

Mr. Speaker, let me commend the gentleman from Alaska, Chairman YOUNG. This one is a good bill, and I commend the gentleman for working in a bipartisan fashion with the minority.

As the gentleman said, 9 out of the 10 areas of disagreement were worked out. The 10th was dropped. The compensation package was worked out also. What you have here is basically some Native American corporations getting Federal surplus property. This is a good piece of legislation. I think the chairman worked very well with the administration, which he frequently does.

Mr. Speaker, let me say we support the bill, and we congratulate the chairman.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from New Mexico for his comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of any time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2505, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2505, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

#### CONGRESSIONAL PENSION FORFEITURE ACT OF 1996

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4011) to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a Member, and for other purposes, as amended.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Pension Forfeiture Act of 1996".

##### SEC. 2. FINDINGS.

The Congress finds that—

(1) Members of Congress pledge to uphold the Constitution and the laws of the United States;

(2) Members of Congress are elected to serve in the public trust and pledge to uphold the public trust;

(3) a breach of the public trust by a Member of Congress is a serious offense that should have serious consequences; and

(4) taxpayers should not pay for the retirement benefits of Members of Congress who have breached the public trust.

##### SEC. 3. FORFEITURE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end of the following:

"(o)(1) Notwithstanding any other provisions of this subchapter, the service of an individual convicted of an offense described in paragraph (2) shall not, if or to the extent rendered as a Member (irrespective of when rendered), be taken into account for purposes of this subchapter. Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

"(i) The offense is committed by the individual (referred to in paragraph (1)) while a Member.

"(ii) The conduct on which the offense is based is directly related to the individual's service as a Member.

"(iii) The offense is committed during the One Hundred Fifth Congress or later.

"(B) The offenses described in this subparagraph are as follows:

"(i) An offense within the purview of—

"(I) section 201 of title 18 (bribery of public officials and witnesses);

"(II) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

"(III) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

"(IV) section 207 of title 18 (restrictions on former officers, employees, and elected officials of their executive and legislative branches);

"(V) section 219 of title 18 (officers and employees acting as agents of foreign principals);

"(VI) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

"(VII) section 287 of title 18 (false, fictitious, or fraudulent claims);

"(VIII) section 371 of title 18 (conspiracy to commit offense or to defraud the United States);

"(IX) section 597 of title 18 (expenditures to influence voting);

"(X) section 599 of title 18 (promise of appointment by candidate);

"(XI) section 602 of title 18 (solicitation of political contributions);

"(XII) section 606 of title 18 (intimidation to secure political contributions);

"(XIII) section 607 of title 18 (place of solicitation);

"(XIV) section 641 of title 18 (public money, property or records);

"(XV) section 1001 of title 18 (statements or entries generally);

"(XVI) section 1341 of title 18 (frauds and swindles);

"(XVII) section 1343 of title 18 (fraud by wire, radio, or television);

"(XVIII) section 1503 of title 18 (influencing or injuring officer or juror);

"(XIX) section 1951 of title 18 (interference with commerce by threats or violence);

"(XX) section 1952 of title 18 (interstate and foreign travel or transportation in aid of racketeering enterprises);

"(XXI) section 1962 of title 18 (prohibited activities); or

"(XXII) section 7201 of the Internal Revenue Code of 1986 (attempt to evade or defeat tax).

"(ii) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by clause (i).

"(iii) Subornation of perjury committed in connection with the false denial of another individual as specified by clause (ii).

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this subchapter while serving as a Member.

"(4) Except as provided in paragraph (5), the Office shall prescribe such regulations as may be necessary to carry out this subsection, including provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b).

"(5) The Executive Director (within the meaning of section 8401(13)) shall prescribe such regulations as may be necessary to carry out the purposes of this subsection with respect to the Thrift Savings Plan. Regulations under this paragraph shall include provisions requiring the return of all vested amounts.

"(6) Nothing in this subsection shall restrict any authority under subchapter II or any other provision of law to deny or withhold benefits authorized by statute.

"(7) For purposes of this subsection, the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2)."

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) Notwithstanding any other provision of this chapter, the service of an individual convicted of an offense described in paragraph (2) shall not, if or to the extent rendered as a Member (irrespective of when rendered), be taken into account for purposes of this chapter. Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

"(A) The offense is committed by the individual (referred to in paragraph (1)) while a Member.

"(B) The conduct on which the offense is based is directly related to the individual's service as a Member.

"(C) The offense is committed during the One Hundred Fifth Congress or later.

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

"(4) Except as provided in paragraph (5), the Office shall prescribe such regulations as may be necessary to carry out this subsection, including provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b).

"(5) The Executive Director shall prescribe such regulations as may be necessary to carry out the purposes of this subsection with respect to the Thrift Savings Plan. Regulations under this paragraph shall include provisions requiring the return of all vested amounts.

"(6) Nothing in this subsection shall restrict any authority under subchapter II of

chapter 83 or any other provision of law to deny or withhold benefits authorized by statute.

"(7) For purposes of this subsection, the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from California [Mr. FAZIO] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4011, as indicated, the Congressional Pension Forfeiture Act of 1996, a piece of legislation introduced by my colleague, the gentleman from Washington [Mr. TATE], the gentleman from California [Mr. RIGGS], the gentleman from Arkansas [Mr. DICKEY], and others, does provide that if a Member of Congress is convicted of a felony directly related to that Member's duties, the Member forfeits retirement benefits based on his or her service as a Member.

