

## AMENDMENT NO. 2819

Mr. GRAMM. Mr. President, while we await our instructions on closing out business of the day, I would like to just very briefly, though we are going to speak tomorrow at some length about the Domenici amendment, say that I think it is important tonight to at least to begin to call our colleagues' attention to the fact that the Domenici amendment is not simply an amendment to reestablish the Federal Legal Services Corporation. We can debate the merits of that and the demerits. I believe the demerits outweigh the merits. But the Domenici amendment has a profound impact on the rest of this bill because it cuts other programs.

I simply want to leave with my colleagues tonight a very brief outline of what the Domenici amendment does in order to fund this expansion in legal services.

It cuts \$25 million from our efforts in the Justice Department related to the Criminal Division, to the Civil Rights Division, to the Environmental Division. It cuts funding for the U.S. attorneys office by \$11 million. That is money that would have gone to fund U.S. attorneys to prosecute drug felons and gun felons. It cuts \$40 million from the FBI budget, funds that would be used to build the new FBI academy, to build infrastructure, which the FBI greatly needs.

It cuts the Bureau of the Census both economic and statistical analysis and the census itself in a period when we are getting ready to have the 2000 census, the millennium census. It cuts funding for the court of appeals, for district courts, and for other courts by \$25 million. Every day we have people waiting to be tried in civil cases and criminal cases, and we are cutting funding for our courts to fund legal services.

Funding is cut by \$21 million for the reorganization/transition fund in the State Department. That is a major Republican initiative in an authorization bill for which the majority of Senators have voted in the affirmative. The bill cuts funding for the commerce transition fund. The budget adopted by the Senate called for the elimination of the Commerce Department. This eliminates transition funds that would be required.

Finally and stunningly, the distinguished Senator from New Mexico has a budget gimmick in the funding mechanism which has a delayed obligation of \$115 million which becomes effective only on September 1, 1996, so that we are in fact committing ourselves to a level of funding which is substantially higher than the funding level which is claimed in this amendment.

No one needs to give me a lecture on the power of the special interest groups that support the Legal Services Corporation. I understand that perfectly, and I understand that the majority of the Members of the Senate support funding for the Legal Services Corporation. But I want my colleagues to know

that in supporting that funding, they are supporting cuts in our criminal activities, our civil rights activities in the Justice Department, our Environmental Division within the Justice Department. They are denying funding for the FBI Academy and in the process cutting funds for courts.

So what we are talking about is basically cutting funding for prosecutors, for the Justice Department to work in areas that are critically important. We are cutting funding in courts when we desperately need more prosecutors and more courts. I hope my colleagues will look at these offsets.

Governing is about choices, and the choices we look at on this bill are, basically, do we want to fund courts and U.S. attorneys to prosecute violent criminals and drug felons or do we want to fund the Legal Services Corporation? To me that is a very easy choice. I wish to be sure that my colleagues understand it, and I thank the Senate for in the closing moments of this legislative day giving me the opportunity to make it clear to people what we are talking about.

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. GRAMM. 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. GRAMM. Mr. President, I send a list of the Domenici offsets to the desk, and I ask unanimous consent that they be printed in the RECORD.

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

POSSIBLE AMENDMENT TO H.R. 2076, AS REPORTED,  
OFFERED BY MR. DOMENICI OF NEW MEXICO  
(Dollars in thousands)

	Budget authority	Outlays
Office of Inspector General: On page 4, line 15, strike "\$30,484,000" and insert "\$27,436,000" .....	(3,048)	(2,896)
General Legal Activities: On page 5, line 11, strike "\$431,660,000" and insert "\$406,529,000" .....	(25,131)	(21,864)
U.S. Attorneys: On page 7, line 15, strike "\$920,537,000" and insert "\$909,463,000" .....	(11,074)	(9,745)
FBI construction: On page 16, line 9, strike "\$147,800,000" and insert "\$98,800,000" .....	(49,000)	(4,900)
Civil legal assistance: On page 26, strike lines 18 and all that follows through line 20 .....	(210,000)	(52,500)
Grants to States: Beginning on page 52, strike line 9 and all that follows through page 64, line 22 ...	(3,300)	(3,300)
International Trade Commission: On page 65, line 22, strike "\$34,000,000" and insert "\$29,750,000" .....	(4,250)	(3,825)
Economic and Statistical Analysis: On page 70, line 22, strike "\$57,220,000" and insert "\$46,896,000" .....	(10,324)	(8,868)
Bureau of the Census, S&E: On page 71, line 16, strike "\$144,812,000" and insert "\$133,812,000" .....	(11,000)	(8,140)
Office of the Inspector General: On page 79, line 17, strike "\$21,849,000" and insert "\$19,849,000" .....	(2,000)	(1,902)
Court of Appeals, District Courts, & Other: On page 87, line 6, strike "\$2,471,195,000" and insert "\$2,446,194,665" .....	(25,000)	(23,025)
Foreign Affairs Reorganization Transition Fund: On page 95, line 15, strike "\$26,000,000" and insert "\$5,000,000" .....	(21,000)	(21,000)

