

# EXTENSIONS OF REMARKS

## LET'S LOOK TO THE FUTURE

### HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 25, 1995*

Mr. WILSON. Mr. Speaker, from time to time a letter comes across my desk that speaks directly to the core of a problem. Recently we received just such a letter.

The debate over balancing the Federal budget and finding ways to also reduce taxes inspired an east Texan to write to my office. This letter is so in tune with both present reality and historic precedent that I wanted to share it with all of you:

DEAR REPRESENTATIVE WILSON: I would much prefer deficit reduction to a middle class tax cut. Although I would qualify, the tax cut would make very little difference in my well-being. But a reduction in the Federal deficit will improve my well-being and that of my child in the long run.

Please work to identify spending cuts that can be applied to deficit reduction rather than a tax cut.

Sincerely,

E.L. WRIGHT.

I expect this letter expresses the views of many people, especially those with children. It asks that we look to their future.

This means getting the Federal ledger in the black first. It means when we do turn to tax relief, the emphasis should be on deductions for education and career training, use of IRA's for college tuition, and other long-term investments.

Fourteen years ago I was one of a handful of Members who voted for President Reagan's spending cuts, and against his tax cuts. We took some flak and received bags of hate mail for this. But I felt then, as I know now, that any tax cuts must come after we achieve a balanced budget, not before. Trying to do both in the early 1980's snowballed us into the most rapid increase in deficit spending in history.

A strong, solvent America is in everyone's interest. Reaching a balanced budget should be our priority now, just as it should have been 14 years ago.

## CONCERNING THE RULE TO HOUSE JOINT RESOLUTION 1

### HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 25, 1995*

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in reluctant support of House Resolution 44, the rule for the balanced budget amendment. Although I will be voting for this rule, I am disappointed that the Franks-Conditt-Gillmor substitute amendment adding unfunded mandates language to the balanced budget amendment was not made in order by the Rules Committee.

Mr. Speaker, our amendment was substantially similar to the Barton balanced budget amendment (H.J. Res. 1), but with two crucial differences. First, our amendment struck the three-fifths provision to raise taxes contained in section 2 of House Joint Resolution 1. While I am steadfastly opposed to raising taxes, the controversy surrounding this provision could hamper passage in the Senate and make it more difficult to achieve the requisite two-thirds vote in the House of Representatives.

Second, our amendment includes a provision prohibiting new unfunded Federal mandates. I strongly believe that a ban on unfunded mandates is essential to prevent a future Congress from balancing the Federal budget merely by shifting costs and responsibilities to State and local governments.

The supporters of other versions of the balanced budget amendment contend that there are only two ways to balance the budget—either by cutting spending or increasing taxes. But the truth is there's a third, more insidious option where the Congress would mandate expensive Federal programs onto State and local governments and require local taxpayers to pick up the tab. Judging from the past, it is clear that Congress will use any means available to avoid hard budget choices. I believe that closing the unfunded mandates loophole is imperative to preserve the integrity of the balanced budget amendment and ensure protection for local taxpayers.

Mr. Speaker, including an unfunded Federal mandates provision as part of the balanced budget amendment is the only ironclad way to protect local taxpayers. Although I welcome and support efforts to solve the unfunded mandates issue by passing a statute, the sorry fact is that Congress is adept at finding ways to circumvent statutory law in order to escape from fiscal accountability.

Additionally, it is important to note that Republican and Democratic Governors have rightly expressed their reluctance to encourage their State legislatures to ratify a balanced budget amendment without a provision specifically prohibiting new unfunded Federal mandates. The inclusion of a provision to ban unfunded Federal mandates would have, in my opinion, markedly improved the chance of ratification by the States.

Mr. Speaker, our substitute amendment has the support of the National League of Cities and the National Conference of State Legislatures [NCSL]. The support of NCSL is especially noteworthy, as it is their members who will ultimately be deciding the fate of the balanced budget amendment. And since this rule precludes me from offering my substitute amendment that would have protected the States, I am skeptical whether this version of the balanced budget amendment will ever be ratified by the requisite 38 States.

Mr. Speaker, consideration of the balanced budget amendment presents Congress with a unique and historic opportunity to permanently resolve the issue of unfunded Federal mandates. Our substitute amendment would have

provided the assurance that Congress would not have met its obligations under the balanced budget amendment by imposing unfunded mandates on State and local governments. Although I am disheartened that Congress will not act on my amendment today, I expect that we will be revisiting this issue should the States refuse to ratify the balanced budget amendment because of an absence of a unfunded mandate provision.

