was lost forever. For large, profitable drug companies, this was rarely a problem.

However, for many small, start-up pharmaceutical companies, this current-year restriction makes the credit of little or no use. These firms typically lose money in the early years since they put all available funding into research. They only expect to see profits many years into the future. While many of the Nation's drug breakthroughs have come from these small firms, Mr. President, the credit's current-year structure has left them out in the cold.

In order to improve the credit's usefulness, this bill will allow firms to carry the credit back 3 years and carry it forward 15 years. This will give small, growing companies an incentive to find ways to treat these rare diseases that cause so many to suffer.

In my home State of Utah, a healthy biomedical industry is emerging. In the past, the high cost of drug experiments and the enormous expense involved in gaining FDA approval, many researchers reluctantly set these promising drug innovations aside. Mr. President, this should not happen, not when so many are suffering from these rare diseases, and we have an effective credit available that has proven its benefits.

I urge my Senate colleagues to join me in sponsoring this legislation. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1022

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

SECTION 1. AMENDMENT FOR CERTAIN CLINICAL TESTING EXPENSES MADE PERMANENT; CARRYOVER AND CARRYBACK OF UNUSED CREDITS.—

(a) CREDIT MADE PERMANENT.—Section 28 of the Internal Revenue Code of 1986 (relating to clinical testing expenses for certain drugs for rare diseases or conditions) is amended by striking subsection (c).

(b) CARRYOVER CARRYBACK OF UNUSED CREDITS.—Paragraph (2) of section 28(d) of such Code is amended by adding at the end the following flush sentence:

"Rules similar to the rules of subsections (a), (b), and (c) of section 39 shall apply to the credit under this section. No credit under this section may be carried under such rules to a taxable year beginning before January 1, 1995."

(c) TECHNICAL AMENDMENTS RELATED TO CARRYOVER CARRYBACK OF UNUSED CREDITS.—

(1) CARRYOVER OF CREDIT.—

(A) Subsection (c) of section 383(a) of such Code (relating to items of the distributor or transferee corporation) is amended by adding at the end thereof the following new paragraph:

"(2) CREDIT UNDER Section 28.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 28, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 28 in respect of the distributor or transferee corporation." (B) Paragraph (2) of section 360(a) of such Code (relating to the calculation of certain excess credits, etc.) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) any unused clinical testing credit under section 28."

(2) CARRYBACK OF CREDIT.—

(A) Subparagraph (A) of section 651(d)(4) of such Code (defining credit carryback) is amended by inserting "any clinical testing credit carryback under section 28 and after "means"."
CONGRESSIONAL RECORD—SENATE
July 20, 1995

S. 969
At the request of Mr. SIMPSON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Tennessee [Mr. THOMPSON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 969, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 983
At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 983, a bill to amend the Lanham Act to require certain disclosures relating to materially altered films.

S. 984
At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 984, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 955
At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. BUMPERS] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 955, a bill to clarify the scope of coverage and amount of payment under the Medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 956
At the request of Mr. MCCONNELL, the names of the Senator from Idaho [Mr. KEMPThORNE] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 956, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 969
At the request of Mr. BRADLEY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 974
At the request of Mr. GRASSLEY, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 974, a bill to prohibit certain acts involving the use of computers in the furtherance of crimes, and for other purposes.

At the request of Mr. D'AMATO, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1009, a bill to prohibit the fraudulent production, sale, transportation, use, acquisition, receipt, receipt by assignment, title, or license, or the offering to sell, and for other purposes.

S. 968
At the request of Mr. JOHNSTON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution designating April 9, 1996, and April 9, 1996, as “National Former Prisoner of War Recognition Day.”

S. 964
At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as “National Family Week” for other purposes.

S. 967
At the request of Mr. THURMOND, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as “National Historically Black Colleges and Universities Week,” and for other purposes.

S. 955
Resolved, That the Senate—
(1) calls upon the Government of Japan to honor and abide by the terms of the United States/Japan bilateral aviation agreement and immediately authorize United States air cargo and passenger carriers which have pending route requests relating to their “beyond rights” to immediately commence service on the requested routes;
(2) calls upon the President of the United States to identify strong and appropriate forms of countermeasures that could be taken against the Government of Japan for its egregious violation of the United States/ Japan bilateral aviation agreement; and
(3) calls upon the President of the United States to promptly impose against the Government of Japan whatever countermeasures are necessary and appropriate to ensure the Government of Japan abides by the terms of the United States/States-Japan bilateral aviation agreement.

Mr. PRESSLER. Mr. President, I rise today to submit a resolution expressing the concern of the United States Senate over the Government of Japan’s violation of the bilateral aviation agreement between our two countries and its continued refusal to respect this agreement.

I am pleased so many of my colleagues from both sides of the aisle have joined me in submitting this resolution. It speaks volumes about the importance of the issue. In particular, I thank my good friend from Alaska, Mr. STEVENS, and Mr. JOHNSTON, who very closely with me on this matter for some time.

As I said last month when I addressed the Senate at length on the United States/Japan aviation dispute, this issue is extraordinarily straightforward: Should the United States allow Japan to unilaterally deny United States carriers rights guaranteed those carriers by the United States/Japan bilateral aviation agreement? The clear and unequivocal answer is “no.”

If we tolerate and accept this breach, it would establish a very dangerous precedent for U.S. international aviation relations. The Chinese among others are very carefully watching how the United States reacts to this dispute. The potential ramifications are much broader than aviation. We would be setting a national example to the rest of the world that it is okay to pick and choose which provisions of agreements with
the United States they want to abide by. That is a very dangerous message. One we must not send.

I was pleased when the Department of Transportation issued a show-cause order to the Government of Japan on June 19 in response to its violation of our air service agreement. The administration was absolutely correct in doing so. If anything, the show-cause order was issued but quite correctly, the administration was patient in its good faith talks to try to resolve this dispute. The Government of Japan left us with no other option.

A month has passed since the show-cause order was issued. The United States continues to negotiate in good faith with the Government of Japan. Unfortunately, the Government of Japan continues to refuse to honor the United States/Japan bilateral aviation agreement. I am not surprised because time is on the side of Japan. The longer Japan delays, the longer they prevent our carriers from competing against their inefficient carriers. Time is definitively on their side.

Mr. President, for today and the future, the economic stakes of this trade dispute are tremendous and therefore the administration must be prepared to impose strong countermeasures. We cannot negotiate indefinitely while our carriers suffer severe economic damages.

I cannot emphasize enough the significance of the economic stakes of the United States/Japan aviation dispute. For example, in 1994 the total revenue value of passenger and freight traffic for United States carriers between the United States and Japan was approximately $6 billion. During that same year, the value of cargo shipped by air between the United States and Japan was roughly $47 billion. This figure incorporates only $12 billion when one considers the value of cargo shipped by air between the United States and all Asian countries. These figures speak loudly for themselves.

These statistics are indeed impressive. Yet they do not tell the whole story. While both the current size and the potential for the future of our aviation market to Japan and beyond to other Asian countries are impressive, the figures cited earlier do not rise to their proper level of significance until one considers the more than $65 billion trade deficit the United States currently has with Japan.

As chairman of the Senate Committee on Commerce, Science, and Transportation, all too often I see parochial fighting among U.S. air carriers undermine our country's international aviation strength. This fighting sets off a chain reaction on Capitol Hill. The political firestorm that results unfortunately often prevents the Secretary of Transportation from making the strongest possible international aviation agreements. Instead, we accept international agreements that may serve the best political interest of an administration, but that all too often fail to produce the greatest possible economic gain for our country. Foreign nations know this is our Achilles heel in international aviation negotiations. They know it and they exploit it.

Mr. President, this resolution puts the Senate on record in clear opposition to the actions of the Japanese Government. It is designed to place the administration in a position of political strength from which it can deal with this vitally important international aviation matter. I had hoped the show-cause order would serve as a wake-up call to the Government of Japan. Apparently it has not.

It is my hope this resolution will further give the home message to the Government of Japan that international agreements are to be honored, not unilaterally disregarded. I urge all of my colleagues to support this resolution.

AMENDMENTS SUBMITTED

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

BYRD AMENDMENT NO. 1802

Mr. BYRD proposed an amendment to the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes; as follows:

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

SEC. (a) It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of such member's income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term "Senate press galleries" means—

(1) the Senate Press Gallery;
(2) the Senate Radio and Television Correspondents Gallery;
(3) the Senate Periodical Press Gallery; and
(4) the Senate Press Photographers Gallery.

FEINGOLD (AND OTHERS) AMENDMENT NO. 1803

Mr. FEINGOLD (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WELLSTONE, Mr. BRADLEY, Mr. SIMON, Mr. BIDEN, Mr. LEAHY, Mr. AKAKA, Mr. GRAHAM, Mr. KIRBY, and Mr. LATENBERG) proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . (A) FINDINGS.—The Congress finds that—

(1) the current system of campaign finance has failed. While public political contributions and their solicitation have unduly influenced the official conduct of elected officeholders;

(2) the failure to limit campaign expenditures in any way has caused individuals elected to the United States Senate to spend an increasing portion of their time in office raising campaign funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(3) the public faith and trust in Congress as an institution has eroded dangerously low in recent years, and the need to change congressional reforms is overwhelming; and

(4) reforming our election laws should be a high legislative priority of the 104th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as soon as possible before the conclusion of the 104th Congress, the United States Senate should consider comprehensive campaign finance reform legislation that will increase the competitiveness and fairness of elections to the United States Senate.

