

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 5, the Federal debt stood at \$5,225,564,391,083.90.

One year ago, September 5, 1995, the Federal debt stood at \$4,968,613,000,000.

Five years ago, September 5, 1991, the Federal debt stood at \$3,623,548,000,000.

Ten years ago, September 5, 1986, the Federal debt stood at \$2,112,803,000,000. This reflects an increase of more than \$3,112,761,391,083.90 during the 10 years from 1986 to 1996.

## MESSAGE FROM THE HOUSE

At 1:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it request the concurrence of the Senate:

H.R. 3308. An act to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes.

H.R. 3719. An act to amend the Small Business Act and Small Business Investment Act of 1958.

## MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3308. An act to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes; to the Committee on Armed Services.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3870. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of two rules including one entitled "Approval and Promulgation of Implementation Plans; Commonwealth of Virginia—1990 Base Year Emission Inventory," (FRL5603-5) received on September 3, 1996; to the Committee on Environment and Public Works.

EC-3871. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon," (FV96-956-1FR) received on August 28, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3872. A communication from the Assistant Comptroller General (Health, Education, and Human Services Division), U.S. General Accounting Office, transmitting, pursuant to law, a report entitled "VA Health Care: Travis Hospital Construction Project Is Not Justified"; to the Committee on Appropriations.

EC-3873. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-10; to the Committee on Appropriations.

EC-3874. A communication from the Secretary of Defense, transmitting, the notice of

a retirement; to the Committee on Armed Services.

EC-3875. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC-3876. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC-3877. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC-3878. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC-3879. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on property transfer; to the Committee on Armed Services.

EC-3880. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the Department of Defense Executive Skills Training Program; to the Committee on Armed Services.

EC-3881. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on improved access to military health care for covered beneficiaries entitled to Medicare; to the Committee on Armed Services.

EC-3882. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3883. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3884. A communication from the Assistant Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Blocked Person, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels; Correction and Removal of Entry," received on August 19, 1996; to the Committee on Foreign Relations.

EC-3885. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report entitled "Statements of Antitrust Enforcement Policy in Health"; to the Committee on the Judiciary.

EC-3886. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, the report of a rule entitled "Grants to Encourage Arrest Policies," (RIN1121-AA35) received on September 3, 1996; to the Committee on the Judiciary.

EC-3887. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, the report of a rule entitled "Motor Vehicle Theft Prevention Act Program Regulations," (RIN1121-AA38) received on September 3, 1996; to the Committee on the Judiciary.

EC-3888. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-3889. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Schedule for Rating Disabilities," (RIN2900-AE94) received on September 4, 1996; to the Committee on Veterans' Affairs.

EC-3890. A communication from the Assistant Secretary for Fish and Wildlife and

Parks, Department of the Interior, transmitting, pursuant to law, a rule entitled "Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1996-97 Early Season," (RIN1018-AD69) received on August 27, 1996; to the Committee on Indian Affairs.

EC-3891. A communication from the Office of the Assistant Secretary, Administration For Children and Families, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Administration for Native Americans Appeals," (RIN0970-AB37) received on August 19, 1996; to the Committee on Indian Affairs.

EC-3892. A communication from the President of the United States, transmitting, pursuant to law, the report of determinations relative to the North American Free Trade Agreement Implementation Act; to the Committee on Finance.

EC-3893. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule concerning regulations governing book-entry treasury bonds, notes, and bills received on August 27, 1996; to the Committee on Finance.

EC-3894. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Veterans' Medicare Reimbursement Model Project Act of 1996"; to the Committee on Finance.

EC-3895. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule relative to distributions by U.S. corporations, (RIN1545-AU23) received on August 13, 1996; to the Committee on Finance.

EC-3896. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report on trade between the U.S. and China, the Successor States to the Former Soviet Union, and other Title IV Countries during January 1 through March 31, 1996; to the Committee on Finance.

EC-3897. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule relative to the Medicare and Medicaid Programs, (RIN0938-AF74) received on September 4, 1996; to the Committee on Finance.

EC-3898. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule relative to the Medicare Program, (RIN0938-AH34) received on August 29, 1996; to the Committee on Finance.

EC-3899. A communication from the Director of the Office of Surface Mining (Reclamation and Enforcement), Department of the Interior, transmitting, pursuant to law, two rules including a rule entitled "The Virginia Regulatory Program," (VA108FOR, OH238FOR) received on September 3, 1996; to the Committee on Energy and Natural Resources.

EC-3900. A communication from the Director of the Office of Surface Mining (Reclamation and Enforcement), Department of the Interior, transmitting, pursuant to law, a rule entitled "The Utah Regulatory Program," (UT034) received on September 3, 1996; to the Committee on Energy and Natural Resources.

EC-3901. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Lassen Volcanic National Park," (RIN1024-AC52) received on August 27, 1996; to the Committee on Energy and Natural Resources.

EC-3902. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the comprehensive status of Exxon and stripper well oil overcharge funds for the period January 1 through March 31, 1996; to the Committee on Energy and Natural Resources.