During its meeting on September 19, 1996, the Committee on House Oversight approved two amendments, which are included in the bill. The first amendment identifies the specific felonies which will result in the forfeiture of the pension. The second amendment clarifies that vested Thrift Savings Plan contributions, both the Member's contributions and the Federal employer's matching amounts, will be returned to the individual.

Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened carefully to the explanation of the gentleman from California, Chairman THOMAS, of the bill in committee and here again on the floor. While I do not take specific issue with his characterization, I would point out that there's been a great deal of political fervor in this election year on the subject of congressional pensions. Yet here we are, in the waning days of this Congress, taking final action on a bill on which the committee has held no hearings and has not filed a committee report.

Under the circumstances, we should regard with suspicion any legislation which is moved this late in the legislative year, especially without the usual legislative tools of analysis that we have come to expect from bills that have undergone thorough committee consideration.

The Committee on House Oversight gave this bill very cursory consideration on Thursday, September 19. It adopted one written amendment and one amendment in principle, which was later converted to legislative language and has been incorporated in the bill which is at the desk.

The subject of congressional pensions, and their use as criminal pen-

alties, is worthy of serious policy consideration, and this bill, in particular, merits serious consideration.

Unfortunately, our committee held not a single hearing on this legislation. We never heard from its sponsor, we never heard from its cosponsors, and we never heard from its opponents. Committee members discussed the bill for less than 30 minutes, including the complete consideration of two amendments that altered the provisions of the bill significantly. As my colleagues know, the bill is presented today without any committee report.

No matter what the merits of this bill—and it is true that the bill was approved unanimously by those present and voting—the House deserves better than this. We deserve more information about this important subject than the majority has provided. There are a number of potential defects to this bill that I would like to point out, and I hope that the Senate can remedy them, or a conference committee can remedy them, or as is more likely the case, we can examine them more fully in the 105th Congress—in the manner that this legislation should be examined.

The concerns about this legislation might well be answered adequately by testimony from the sponsor of the bill, or in testimony from other expert witnesses.

For example, the equivalent Senate bill would impose these forfeiture penalties on senior Government officers of the executive and judicial branches. But this bill makes no mention of executive or judicial officers. Why the omission? That appears to be a real shortcoming of this legislation.

In addition, the Justice Department testified to the Senate that enactment of this type of forfeiture legislation could adversely affect the Justice Department's investigations of malfeasance in office, and the Department's ability to gain the cooperation of witnesses. This kind of testimony is significant in the formulation of public policy, and really needs to be assessed seriously. Unfortunately, we held no hearings and did not deliberate on that key issue.

The Justice Department reportedly had some constitutional concerns with the Senate equivalent legislation, but again, the House will not have the benefit of such information.

Having said all that, I will reluctantly support the bill before us today. Despite its shortcomings, this bill offers a promising concept that the public accepts wholeheartedly—that Members who commit criminal acts in carrying out the public trust should forfeit a benefit of that office. It has undergone considerable change since it was introduced, and our committee made changes which, I believe, strengthen the bill considerably.

We adopted an amendment offered by Representative VERN EHLERS which ties the penalties to felonies which are based on a Member's official acts—essentially conduct that would constitute malfeasance in office.

I agree with this provision. At my direction, the Congressional Research Service researched a number of State statutes bearing some resemblance to H.R. 4011. But of the States surveyed, all confined such statutes to public acts—illegal acts that would reflect a breach of faith with the public.

I believe that is a viewpoint appropriate to this legislation. The penalties involved in forfeiting pension benefits would be in addition to any criminal penalties imposed in a particular case. It seems fitting that in eliminating the benefits earned by a Member during his or her service as a Member, those penalties should be tied to official acts as a Member.

We also adopted an important amendment proposed by Representative STENY HOYER which clarifies the treatment of the Thrift Savings Account under this legislation. Representative HOYER pointed out accurately that Thrift Savings Plan contributions are property held in trust by the Government. The committee agreed that although a convicted Member should no longer participate in the Thrift Savings Plan, the Member's TSP contribution, including the Federal contributions made to the retirement fund, should be treated in the same manner as contributions to the retirement fund—that is, they should be disbursed in a lump sum.

In summary, H.R. 4011 is a good starting point in the formulation of public policy on this topic. But it is only a start, and I believe this legislation should be substantially improved before it is signed into law. I reluctantly ask my colleagues to support it, with the hope that full and thorough consideration of this legislation will be accomplished in the Senate, in conference, or in the 105th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill is fairly self-evident; that is, if you commit a felony in the line of duty, you lose your pension. All of the amendments that were offered in committee were accepted by the committee.

Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Washington [Mr. TATE], the primary sponsor of the bill.

Mr. TATE. Mr. Speaker, I thank the gentleman for yielding me this time.

First for all, Mr. Speaker, I would like to commend Chairman THOMAS for his efforts not only on this particular piece of legislation, but throughout the 2 years that I have been here. The committee has been a real leader on reforming the House of Representatives, and the gentleman should be commended.

Also, I would like to thank my cosponsors, the gentleman from California [Mr. RIGGS], the gentleman from Arkansas [Mr. DICKEY], and the gentleman from Michigan [Mr. HOEKSTRA], who headed up the reform task force.

This piece of legislation has been not only endorsed by the Committee on House Oversight, but the Americans for Tax Reform, Citizens Against Government Waste, National Taxpayers Union, and over 70 Members of the House of Representatives, both Republicans and Democrats.

