

the July 1993 trial was that Cooper had shot Sammy Weaver. The committee has actually retained several experts to study the matter further.

Mr. Speaker, at the same time there is an ongoing investigation into their sworn testimonies regarding their role at Ruby Ridge, Roderick and Cooper were among the five marshals honored last week.

Mr. Speaker, in addition, several places in the Justice Department report deal with the possibility of a Government cover-up. After the gunfight, the surviving marshals were taken away to recuperate. The authors of the report stated that:

We question the wisdom of keeping the marshals together for several hours while awaiting interviews with the FBI. Isolating them in that manner created the appearance and generated allegations that they were fabricating stories and colluding to cover-up the true circumstances of the shootings.

Those are the Justice Department's words, not mine.

But the Marshals Service does not appear concerned with answering the Justice Department's concerns or learning from this tragedy. Marshals Service Director Eduardo Gonzalez said when asked why the service waited so long after the siege to announce the awards that he "didn't think it was appropriate" to hold such a ceremony while the Senate was holding formal hearings into the incident. This tells me that the director blatantly overlooked the fact the Senate, like the Justice Department, found fault with the actions of at least two of the marshals he honored.

The bottom line is, Randy Weaver faced his accusers, stood trial, and answered for the only crime he was convicted of: failure to appear in court. While the Justice Department and Congress determined through extensive investigations that all the agencies involved were guilty of some level of wrong-doing at Ruby Ridge, precious little has been done to ensure such massive errors in judgment do not occur again.

Mr. Speaker, how our Government has acted with regard to the tragedy at Ruby Ridge, and in other similar instances has had, and will continually have significant ramifications on how our people view our Government, and how Federal law enforcement will respond to the constitutional rights of citizens in the future.

Mr. Speaker, the issue of how our Government is mistreating its citizens while ignoring the effects of its own unjust actions is very much on the minds of millions of Americans. They are asking how can it be possible that people such as John Poszgai, a Hungarian freedom fighter who escaped with his life and settled in Pennsylvania, can end up being sentenced to serve 6 years in a Federal penitentiary because his cleaning up of an old dump was considered a crime because it filled in a wetland. They are wondering just where our Government is placing its values when it gives the highest commendation possible to an individual for shooting a child in the back as he is running to the comforting arms of his father.

#### CUTS IN EDUCATION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, we talk much about education, but we do not do very much. Consider these facts. In 1949, for every \$10 the Federal Government spent, \$1 was spent for education. For every \$10 in 1949 that we spent for education, \$1 was spent for education. Now, today, for every \$10 that the Federal Government spends, a little more than 1 dime—from 1949, from \$1 we have moved to 1 dime—is spent for education.

Where are our priorities in education? In 1949 America led the world in educational achievement. Today America trails nations like Europe and Asia. We are behind those nations now, perhaps because we failed to heed the words of T.S. Eliot then. Eliot said in 1935, "Time present and time past are both perhaps present in time future, and time future is contained in time past." Let me repeat those profound words of Eliot's. "Time present and time past are both perhaps present in time future, and time future is contained in time past."

What did Eliot mean by that statement? Let us examine the statement in the context of education. It is inconsistent to talk about building the future while tearing down the present. Yet, Members in this House seem ready to abandon education by making the largest cut in American history, cuts amounting to one-third of education spending, cuts that are three times as much as other cuts in their discretionary budget, cuts with overall funding for the Department of Education likely to be reduced by 25 percent.

In essence, for time present, in this blind march, blind march to a balanced budget, we want us to ignore time past. But they are ignoring, as Eliot points out, both times, present time and past, and also they are ignoring our future. More importantly, they are ignoring Eliot's conclusion that time future is certainly contained in time past.

If we truly want to preserve the future, we must, first, not forget the past; and second, take care of the present. That is what Eliot meant. But we forget the past when we disregard how much of our budget we spent to make us a world power in education: 10 percent in 1949, and now only 1.4 percent today. And we do not take care in the present when we are preparing to further slice education so deeply. We will also interfere with the future of this Nation's prosperity.