POSSIBLE AMENDMENT TO H.R. 2076, AS REPORTED,  
OFFERED BY MR. DOMENICI OF NEW MEXICO—Continued  
(Dollars in thousands)

	Budget authority	Outlays
Office of the Inspector General: On page 96, line 8, strike "27,350,000" and insert "\$24,350,000" .....	(3,000)	(2,490)
Legal Services Corporation: On page 124, after line 10, insert the following: .....	215,000 125,000	189,200 9,166
Working Capital Fund: On page 161, line 7, strike "\$35,000,000" and insert "\$55,000,000" .....	(20,000)	(20,000)
Commerce Transition Fund .....	(5,000)	(5,000)

## MORNING BUSINESS

Mr. GRAMM. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

## OKLAHOMA'S MISS AMERICA

Mr. NICKLES. Mr. President, It is with great pleasure and pride that I congratulate Miss Shawntel Smith, who was crowned Miss America 1996 recently in Atlantic City on her 24th birthday.

Shawntel is the fourth Oklahoman to be named Miss America in the pageant's 75 years. She joins three other Oklahomans who have won that honor: Norma Smallwood in 1926, Jane Jayroe in 1967 and Susan Powell in 1981.

Shawntel is a native of Muldrow, Oklahoma, a town of about 3,200 residents who are by all accounts very proud and supportive of this young lady. When she was crowned Miss Oklahoma earlier this year, the town erected road signs along the Eastern Oklahoma roads leading into Muldrow.

It seems, now, however, those signs are a little outdated.

During the next year, Shawntel will represent Oklahoma and all of America as she travels to special events and speaking engagements as Miss America.

Her platform is to raise awareness for the need to prepare students for the job market. Shawntel believes that "by exposing students to potential careers and making them aware of the education needed, students can make their dreams become realities." And Shawntel obviously knows a little something about making dreams become realities.

Education has been an important part of Shawntel's own life. Through competition in pageants she has been able to earn enough in scholarship money to put herself through Northeastern Oklahoma State University, where she is now working as a marketing director. Shawntel's winnings from the Miss Oklahoma and Miss America pageants will allow her to continue her education. Her goal is to obtain a master's degree in business administration from Oklahoma City University, and I have no doubt she will.

She already has demonstrated her affinity for hard work and tenacity. Shawntel competed in three Miss Oklahoma pageants before she won the title in July of this year.

After the pageant, Shawntel's father, Gailen Smith, commented that when Shawntel speaks to people, her inner beauty shines through. What a wonderful and appropriate sentiment. I congratulate Gailen, and Shawntel's mother, Karen, whose daughter possesses not only physical beauty, but inner beauty and strength of character as well.

Mr. President, Shawntel's example rekindles our belief in each individual's ability to accomplish something extraordinary and restores our confidence in the American spirit of helping others realize their dreams. Our State of Oklahoma, which is home to the finest people anywhere, celebrates her achievement.

Congratulations, Shawntel. We are pleased for you and look forward with great pride to the year ahead as you represent our State and our Nation.

#### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The \$4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians like to talk a good game—and talk is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote. Control, Mr. President. As of Wednesday, September 27, at the close of business, the total Federal debt stood at exactly \$4,955,602,761,788.67 or \$18,811.55 per man, woman, child on a per capita basis. *Res ipsa loquitur*.

Some control, is it not?