□ 1530

On April 9, 1996, a former Member of the great House of Representatives was convicted of two counts of mail fraud and sent to jail for 17 months. I was at one of my town meetings a few days

later when a gentleman stood up and said, "Mr. TATE, can you explain to me why I work hard, I pay my taxes, I play by the rules, I have broken no laws, and my tax dollars are going to subsidize someone who broke the public trust, is going to jail and going to collect \$96,000 a year?"

There is no good answer to that, except this legislation. And that is why we need the Congressional Pension Forfeiture Act. That is what has prompted us. Starting with the first day of the next Congress, any congressional felon will forfeit their taxpayer-funded congressional pension. In 1994, lawmakers turned lawbreakers collected \$667,000 in taxpayer-funded pension benefits.

Every Member is expected to uphold the public trust. That is what is expected to uphold the public trust. That is what is expected by the great people of the Ninth District of Washington. They strongly support this legislation. They work hard to put food on the table, to provide clothes for their kids, to provide for their education and health care for their family. What they cannot understand, as I go door to door, is, why is this not the law already? They are shocked. They are surprised. They cannot believe that this is not already the law.

We have a lot of tormented taxpayers out there that are working harder and harder and becoming more disillusioned with their government. This will lead us on the path to restoring integrity back to this Congress.

Someone sentenced for breaking the trust of this great country as a Member of Congress breaches the trust of the people, breaches their oath of office and their moral responsibility as an elected official. This bill is about restoring integrity to this great institution.

In 1904 there was the first recorded congressional conviction of a felony, and there have been 37 since that time. Ninety years. This legislation is long overdue. This Congress has been committed to reform, and today we are changing the way this Congress does business. I commend the chairman for his efforts on this legislation.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

I think this a good example of why committee legislating is far preferable to task force approaches to passing good bills in this institution. I think H.R. 4011 is a good starting point in the formulation of public policy on this topic, but it is only a start, and I believe this legislation should be substantially improved before it is signed into law.

I reluctantly ask my colleagues to support it in this form, with the hope that full and thorough consideration of this legislation will be accomplished either in the Senate, in conference committee, or preferably in the 105th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I wanted to thank the gentleman from California, Chairman THOMAS, for moving on this legislation in a very expeditious fashion so we could get this bill to the House floor before this Congress concludes its business.

Ladies and gentlemen of the House, this is a pretty important day for me because it is really the culmination of efforts that I began two Congresses ago, the 102d Congress, back in 1991, when I was one of a rogue band, then known as the Gang of Seven, seven Republican freshmen who helped expose the House Bank and Post Office scandals that brought great disgrace and disrepute on this venerable House.

I attempted back then, under the old regime, the old Democratic party leadership of the House, on two occasions to offer legislation very similar to the bill before the House today that would have eliminated taxpayer-funded pensions. That is right, taxpayers' hard earned tax dollars going to Members of Congress to pay their pension benefits even though they had been convicted of committing a felony crime while serving in elective office. I cannot think of a greater breach of the public trust than to commit a felony crime while holding high elective office.

So, again, this is, for me anyway, a day of great satisfaction. It is the culmination of 4 years of efforts. It is also a continuation of the congressional reforms we have initiated in this Congress, the first Republican Congress in 40 years.

In 1994 the voters called for a change in business as usual in Washington, including greater accountability by public officials. And a very important step in the overhaul of the Congress is kicking Members of Congress convicted of crimes, felony crimes, while serving in public office off of the public dole.

So I am delighted to join with the gentleman from Washington, Mr. TATE, who has shown tremendous leadership on this issue since arriving in the House, and our other colleagues in bringing this bill to the floor.

As I mentioned, I have been advocating for this type of legislation since the 102d Congress, when I was then a Member and, some said, the ring leader of the gang of seven that led the call for House action against those who had overdrafted at the House bank. And, again, at that time, the House leadership, the House Democratic Party leadership, would not even give my pension forfeiture legislation a hearing, much less allow this legislation to come to the floor.

So I think it is very important to make that kind of comparison, particularly when I hear many of my Democratic colleagues come down into this well and rail against the Speaker of the House for alleged ethical abuses. They seize the moral high ground and go on and on and on, but I do not think that they are quite willing to acknowledge what occurred just a few years ago on their watch.

So I am looking for those same Members, hoping that they will come to the floor now, today, and speak of this legislation and prove that they really are willing to reform the Congress in a bipartisan way.

The bottom line, Mr. Speaker, is the people, the public, they need to see Congress keeping its own house in order if they are going to trust us to do their business.

We have only a short time left before adjournment, and I am pleased that the House leadership and Chairman THOMAS have placed this reform bill at the top of the agenda. I urge its passage today and hope that the other body will move expeditiously on this legislation so that we can send it to the President for his signature before we conclude our legislative business.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. WELLER], a cosponsor of the legislation.

Mr. WELLER. Mr. Speaker, I thank the gentleman from California, Chairman THOMAS, so much.

I also want to commend my colleagues, the gentleman from California, Congressman RIGGS, and the gentleman from Washington State, Congressman RANDY TATE, for their leadership on an issue which, frankly, just makes so much sense.

I was back home over the last weekend and was talking with some folks in local coffee shops, the grain elevators, and the union halls, and I was talking about this very bill. Their response was, well, it is about time. It is about time that we told congressional felons that if they commit a crime while they are in public trust, serving the people and on the public payroll, that they are going to lose something which many people hold dear, and that is their pension.