Instead of cutting the education budget with regard to the impact of those cuts, I would urge my colleagues to go out from the comfort of these halls and visit American schools. Go see how those schools are. Many of them are in disrepair. I have students visiting me who have just left out of the gallery who are in private schools, and many of them have found that our public schools do not give them the opportunity. We are not investing in our education. Visit any of those schools in

your district and see if you do not see a need that we are failing to assist our communities in meeting.

What will be the impact of these massive education cuts on the future of education for our young people? More importantly, what will be the future of this country if we continue to not invest in education? What will these working families do if their children are not educated?

We say we believe in families, yet we do not give them the very tools they need. How will these students learn when even more teachers are terminated under the pressures of these severe cuts? Already schools are receiving pink slips because they do not know what their budgets will be. How can they plan under the circumstances of this continued resolution?

We talk about restoring family values. We talk about helping young people. Yet, our actions are inconsistent with what our words are. Recent national polls show that Americans overwhelmingly support education and believe it should be the top priority of this country.

The American people agree with Eliot. Instead of a big tax cut for the wealthy, we should put more money in education for our children and for this Nation's prosperity. We must heed the words of Eliot, as true today as they were in 1935, and understand that the present and past shape the future. There can be no bright future without a brilliant past and a clear present.

Mr. Speaker, we must stop these education cuts and make sure that we secure America's future and our children's prosperity.

□ 1545

#### INTRODUCTION OF BILLS IMPLEMENTING IMPARTIALITY IN REVIEW OF COMPLAINTS AGAINST JUDGES AND REASONABLE ATTORNEY'S FEES IN CAPITAL CASES

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, I rise today in order to explain two bills I introduced today and ask my colleagues for their support of this legislation.

Both bills relate to judicial procedure and are intended to help restore the public's confidence in that branch of our Federal Government. Today, when citizens distrust their government to the degree that we are seeing, it is imperative that we take reasonable steps to promote public confidence in our form of Government that is set forth in the Constitution.

We must always remember that we do not legislate in a vacuum. The laws we pass have consequences. Our Government processes have consequences.

At this very time, the country needs legislation that has positive consequences with respect to the long-term health of our Republic.

In that regard, I would like to explain my bills. The first bill deals with the handling of ethical complaints filed against Federal judges. The complaint process currently works like this: The ethical complaint is made in writing to the circuit court clerk, and this complaint is accompanied by a brief statement of the facts behind the complaint. Alternatively, the chief justice of the circuit may also initiate a complaint if he is aware of a set of facts that warrant review.

The clerk gives the complaint to the chief judge of the circuit, and this chief judge reviews the complaint and enters a dismissal or refers it to a special committee of judges from within that same circuit. In other words, the complaint is completely adjudicated within the circuit of the judge subject to that particular complaint.

While most of the complaints filed against Federal judges are frivolous, the process itself, the procedure, should not give the appearance of a lack of impartiality or lack of fairness, or an appearance of possible bias, or at worst, a possible biased review. That is, these complaints against a judge are now reviewed by his close colleagues. They all serve together in the same circuit, some in the same district. They work together professionally, they meet at conferences, and interact on a personal and social basis.

Human nature leads to the likelihood of a less than dispassionate review in this type of situation. The situation at a minimum presents an appearance of partiality. Couple that appearance with the loss of public confidence in our Government institutions that we are seeing, and we have a crisis in the making.

The bill I am introducing will remedy this situation whereby judges within the same circuit review ethical complaints filed against one of their fellow judges. My intent is to introduce a greater degree of impartiality and fairness to this process. My legislation will have the clerk of the circuit in which a complaint originates automatically forward that complaint to another circuit for adjudication.

This legislation builds on the current complaint review process. It calls for the creation of a method by which complaints received against judges and magistrates within one circuit are sent to another circuit for review.

The second bill pertains to the amount paid to lawyers and lawyers' fees and expenses that a Federal judge may award in a capital case, a Federal death case, if you will. Currently title 18, United States Code allows compensation at a rate of \$60 per hour for court time and \$40 for out-of-court time to be paid to lawyers that are appointed to handle Federal criminal cases. These are standard fees. I note that title 18 provides a means for rais-

ing compensation levels to a higher limit than what I have just described. This process has not been used yet.