McCONNELL AMENDMENT NO. 1804

Mr. MACK (for Mr. McCONNELL) proposed an amendment to amendment No. 1803 proposed by Mr. FEINGOLD to the bill H.R. 1854, supra; as follows:

In lieu of the language proposed to be inserted, the following:

It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the 1969 Old Age, Assistance, and Health Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal years 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services, and Education appropriations, Legislative Branch appropriations, the conclusion of the Drug-Free Schools and Communities Act, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, job training reform, child support enforcement reform, tax reform, and a "Farm Bill" should be considered.

BROWN AMENDMENT NO. 1805

Mr. BROWN proposed an amendment to the bill H.R. 1854, supra; as follows:

On page 3, line 29, add at the end the following sentence: "The account for the Secretary of the Senate at Arms and Doorkeeper is reduced by $10,000, provided that there shall be no new elevators hired to operate automatic elevators."

SPECTER AMENDMENT NO. 1806

Mr. SPECTER proposed an amendment to the bill H.R. 1854, supra; as follows:
At the appropriate place insert the following new section:

(a) FINDINGS.—The Congress finds that—
(1) war and human tragedy have reigned in the Balkans since January 1991;
(2) these events occasioned the most horrendous war crimes since Nazi Germany and the Third Reich's death camps;
(3) these war crimes have been characterized by ethnic cleansing, summary executions, torture, forcible displacement, mass rape and systematic rape, and attacks on medical personnel and hospitals, by a majority of the Bosnian Serb military, para-military and police forces; and
(4) more than 200,000 people, mostly Bosnian Muslims, have been killed or are missing, 2.2 million are refugees, and another 1.8 million have been displaced in Bosnia;
(6) the decisions of the United Nations Security Council have been disregarded with impunity;
(7) Bosnian Serb forces have hindered humanitarian and relief efforts by the United Nations and other organizations, for example the International Committee of the Red Cross, and other relief efforts;
(8) Bosnian Serb forces have incessantly shelled relief outposts, hospitals, and Bosnian population centers;
(9) the rampage of violence and suffering in Bosnia and Herzegovina continues unchecked and the United Nations and NATO remain unable or unwilling to stop it; and
(10) the feeble reaction to the Bosnian tragedy is sending a message to the world that barbaric warfare and inhumanity is to be rewarded: Now, therefore, be it.

BOSNIA-HERZEGOVINA

HOLLINGS (AND OTHERS)

AMENDMENT NO. 1808

Mr. HOLLINGS (for himself, MR. HATCH, MR. STEVENS, MR. ROBB, MR. LIEBERMAN and MR. KENNEDY) proposes an amendment to the bill, H.R. 1854, supra; as follows:

Strike page 23, line 6, through page 30, line 29, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), $15,000,000: Provided, That the Librarian of Congress shall report to Congress with a report on the implementation of the Technology Assessment Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: Provided further, That notwithstanding any other provision of this Act, each of the following accounts is reduced by 1.12 percent from the amounts provided for them in the Appropriations Act, 1995: Provided further, That notwithstanding any other provision of this Act, the President shall not terminate economic sanctions, or cooperate in the termination of such sanctions, against the Governments of Serbia and Montenegro unless and until the President determines and certifies to Congress that President Slobodan Milosovic of Serbia has cooperated with the International Criminal Tribunal for the Former Yugoslavia.

DOLE AMENDMENT NO. 1801

Mr. DOLE proposed an amendment to amendment No. 1803 proposed by Mr.

FEINGOLD to the bill, H.R. 1854, supra; as follows:

The COMPREHENSIVE REGULATORY REFORM ACT OF 1995

HATCH (AND ROTH) AMENDMENT NO. 1809

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted an amendment intended to be proposed by them to the bill (S. 343), to reform the regulatory process, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"§ 625. Jurisdiction and judicial review

Review.—Compliance or noncompliance by an agency with the provisions of this subchapter and subsection III shall be subject to judicial review only in accordance with this section.

(b) Jurisdiction.—(1) Except as provided in subsection (e), subject to paragraph (2), each court with jurisdiction under a statute to review final agency action, to which this title applies, has jurisdiction to review any claims of noncompliance with this subchapter and subsection III.

(2) Except as provided in subsection (e), no claims of noncompliance with this subchapter or subsection III shall be reviewed separately or apart from judicial review of the final agency action to which it relates.

(c) Record.—Any analysis or review required under this subchapter or subsection III shall constitute part of the rulemaking record of the final agency action to which it pertains for the purposes of judicial review.

(d) Standards for Review.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with the rulemaking authority, failure to comply with the rulemaking authority, failure to comply with this section shall not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

HATCH (AND ROTH) AMENDMENT NO. 1810

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by them to the bill S. 943, supra; as follows:

In the end of the amendment add the following:

"Notwithstanding any other provision of this Act, § 623(i), 625(d), 625(e) and 706(a)(2)(F) shall not be effective, and the following shall apply:

(d) Completion of Review or Repeal of Rule.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).

(e) Standards for Review.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with the rulemaking authority, failure to comply with this Act, shall not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or
am an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

HATCH (AND ROTH) AMENDMENTS NOS. 1811-1814
(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted four amendments intended to be proposed by them to the bill S. 343, supra; as follows:

Amendment No. 1811
In lieu of the matter proposed to be inserted, insert the following:

"Notwithstanding the provisions of section 626 of this Act, the following shall apply:

*626. Deadlines for rulemaking

(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

(2) the date occurring 6 months after the date of the applicable deadline.

(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

(2) the date occurring 6 months after the date of the applicable deadline.

(c) Obligation To Regulate.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

(2) the date occurring 6 months after the date of the applicable deadline.

Amendment No. 1817
In lieu of the matter proposed, insert the following:

"Notwithstanding Section 558(d)(4) the following shall apply; (4) A description of the actual conclusions upon which the rule is based."

NUKN AMENDMENTS NOS. 1818-1819
(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1700 submitted by him to the bill S. 343, supra; as follows:

Amendment No. 1818
On page 1, line 8 insert before the semicolon the following: ; except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year.

Amendment No. 1819
On page 1, line 8 insert before the semicolon the following: ; except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year.

NUKN AMENDMENTS NOS. 1820-1821
(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1574 submitted by Mr. LAUTENBERG to amendment No. 1497 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

Amendment No. 1820
On page 1, line 8 insert before the semicolon the following: ; except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year.

Amendment No. 1821
On page 1, line 8 insert before the semicolon the following: ; except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year.

JOHNSTON AMENDMENT NO. 1822
(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to amendment No. 1574 submitted by Mr. LAUTENBERG to amendment No. 1497 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"(1) Environmental REGULATORY FLEXIBILITY ANALYSIS.—(A) IN GENERAL.—Any entity subject to the requirements of this title is hereby authorized to request an agency to modify or waive rules under this title."

BOND (AND ROBB) AMENDMENT NO. 1823
(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. ROBB) submitted an amendment to amendment No. 1797 submitted by Mr. BOND to amendment No. 1497 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 1, line 4, strike everything through the end of the amendment and insert in lieu thereof the following:

"Petition for alternative means of compliance

(a) IN GENERAL.—Any entity subject to one or more human health, safety or environmental rules may petition an agency to modify or waive such rules. The petitioned agency is authorized to enter into one or more enforceable agreements establishing alternative means to demonstrate compliance,
not otherwise permitted by such rules, to be compiled with in lieu of such rules. The petition shall be granted if the agency determines that the petitioner shows there is a reasonable likelihood that the alternative means of compliance would transfer any significant human health, safety or environmental effects of the agreement entered into pursuant to subsection (b) and (c), provided that such agreement shall not create any obligation or deny a petition or enter into an enforceable agreement under this section shall not be subject to judicial review.

(b) JUDICIAL REVIEW.—A decision to grant or deny a petition, or to enter into an enforceable agreement, under this section shall not be subject to judicial review.

(c) OTHER PROCEDURES.—If the statute authorizing a rule subject to a petition under this section provides specific available procedures or standards allowing an alternative means of compliance for such rule, which are neither identical nor substantially equivalent to or exceeding the level of protection provided by the rules subject to the petition; and

(d) PUBLIC NOTICE AND INPUT.—No later than the date on which the petitioner submits the petition to the agency, the petitioner shall inform the public of the submission of such petition (including a brief description of the petition) through publication of a notice in the newspapers of general circulation in the area in which the facility is located. Agencies may authorize or require petitioners to use additional or alternative means of informing the public of the submission of such petitions. If the agency proposes to grant the petition, the agency shall provide public notice and opportunity to comment on the petition and on any alternative means of compliance that the agency concludes would achieve an overall level of protection of health, safety and the environment at least substantially equivalent to or exceeding the level of protection provided by the rules subject to the petition; and

(e) DEADLINE AND LIMITATION ON SUBSEQUENT PETITIONS.—A decision to grant or deny a petition under this subsection shall be made no later than 280 days after a complete petition is submitted. Following a decision to deny a petition under this section, no petition, submitted by the same person, may be based on the identical facts or issues. Agencies may authorize or require petitioners to use additional or alternative means of informing the public of the submission of such petitions. If the agency proposes to grant the petition, the agency shall provide public notice and opportunity to comment on the petition and on any alternative means of compliance that the agency concludes would achieve an overall level of protection of health, safety and the environment at least substantially equivalent to or exceeding the level of protection provided by the rules subject to the petition.