The folks back home said it is about time that we cancel the pensions of congressional felons. Because in representing the Chicago region, and I represent the most diverse district in Illinois, I represent the city of Chicago and the south suburbs and rural communities 100 miles west, nothing outraged the people of the Chicago area more than when they learned that Dan Rostenkowski is collecting almost \$100,000 a year while his feet are propped up on the prison cell bed.

Ladies and gentlemen, it is about time that we pass this legislation to cancel the pensions of congressional felons. And, clearly, no one better exemplifies the need to do this than the most well-known congressional felon, Dan Rostenkowski of Chicago.

This is an important reform and just one of many reforms that this Congress has passed. In fact, I am proud that on our very first day we did something that previous Congresses refused to do, and that is, we said if we are going to make the laws, we should obey the laws. And we did that on day one.

We also passed the first lobbying disclosure and lobbying reform legislation in 40 years; eliminated free gifts and travel and meals for Members of the House; provided for term limits for committee chairmen and the speaker; reduced our committee staff bureaucracy by one-third; and did something that politicians are not known to do, and that is, we cut our own budget.

In fact, we cut our own budget by 10 percent, which is a significant amount, and we cut the White House's budget. They probably were not quite as thrilled as we were. But if we are going to ask everyone to live within their

means, we need to learn to lead by example, and we did this.

Ladies and gentlemen, it is about time. It is about time that we passed the Dan Rostenkowski Pension Reform Act of 1996. Let us make it very clear that if a Member violates the public trust, if a Member commits a felony while serving in Congress, that Member will lose their taxpayer-financed pension.

Mr. Speaker, I thank the chairman once again.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. HOEKSTRA], a cosponsor of the legislation.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I want to take this opportunity to congratulate the chairman of the committee, the gentleman from Washington [Mr. TATE], and the gentleman from California [Mr. RIGGS], for moving this piece of legislation.

It is kind of interesting as we are here at the end of the year to take a look at all the legislation that the committee has passed, that Members like Mr. TATE have passed, and to take a look at the problems of the past, to remember the House bank scandal, remember the hundreds of bounced checks, the post office scandal, the stamps for cash, unauditible House books, a Congress that exempted itself from the laws that it passed on the rest of the country, days of subsidized haircuts, days of free gifts and meals from lobbyists.

The gentleman from California, Chairman THOMAS, has worked hard for 2 years to change much of that, if not all of it.

Taking a look at our booklet, which is called "The Index of Congressional Reform," it outlines the changes that this Congress has made over the last 2 years. On opening day we applied a whole series of private sector laws to this Congress.

Remember, these were the laws that did not even apply to us before but were applied to the rest of the country: Age Discrimination and Employment Act, Americans With Disabilities Act, the Civil Rights Act, Worker Adjustment and Retraining Notification Act, Veterans Reemployment Act, Federal Labor-Management Relations Act.

We limited congressional terms. We held the first vote ever on congressional term limits. This Congress gave the next President the line-item veto. We cut congressional budgets. We reduced committee staff size. We slashed committee budgets. We limited the terms of chairmen and the Speaker of the House. We cut taxpayer-financed mass mailings. We eliminated free personalized calendars. We passed zero tolerance for gift ban.

And today we add one more to this long, impressive list, where we are saying here is another law that only makes common sense; that for somebody who abuses their office, they will

lose their Government-funded pension. It makes sense. It is a commonsense reform.

I congratulate the chairman of the committee and the authors of this bill for bringing this bill to the floor today. It makes common sense. They have worked hard at taking this through the committee and building this bipartisan support.

This goes on, the other items that we passed during Reform Week, where we denied floor privileges to former Members who are registered lobbyists. We prohibited the handing out of campaign checks on the floor of the House.

We worked on campaign finance reform. We had a great bill. We did not get it passed, but we are going to revisit the issue of campaign finance reform.

Also, in the rules package for the 105th Congress, we are going to include the Enumerated Powers Act. What does that mean? It means that in any piece of legislation that is brought before the House, the authors will have to outline the constitutional justification.

What this brings is a complete and impressive package of reforms that inherently change the way business is done in Washington. It says that if Members abuse their role, their special role in this country, they will lose the benefits of serving, of having served in this institution.

□ 1545

We have changed the way that Washington works. We have got a lot more work to do. This country is still \$5 trillion in debt. But this Congress, this Congress, led by Republicans, has made significant progress in moving toward a balanced budget and moving toward the fundamental and systemic changes that will ensure that we will balance the budget. I congratulate the gentleman.

Mr. FAZIO of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. BARRETT] who has been such a leader in the effort to bring lobbying reform to the floor of this Congress and overcame great odds to do so, ultimately successfully.

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today in support of this bill. I think that this bill is a good bill. It is a bill that is overdue, and it is one that I think that all of us can be proud of as Members of this body to support. I think that there is a fundamental duty that the Members of this body have to serve our constituencies and to serve the people of this country well.

I also think it is important to note that some of the reforms that were just discussed, some of which are actual reforms, some of which were actually not reforms, were in many ways a result of a group of bipartisan legislators who were working together, people who decided that the best way for us to make progress on these issues was not to label these issues as Democratic or Republican issues but rather to work to-

gether to move forward. And frankly, if it had not been for that bipartisan approach, I do not think that we would have been successful.

