

the right approach. A number of Members of the Senate and House objected to this approach, however. It is a parliamentary body, and we sometimes have to compromise a bit. They use the separation of powers as the grounds for not wanting to do that. Their concern is focused particularly on what they see as a potential for partisan motivation in the manner in which the executive branch might enforce the law.

In an effort to ensure the broadest possible support for, as well as speedy enactment of, congressional coverage legislation, I agreed to support this compromise, the compromise embodied by the bill before us now, S. 2.

Under this compromise, congressional employees who believe that their employer—congressional employer—is violating one of the laws made applicable to the Congress by S. 2 have a choice, they have a choice that is a compromise here. After counseling, they can either file a formal complaint with the new congressional office of compliance or they can go directly to the courts.

The only highly limited exceptions are with respect to those substantive laws that do not afford an analogous right to go to court to other persons who are not congressional employees.

So, I agreed to support this compromise. It is a good compromise and a reasonable compromise because it is consistent with the spirit of the proposal I introduced. I congratulate Senator GRASSLEY for his leadership and his willingness to discuss this matter and to listen to those of us who wanted to make some changes.

Mr. President, I believe that it is imperative that we should move forthwith to take this important step toward restoring the confidence and the trust of the American people in their Congress. Acting promptly to place the Congress under the same laws by which it expects the rest of society to abide will send a powerful message to the American people that we got the message. We got the message that the reign of an arrogant and imperial Congress is over. By moving expeditiously, we in the Congress can send that clear and unmistakable message to the American people that we are committed to true and honest reform.

Finally, Mr. President, I believe that S. 2 has another equally important purpose. Beyond moving to restore the confidence of the American people in their Congress, I believe the enactment of the Congressional Accountability Act will help us to make better laws. If we have to live under the laws we make, we will make better laws. Some say we ought to make a lot less laws, and I totally agree. Others say we ought to repeal one for every one we pass. That sounds like a good idea as well.

But learning firsthand what effects the laws that are passed have on those to whom the law applies will give Congress a unique and invaluable way in

which to learn by experience what is wrong with those laws.

Moreover, living under those laws will give Congress a powerful disincentive. It will think twice before passing laws which it would not want to live under.

So I am hopeful, in conclusion, that one spinoff from this excellent piece of legislation will be that we may look at some of these laws that are so onerous on the American people and on many businesses throughout the country and change some of them, as well, when we realize how bad they really are.

I thank you, Mr. President. I thank the Senator from Iowa for his courtesy, and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The able Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to add Senator HUTCHISON as a cosponsor.

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

RECESS

Mr. GRASSLEY. Mr. President, this request is from the floor leader. I ask unanimous consent that the Senate stand in recess from 3:15 p.m. until 4 p.m. today.

There being no objection, at 3:15 p.m., the Senate recessed until 4 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HUTCHISON).

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 102-166, and upon the recommendation of the majority leader, in consultation with the minority leader, appoints Dr. Harriett G. Jenkins as Director of the Office of Senate Fair Employment Practices.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Ms. SNOWE addressed the Chair.

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

Ms. SNOWE. Thank you, Madam President.

It is with great pride that I appear today to speak on the floor of the U.S. Senate as Maine's new Senator, particularly because of the legislation that is before us today on the Congressional Accountability Act.

I want to take this opportunity to congratulate the Senate majority leader for setting this as a high priority in the 104th session of Congress.

In a year when people are talking about change, and looking for more accountability and accomplishments

from Congress, there is no more important message that we could send than this: that we will play by the rules, and we will abide by the laws—and Congress will no longer set itself above the law of the land.

Madam President, this is basic fairness, and I congratulate my colleague from Iowa, as well, for his tireless efforts to bring this legislation forward.

It was a decade ago, Madam President, when I first testified in support of the principles embodied in this legislation before the Senate today. Ten years ago, I spoke before the House's Post Office and Civil Service Committee about the need for Congress to treat its employees in the same way we require private businesses to treat their employees.

And I have made the application of our Nation's laws to this Congress a chief objective since that occasion 10 years ago. The issue then, as now, was fairness. Congress should not live above the law. In both of the last two Congresses, I introduced legislation in the other body to extend coverage for Congressional employees under the Civil Rights Act and the Age Discrimination Act, as well as OSHA.