(f) AGREEMENT.—Upon granting a petition under this section, the agency shall propose or file such an agreement, and if the agency determines that the agreement is sought in lieu of such rules, the proposed alternative means of compliance, and the proposed form of an enforceable agreement.

HATCH AND LOTTMANN AMENDMENT NO. 1824

(Ordered to lie on the table.)

Mr. HATCH, Mr. LOTTMANN, and Mr. LOTTMANN, submitted an amendment intended to be proposed by them to the bill S. 343, supra, as follows:

In lieu of the matter proposed insert the following: "(g) NEPA NONAPPLICABILITY.—Approval of an alternative means of compliance under this section by an agency shall not be considered a major Federal action for purposes of the National Environmental Policy Act."
CONGRESSIONAL RECORD—SENATE

July 20, 1995

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: Provided, That none of these funds shall be used to employ more than thirty-three individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than the additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $335,000, to be disbursed by the Secretary of the Senate.

SIMON (AND OTHERS)

AMENDMENT NO. 1829

Mr. MACK (for Mr. Simon for himself, Mr. Reid, Mr. Simpson, Mr. Lott and Ms. Moseley-Braun) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the appropriate place, insert the following new section:

SEC. 1. REPEAL OF PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS REQUIRING ENERGY SELF-SUFFICIENCY.

(a) In General.—(1) Section 3303 of title 5, United States Code, is repealed.

(b) Technical and Conforming Amendments.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3303.

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows: "(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—" (A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or (B) an evaluation of the character, loyalty, or suitability of such individual;"

LIEBERMAN (AND GRASSLEY)

AMENDMENT NO. 1830

Mr. MACK (for Mr. Lieberman, for himself, and Mr. Grassley) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of Sec. 306(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study conducted by the Board as required by Section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

BINGAMAN AMENDMENT NO. 1831

Mr. MACK (for Mr. Bingaman) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of the bill, add the following:

Sec. 1. (a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to reduce energy consumption in the future. Each report shall specify the agency's total facility energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

MACK AMENDMENT NO. 1832

Mr. MACK proposed an amendment to the bill, H.R. 1854; supra; as follows:

On page 40, strike lines 34 and 35 and insert the following: "the head of each such agency shall transmit to the Treasury of the United States the total amount of savings achieved under this subsection, and the amount transmitted shall be credited against such agency's energy consumption costs for the year in which the savings was achieved."

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISIONS ACT OF 1995

WELLSTONE (AND MOSELEY-BRAUN) AMENDMENT NO. 1833

Mr. WELLSTONE (for himself and Ms. Moseley-Braun) proposed an amendment to the bill (H.R. 1944) making emergency supplemental appropriations for fiscal year 1995 for additional disaster assistance, including relief efforts for the victims of Hurricane Andrew in the State of Louisiana: Provided, That the funds made available in this Act shall be available to the Secretary of Education to carry out section 738 of the Elementary and Secondary Education Act, title III-B, $5,000,000, title I-V, $18,000,000, title I-VI, $29,000,000, title I-VII, $18,000,000, title I-VIII, $3,000,000, title I-IX, $2,500,000, title I-X, $50,000,000, title I-XI, $50,000,000, title I-XII, $16,000,000, title I-XIII, $5,000,000, title I-XIV, $5,000,000, title I-XV, $5,000,000, and title I-XVI, $5,000,000: Provided further, That of the amounts made available under this Act, $1,125,254,000, to be disbursed by the Secretary of the Treasury for obligation for the purposes of conducting an executive session and markup.

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

COMMITTEE ON COMMERCION, SCIENCE AND TRANSPORTATION

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be permitted to meet on Thursday, July 20, 1995, at 5:30 p.m. in room SD-215, to conduct a hearing on the Medicare Prescription Drug Improvement and Modernization Act of 1994.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to hold a business meeting during the session of the Senate on Thursday, July 20, 1995, at 9:30 a.m. in room SD-150, to consider the nomination of Mr. Richard W. Starmast, of Michigan, to be Director of the United States Arms Control and Disarmament Agency.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, July 20, 1995, at 9:30 a.m. in room SD-215.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 1995, at 2 p.m.
Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to meet on Thursday, July 20, at 9 a.m., on reauthorization of the Endangered Species Act.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be permitted to meet on Thursday, July 20, 1995, beginning at 9:30 a.m. in room SH-419, to conduct a hearing on international population assistance programs and S. 1029, the International Population Stabilization and Reproductive Health Act.

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

NOTICE OF INTENTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. BROWN. Mr. President, I submit the following notice in writing: "In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Senate Rule 34."

At the appropriate place insert the following:

SEC. 3. FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

"3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 1020(d)(1) of the Ethics in Government Act of 1978."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

(2) EXCEPTION.—With respect to an individual who is precluded by the terms of the trust instrument from receiving information on the total cash value of any interest in a qualified blind trust on the date of enactment of this section, the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 2001 and thereafter.

ADDITIONAL STATEMENTS

THE NASA AUTHORIZATION BILL FOR FISCAL YEAR 1996

Mr. BURNS. Mr. President, yesterday, Senator PRESSLER and I introduced the NASA authorization bill for fiscal year 1996 which I have enthusiastically cosponsored. The bill authorizes a total of $13.8 billion for the agency, a 1 percent decrease from the requested level of $14.26 billion. That funding should allow NASA to continue the important missions that already are underway such as space station, Mission to Planet Earth, and the aeronautics and space science programs. It should also prepare NASA for the future by authorizing several new missions, such as an effort to develop a shuttle replacement and a new radar satellite program.

Mr. President, as you know, we are in a budget crisis of sorts and NASA deserves a great deal of credit as one of few Federal agencies to respond to it early and responsibly. In 1993, NASA cut the space shuttle budget from $4 billion to $3.1 billion. It developed a redesign of space station that was $5 billion less expensive than the earlier version. The space station Freedom concept. Mission to Planet Earth has been reduced from a $17 billion armada of satellites to a $7 billion focused satellite system. Earlier this year, faced with the prospect of deep congressional budget cuts across all of the Government, NASA took the initiative and developed a plan to cut $5 billion in 5 years, without reducing program content.

But NASA did not stop there. This year, it conducted a comprehensive zero-based review of all of its activities and programs to achieve even greater savings. That review looked at a broad range of money-saving measures such as work force reductions, elimination of redundant activities, revalidation of functions, and operating more efficiently. I understand that, within the administration, NASA's efforts are often cited as the model for reinventing government.

After 3 consecutive years of brutal budget cuts, NASA is now down to the bone. To require additional reductions would force NASA to cancel important space programs, close vital facilities, or layoff essential skilled personnel. That would decimate the Nation's science and technology base. Equally important, it would decimate the morale of the good men and women who have made our space program the subject of movies like "Apollo 13" and inspired thousands of scientists, engineers, and schoolchildren across our country.

It is time for the bloodletting to stop and to give NASA the support it needs to face the challenges of the future. This NASA authorization bill is designed to do just that.

The bill provides the full $13.1 billion requested level for space station. This program is NASA's most costly, complex, and controversial activity and we are all aware of the many criticisms against it. Misgivings are precisely the kind of bold vision that NASA was created to pursue. Space station will enable the United States and the international science community to conduct unique microgravity research. We may gain knowledge about humans' ability to live and work in space. If past missions are any indication, the space station will undoubtedly yield breakthroughs in biology and advanced materials. We can probably also expect exciting spinoffs just as past space missions have spawned microelectronics, pacemakers, advance water filtration systems, communications, and many other products and services we now take for granted.

I must admit concern about the heavy reliance of the current station plan on the Russians. I remain troubled by the possibility that NASA might collapse if the Russians were to withdraw for any reason. However, I am still a strong Station supporter and the full funding provided in the bill will keep the program on track for a first element launch in 1997.

The bill also provides full funding for Mission to Planet Earth. Mission to Planet Earth is NASA's $7 billion satellite program aimed at studying how the oceans, land, and atmosphere work as a system in order to understand and predict global climate change. For those of us representing farm States, weather and water are our lifeblood. Mission to Planet Earth promises dramatic improvements in our ability to predict climate change and manage our scarce water resources. If those expectations are met, the program will easily pay for itself in lives and property saved and improved water management.

Mr. President, in my view, one of the most important areas within NASA is aeronautics—the first A in NASA. For many years, aeronautics seemed to be reduced to a small A status. It always began to change and under Dan Goldin's leadership, that is beginning to change and NASA is giving aeronautics the backing it deserves.

To me, the aeronautics research is critical to maintaining U.S. technological leadership and aerospace competitiveness. For instance, the high speed research program is developing pre-competitive technologies in support of supersonic aircraft. It is estimated that the first country to market such an aircraft stands to gain $200 billion in sales and 140,000 new jobs. Similarly, the advanced subsonic technology program funds research in support of subsonic airplanes—a market...
July 20, 1995

CONGRESSIONAL RECORD—SENATE

19697

I hope we can emerge with a bipartisan consensus to at least cover pregnant women and children six and under. That would take care of the needs of this one family, at least for a short time, and protect a great many others.

It is not a substitute for universal coverage, but it is a step in the right direction.

I ask that Mrs. Davis’ letter be printed in the RECORD.

The letter follows:

HON. PAUL SIMON,
U.S. Senator, United States Congress, Washington, DC.

DEAR SENATOR SIMON: I am writing to you with a very distressing problem.