I say that in the last session, in the waning days of the session, when we were trying to pass the Congressional Accountability Act, then-Representative Dick Swett and the gentleman from Connecticut, Mr. CHRIS SHAYS, who were the leaders at that time, again, a bipartisan group working together, were thwarted when then-minority leader GINGRICH basically killed the bill as we were trying to consider it.

So I think we have to keep that in perspective. I think we have to keep in perspective that it does take a bipartisan approach and that it does take Members working together. This is a good bill. This is something that we have to recognize that the American people want.

Having said that, I am troubled because again in the waning days of this Congress, we are faced with another challenge to this institution. It is a real challenge. It is a challenge to this institution and the credibility of this institution and everybody who serves here. That challenge comes in the form of what I consider to be the failure of the majority to release the report pertaining to Speaker GINGRICH. I am not an expert on these issues. I am not someone who has a long history in this body, but I do have enough of a history to know that Speaker GINGRICH has spoken on this issue. Speaker GINGRICH has addressed this issue when then-Speaker Wright had a report developed for him.

Let me use some of Speaker GINGRICH's words, if I may. These are quotes from Representative or Speaker GINGRICH in 1989, urging publication of a report on alleged violations by then-Speaker Jim Wright. The report was filed by outside counsel.

POINTS OF ORDER

Mr. THOMAS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, the gentleman from Wisconsin is not speaking to the legislation in front of us, and he knows it.

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. BARRETT] wish to be heard on the point of order?

Mr. BARRETT of Wisconsin. Mr. Speaker, I certainly do. I am tying this into the reforms that are going on in this body. The previous speaker spoke to the many reforms that he thought were necessary. I acknowledge that there are reforms that are necessary. I also think that this is very consistent with those reforms and whether we have reform in this body.

The SPEAKER pro tempore. The gentleman from Wisconsin should confine his remarks to the subjects contained within this bill. The Chair sustains the point of order.

Mr. FAZIO of California. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. FAZIO of California. Mr. Speaker, a number of Members have spoken on the issue of reform, as it has come before the body during this entire Congress. Speakers who preceded the gentleman from Wisconsin have certainly strayed from the subject of this bill. They have talked about a range of legislation. To allow the gentleman from Wisconsin [Mr. BARRETT] to proceed would only be fair in light of what has happened in prior discussion of this legislation.

The SPEAKER pro tempore. Points of order were not made concerning the statements that were made previously. A point of order was made at this particular point.

Mr. FAZIO of California. The Chair decided not to intervene until he was asked to intervene?

The SPEAKER pro tempore. Under the precedents, the Chair does not take the initiative regarding relevancy of debate. The point of order was raised by the gentleman from California [Mr. THOMAS].

Mr. BARRETT of Wisconsin. Mr. Speaker, may I address the point of order?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I think that this is very relevant because I think that the issue here is whether Members who have been accused of committing crimes or have been convicted of committing crimes can—

Mr. THOMAS. Mr. Speaker, the Chair has ruled.

Mr. BARRETT of Wisconsin. Mr. Speaker, I have the floor to speak on the point of order. If a Member of this body has been convicted of a crime—

Mr. THOMAS. Mr. Speaker, the Chair has ruled. How can the gentleman from Wisconsin speak on the point of order when the Chair has ruled?

The SPEAKER pro tempore. The gentleman from California is correct. The Chair has ruled. The gentleman from Wisconsin will confine his remarks to subjects in this bill.

Mr. BARRETT of Wisconsin. Mr. Speaker, I hope that no Member of this body ever commits a felony. I think that that would be a horrible disservice to the people in this country. But to make sure that Members do not commit felonies, we cannot cover up reports that have been done by congressional committees. In order for us to have those reports, those reports have to be made public. That is my point today. We should not be covering up reports.

I do not think that there are any felonies that are committed, but the only way for us to know for sure is to have that report released to the American people. That is why this point is relevant to this bill. I do not want to

have anybody disgrace this body. I want this body to know what is in the report that is not being released by the ethics committee. I think in order for us to do that, we have to have a full discussion.

Again, in closing, I just want to say a couple of things. This is the Speaker's own comments, "I cannot imagine going to the country, tell them we have got a \$1.6 million report and, by the way, there is nothing in"—

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, the gentleman from Wisconsin well knows the Speaker ruled that out of order, yet he continued to read. The comity of the House is threatened by the gentleman from Wisconsin, yet he speaks of potential crimes. And he does it by willfully violating the rules of the House.

The SPEAKER pro tempore. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. BARRETT of Wisconsin. Yes, Mr. Speaker. Again, my whole point here is I think that this is a good bill. I support this bill. In fact, I am a cosponsor of a similar version of this bill. I think that we should pass this legislation.

My point, in a generic sense, is that we as a body have to make sure that we police ourselves as well. And to police ourselves as well means that we have to disclose reports that we have paid for. Why would we spend \$500,000 on a report and not release it to the public? That is my only point.

The SPEAKER pro tempore. The point of order is sustained. The gentleman from Wisconsin will confine his remarks to the bill before the House.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are dealing with is a piece of legislation that deals with the violation of law, that a felony has been committed. I find it interesting that the gentleman from Wisconsin could not utilize any examples in talking about a violation of this potential law on our side of the aisle. Perhaps his problem is we have examples on his side of the aisle.

Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. DICK- EY].