EC-3903. A communication from the Acting Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the report on royalty management and delinquent account collection activities for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC-3904. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a Decision Document; to the Committee on Energy and Natural Resources.

EC-3905. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule entitled "Allocation of Assets in Single-Employer Plans," received on August 19, 1996; to the Committee on Labor and Human Resources.

EC-3906. A communication from the Chairman of the U.S. Railroad Retirement Board, transmitting, a report relative to the Special Management Improvement Plan; to the Committee on Labor and Human Resources.

EC-3907. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "The Railroad Unemployment Insurance Act Debt Collection Improvement Act of 1996"; to the Committee on Labor and Human Resources.

EC-3908. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Drug Abuse and Drug Abuse Research"; to the Committee on Labor and Human Resources.

EC-3909. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents," received on August 23, 1996; to the Committee on Labor and Human Resources.

EC-3910. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule concerning smokeless tobacco received on September 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3911. A communication from The Assistant Secretary of Legislative Affairs of the U.S. Department of State, transmitting, pursuant to law, a report relative to a rule entitled "Fishermen's Protective Act Guaranty Fund Procedures," received August 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3912. A communication from the Acting Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule concerning fisheries of the Northeastern U.S. (RIN0648-AH05) received August 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3913. A communication from the Acting Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule concerning fisheries of the Caribbean, (RIN0648-AH86) received August 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3914. A communication from the Director of the Office of Fisheries Conservation

and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule concerning fisheries of the Caribbean received on August 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3915. A communication from the Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule concerning Atlantic Tuna Fisheries received on August 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3916. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Limes and Avocados Grown in Florida; Suspension of Certain Volume Regulations and Reporting Requirements," received September 5, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3917. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Environmental Compliance and Restoration Program"; to the Committee on Commerce, Science, and Transportation.

EC-3918. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the evaluation of oil tanker routing; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 2058. A bill to amend chapter 3 of title 28, United States Code, to provide for 11 circuit judges on the United States Court of Appeals for the District of Columbia Circuit; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 289. A resolution electing Gregory S. Casey, of Idaho, as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 2058. A bill to amend chapter 3 of title 28, United States Code, to provide for 11 circuit judges on the U.S. Court of Appeals for the District of Columbia Circuit; to the Committee on the Judiciary.

#### UNITED STATES COURT OF APPEALS LEGISLATION

• Mr. GRASSLEY. Mr. President, I introduce legislation which will abolish the 12th seat on the U.S. Court of Appeals for the D.C. circuit. This is the right thing to do. I have studied the D.C. circuit in depth for over a year now, and I can confidently conclude that the D.C. circuit does not need 12 judges.

Last year, I chaired a hearing before the Judiciary Subcommittee on administrative oversight and the courts. At the hearing, Judge Lawrence Silberman—who sits on that court—testified that 12 judges were just too many. According to Judge Silberman, when the D.C. circuit has 12 judges, there isn't enough work to go around. In fact, the main courtroom in the D.C. courthouse does not fit 12 judges. When there are 12 judges, special arrangements have to be made when the court sits in a en banc capacity.

Judge Silberman's testimony is supported by the steady decrease in new cases filed in the D.C. circuit. Since 1985, the number of new case filings in the D.C. circuit has declined precipitously. Even those who support filling the 12th seat admit this. And the D.C. circuit is only entitled to a maximum of 10 judges under the judicial conference's formula for determining how many judges should be allotted to each court.

So the case against filling the 12th seat is compelling. Now that Judge Buckley on the D.C. circuit has taken senior status, we, in Congress, have a unique opportunity. Let's abolish the 12th seat.

Abolishing the 12th seat is completely nonpartisan. If the 12th seat is abolished, no President—Democrat or Republican—could fill it. As long as the 12th seat is open, the temptation to nominate someone to fill the seat will be overwhelming—even with the outrageous cost to the American taxpayer.

According to the Federal judges themselves, the total cost to the American taxpayer for a single article 3 judge is about \$18 million. That's not chump change. That's something to look at. That's real money we can save.

Here in Congress, we have downsized committees and eliminated entirely important support agencies like the Office of Technology Assessment. The same is true of the executive branch. Right now, Congress is considering the elimination of whole Cabinet posts. It is against this backdrop that, as chairman of the subcommittee with jurisdiction over the courts, I have been looking for ways to make sure that precious taxpayer dollars are spent wisely. Eliminating the 12th seat is an important step in the right direction.

While some may incorrectly question Congress' authority to look into these matters, this legislation is, in fact, on firm constitutional ground. Article 3 of the Constitution gives Congress broad authority over the lower Federal courts. Also, the Constitution gives Congress the power of the purse.

Throughout my career, I have taken this responsibility very seriously. I, too, am a taxpayer, and I want to make sure that taxpayer funds aren't wasted.

Some may say that Congress should let judges decide how many judgeships should exist and how they should be allocated. I agree that we should defer to