Our granddaughter was born May 2, 1994 and weeks premature. At the time of her birth, her mother had been unemployed because of medical problems; her father was laid off in April of that year from his job. They applied for assistance and received care for mother and baby. Bethany was in the hospital for 4 months and by June she had lost her eye sight. She is in therapy for work on her hip joints and she had allergies and a history of respiratory problems. They moved in with us shortly after Jennifer was dismissed from the hospital, because they had no income. We are in the ministry and live in a parsonage.

In November of last year, Andy went back to work and they were able to secure a house for $560.00 per month. Andy brings home about $150 after taxes. As it should be, Jennifer was picked up by Andy’s insurance, however, Bethany remained on a medical card because her dad’s insurance, Blue Cross and Blue Shield, refused to cover her. Bethany is in therapy for her legs, regular doctor visits, and she has had two surgeries on her eye last October in Detroit. She is scheduled to have more surgeries. However, it is understood that she will probably only have one eye vision.

Cost of living became so that Jennifer was forced to return to work just to keep rent and utilities paid. This past week, Jennifer and Andy were notified that Bethany would be losing her medical card and all coverage as of July 1, just because her mother had to go back to work. Jennifer lives at an Oregon Fried Chicken and brings home about $150 per month. By losing these medical benefits, she will not be able to keep regular office visits, because the clinic requires payment each and every time, she can no longer go to Detroit for eye surgery because the doctor won’t take her without coverage, and she probably will have to give up the therapy on her legs, because they cannot afford the costs.

Tell me what they are suppose to do. Both insurance coverage that their jobs provide, refuse to insure Bethany and now she is losing her assistance. These two young kids and Bethany have been through a lot this last year. Now they have a blind child who cannot get assistance. Can something be done?

I would have your job for nothing. Being in the ministry, we realize just how difficult it is to please everyone, but I don’t care if you are Democrat or Republican, I am neither, but someone has to do something about medical coverage.

I believe you are trying. But tell me where do you go to get help for the innocent children. She cannot go on Medicaid or Medicare, because she has not worked and not put anything into the system. She will never be able to read, drive or get around on her own. I realize that technology may be available in years to come that will be beneficial to her, but she is going to be blind now.

I hope that you will be able to read this. I know that we are just a small amount of the millions you must hear from daily, but I just couldn’t put it down and deal with my distress and care for this beautiful little girl who is struggling to live.

God bless you and your family. May you gain the wisdom and the ability to lead us to a better way of life for everyone.

Respectfully yours,

MARY F. DAVIS.

BILL SMULLIN HONORED

Mr. HATFIELD. Mr. President, the broadcasting and cable industry will honor an Oregon legend this fall, when television pioneer Bill Smullin will be inducted into the Broadcasting and Cable Hall of Fame.

Bill’s life is remembered for his contributions and achievements, including the establishment of broadcast and cable television in southern Oregon and northern California. In 1930, Bill Smullin founded Oregon-California Broadcasting, Inc., and later began the first VHF television station in Oregon. His company provided cable television in the region by transmitting signals via microwave from Portland and San Francisco to southern Oregon.

Those of us who had the honor of knowing Bill have fond personal memories. He was as giving to the community as to his friends. I know his family is pleased that he is being afforded this prestigious professional honor and send my congratulations to them.

A TRIBUTE TO RALPH O. BRENNAN

Mr. BREAUX. Mr. President, I rise today to pay tribute to a fellow Louisianan, Mr. Ralph O. Brennan, who will be honored August 4 by the Louisiana Restaurant Association for his distinguished career in the food service industry. A member of the world-famous Brennan family of New Orleans, Mr. Brennan has long exemplified a commitment to community service, participatory democracy and creating opportunities for all Americans.

He has diligently served, and continues to serve, the $290 billion food service industry and its 9.4 million employees. A past president of the Louisiana Restaurant Association, he currently is chairman of the board and president of the National Restaurant Association, a major trade group here in Washington. He is also a trustee of the Association’s educational foundation, and will be an industry delegate to the first White House Conference on Travel and Tourism in October 1995. In all of these capacities he urges independent restaurateurs from around the country to participate fully in the democratic
process by getting to know their elected representatives at every level of government and then making it their responsibility to keep those officials informed. He facilitates their involvement through a toll-free hotline, numerous personal appearances and—perhaps most important—by leading by example, through frequent visits to his Members of Congress and, on occasion, delivering testimony before congressional committees.

With his wife, Cindy, Mr. Brennan owns and operates two award-winning restaurants in the New Orleans French Quarter, thereby helping to preserve the rich culinary heritage of that great city which his family has successfully endeavored to do for three generations. But, as an industry leader, he is determined to preserve far more than just a great family tradition. Mr. Brennan has dedicated his life to preserving the boundless opportunities that food service affords individuals the rest of society could ignore, like recent immigrants without education or professional skills, and those on public assistance. Entry-level restaurant positions—washing dishes, bussing tables, assisting with food preparation—are a proven first step up a viable career ladder for millions of Americans; in fact, 60 percent of today's restaurant owners and managers started out in what some unknowing and insensitive people might refer to as dead-end restaurant jobs. In the restaurant business, upward mobility is the rule rather than the exception.

Mr. President, as this Congress continues its debate on welfare reform, I salute Mr. Brennan for working to ensure that the unmatched employment and training opportunities afforded by the food service industry will be something all Americans can be proud of in the future.

CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

Mr. SIMON, Mr. President, I do not believe I have ever met Prof. Robert C. Fellmeth of the University of San Diego, but I read about him in the Los Angeles Times about cutting back on assistance to the poor while, at the same time, we hand largess to the wealthy.

Statistics differ somewhat, but the California situation mirrors the national situation.

If we are doing what is politically popular, I do not know, but what we are doing is certainly wrong.

What we need is not Senators and House Members who follow the latest public opinion poll on tax cuts or anything else, but people who try to lead, and sometimes do the unpopular, in order to reduce poverty in our country, to improve education and to do the things that are needed for a better future.

The incredible increase in prison construction and incarceration has done nothing to decrease the crime rate in our country. If putting people in prison reduced the crime rate, we would have the lowest crime rate in the world, with the possible exception of Russia.

While Professor Fellmeth zeroes in on the California situation, it is worthwhile for my House and Senate colleagues to read what he has to say because the striking similarity between the California action and the Federal action.

I ask that his statement be printed in the RECORD.

The record follows:

CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

(From the Los Angeles Times, July 5, 1995)

(Friends of the University of San Diego's Center for Public Policy Research, June 1995)

Despite what we often hear from the Governor and the Legislature, spending for the welfare of our children has been in steady decline.

An example: The governor claims to have made public education a "high priority" and "saved it from cuts" for the last several years. But figures from the second annual Children's Budget, completed by the Children's Advocacy Institute, show a steady decline each year, including proposed spending for 1995-96.

At the federal level, Congress proposes to change child spending from "entitlements" based on how many children qualify for assistance to "block grants," set at a static figure for five years. The Republican leadership contends that such a policy will curb the "runaway spending." In contrast, the Children's Budget reveals that such a freeze means substantial reductions year to year, imposed without consideration of need or consequences.

Budgets based on raw numbers, or numbers with only inflation or only population changes considered—but not adjusted by both—slowly but inexorably squeeze out infrastructure investment. In California this failure has allowed a largely undiscovered disinvestment in children to accumulate over the past six years.

From 1988 to the current year, Aid to Families With Dependent Children has been cut 20%, the three child-related Medi-Cal accounts an average of 22% and public education 7.5%.

The consequences in terms of health and blood are momentous: The Children's Budget reveals that California has been cut from close to the federal poverty line to only 75% of that wholly inadequate amount. The governor now proposes to reduce AFDC by just 64% of the poverty-line figure, posing a clear danger of malnutrition and permanent health damage. Wilson also proposes further cuts in AFDC assistance after six months of help; the Republican House would cut children off altogether after two years if Mom does not have a job.

Ironically, the same gradual suffocation has been applied to GAIN, the major program providing child care and job training. As a result, AFDC enrollments have dropped by a 9% cliff from 1988 and a proposed further cut of 12%.

The typical AFDC recipient—contrary to public perception—is 29, white, recently divorced, with two children and no child support. Her problem is not a desire for welfare dependency but the far more prevalent dilemma of paternal abandonment. Is it relevant that childcare help and job training, even which she has so far not have a chance? Less than 10% of AFDC parents get child-care help.

The minimum wage is another example. If a family of four makes just over $12,000, the federal poverty line for a family of three. But if our typical divorced mother of two olds full-time earnings at the minimum wage (as many do must), she will earn $6,840 before deductions—about what full-time child care for one child will cost. Would we take such a population and cut their wages every year by 3% to 5%? That is what the current numbers accomplish.

We are spending more in one area: jailing of criminals. California now has the highest juvenile incarceration rate of any state, in a nation with the highest juvenile incarceration rate among all developed countries.

California's adult prison population has increased from 19,000 in 1977 to 132,000 this year, at an operating cost of $20,000 per prisoner per year. The state is now preparing for 241,000 prisoners and 41 new prisons over the next eight years. Is there a relationship between unlimited prison spending and a steady decrease in basic investment in children's programs?

I must stress that, many of our problems can be traced to private irresponsibility—a dependency mentality by some and, for more, a frightening abandonment of children by biological fathers. But public spending makes a difference.

Children Now indexes show that a record 26.6% of California children live in poverty and 29% have no access to private or public health care. We also have high infant disability, record low test scores and increasingly violent juvenile crime.

Each of these aspects has a relationship to public spending. It is no accident that California's falling test scores, for example, correlate with the worst, student-teacher ratio in the nation and a per-pupil spending level now nearing the bottom five states, just ahead of Alabama and at half the level of New York.