Mr. DICKEY. Mr. Speaker, I want to confine my remarks to the Tate-Riggs bill. It has to do with the pensions that are available to Members of Congress who have been convicted of felonies. I had someone in Arkansas come up to me and say, let me get this thing straight; said, you just had a Member of Congress, a very powerful Member of Congress who was convicted of numerous felonies, and he is getting \$96,000 a year in the process. I said, they said, JAY, just get me straight now. Explain to me how that is fair.

Well, I want to put this poster up so that that person who said that to me will know that I am here to do some-

thing about it. Dan Rostenkowski is getting \$96,462 a year from a pension after he has committed felonies related to his service in Congress. There is not a way in the world that we can stay in this, on this floor and in this body and allow this to happen and then go home and say, we want to have your respect.

People are fed up. They are through with that sort of thing. I did not have an explanation. The only explanation I have is that I am going to work hard on this bill. I am going to try to make sure that that is not going to happen again. We have gone through a committee process. Those of us who got behind this bill have found that we have had to compromise in a lot of ways. But we are not going to compromise on this picture right here of \$96,462 being given to someone who has admitted, has admitted in a court of law to the commission of felonies while in office. This is what we are doing.

We are saying to the people out there in America, we are listening to what you have to say, and we are not going to listen to our own greed and our own strategy of trying to gain money from you all while we are in prison or in jail or having been convicted of a felony while committing an act in response of being a Representative of the people of the United States of America.

I am strongly in favor of this bill. I want to urge my colleagues to please vote for it so that we can, the little people at home and the people who feel like they do not have representation will know that someone is up here listening and wants to do right.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS], who, when we talk about desire for reform and cleaning up the process, takes a back seat to no one.

Mr. SHAYS. Mr. Speaker, I have never been more proud to be part of an institution as this Congress and to have been part of this 104th Congress. To think of all that we did, the major reforms in the opening day, reducing the size of committees to reducing the number of staff, to eliminating those absurd proxy votings where a chairman would vote for their Members as if they did not have enough brains to vote for themselves.

Then to pass the Congressional Accountability Act, a bill that Mr. THOMAS championed to get Congress under all the laws as the rest of the country and to pass gift ban and lobby disclosure legislation, all in this 104th Congress. We had years and years and years, the lobby disclosure bill had not been amended since 1946. It happened under our watch.

I think on a bipartisan basis, I think all sides can take joy and gratitude in this. This bill is a logical bill that should be adopted, but this has been a magnificent Congress in terms of reform. I count my blessings that we have all been able to share in it.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Let me simply summarize by saying this bill has the support of the minority. We wish it had been brought to the floor earlier so that it could actually have the opportunity of becoming law. We wish it had been more comprehensive and covered the other two branches of government that have sworn personnel who have the same level of public trust that Members of Congress have. We wish we had had more time for hearings on the implications of the Justice Department's concerns.

Having said all that, I appreciate the remarks of that in fact many of the successes we have had on reforms have become law because of a bipartisan approach. I only regret that this product of the Republican task force had been brought to the committee earlier so we could have done a more proper job of covering it. But having said that, Mr. Speaker, let us move on.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. NEUMANN].

(Mr. NEUMANN asked and was given permission to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, I rise in support of this bill. It is an excellent piece of legislation. I am a cosponsor of it, and I would just like to express my support.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

In closing, as the gentleman from California [Mr. FAZIO] said, the bill came out of committee unanimously. There are a number of Democrats who are bipartisan supporters. He indicated the bill is not perfected because it does not have broad enough scope. I will tell the gentleman, I looked forward to the legislation he will introduce in the 105th and would be pleased to be a cosponsor.

Mr. PORTER. Mr. Speaker, I strongly support H.R. 4011, the Congressional Pension Forfeiture Act.

Under current law, a Member of Congress who is convicted of a felony is eligible for a full Federal pension. This pension is partially subsidized by the American taxpayer.

I am very pleased that this Congress has made government reform the centerpiece of its agenda and is now considering this bill to prohibit Members of Congress convicted of a felony from receiving the taxpayer funded portion of their Federal pension. In my opinion, this reform is long overdue.

In 1975, as a member of the Illinois State Legislature, I successfully enacted into law a measure denying pay and pensions to Illinois State legislators convicted of felonies. In 1982, as a relatively new Member of Congress, I introduced similar Federal legislation to deny congressional felons their annuity benefits. Unfortunately, my proposal failed to gain widespread support in previous Congresses in which I introduced it, but under new leadership, this Congress is about to enact it.

As lawmakers, Members of Congress have a duty to be law abiders. Americans should

expect a high standard of conduct from its elected officials and demand nothing less. When an elected Member of Congress breaches the public trust by showing a blatant disregard for the law, the integrity of the entire institution is questioned. To compound this damage by rewarding these felons with a taxpayer funded pension is unconscionable.

The Congressional Pension Forfeiture Act will ensure that the American taxpayer only funds the retirement benefits of those public officials who have earned the public's trust. Enactment of this legislation is critical if we are to maintain the confidence of the people we are elected to serve.

Mr. TATE. Mr. Speaker, I first want to thank the majority leader for his courage, foresight and fortitude to schedule my bill, the Congressional Pension Forfeiture Act of 1996, for action on the House floor today. I also want to thank Chairman BILL THOMAS for his hard work and leadership on this issue and Chairman BILL CLINGER for his continued support as I have pursued this historic legislation.