In capital cases, again death penalty cases, judges may go outside this range of \$40 to \$60 per hour and set even higher rates, at their complete discretion. Under our code, if it involves a death penalty case, the Federal judges can set this compensation to be whatever they deem is reasonably necessary. In other words, again complete discretion on the part of that judge.

Now I understand the need to pay people for their time rendered, for their services given, but these payments that are made in these situations are being made at taxpayer expense. In certain habeas cases, certain death penalty cases in my home State of Tennessee, I am aware of a Federal judge awarding the lawyer fees of up to \$250 an hour. Not many Tennessee lawyers command \$250 an hour, much less a court-appointed lawyer in a criminal case.

My bill would set lawyers' compensation rates under title 21 in the recommended range of \$75 to \$125 across the Nation, and thereby stop the judges from awarding huge amounts, far in excess of the going rate in that particular marketplace. Furthermore, my legislation would require that these amounts paid in attorneys' fees and expenses would be publicly disclosed for all of us to see.

I hope that my colleagues can support these two bills. I think it is time we move toward restoring the public's confidence in the judiciary. We can move in that direction by implementing impartiality in the review of complaints filed against Federal judges, and by having reasonable attorneys' fees that are responsible to the taxpayer, who ultimately gets the bill.

#### MICA EXPRESSES OUTRAGE AT OUT-OF-CONTROL EPA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House this afternoon really in a sense of outrage about our out-of-control Environmental Protection Agency. We have heard EPA talking about how the new majority and Members of Congress on both sides of the aisle were going to gut their budget and hurt the environment and do away with any regulations. That, Mr. Speaker, is all bunk.

We have seen EPA use public resources in the past to continue their mission of misinformation of untruths and distortions. Today I received a copy of EPA Watch dated January 31, 1996. This, Mr. Speaker, really takes the cake. It says, "EPA Enlists PTA To Battle Congress Over Budget Cuts."

This story tells how the EPA's Office of Enforcement and Compliance has a memo dated January 19 that states that their staff, from no fewer than 11

offices, are working in this mission of lies and distortion and now trying to drag the children, parents and teachers of this Nation into this campaign against much-needed reform.

First of all, let me tell the parents and teachers and my colleagues that EPA was a Republican idea. It started in 1972. It was an idea to do a better job in cleaning up the environment. It was a Republican proposal to set some national standards and we have done that. We have begun to clean up. We have had 20 some years of experience and we have seen where mistakes have been made and we need to draw on that.

When President Clinton came into office in 1993, in January, and I quote from the New York Times, it said, "in January, mayors from 114 cities and 49 States opened a campaign by sending the President a letter urging the White House to focus on how environmental policymaking had, in their view, gone awry."

That is what started the debate. The cities, the counties, the special districts, the Governors, the State associations came to us and said, "Some of what you're doing, some of what you're imposing makes no sense, it's a great cost on us, and we pass it on to the taxpayer in higher, unwarranted costs in many cases." So they gave us the responsibility of trying to make some sense out of this.

Mr. Speaker, I served on the committee that conducted oversight of EPA from 1992-94. What I saw was a horror story and the children and the parents and teachers should know, not just the misinformation that they are being fed by this compliance office to lobby Congress for more money but they should know what is really going on.

Let me cite, for example, a memo dated March 31, 1993, from the inspector general for audit of that agency. He is talking about the Environmental Research Laboratory, one of the operations of EPA. He said for over a period of up to 7 years the audit concluded that ERLA management had avoided or circumvented laws, regulations, and agency procedures in the award and funding of certain contracts and had misused or abused the use of contracts, and it goes on and on and on about the misuse.

Mr. Speaker, this is how taxpayer dollars are being expanded. When I served on the committee, we looked at Superfund, a multibillion-dollar project that was to clean up the hazardous waste sites. What we found in this report from GAO in 1994 said although one of EPA's key policy objectives is to address the worst sites first, relative risk plays little role in the agency's determination of priorities.

This study by GAO finds in fact that they choose cleanup sites on the basis of political pressure, not the risk to children and safety. That is something our American children, our teachers, and the Congress should know.

What about polluters? Do polluters pay? Not with EPA. They let them off