California is one of the richest jurisdictions in the world—we can boast of having more vehicles than any other state. Yet our wealth increases each year. The governor predicts that personal income will increase 6% in each of the next two years, and our tax burden has decreased. In 1989-90, we spend $6.88 from the general fund for every $100 in personal income; in the current year, we are spending $5.98 per $100, and the governor proposes a further reduction to $5.50. At the same time, he is calling for a $7 billion tax cut for the wealthy over the next three years.

Could the governor make his cutback proposals if the right numbers were used and understood? The fact is that for six years we have been giving to the wealthy and taking from the children. We just haven't been talking about it.

WEST VIRGINIA EDUCATION

Mr. ROCKEFELLER. Mr. President, I rise today to congratulate and commend the counties of Mercer, Monroe, Pocahontas, Ritchie, Summers, and Wyoming in West Virginia and their commitment to participating in a parental involvement program called, Teachers Involving Parents Successfully (TIPS).
This program seeks to promote teachers working more closely with parents to help the children learn and succeed in school.

Too often, we forget that the condition of children's lives and their future prospects largely reflects the well-being of the families. When a child's support is strong, stable, and loving, children have a sound basis for becoming caring and competent adults. In contrast, when parents are unable to give children the attention and support they need in the home and for school, children are less likely to achieve their full potential. As a result, many of our Nation's gravest social problems stem from problems in our families.

However, Mr. President, there is genuine reason for hope and optimism. In my home State of West Virginia, under the leadership of local education officials, a new program is changing the lives of children being raised by families. Its development and expansion of community-based family support provides parents with the knowledge, skills, and support they need to work with their children and the school system. Its success has been achieved through a collaborative effort among State and Federal programs, including chapter I and other programs targeted for at-risk students, and private sector efforts in the community. Each month, 2,000 special education guides are distributed, as well as news releases, public service announcements, and radio reminders that focus the community on the need for parental involvement. Teacher training and support materials have also been provided to every school in a successful effort to coordinate teacher, parent, and child activity both inside and outside of school.

When I was chairman of the bipartisan National Commission on Children, we urged individuals and the country as a whole to reaffirm a commitment to forming and supporting strong, stable, and loving families as the best environment for raising children. The West Virginia TIPS Program is an extension of that goal, and its success is a tribute to those counties that have worked so hard to insure its development. The parents, children, and teachers in these counties are providing new opportunities for children and families. Their commitment to make a difference has ensured the success of the family, which is the best strategy for helping our children. They deserve our support and best wishes for continued success.

Opposition to S. 956, the Ninth Circuit Court of Appeals Reorganization Act of 1995

Mrs. MURRAY. Mr. President, I rise in opposition to S. 956, a bill to divide the ninth judicial circuit into two circuits. This is the fourth time since 1983 that a bill to split the ninth circuit has been introduced in the U.S. Senate. The proposal has failed to become law because it fails to operate well and provide uniform and consistent interpretation of Federal laws across the nine Western States, and the territories of Guam and the Northern Marianas.

The courts of the ninth circuit are functioning well, and, in many instances, serve as models for the rest of the country. The ninth circuit has the second highest number of professional full-time staff attorneys, settlement attorneys, and civil service administrative staff. In my view, this is the most important branch of the Federal government. It is a national treasure, and we must protect it. To split off the ninth circuit would be a disaster.

The courts of the ninth circuit have voted on several occasions against the division of the circuit.

Mr. President, I urge my colleagues to oppose this bill and to resist the temptation to meddle with an institution that is successfully administering justice in the American West.

Just last week, an unprecedented subcommittee hearing was held in the Senate on nearly identical legislation, and the proposal failed to emerge from committee. The proponents of S. 956 have identified no new reasons or change of circumstances to justify reopening this issue.

Mr. President, the ninth judicial circuit has prepared a detailed position paper opposing S. 956. I agree with the circuit's reasoning, and I commend this paper to my colleagues. I also urge them to join in opposing this bill which is both unwise and unnecessary. I ask that the complete text of the "Position Paper in Opposition to S. 956—Ninth Circuit Court of Appeals Reorganization Act of 1995" be printed in the RECORD.

The material follows:

POSITION PAPER IN OPPOSITION TO S. 956—NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1995

Prepared by: The Office of the Circuit Executive, 956—Ninth Circuit Court of Appeals, Washington, D.C.

PROPOSED BILL DIFFERS FROM PREVIOUS LEGISLATIVE ATTEMPTS

1. WHAT WOULD THE PROPOSED LEGISLATION DO?

S. 956 would create two circuits—one 19-judge court and one 9-judge court—in place of a single 36-judge court. A basic problem with the proposed legislation is that it fails to address the administrative problems that it solves. Quantitatively, such a court would have a large and noisy caseload. The aggregate number of cases of a court such as a 36-judge court in recent statistics would be 1963, making it the circuit court with the second smallest caseload in the country. The Ninth Circuit Court of First Circuit Court of Appeals have few cases. Of the 11 regional circuits, the circuit court with the median volume is the Second, with 3,866 cases; the proposed northern circuit would be less than half that number. Take away the northern states, and the Ninth Circuit court would still have the largest volume in the country. In short, such a proposal creates a very small circuit and gives not much relief.

In general, S. 956 presumes that two smaller circuits will do a better job of maintaining consistency and deciding cases promptly than the present circuit. The proposal ignores the fact that the Western region has relatively small caseloads constantly growing and dividing the circuit would simply create two small circuits with increased costs and problems arising from expanding caseloads with no increase in judicial resources.

2. HOW DOES THIS BILL DIFFER FROM EARLIER PROPOSED LEGISLATION?

This is the ninth legislative proposal to split the Ninth Circuit since 1946. It is nearly identical (except for the alignment of Hawaii and the Territories) to measures introduced by Senator Gorton in 1985, 1986, and 1991. Each of those measures failed to emerge from committee and died at the conclusion of the legislative session. The Subcommittee on Courts and Administrative Practice of the Senate Committee on the Judiciary conducted a legislative hearing on the 1989 bill (S. 948) on March 6, 1990. The sponsors of the current bill have advanced no reason for dividing the circuit that was not fully considered and rejected in 1990. They have pointed to no change in circumstances that would justify yet another examination of this issue.

3. ARE THERE DRAWBACKS TO THE PROPOSED BILL?

The Ninth Circuit has functioned successfully in its present configuration for over 100 years. Any effort to abolish a successful, established institution should be cautiously examined. The proposed bill would create serious legal and administrative problems and costs that do not now exist:

(1) the potential for inconsistent law relating to admiralty, commercial trade, and utilities along the Western seaboard, including Alaska, Hawaii, and the Territories;

(2) the opportunity for litigants to forum shop by filing their cases in whichever circuit, northern or southern, they feel is most advantageous to their cause;

(3) the substantial cost of setting up duplicative administrative structures;

(4) the loss of advantages of size (see Question #4, below);

(5) the rejection of the expressed will of the overwhelming majority of the lawyers in the circuit who oppose its division.

Common sense suggests the inadvisability of creating a new regional circuit that would require duplication of functions that are already being satisfactorily performed in a larger circuit. Administratively, the creation of a new circuit would burden the already overcrowded offices of clerk of court, circuit executive, staff attorneys, settlement attorneys, and bar associations in the ninth circuit have voted on several occasions against the division of the circuit.

The vast majority of judges, lawyers, and bar organizations in the ninth circuit have voted on several occasions against the division of the circuit.
and library, as well as courtrooms, mail and computer facilities. In addition, approxi-
mately 40,000 square feet or new head-
quarters were required. A key requirement was that which would duplicate offices and space in San Francisco. Further, a small circuit, with its traditional caseload, would undeniably underutilize judicial resources and reduce the opportunities for efficiencies available to a larger circuit.

The Ninth expressed particular concern that dividing the extended coastline in the West between two circuits would create inconsistent and conflicting application of maritime, commercial, and labor law in the two cir-

The Ninth Circuit is a national leader in situational conflict.''

In sum, despite concerns about the pro-
liferation of precedent as the courts of ap-
peals grow, there is currently little evidence that intracircuit inconsistency is a signifi-
cant problem. Also, there is little evidence that whatever intracircuit conflict exists is strong enough to interfere with court

...
Similarly, the ABA Appellate Practice Committee's Subcommittee to Study Circuit Size reported that: "a majority of the Subcommittee questions whether regional differences should be a criterion in determining the size of circuits. The role of circuit courts is primarily to apply federal law—a law that with few exceptions is to be applied uniformly across the land." (p. 3).

4. WHAT IS THE COURT'S RECORD OF PERFORMANCE?

One measure of the efficiency of an appellate court is the average amount of time required to decide a case from the period between filing a notice of appeal and rendering a final decision. In 1983, when an earlier version of legislation to split the circuit was proposed, the Ninth Circuit had 7,585 new filings and the average length of time from filing the notice of appeal to final decision was 10.5 months. In late 1988, the court of appeals headquarters (where cases are processed) was badly damaged and closed by the Loma Prieta earthquake in San Francisco. Court staff was scattered among six different temporary locations until late 1991. During this period, the court has 7,257 new filings and the average length of time from filing the notice of appeal to final decision role to 14.5 months, slightly less than the time required in the Eleventh Circuit.