Today, the House will consider H.R. 4011, the Congressional Pension Forfeiture Act. Congressman FRANK RIGGS from California and Congressman JAY DICKEY from Arkansas deserve a tremendous amount of credit for working long and hard with me, to refine this momentous and historic legislation to deny pension benefits to Members of Congress convicted of crimes related to their duties of office. Other of my colleagues like PETER HOEKSTRA, chairman of the Speaker's Task Force on Reform, JERRY WELLER, J.D. HAYWORTH, and ZACH WAMP deserve my gratitude. H.R. 4011 would not be on the floor of the House today without their backing.

We have all worked long and hard to get the Congressional Pension Forfeiture Act to the House floor for a vote today. That is a feat of which we should be immensely proud. This legislation is long overdue.

The Congressional Pension Forfeiture Act, as amended by the House Oversight Committee, combines the best elements of the three bills introduced separately by Mr. RIGGS, DICKEY, and myself. Beginning on the first day of the 105th Congress, and Member of Congress convicted of a felon related to the official duties of office will forfeit his taxpayer-funded congressional pension. A convicted Member will receive a lump sum payment of his own contributions and will then be kicked out of the Civil Service Retirement System, the Federal Employees Retirement System, and the Thrift Savings Plan.

The American people are fed up with business as usual in Washington, DC. The last thing that hardworking Americans and their families should expect is to pay for a convicted felon's retirement. No family struggling to pay for groceries, health care, or education should be handling hard-earned money over to congressional felons.

The Congressional Pension Forfeiture Act has over 70 cosponsors and bipartisan support. I know an overwhelming majority of Americans support this common-sense, historic congressional reform legislation.

In fact, it was this strong, popular support that was the impetus for this common-sense legislation. Earlier this year, a man, with his son by his side, stood up at one of my town hall meetings and said, "Congressman, why do I have to hand over my hard-earned money, to an ex-Congressman who now sits

behind bars?" Many in the crowd could not believe their ears. Most people think we already have a law that takes taxpayer-funded pensions away from congressional felons. Unfortunately, I had to tell that gentleman that congressional convicts do get taxpayer-funded retirement nest eggs. After so many years and so many congressional embarrassments, the House finally will address this important issue today. Needless to say, the Congressional Pension Forfeiture Act is long overdue.

A former Representative was recently sentenced to 17 months in prison for crimes he committed against the American people. But while he sits behind bars, he'll be collecting nearly \$100,000 a year from his taxpayer funded congressional pension. For this House to turn its back on the American public and let another congressional criminal leave office with his retirement nest egg intact would be unconscionable. Our bipartisan, consensus bill ends this taxpayer ripoff.

Every Member of Congress makes a contract with the working men and women in his district when he takes the Oath of Office—a contract to uphold the public trust. Last year, 14 lawmakers-turned-lawbreakers collected \$667,000 in taxpayer-subsidized congressional pension benefits. I want to help hard-working middle class Americans, not congressional felons. That is why I started this fight for a return to common sense.

If H.R. 4011 becomes law, after the beginning of the 105th Congress, Members who are convicted of crimes that are committed while they are in office will forfeit their congressional pensions. Members who are found guilty of crimes like taking a bribe, intimidating someone into making a political campaign contribution, and trading their vote for money will no longer feed at the public trough. It's that simple. Breach the trust that voters place in you as a federally elected official and you lose your taxpayer-subsidized congressional pension. H.R. 4011 is just plain common sense, and every Member of this body should vote for it.

By passing this legislation, we are once again standing up for hard-working American families. This legislation is for all Americans who have never broken the law and pay taxes out of their hard-earned money. It is for their sake that we will eliminate this egregious policy today.

Passage of H.R. 4011 will be the crown jewel of the Congress with the strongest reform agenda in 40 years. The 104th Congress has done more to reform this institution than any Congress before us. Congressional pension reform is what the American people want and it is what we in the House of Representatives should give them.

I urge all of my colleagues to lend their wholehearted support to the Congressional Pension Forfeiture Act and again, congratulate Mr. RIGGS and Mr. DICKEY on their hard work in bringing this important bill to the floor.

Mr. BEREUTER, Mr. Speaker, this Member rises in support of H.R. 4011, the Congressional Pension Forfeiture Act. This Member would like to thank the distinguished gentleman from California, Mr. BILL THOMAS, the chairman of the House Oversight Committee, and the distinguished gentleman from California, Mr. VIC FAZIO, the ranking member of the House Oversight Committee, for bringing this measure to the House Floor. This Member also extends his appreciation to the gentleman

from California, Mr. FRANK RIGGS, and the gentleman from Washington, Mr. RANDY TATE, for their efforts in securing House floor consideration of this legislation.

As an original cosponsor of H.R. 4011, and as a cosponsor of similar, earlier legislation, H.R. 2244, this Member is certainly pleased to be here today supporting legislation which prohibits a Member of Congress, if convicted of a felony, from collecting accumulated retirement benefits under either the Civil Service Retirement System or the Federal Employees' Retirement System. This Member has long believed that it is intolerable and outrageous that there has been nothing in Federal law which precluded a Member of Congress from drawing Federal pensions while sitting in jail. Therefore, this Member strongly believes this particular reform of congressional pensions is long overdue.

This Member's only regret is that, because of the constitutional prohibition against ex post facto laws, it is clear that the forfeiture of pension benefits cannot be made retroactive. While this Member will not specifically name the former Members of Congress, who have recently been convicted of felonies and will not be required to forfeit their congressional pensions, this Member will go so far as to ask these former Members of Congress to voluntarily give up their right to such pensions. It is simply the right thing to do as the American people deserve and expect better of those they elect to Congress.