Last year, I testified before the Joint Committee on the Organization of Congress [JCOC], which was established in 1993 to review and improve the legislative process. And last September, I expressed my support for this Chamber's congressional compliance legislation in a bipartisan letter sent to former majority leader and fellow Mainer George Mitchell, as well as to other Members of this body.

Madam President, I have remained vigilant in working for this legislation because we must show the American people that we are willing to abide by the same laws that we require of them. The elections last November made clear that the American people expect more of Congress—that they want changes in the way this institution does business.

This is one of the most important and necessary pieces of legislation this body will consider in this Congress, and I am proud that it is among the first we will consider this session.

We must support this legislation, not only to heed the wishes of the American people to change Congress, but also to deliver on our promise to do what is right. Congress simply cannot continue to live above the law and call itself a body that is "representative" of the America we live in today.

After all, what kind of message does Congress send to Americans when it sets itself above the law? What kind of message does Congress send to America when it believes it is beholden to different standards? And how can Congress claim to pass laws in the best interest of the American people if Congress refuses to abide by those very same laws.

Madam President, Congress should be the very last institution in America to

exempt itself from living under the Nation's laws. Rather, Congress should always be the very first institution to be covered by the laws of the land, especially as the body legislating such laws.

I am well aware of the arguments made in opposition to this legislation in the past.

Some Members have expressed concerns that our Founding Fathers intended the three branches of Government to remain separate, and that is as it should be. But, at the same time, we also know that the legislative branch has been entirely incapable of policing itself. A General Accounting Office study of the House's Office of Fair Employment Practices and its internal grievance process indicated that just 16 staffers in 4 years had enough confidence in the office to file complaints. Of those complaints, only four cases went to the end of the grievance process that was established under the Office of Fair Employment Practices. Strong enforcement measures are absolutely necessary if we are going to make Congress abide by the same laws that apply to the private sector.

And that is why I am pleased with the legislation before the Senate today that will establish the entire independence of that office to ensure that the congressional employees of the legislative branch will be treated very fairly.

The U.S. Constitution and arguments about the constitutionality of this bill are used as a cover by those who want to declare Congress "special"—and somehow deserving of special treatment.

Clearly our forefathers felt differently, as we have heard today on numerous occasions about James Madison who made it clear that Congress, in fact, cannot make itself above the law.

Members have also expressed opposition in the past to making Congress comply with OSHA regulations, citing cost considerations. OSHA requires covered employers to provide a place of employment that is free from recognized hazards that may cause serious physical harm or death, and to comply with the act's occupational safety and health reporting standards. I have heard from many private sector employers who are concerned about the cost of OSHA regulations. If this body is covered by the same regulations, then perhaps Congress will find a way to ensure that employees are guaranteed a safe workplace without unduly burdening employers.

We have extended workplace and antidiscrimination laws to our constituents because the Congress has felt, rightly in my opinion, that the American people wanted this from their leaders and their government. That is what representative government is all about.

Now, we must make the Congress representative not only of our constituents, but of our laws as well.

Applying the 10 laws included in this legislation to Congress will not extract

any great pain or price from our way of working. But it will send a signal to Americans who are frustrated with Congress—who do not believe that we get it.

In the past, passionate debates have been held, both in this Chamber as well as in the House, about the need to provide America's working men and women with a fair living wage. We have gone to great lengths to ensure a living wage, fair workplace practices, and high standards. We are justifiably proud of these standards, and our constituents willingly meet them, often voluntarily. If the proprietors of the many stores, factories, and employers in my State and other States have to meet labor standards laws, should not the Congress of the United States as well?

The same holds true for other laws included here: not only OSHA, as I mentioned, but Family and Medical Leave and the Americans With Disabilities Act. This legislation is a first step toward regaining its credibility as a law-making and law-abiding institution—one that claims as its master the American people, and not the other way around.

Madam President, Congress has shown great skill over the last 20 years in passing laws barring discrimination and in passing regulations and requirements on America's small businesses. Unfortunately, Congress has shown even greater skill in avoiding those same laws. While small businesses struggle to pay for renovations that would make it pass an OSHA inspection, the Capitol—and our own offices, I might add—has never hosted an OSHA visit. And dare I say they would not pass an OSHA inspection, either. Why? Because, unbelievably, it has never had to.