The time from filing to disposition, however, does not accurately reflect the time the cases are actually in the judges' hands. In the Ninth Circuit, the average time from oral argument to disposition is 3.8 months. This is a single judgment that is the average, the actual time the judges have the cases in their hands is 1.9 months, or 5 months less than the national average. In short, what the court needs to reduce disposition times is more judges. Hundreds of cases are available to be heard by judges; there simply are not enough judges to hear them. This is the "swell" in pending cases referred to when S. 853 was introduced. 141 October 25, 1995. Baker, Thomas, "On Redrawing Circuit Boundaries—Why the Proposal to Divide the United States Courts of Appeals for the Ninth Circuit Has Such a Good Idea," 22 Ariz. L.J., 917 (2000).


Ninth Circuit, Proposition 9—1991


The case load figures for the proposed new Ninth and new Twelfth Circuits are based upon Internal Court statistics for FY 1994.

2. All references are to regional circuits (the First through the Eleventh) and exclude comparisons to the two circuits that are subject to special jurisdiction rather than geography (the District of Columbia and the Federal Circuits).

3. Senator Gorton's remarks were made when he introduced S. 853 on May 25, 1995. That bill created a new Twelfth Circuit with seven judges and a new Ninth Circuit with 19 judges. On October 25, 1995, Senator Gorton introduced a corrected bill that is identical to S. 853 except for a new Twelfth Circuit with nine judges and a new Ninth Circuit with 19 judges. This is the response to the mandate of the Federal Court Study Committee concluded:

THE MEDIA, CENSORSHIP, AND PARENTAL EMPOWERMENT.

Ms. MIKULSKI. Mr. President, I rise today to speak on how best to control the viewing habits of America's children.

We are in a communication revolution. We have all heard about the information highway, but the information highway is only creating more and more information available to all of us. And more information available tochildren. Much of it is good, and some of it is bad. The information highway includes ever-increasing numbers of television channels. These new and changing channels and the programs they broadcast are coming into our living rooms.

There is a good side to this growing technology and information, but we also know there is a bad side. Studies tell us that the time a child enters high school, that child will watch over 8,000 murders and 100,000 acts of violence on television. How can parents know and control what their kids are watching. How can they control it when they are away from home working? How can they control what their kids see on the living room television when they are in the kitchen?

For some the solution is simple, just censor the networks or moviemakers. I believe there is a better way. It is the rating system I believe in, and that is the approach that uses technology and information.

Mr. President, I am proud to co-sponsor the Media Protection Act of 1995. This is the V-chip bill. A television that has this V chip will allow parents to block out programming that they don't want their children to see when they are away or in another room. This automatic blocking device will be triggered by a rating system that the networks can develop themselves. This is not censorship. It is no more censorship than the current movie theater rating system that was created by the movie industry less than three decades ago.

I am also pleased to co-sponsor the Television Violence Report Card Act of 1995. This is the V-chip bill. A television that has this V-chip will allow parents to block out programming that they don't want their children to see when they are away or in another room. This automatic blocking device will be triggered by a rating system that the networks can develop themselves. This is not censorship. It is no more censorship than the current movie theater rating system that was created by the movie industry less than three decades ago.
Some call this legislation censorship, but I believe it is not. It is a parental empowerment and parental involvement, and maybe a way to stem the tide of violence that kids are exposed to every day and evening they watch television.

**Why Not Atom Tests in France?**

- **Mr. SIMON.** Mr. President, the Washington Post had an editorial titled, "Why Not Atom Tests in France?"

The policy of France is unwise, just as our earlier policy of continuing tests was unwise. France is not doing a favor to stability in the world with these tests.

I hope that the French Government will reconsider this unwise course.

The material follows:

**Why Not Atom Tests in France?**

France's unwise decision to resume nuclear testing was an invitation to the kind of protests and denunciations being generated by Greenpeace's skillful demonstration of political influence. The French have permitted Greenpeace to sail for the test site, several Pacific countries vehemently objected to France's intention of carrying out the explosions at a Pacific island, and a calling conference demanding a moratorium was held in Japan's prime minister, Tomiichi Murayama. At a recent meeting in Cannes that newly installed president of France, Jacques Chirac, confidently explained to him why doesn't Mr. Chirac hold them in France?

The dangers of these tests to France are, in fact, substantial. The chances of physical containment of the radioactive fallout are very low. But the symbolism of a European country holding its tests on the other side of the earth, in a vestige of its former colonial empire, is proving immensely damaging to France's standing among its friends in Asia.

France says that it needs to carry out the tests to ensure the reliability of its nuclear weapons. Those weapons, like most of the American nuclear armory, were developed to counterbalance the power that had been dismantled. The great threat now, to France and the rest of the world, is the possibility of nuclear bombs in the hands of reckless and aggressive governments elsewhere. North Korea, Iraq and Iran head the list of possibilities. The tests will strengthen France's international prestige, in the view of many French politicians, by reminding others that it possesses these weapons. But in less stable and non-democratic countries, there are many dictators, juntas and nationalistic fanatics who similarly aspire to improve their countries' standing in the world.

The international effort to discourage the spread of nuclear arms is a fragile enterprise, depending mainly on trust and goodwill. But over the past half-century, the efforts have been small and unexpectedly successful. It depends on a bargain in which the nuclear powers agree to move toward nuclear disarmament at some indefinite point in the future and meanwhile to avoid flaunting these portentous weapons or to use them merely for displays of one-upmanship.

That's the understanding that France is now unilaterally breaking. The statement by Greenpeace is the least of the costs that these misguided tests will exact.

ON THE RELEASE OF AUNG SAN SUU KYI

- **Mr. MOYNihan.** Mr. President, after 6 years of unjust detention by the Burmese military, Nobel Peace Prize winner Aung San Suu Kyi is free. While this is cause for celebration and great relief from us, it is even more cause for celebration because, as we long called for her release, we cannot fail to stress that there is also great outrage that she was incarcerated in the first instance. The State Law and Order Restoration Council (SLORC), the military Junta in Burma, has sought to thwart democracy at every turn.

Led by Aung San Suu Kyi, the National League for Democracy (NLD) party won a democratic election in 1990, while she was under house arrest, yet the SLORC has never allowed the elected leaders of Burma to take office. Instead they have forced these leaders to flee their country to escape arrest and death.

The United States Senate has often spoken in support of those brave Burmese democracy leaders. We have withheld aid and weapons to the military regime, and have provided some, albeit modest amounts, of assistance to the Burmese refugees who have fled the ruthless SLORC. Pro-democracy demonstrators were particularly vulnerable, yet having fled the country they found themselves denied political asylum by Western governments. In 1988, Senator Kennedy and I rose in support of the demonstrators and won passage of an amendment to the Immigration Act of 1990 requiring the Secretary of State and the Attorney General to clearly define the immigration policy of the United States toward Burmese pro-democracy demonstrators. Congress acted again on the Customs and Trade Act of 1990 to adopt a provision I introduced requiring the President to impose appropriate economic sanctions on Burma for the utilization of this provision to sanction Burmese textiles. Unfortunately these powers have never been exercised by the current administration.

The SLORC regime had to be denounced. The Senate continued to press for stronger actions. On March 12, 1992, the Foreign Relations Committee unanimously voted to adopt a report submitted by myself and Senator McConnell, detailing specific actions that should be taken before the nomination of a United States Ambassador to Burma would be considered in the Senate.

Last year the State Department Authorization Act for 1994-95 contained a provision I introduced placing Burma on the list of international outlaw states such as Libya, North Korea, and Iraq, and an indication that the United States Congress considers the SLORC regime to be one of the very worst in the world. The Senate also unanimously adopted S. 234 on July 15, 1994, calling for the release of Aung San Suu Kyi and for increased international pressure on the SLORC to achieve the transfer of power to the winners of the 1990 democratic election.

Thankfully, Aung San Suu Kyi has now been released. But Burma is not over. The SLORC continues to wage war against its own people. Illegal heroin continues to be produced with their complicity. And the SLORC continues to thwart the transfer to democracy in Burma. The New York Times concludes appropriately:

The end of Ms. Aung San Suu Kyi's detention must be followed by other steps toward democracy before Myanmar is deemed eligible for loans from multilateral institutions or closer ties with the United States. It is too soon to welcome Yangon back into the democratic community.

We in the Senate must rededicate ourselves to the strong support of those in Burma working to overcome this tyranny. I congratulate Aung San Suu Kyi on her extraordinary bravery and determination in working with her family the news of her release.

I ask that the July 13, 1995, editorial be printed in the RECORD.


**NEW HOPe For BURMESE DEMOCRACY**

The release of the political prisoner Daw Aung San Suu Kyi in Yangon, formerly Rangoon, good news. Mrs. Aung San Suu Kyi, who won the Nobel Peace Prize in 1991, had been under house arrest for nearly six years. The next test for the regime, which changed the name of the country from Burma to Myanmar, will be to follow Ms. Aung San Suu Kyi's freedom with a return to some form of political pluralism and with other improvements in human rights.

Mrs. Aung San Suu Kyi's National League for Democracy won elections under her leadership in 1990. The military refused to recognize the results, imprisoning and intimidating many of the newly elected legislators. Burmese expatriates say torture is still routinely used in prisons and by the military in its repression of ethnic minorities.

Mrs. Aung San Suu Kyi's release has rekindled the hopes of imprisoned Burmese for a return to democracy. At her first public appearance, she struck a conciliatory note, saying she would promote peace and work with the military junta. She acted properly in cautioning against unrealistic expectations. Nevertheless, hundreds of people have made the pilgrimage to her home in Yangon since her release, demonstrating the deep loyalty of her followers.