Mr. Speaker, despite this regret that the Constitution prevents us from retroactive application of this legislation, this Member urges all of his colleagues to support this important measure.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 4011, as amended.

The question was taken.

Mr. TATE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

#### CONFERENCE REPORT ON H.R. 3539, FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. SHUSTER submitted the following conference report and statement on the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes:

##### CONFERENCE REPORT (H. REPT. 104-848)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Federal Aviation Reauthorization Act of 1996".

(b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Applicability.

#### TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

##### Subtitle A—Reauthorization of FAA Programs

Sec. 101. Airport improvement program.

Sec. 102. Airway facilities improvement program.

Sec. 103. FAA operations.

##### Subtitle B—Airport Development Financing

Sec. 121. Apportionments.

Sec. 122. Discretionary fund.

Sec. 123. Use of apportioned amounts.

Sec. 124. Designating current and former military airports.

Sec. 125. Period of applicability of amendments.

##### Subtitle C—Airport Improvement Program Modifications

Sec. 141. Intermodal planning.

Sec. 142. Pavement maintenance program.

Sec. 143. Access to airports by intercity buses.

Sec. 144. Cost reimbursement for projects commenced prior to grant award.

Sec. 145. Selection of projects for grants from discretionary fund.

Sec. 146. Small airport fund.

Sec. 147. State block grant program.

Sec. 148. Innovative financing techniques.

Sec. 149. Pilot program on private ownership of airports.

#### TITLE II—FAA REFORM

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Effective date.

##### Subtitle A—General Provisions

Sec. 221. Findings.

Sec. 222. Purposes.

Sec. 223. Regulation of civilian air transportation and related services by the Federal Aviation Administration and Department of Transportation.

Sec. 224. Regulations.

Sec. 225. Personnel and services.

Sec. 226. Contracts.

Sec. 227. Facilities.

Sec. 228. Property.

Sec. 229. Transfers of funds from other Federal agencies.

Sec. 230. Management Advisory Council.

##### Subtitle B—Federal Aviation Administration Streamlining Programs

Sec. 251. Review of acquisition management system.

Sec. 252. Air traffic control modernization reviews.

Sec. 253. Federal Aviation Administration personnel management system.

Sec. 254. Conforming amendment.

##### Subtitle C—System To Fund Certain Federal Aviation Administration Functions

Sec. 271. Findings

Sec. 272. Purposes

Sec. 273. User fees for various Federal Aviation Administration services.

Sec. 274. Independent assessment of FAA financial requirements; establishment of National Civil Aviation Review Commission.

Sec. 275. Procedure for consideration of certain funding proposals.

Sec. 276. Administrative provisions.

Sec. 277. Advance appropriations for Airport and Airway Trust Fund activities.

Sec. 278. Rural Air Service Survival Act.

#### TITLE III—AVIATION SECURITY

Sec. 301. Report including proposed legislation on funding for airport security.

Sec. 302. Certification of screening companies.

Sec. 303. Weapons and explosive detection study.

Sec. 304. Requirement for criminal history records checks.

Sec. 305. Interim deployment of commercially available explosive detection equipment.

Sec. 306. Audit of performance of background checks for certain personnel.

Sec. 307. Passenger profiling.

Sec. 308. Authority to use certain funds for airport security programs and activities.

Sec. 309. Development of aviation security liaison agreement.

Sec. 310. Regular joint threat assessments.

Sec. 311. Baggage match report.

Sec. 312. Enhanced security programs.

Sec. 313. Report on air cargo.

Sec. 314. Sense of the Senate regarding acts of international terrorism.

#### TITLE IV—AVIATION SAFETY

Sec. 401. Elimination of dual mandate.

Sec. 402. Protection of voluntarily submitted information.

Sec. 403. Supplemental type certificates.

Sec. 404. Certification of small airports.

Sec. 405. Authorization for State-specific safety measures.

Sec. 406. Aircraft engine standards.

Sec. 407. Accident and safety data classification; report on effects of publication and automated surveillance targeting systems.

#### TITLE V—PILOT RECORD SHARING

Sec. 501. Short title.

Sec. 502. Employment investigations of pilot applicants.

Sec. 503. Studies of minimum standards for pilot qualifications and of pay for training.

Sec. 504. Study of minimum flight time.

#### TITLE VI—CHILD PILOT SAFETY

Sec. 601. Short title.

Sec. 602. Child pilot safety.

#### TITLE VII—FAMILY ASSISTANCE

Sec. 701. Short title.

Sec. 702. Assistance by National Transportation Safety Board to families of passengers involved in aircraft accidents.

Sec. 703. Air carrier plans to address needs of families of passengers involved in aircraft accidents.

Sec. 704. Establishment of task force.

Sec. 705. Limitation on statutory construction.

#### TITLE VIII—AIRPORT REVENUE PROTECTION

Sec. 801. Short title.

Sec. 802. Findings; purpose.

Sec. 803. Definitions.

Sec. 804. Restriction on use of airport revenues.

Sec. 805. Regulations; audits and accountability.

Sec. 806. Conforming amendments to the Internal Revenue Code of 1986.

#### TITLE IX—METROPOLITAN WASHINGTON AIRPORTS

Sec. 901. Short title.

Sec. 902. Use of leased property.

Sec. 903. Board of Directors.

Sec. 904. Termination of Board of Review.