## CONGRATULATIONS TO THE PACIFIC DAILY NEWS: 25 YEARS OF EXCELLENCE

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 25, 1995*

Mr. UNDERWOOD. Mr. Speaker, 25 years ago, shortly after the gateways to Guam were opened to the world, the Guam Daily News published its first edition on my home district of Guam. The paper quickly evolved into a solid business entity, which is important to our island and to the Pacific region.

Now affiliated with the Gannett News Service, the Guam Daily News is better known as the Pacific Daily News. It is our only daily paper, and a tremendous source of current events.

Over the years, the P.D.N. has changed its format, its editors, its reporters, but not its high quality. The paper may not be as thick as the New York Times or the Washington Post, but "all the news that's fit to print," manages to get on its pages.

Truly part of the Guam family, the P.D.N. currently reaches a wider audience than any other island media. It overcame obstacles and outlasted a competing paper. Throughout the years, in typhoons and other natural disasters, I have always found an edition of the P.D.N. at my doorstep. Yet, the paper means so much more to Guahan.

On important occasions, the managers and employees of the P.D.N. constantly prove their keen interest in civic matters. As a member of the Guam Chamber of Commerce, the Guam Olympic Committee, other nonprofit boards and commissions, President Lee Webber leads his staff by example. As the company grew, it shared its success with the island.

Happy 25th birthday, Pacific Daily News.

## CONGRESSIONAL REFORM

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 25, 1995*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 11, 1995, into the CONGRESSIONAL RECORD.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## APPLYING LAWS TO CONGRESS

As much as Hoosiers complain to me about excessive government regulations, they complain even more about congressional exemptions from laws that are applied to private citizens and businesses. They believe Congress should follow the same laws as private citizens, and I agree. To address such concerns, on the opening day of the 104th Congress the House passed unanimously the Congressional Accountability Act, which will ensure that Congress lives under the same laws applied to private citizens.

## BACKGROUND

Many Members of Congress from both political parties and both chambers have worked for years to develop a process for applying laws to Congress that is consistent with the constitutional requirement of the separation of powers. For example, a proposal similar to the Congressional Accountability Act was included among the recommendations of the bipartisan Joint Committee on the Organization of Congress, which I co-chaired. In August 1994, legislation almost identical to the Congressional Accountability Act passed the House by a margin of 437 to 4. Unfortunately, that proposal was blocked in the Senate in the closing days of the 103rd Congress. The House responded in October 1994 by applying laws to itself via a change in House rules.

This rules change was a worthwhile accomplishment. But private sector laws should be applied as fully as possible to both the House and Senate, and this is best accomplished by legislation rather than a rules change in one chamber. Moreover, the internal House rules change could not allow for court appeals of employee grievances. As a result, Congress is again considering legislation to end the long history of congressional exemptions.

## IMPORTANCE

There are three key reasons why it is important for Members of Congress to follow the same laws that cover private citizens.

First, the widespread perception that Members have exempted themselves from many laws significantly undermines public confidence in Congress. This institution loses credibility and legitimacy when people believe that Members are somehow "above the law."

Second, more fully applying laws to Congress will improve the quality of the legislation we pass. It can be difficult for Members to understand completely the practical implications of legislation when we are not forced to confront these implications in our own place of work.

And third, it is simply unfair not to extend to congressional employees the same rights and protections available to those who work elsewhere.

## COMPLEXITIES

As with many congressional reform issues, the issue of applying laws to Congress is complex, and often misunderstood. For example, many laws such as the Social Security Act have long been applied to Congress in exactly the same manner that they are applied to the private sector. Other key labor laws also are currently applied to Congress, although the methods of enforcement differ somewhat from those adopted for private sector employees. Among these laws are the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Family and Medical Leave Act. Some laws have not been applied to Congress simply because they have no bearing on the internal operations of this institution, such as Title IX of the Higher Education Act Amendments of 1972, which deals with women's athletics programs. And in certain areas Members are actually subject to more stringent statutory

limitations than those applied to people in the private sector: examples include full public financial disclosure, post-employment restrictions, and strict limitations on outside income.

Constitutional questions have also complicated the effort to bring the legislative branch into compliance. There would be considerable potential for mischief if a President of one party were allowed to use his regulatory enforcement powers to harass or unduly influence Members of Congress of another party. The internal operations of Congress cannot be subject to regulation—and possible political manipulation—by the President.