But Mrs. Aung San Suu Kyi is re-entering a society in which her own name has been a forbidden word, where personal freedoms are severely restricted and political life brutally curtailed. She will have to deal with the authorities to gain her freedom, and she has made it clear that she intends to pursue her democratic goals.

Ms. Aung San Suu Kyi is eager to break its isolation and join the region's economic boom. Japan, which covets its rich natural resources, is already preparing to warm up relations with Yangon. But Myanmar will need substantial help from agencies like the World Bank and the International Monetary Fund to join the international economic community.

The end of Ms. Aung San Suu Kyi's detention must be followed by other steps toward...
July 20, 1995

CONEGSSIONAL RECORD—SENATE

19703

democracy before Myanmar is deemed eligi­ble for loans from multilateral institutions or closer ties with the United States. It is too soon to welcome Yangon back into the democratic community.

INSULAR AREAS APPROPRIATIONS AUTHORIZATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 134, S. 638, regarding the insu­lar areas, that the committee substitute be agreed to, that the bill be read for a third time, and passed, and the motion to reconsider be laid upon the table.

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

The Senate proceeded to consider the bill (S. 638) to authorize appropriations for United States Insular areas, and for other purposes which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE INFRASTRUCTURE ASSISTANCE.

Section 2(b) of Public Law 94-241 (90 Stat. 268) as added by section 10 of Public Law 99­-396 (99 Stat. 387, 941) is amended by deleting "until Congress otherwise provides by law," and inserting in lieu thereof: "except that, for fiscal years 1996 and thereafter, payments to the Commonwealth of the Northern Mari­ana Islands pursuant to the multi-year fund­ing agreements contemplated under the Cov­enant shall be limited to the amounts set forth in the Agreement of the Special Rep­resentatives on Future Federal Financial As­sistance of the Northern Mariana Islands, ex­ecuted on December 17, 1992 between the spe­cial representative of the President of the United States and special representatives of the Governor of the Northern Mariana Is­lands and shall be subject to all the require­ments and obligations of the Agreement, in­cluding the items referred to in section 4 of the Agreement, which entitled the United States to obtain certain assurances from the Commonwealth of the Northern Mariana Islands, including, but not limited to, detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for in­frastucture assistance developed by the Sec­retary of the Interior in consultation with each of the island governments and updated annually, that was not on time or not sent to the Department of the Interior. In developing such five-year plans for capital in­frastructue needs, the Secretary shall in­clude the highest priority projects, consider the extent to which particular projects are a part of a larger plan for such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance Atoll to en­hance the life of the project, the degree to which a local cost-share requirement would be adequate and accounted for. In order to pro­vide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Re­public of the Marshall Islands, is authorized to make funds available, through the Sec­retary of the Interior, to assist in the resettlement of Rongelap Atoll. Provided, That the cumulative amount set aside for such emergency fund may not exceed $2 million per year.

(b) Within the amounts allocated for in­frastructur pursuant to this section, and subject to the specific allocations made in subsection (a), the following amounts may be made, as set forth in Appropriation Acts, to assist in the resettlement of Rongelap Atoll: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $2 million per year.

(c) The Commonwealth of the Northern Mariana Islands shall there­after, the minimum wage rate shall be raised by thirty cents per hour or the amount necessary to raise the minimum wage rate to the rate set forth in section 6(a)(1) of the Fair Labor Standards Act, whichever is less; and

(d) once the minimum wage rate is equal to the rate set forth in section 6(a)(1) of the Fair Labor Standards Act, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall there­after, the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

SEC. 3. REPORT.

The Secretary of the Interior, in consulta­tion with the Attorney General and Sec­retaries of Treasury, Labor and Natural Resources, shall report to the Congress by the March 15 follow­ing each fiscal year for which funds are allocated pursuant to section 4(e) of Public Law 94-241 for use by Federal agencies or the Commonwealth to address immigration, labor or law enforcement activities. The report shall include but not be limited to:

(1) pertinent immigration information pro­vided by the Immigration and Naturalisation Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Natu­ralisation Service compiles for the Comm­onwealth of the Northern Mariana Islands on a semiannual basis, or more often if deemed necessary by the Immigration and Naturalisation Service,

(2) the treatment and conditions of non-United States citizen contract workers, in­cluding foreign government interference with workers' ability to assert their rights under United States law,

(3) the effect of laws of the Northern Mari­ana Islands on Federal interests, and

(4) the adequacy of detention facilities in the Northern Mariana Islands.

SEC. 4. IMMIGRATION COOPERATION.

The Commonwealth of the Northern Mari­ana Islands shall assist the Immigration and Naturalisation Service and its agents in immigration and enforcement matters, including the following:

(a) Section 603(1) of title 45 of the United States Code is amended by renumbering paragraph (3) as paragraph (1) and by adding a new paragraph (3) as follows:

"(3) Notwithstanding any other provision of this subsection, any alien allowed to be admitted under the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) may serve as an unlicensed sea­tenant personnel of the following: drift, fish­er vessel that is operated exclusively from a port within the CNMI and within the navigable waters and exclusive economic zone of the United States and the CNMI. Pursuant to 46 U.S.C. 8704, such persons are deemed to be employed in the United States and considered to have the permission of the Attorney General of the United States to accept such employment: Provided, That
of the Governor of the Northern Mariana Is­
lands and the amount necessary to ensure that such requirements of such Agreement with any addi­
tion amounts otherwise made available under this section in any fiscal year and not required under Federal assistance and payment, shall be set forth in the Agreement to be provided as set forth in subsection (c) unless Congress otherwise provides by law.

"(c) The amount of payments referred to in subsection (b) shall be made available to the Secretary for obligations as follows:"

"(1) for fiscal years 1994 and 1995, all such amounts shall be provided for capital infrastructure projects in the Northern Mariana Islands; and"

"(2) for the fiscal years 1996 and thereafter, all such amounts shall be provided for capital infrastructure projects in the Northern Mariana Islands, including the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the full amount all funds necessary for resettlement at Rongelap has been provided."

8. PETITION MINIMUM WAGE.

Effective thirty days after the date of en­
actment of this Act, the minimum wage pro­
visions, including, but not limited to, the
coverage and exemptions provisions, of se­
apply to the Commonwealth of the Northern Mariana Islands, except—
(a) on the effective date, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $2.75 per hour;
(b) effective January 1, 1996, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $3.05 per hour;
(c) effective January 1, 1997 and every Jan­uary 1 thereafter, the minimum wage rate shall be raised by thirty cents per hour or the amount necessary to raise the minimum wage rate to the wage rate set forth in sec­
tion 6(a)(1) of the Fair Labor Standards Act, whichever is less; and
(d) once the minimum wage rate is equal to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall there­after be the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

SEC. 3. REPORT. The Secretary of the Interior, in consulta­
tion with the Attorney General and Sec­
retaries of Treasury, Labor and State, shall report to the Congress by the March 15 fol­
lowing each fiscal year for which funds are allocated pursuant to this Act in pursuance of Public Law 94-241 for use by Federal agencies or the Commonwealth to address immigration, to the Fair Labor Standards Act, this report shall include but not be limited to—
(1) pertinent immigration information pro­
vided by the Immigration and Naturalization Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Natu­
ralization Service may require of the Com­
monwealth of the Northern Mariana Islands on a semianual basis, or more often if deemed necessary by the Immigration and Naturalization Service,
(2) the treatment and conditions of non-
United States citizen contract workers, in­
cluding foreign government interference with workers' ability to assert their rights un­
der United States law,
(3) the effect of laws of the Northern Mari­
a Islands on Federal interests, including the number of Federal facilities in the Northern Mariana Islands,
(4) the accuracy and reliability of the com­
pared to the alien identification and tracking system and its compatibility with the sys­
tem of the Immigration and Naturalization Service, and
(5) the reasons why Federal agencies are unable or unwilling to fully and effectively
enforce Federal laws applicable within the Commonwealth of the Northern Mariana Islands unless such activities are funded by the Commonwealth or the States.

SEC. 4. IMMIGRATION COOPERATION.

The Commonwealth of the Northern Mariana Islands and the Immigration and Naturalization Service shall cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands.

SEC. 5. CLARIFICATION OF LOCAL EMPLOYMENT IN THE MARIANAS.

(a) Section 8100(2) of title 46 of the United States Code is amended by renumbering paragraph (3) as paragraph (4) and by adding a new paragraph (3) as follows:

"(3) Notwithstanding any other provision of this subsection, any alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands who serves as an unlicensed seaman on a fishing, fish processing, or fish tender vessel that is operated exclusively from a port within the CNMI and within the navigable waters, or economic zone of the United States surrounding the CNMI, pursuant to 46 U.S.C. § 802, shall not apply to persons allowed to be employed under this paragraph."

(b) Section 8101(4)(a) of title 46 of the United States Code is amended by deleting "paragraph (3) of this subsection" and inserting in lieu thereof "paragraph (4) of this subsection.

SEC. 6. CLARIFICATION OF OWNERSHIP OF SUBMERGED LANDS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Public Law 89-435 (88 Stat. 1210), as amended, is further amended by—

(a) striking "Guam, the Virgin Islands" in section 1 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands" each place the words appear;

(b) striking "Guam, American Samoa" in section 2 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, American Samoa";

(c) striking "Guam, the Virgin Islands" in section 3 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands".

With respect to the Commonwealth of the Northern Mariana Islands, references to "the date of enactment of this Act" or "date of enactment of this subsection" contained in Public Law 89-435, as amended, shall mean the date of enactment of this section.