#### ADVANCE NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a advance notice of proposed rulemaking was submitted by the Office of Compliance, United States Congress. The advance notice seeks comment on a number of regulatory issues arising under the Congressional Accountability Act.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

#### OFFICE OF COMPLIANCE

(The Congressional Accountability Act of 1995: Extension of Rights and Protections Under the Family and Medical Leave Act of 1993, Fair Labor Standards Act of 1938, Employee Polygraph Protection Act of 1988, Worker Adjustment and Retraining Notification Act and Uniformed Services Employment and Reemployment Rights Act)

#### ADVANCE NOTICE OF PROPOSED RULEMAKING

##### Summary

The Board of Directors of the Office of Compliance ("Board") invites comments from employing offices [use appropriate definition for separate House and Senate publication], covered employees and other interested persons on matters arising in the issuance of regulations under sections 202(d)(2), 203(c)(2), 204(c)(2), 205(c)(2) and 206(c)(2) of the Congressional Accountability Act of 1995 (PL 104-1) ("CAA" or "Act").

The Act authorizes the Board to issue regulations to implement sections 202, 203, 204, 205 and 206 of the Act. The Board issues this Advance Notice of Proposed Rulemaking to solicit comments from interested individuals and groups in order to encourage and obtain participation and information as early as possible in the development of regulations. In this regard, the Board invites and encourages commentors to identify areas or specific issues they believe should be addressed in regulations and to submit supporting background information and rationale as to what the regulatory guidance should be. In addition to receiving written comments, the Office will consult with interested parties in order to further its understanding of the need for and content of appropriate regulatory guidance.

The Board is today, in a separate notice, also publishing proposed rules under section 204(a)(3) of the Congressional Accountability Act relating to the Capitol Police's use of lie detector tests under the Employee Polygraph Protection Act of 1988.

In addition to the foregoing, by this Notice, the Board seeks comments as to certain specific matters before promulgating proposed rules under section 202 through 206 of the Act.

Dates.—Interested parties may submit comments within 30 days after the date of publication of this Advance Notice in the Congressional Record.

Addresses.—Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, Library of Congress, Washington, DC 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("Fax") machine to (202) 252-3115. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, DC., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact.—Executive Director, Office of Compliance at (202) 252-3100. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, 202-244-2705.

##### Background

The Congressional Accountability Act of 1995 applies the rights and protections of

eleven federal labor and employment law statutes to covered Congressional employees and employing offices. The Board of Directors of the Office of Compliance established under the CAA invites comments before promulgating proposed rules under sections 202, 203, 204, 205 and 206 of that Act. The above-referenced sections of the CAA respectively apply the rights and protections of the Family and Medical Leave Act of 1993, 29 U.S.C. 2611 et seq. ("FMLA"); the Fair Labor Standards Act of 1938, 29 U.S.C. 201 et seq. ("FLSA"); the Employee Polygraph Protection Act of 1988, 29 U.S.C. 2001 et seq. ("EPPA"); the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq. ("WARN"); and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. Chpt. 43. Each of those sections authorizes the Board to issue regulations to implement the section and further states that such regulations "shall be the same as the substantive regulations promulgated by the Secretary of Labor to implement \* \* \* [the applicable statute] \* \* \* except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section."

Section 304 of the CAA prescribes the procedure applicable to the issuance of regulations by the Board for the implementation of this Act. It further requires the Board to recommend in the general notice of proposed rulemaking and in the regulations whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.

Section 411 of the CAA provides with respect to the aforementioned sections that, "if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board or court, as the case may be, shall apply to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding."

The CAA requires that the Office of Compliance be open for business on January 23, 1996. The statutes made applicable under the aforementioned sections of the CAA become effective for covered employees and employing offices on that date.

These inter-related provisions of the CAA give the Board various rulemaking options under section 202 through 206 of the CAA. So that it may make a more fully informed decision regarding the issuance of regulations (for each or all of the relevant sections of the CAA), in addition to inviting and encouraging comments on all relevant matters, the Board requests comments on the following:

##### 1. General Issues Under the CAA

##### a. Whether and to What Extent the Board Should Modify the Regulations Promulgated by the Secretary of Labor

The CAA directs the Board to issue regulations that "shall be the same as substantive regulations promulgated by the Secretary of labor ("Secretary") to implement \* \* \* [the applicable statutes] \* \* \* except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section" (emphasis added). This provision provides important guidance concerning how employing offices, covered employees and other interested persons should structure their comments in response to this ANPR and related processes in order to be of maximum assistance to the Board. Accordingly,