That is why passage of this bill is an absolutely critical step in giving this institution the reform it desperately needs and the reform the American public so clearly wants. Now is the time to restore the public's faith in Congress and the democratic process. And now is the time to show the American people that, yes, we do listen, yes, we are accountable, and yes, we are delivering on our solemn promises of change.

And let us also take this opportunity to demonstrate that we can do so in a bipartisan manner. That, Madam President, no institution should be above the law, especially Congress. No institution should be exempted from the law, especially Congress. And no one should ignore the law, especially Congress.

Madam President, I would urge my colleagues to vote for the passage of this very important legislation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ABRAHAM. Madam President, I rise in strong support of the Congressional Accountability Act of 1995. This legislation would apply to the Congress the same regulatory laws that apply to the rest of society. The Senator from Iowa [Mr. GRASSLEY] deserves extraordinary credit for his long-term commitment to the principles incorporated in this legislation.

During the most recent campaign in which I was engaged, I discovered a sense of public outrage across the entire State of Michigan that we in the Congress were not required to abide by the same laws as the rest of the country. This outrage was based upon the perception that this was a double standard, a hypocritical policy by which those who enacted the laws of the land exempted themselves and only themselves from the burdens of these laws. The purpose of the present legislation is to bring the Congress in closer touch with the American people by making them subject to a common set of laws.

There are two principles that lie at the heart of this legislation: first, there is the principle of equity. To the extent that the Congress has made the judgment that employees in the private sector are entitled to minimal standards and terms of employment, it is difficult for me to understand why employees of the Congress should not be subject to the same standards. While the Congress is a distinctive institution in its role in our public life, I am unable to see how that distinctiveness relates to the proper standards and terms for treating its employees. Although the Congress clearly has the authority to exempt itself from the employment rules which it applies to other institutions, I believe that the integrity of the lawmaking branch of the National Government is diminished when it seeks to treat itself in a different manner than it treats the rest of society. If anything, we should hold ourselves to higher standards than are applied to other institutions which do not make the rules.

Second, the Congressional Accountability Act incorporates the principle that sound legislation is better promoted when legislators must abide by the rules set forth in their legislation. When I hear opponents of this measure arguing that Members of Congress should not be subject to frivolous litigation or that reputations may suffer when individuals are wrongfully sued, I am sympathetic but only to a point. Private employers should not be subject to frivolous litigation or liable to damage to their reputations any more than Members of Congress. If these concerns are legitimate, then they are legitimate for all Americans not merely for those of us who toil on Capitol Hill. If these concerns are legitimate,

then they should be addressed directly by those who fashion these laws.

I am simply convinced that Members of Congress who are confronted with the reality of having to comply with the same legal structure as other Americans are likely to be: first, more careful in their craftsmanship in drafting laws; second, more attentive to detail in saying precisely what is meant by the law; third, more concerned about resolving legal issues and definitions within the text of the legislation rather than effectively delegating these decisions to unelected and unaccountable Federal judges; and fourth, more conscientious in carefully balancing the costs and benefits of their legislative product.

To have separate classes of Americans, some subject to the law and others exempt from it, is to have a fundamentally inequitable situation, particularly when that line of division is drawn along the lines of legislators and legislatees. Also, the incentives in the legislative process are skewed in the wrong direction when those who draft the laws do not have to live with the consequences of those laws.

Although I recognize that constitutional considerations—separation of powers considerations—come into play whenever relationships are created between the Congress and enforcement agencies of the executive branch, I do not understand there to be anything in the Constitution which would stand in the way of the immediate legislation. The Congressional Accountability Act attempts to address the concerns about separation of powers by enacting a specific enforcement mechanism unique to this act. Although I do not believe that such a precaution is constitutionally necessary, and would prefer that this special mechanism not have been included, ultimately I do not believe that it undermines the critically important thrust of this legislation.