SEC. 7. ANNUAL STATE OF THE ISLANDS REPORT.

The Secretary of the Interior shall submit to the Congress, annually, a "Statement of the Islands" report on American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia that includes basic economic development information, data on direct and indirect Federal assistance, local revenues and expenditures, employment and unemployment, an assessment of essential structure and maintenance thereof, and an assessment of local financial management and administrative capabilities, and Federal efforts to improve those capabilities.

Transportation to report to the Congress on those projects funded in 1995. This provision gives us further assurance that the District will properly use these funds on those most regionally significant projects. The committee has made clear that following a review of the use of the 1995 apportionments, if these funds were not allocated to worthy projects, then the committee will reconsider the waiver for fiscal year 1996.

These are the same roads which serve as the gateways to our Nation's Capital and are the major commuter arteries for the metropolitan region.

These are the same roads which contribute to the functioning of the Federal Government and serve the thousands of tourists from our States who travel here each year.

Mr. President, it is important to emphasize that this legislation is necessary to reduce congestion which plagues the entire region. The projects to benefit from this legislation are ones that complement the transportation priorities of Virginia and Maryland, such as the 14th Street Bridge and Pennsylvania Avenue.

Also, I ask unanimous consent to have printed in the RECORD a copy of a letter from Virginia Secretary of Transportation Martinez placing Governor Allen's administration solidly in support of this legislation, and a letter in support from the distinguished Representative from the District of Columbia, Ms. Norton.

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


HON. JOHN WARNER, U.S. Senate, Russell Senate Office Building. Washington, DC.

DEAR SENATOR WARNER: This letter is to provide the Commonwealth of Virginia's position on the proposed legislation to authorize the U.S. Secretary of Transportation to increase the federal share of certain highway projects in the District of Columbia for fiscal years 1995 and 1996. This legislation would in effect provide a temporary waiver of the local match for highway projects in Washington, D.C.

It is important for the economic health of Northern Virginia and the region to continue the development of critical transportation improvements. The regional projects that Virginia is working with the District include the 14th Street Bridge improvements and certain Intelligent Transportation System (ITS) projects. Virginia supports this measure to allow the needed transportation projects to move forward this construction season without delay much needed projects. If we can provide any additional information, please do not hesitate to call me.

Sincerely,

ROBERT E. MARTINEZ.
HON. ROBERT DOLE, Majority Leader of the Senate, Washington, DC, July 17, 1995.

Mr. WARNER. Mr. President, on a related matter, I would like to share with the Senate my longstanding interest in preserving the historic integrity of Constitution Avenue. This panoramic avenue has witnessed many landmark events in our Nation's history. It links the Lincoln Monument to the U.S. Capitol with many of the principal U.S. Government offices, national museums, and the National Gallery of Art gracing this historic avenue.

Unfortunately it has fallen into a serious state of disrepair. It has become an unhealthy burdened with mobile street vendors.

Formerly known as B Street, it was renamed Constitution Avenue in 1913 and hosted President Franklin Roosevelt's inaugural parade. President Roosevelt was the first President to break with tradition and host his inaugural parade along Constitution Avenue rather than the formerly used routing along Pennsylvania Avenue.

Today I believe that the historic beauty and historic tradition of this corridor. Cannot the users and visitors to this great Capital City have one avenue free from commercial buildings and commercial vehicles?

I have shared these views with the Mayor of the District of Columbia, and I will continue to work for these goals.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the bill be considered and deemed read a third time, and that the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

So the bill (S. 1023), was deemed read for a third time and passed, as follows: S. 1023.

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 “District of Columbia Emergency Highway Relief Act”.

SECTION 2. DISTRICT OF COLUMBIA EMERGENCY ROADWAY RELIEF FUND.-

(a) TEMPORARY WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of a project within the District of Columbia described in subsection (b) shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) ELIGIBLE PROJECTS.—A project referred to in subsection (a) is a project—

(1) for a route proposed for inclusion in the National Highway System; or

(2) that is—

(A) for a route proposed for inclusion in the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation);

with respect to which the Mayor of the District of Columbia certifies that sufficient Federal funds are not available to pay the full non-Federal share of the costs of the project.

(c) REPAYMENT.—

(1) OBLIGATION TO REPAY.—Not later than September 30, 1996, the District of Columbia shall repay to the United States, with respect to each project for which an increased Federal share has been paid under subsection (a), an amount equal to the difference between—

(A) the amount of the costs of the project paid by the United States under subsection (a); and

(B) the amount of the costs of the project that would have been paid by the United States but for subsection (a).

(2) DEPOSIT OF REPAYED FUNDS.—A repayment made under paragraph (1) with respect to a project shall be—

(A) deposited in the Highway Trust Fund established by section 9003 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

(c) FUNDING REQUIREMENTS.

(1) STATE FUNDS.—If the District of Columbia fails to make a repayment required under paragraph (1) with respect to a project, the Secretary of Transportation shall deduct an amount equal to the amount of the failed repayment from funds appropriated or allocated for the category of the project for fiscal year 1997 to the District of Columbia under title 23, United States Code.

(2) REPAIRED FUND.—Any amount deducted under subparagraph (A) shall be re- appropriated for fiscal year 1997 in accordance with title 23, United States Code, to a State other than the District of Columbia.

ORDERs FOR FRIDAY, JULY 21, 1995

Mr. HATFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Friday, July 21, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, that the time for the two leaders be reserved for their use later in the day, and that the Senate then immediately begin consideration of H.R. 1817, the military construction appropriations bill.

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

PROGRAM

Mr. HATFIELD. Mr. President, for the information of all Senators, under the previous order, the Senate will resume consideration of the MILCON appropriations bill at 9 a.m. tomorrow. Also, under the unanimous consent agreement entered into earlier this evening, the Senate will resume consideration of the rescissions bill at 10:30 tomorrow morning. Under that agreement, the Senate will be at approximately 40 minutes of debate remaining on the bill. Following that debate, at approximately 11 a.m. the Senate will proceed to vote on a motion to table the first Wellstone amendment. That vote may be followed by an immediate vote on the motion to table the second Wellstone amendment, to be followed by a vote on passage of the rescissions bill.

Recess until 9 A.M. tomorrow.

Mr. HATFIELD. Mr. President, if there is no further business to come before the Senate, I now ask that the
July 20, 1995

Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:27 p.m., recessed until tomorrow, Friday, July 21, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 1995:

DEPARTMENT OF STATE

JAMES A. JOSEPH, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 614 AND 616:

To be lieutenant general

BRIG. GEN. JOHN P. OTIS

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMED FORCES OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 614 AND 616:

To be permanent major general

BRIG. GEN. ROBERT W. ROPER, JR

BRIG. GEN. EDWARD L. ANSTEE

BRIG. GEN. DAVID K. BIZER

BRIG. GEN. MORRIS J. BOYD

BRIG. GEN. ROBERT B. BUTTS

BRIG. GEN. STEWART W. WALKER

BRIG. GEN. JAMES M. WEYRICH

BRIG. GEN. CHARLES W. THOMAS

BRIG. GEN. GEORGE H. HARMONY

BRIG. GEN. JOHN F. MICHELS

BRIG. GEN. LON N. MAGGART

BRIG. GEN. HENRY T. GLASS

BRIG. GEN. THOMAS S. HUNTSBROOK

BRIG. GEN. DAVID R. GRIFFIN

BRIG. GEN. MILTON HUNTER

BRIG. GEN. JAMES T. MILLER

BRIG. GEN. GREIG L. GILL

BRIG. GEN. JAMES C. KELLEY

BRIG. GEN. RANDALL L. ROSS

BRIG. GEN. DANIEL J. PETTUS

BRIG. GEN. MICHAEL B. SHERMAN

BRIG. GEN. JAMES C. KINGSTON

BRIG. GEN. JOSEPH G. GABRIEL

CONGRESSIONAL RECORD—SENATE

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1962:

To be lieutenant general

LT. GEN. JOHN P. OTIS

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMED FORCES OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 614 AND 616:

To be permanent major general

BRIG. GEN. ROBERT W. ROPER, JR

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BRIG. GEN. DAVID K. BIZER

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BRIG. GEN. GREIG L. GILL

BRIG. GEN. JAMES C. KELLEY

BRIG. GEN. RANDALL L. ROSS

BRIG. GEN. DANIEL J. PETTUS

BRIG. GEN. MICHAEL B. SHERMAN

BRIG. GEN. JAMES C. KINGSTON

BRIG. GEN. JOSEPH G. GABRIEL

BRIG. GEN. LENNO R. GOFF, III

BRIG. GEN. DANIEL G. BROWNING

BRIG. GEN. WILLIAM P. TANGI

BRIG. GEN. CHARLES S. MARAH

BRIG. GEN. JOHN J. MAHER, III

BRIG. GEN. LEON J. LAPORT

BRIG. GEN. CLAUDIA J. KENNEDY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 614 AND 616, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY.

MEDICAL CORPS

To be lieutenant colonel

*JOHN D. PITCHER

To be major

RAY J. RODRIGUEZ

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENLISTED IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

KYU JIN CHIK

WILLIAM D. DAVIS

JASON W. HAUSER

MURZABAN M. MURAD

PATRICK J. DOHERTY

JAMIE L. TURCO

TRAVIS L. LYNCH

CHAD W. HAMMOND

SETH P. BIVENS

GUARDIAN L. KENNY

DANIEL D. BARNES

XAVIER R. BROWN

IAN T. JENNETT

JOSHUA D. MCCLINTICK