However, even with these common misunderstandings and difficulties, the underlying problem has remained: Congress has not been subject to certain laws to the maximum extent feasible, and the institution must be brought into full compliance in a manner consistent with the Constitution.

## PROVISIONS

My view is that the Congressional Accountability Act will accomplish these goals without undermining the separation of powers. As passed by the House, it contains a number of important provisions. It will: require the direct application of private sector laws, including OSHA, to Congress; create a bicameral Office of Compliance to issue the regulations necessary to implement these laws; provide that such regulations will go into effect within a certain period unless Congress explicitly votes otherwise; and allow congressional employees to take their complaints to court and receive compensation.

House passage of the Congressional Accountability Act is not the final hurdle in the process of applying laws to Congress. The Senate also has pledged quick consideration of a bill to apply laws to Congress. But the Senate bill likely will differ from the House-passed version in important ways, and the two chambers will have to agree on a single consensus package. Still, my hope is that Congress will settle the issue of congressional compliance early this year.

## CONCLUSION

The application of laws to Congress is one key component of the overall reform agenda advanced by the Joint Committee on the Organization of Congress and other reform-minded Members during recent years. But reform is an ongoing process, and much work still needs to be done. Members should continue to work in a bipartisan fashion for meaningful congressional reform throughout the 104th Congress. The passage of a strong reform agenda will help demonstrate that Members are serious about enhancing the openness, effectiveness, and public credibility of Congress.

### TRIBUTE TO JONATHAN COHEN, SUBWAY HERO

#### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 25, 1995*

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Jonathan Cohen, a brave young African American whose quick and selfless action prevented a fleeing suspect from escaping a tragic subway murder early this month.

Jonathan Cohen lived in the Bronx until he was 10 and attended P.S. 48 in my Congressional District. He was descending the escalator to the platform at the 34th Street station on January 4 when he saw a man push an el-

derly woman into the path of an oncoming subway train. While the other onlookers froze, Mr. Cohen had the presence of mind to follow the man he saw commit the crime, call out to others to call the police, and then grab and hold the suspect when he reached the token booth.

Mr. Speaker, when teachers at P.S. 48 read about this incident, they recalled the young boy named Jonathan Cohen who had attended their school 20 years ago. After doing some checking, they were able to ascertain that the hero of January 4 was a grown-up version of the boy they remembered.

Mr. Speaker, on Friday, February 17, P.S. 48 will hold a Black History Month program. The annual theme of this year's celebration, which had been established well in advance of the events of January 4, is "Growing Better Citizens." How fitting it is, Mr. Speaker, that Jonathan Cohen, who has grown into such an outstanding citizen, will speak at this event.

Mr. Speaker, I ask my colleagues to join me and the P.S. 48 community in praise of Jonathan Cohen for the shining example he sets for all Americans.

### INTRODUCTION OF TAX LEGISLATION TO REPEAL THE \$15 MILLION LIMITATION ON TAX EXEMPT PUBLIC OUTPUT BONDS

#### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 25, 1995*

Mr. NEAL of Massachusetts. Mr. Speaker, today I am reintroducing legislation to amend the Internal Revenue Code of 1986 to repeal the special \$15,000,000 limitation on the amount of a tax-exempt bond issue which may be used to provide an output facility. The intent of this legislation is to treat public power in the same manner as other public facilities.

Traditionally, States and local governments and other public entities have relied on the issuance of municipal tax-free bonds to finance construction of a wide range of essential public facilities, including schools, roads, water and waste water treatment systems, electric and gas utilities, hospitals, health centers, prisons, and public transit. The Tax Reform Act of 1986 included numerous provisions restricting the use of tax exempt bonds. These provisions were enacted in order to curb abuses in the bond community and to increase revenue to reduce the Federal budget deficit.

One of the changes made in 1986 was the extent to which private parties could benefit from the use of facilities financed by tax-exempt bonds. Pre-1986, up to 25 percent of facilities constructed through the issuance of tax-exempt bonds could benefit from the use of facilities financed by tax-exempt bonds. The Tax Reform Act of 1986 reduced this restriction to 10 percent for all Government bonds. However, a further limitation was imposed on public power and public natural gas transmission facilities. The private use test for public power is the lesser of 10 percent of \$15 million. No other entities are subject to the \$15 million private-use test.

The removal of the \$15 million cap would place public power on equal footing with other