Madam President, it is imperative that this institution restore to the American people a sense of trust and confidence. Rightly or wrongly, too many Americans have viewed the Congress as increasingly arrogant in their toleration of double standards of public policy. Passage of this legislation should be revived as a necessary step in reestablishing the proper relationship between our Government and its citizens.

If we are going to ask the American people to make sacrifices as we attempt to restructure our bloated Federal Government, the Congress will need credibility. This legislation can contribute to that credibility. In a Congress that promises to be as active and aggressive as the 104th in reforming the way that government does business, there may be no more important legislation than this measure. By restoring public trust, S. 12 would enable us to do a better job in all of the rest of the areas of our public responsibility.

Because this legislation represents sound public policy, and because its en-

actment would signal a new sense of relationship between Washington and the rest of the country, I urge its enactment.

Madam President, I yield the floor, and 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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes in morning business.

POLICIES THAT ADVANCE STANDARD OF LIVING

Mr. DORGAN. Madam President, thank you very much. In the last day or so, we have seen in this Congress a shift of power, which is really quite a remarkable thing to see in a very successful democracy, the oldest and most successful democracy on this Earth. Power shifts not at the point of a bayonet or not in the track of a tank, but it shifts with one simple act of an American citizen casting a vote.

Because of the vote last November, power shifted in the U.S. Senate and in the U.S. House. It is the way that our system works. There are ebbs and flows over the centuries in political fortunes of political parties, and the American people decided to suggest a change in course and have now done that.

I think it is important not to misread the election. The election did not produce a massive national mandate. Twenty percent of those eligible to vote cast their vote for Republicans, about 19 percent of those eligible voted for Democrats, and 61 percent of those eligible to vote said, "It doesn't matter to us. We're not going to vote."

Mandate? Not really. A change of direction? In this country, majority rules. The Republicans have won in the legislative races.

Now the question for us is not just how do we serve those who voted—Republicans and Democrats—because we serve all of them, but how do we get the rest of the American people interested and involved in this process. Democracy must be a participatory activity.

Thomas Jefferson and Ben Franklin and others who sat in that room in Philadelphia a couple hundred years ago and wrote the Constitution, always knew in a representative government there would be just enough people who were willing to work and participate to make this system work. And the storm clouds grow over our democracy largely because not enough people are involved. Over half of the people do not even vote.

The task for us, it seems to me, as Democrats and Republicans, is to find ways of advancing policies that advance the standard of living for every American. If, at the end of the process, we have not advanced policies that improve the lives of the American people, then we will all be judged as failures.

Oh, I have people say to me, "Gee, the economy is booming, GDP is up, unemployment is down. Our economy is all revved up and I don't understand why people are upset."

However, in judging the economy, the American people do not spend their evenings reading the dials and gauges that economists study to make determinations about our economy. When they sit down for dinner at night, the question for the American family is: Am I better off? And the answer for 60 percent of the American families is, no, we have less money now than we did 10 years ago and we're working harder. That is the standard by which they judge all of us, in our ability to manage this country's fortunes and its future.

We have massive problems in a whole range of areas, and we have to come up with new approaches to resolve them and respond to them.

UNFUNDED MANDATES

We were talking today about unfunded mandates in the Governmental Affairs Committee. It is an issue on which Republicans and Democrats will demonstrate wide agreement. Do we too easily decide to mandate someone else do something without providing the money? Of course, we do. But, as I said in the committee this morning, trouble runs on a two-way street. We are going to reform our ourselves on the trouble of unfunded mandates, and you Governors, mayors, and other local governments who are complaining about it—justifiably so—you have to reform the way you do business as well because while you complain about unfunded mandates, you want to hook your hose up to the Federal trough and suck money out in all kinds of schemes and ways, including a bogus phony tax called the provider tax, Medicaid, and I can describe all kinds of schemes in which they want the Federal money, and then they want to complain about the mandates.

We should do something about mandates because it is right and necessary to reduce them. On the other hand, local and State governments have a responsibility to reform the way they do business as well because all of the money ultimately is the taxpayers' money.

Next week, when we bring the unfunded mandates bill to the Senate, I intend to offer an amendment on something not a lot of people think much about: The metric system.

Did you know there is a Federal mandate in this country to move toward the metric system? There is. Some people say that is just trying to provide