However, three product-related issues have surfaced to date:

Reinforcing steel (''rebar''). The rebar industry first promoted and then withdrew a metric standard but not before most state highway departments had adopted it in their standard design drawings, at significant time and expense. The rebar industry currently is balloting, through ASTM, a new metric standard and hopes to unify everyone behind it over the next year or so.

Recessed lighting fixtures. Several lighting manufacturers opposed the introduction of modular metric recessed fixtures for use in modular metric suspended ceiling systems. Such fixtures proved to be readily available from other manufacturers, however, and now the opposing manufacturers are supplying them too. All other suspending ceiling components, including T-bars, lay-in tiles and air diffusers, are available from a variety of manufacturers in modular metric sizes.

Concrete masonry block. Block is also a modular material, but modular metric (so-called ''hard metric'') block is slightly smaller than current inch-pound block. The block industry, as represented by the National Concrete Masonry Association, argues that producing and keeping an inventory of two sizes of otherwise identical block is costly and, in many cases, too costly for the smaller producers that constitute the bulk of the block industry. The industry further argues that inch-pound block can be economically cut to fit any dimension, inch-pound or metric, and that the specification of metric block is therefore both unnecessary and economically damaging to block producers.

In response to these concerns, the General Services Administration, in its July 1993 Metric Design Guide, encouraged the allowance of either inch-pound or metric block in metric projects. The Construction Metrication Council endorsed GSA's position in the September-October 1993 Metric in Construction newsletter. Since then, contractors have had difficulty obtaining bids on metric block in a number of instances. The Council therefore strongly encourages designers to allow the use of either inch-pound or metric block or to specify nominal wall thicknesses only, thereby leaving the decision to the contractor, with cost the deciding factor.

CONSTRUCTION METRICATION COUNCIL

(English is the international language of business. Metric is the international language of measurement.)

National Institute of Building Sciences, 1201 L Street, N.W., Suite 400, Washington, D.C. 20005, Telephone 202–289–7800; fax 202–289–1092.

Metric in Construction is a bimonthly newsletter published by the Construction Metrication Council to inform the building community about metrication in U.S. construction. The Construction Metrication Council was created by the National Institute of Building Sciences to provide industrywide, public and private sector support for the metrication of federal construction and to promote the adoption and use of the metric system of measurement as a means of increasing the international competitiveness, productivity, and quality of the U.S. construction industry.

The National Institute of Building Sciences is a nonprofit, nongovernmental organization authorized by Congress to serve as an authoritative source on issues of building science and technology.

The Council is an outgrowth of the Construction Subcommittee of the Metrication Operating Committee of the federal Interagency Council on Metric Policy. The Construction Subcommittee was formed in 1988 to further the objectives of the 1975 Metric Conversion Act, as amended by the 1988 Omnibus Trade and Competitiveness Act. To foster effective private sector participation, the activities of the subcommittee were transferred to the Council in April 1992.

Membership in the Council is open to all public and private organizations and individuals with a substantial interest in and commitment to the Council's purposes. The Council meets bimonthly in Washington, D.C.; publishes the Metric Guide for Federal Construction and this bimonthly newsletter, and coordinates a variety of industry metrication task groups. It is funded primarily by contributions from federal agencies.

Chairman—Thomas R. Rutherford, P.E., Department of Defense.

Board of Direction—William Aird, P.E., National Society of Professional Engineers; Gertraud Breitkopf, R.A., GSA Public Buildings Service; Ken Chong, P.E., National Science Foundation; James Daves, Federal Highway Administration; James Gross, National Institute of Standards and Technology; Byron Nupp, Department of Commerce; Arnold Prima, FAIA; Martin Reinhart, Sweet's Division/McGraw-Hill; Ralph Spillinger, National Aeronautics and Space Administration; Gerald Underwood, American National Metric Council; Dwain Warne, P.E., GSA Public Buildings Service; Lorelle Young, U.S. Metric Association; Werner Quasebarth, American Institute of Steel Construction.

Executive Director—William A. Brenner, AIA.

STATUS OF FEDERAL CONSTRUCTION METRICATION—NOVEMBER 1995

Agency	Metric conversion date for new construction projects
General Services Administration	January 1994: GSA's Public Buildings Service builds for several federal agencies. All major projects under its auspices have been constructed in metric for the past two years.
Federal Highway Administration	October 1996/2000: Recent Congressional action has pushed back the FHWA 1996 deadline to 2000, but the majority of states report that they will begin highway construction in metric by October 1996 or sooner. Successful metric projects already have been completed in many states.
Army Corps of Engineers	January 1995: Numerous metric projects are under construction. New work has been designed in metric since January 1994.
Naval Facilities Engineering Command.	October 1996: New projects are being designed in metric now.
Air Force	October 1996: New projects are being designed in metric now.
Coast Guard	In phases, beginning January 1996: Several metric projects are underway now.
State Department	State has virtually always built in metric.
National Aeronautics and Space Administration.	October 1995: A number of metric projects are under construction and more are in design.
Federal Bureau of Prisons	October 1995: New projects are being designed in metric now.
Architect of the Capitol	January 1994: In-house design and renovation work is performed in metric and the planned Library of Congress storage facility will be built in metric.
Veterans' Administration	No date set at this time: Five metric projects are in planning. A large GSA-built project is being constructed in metric now.
Smithsonian Institution	January 1994: Virtually all work has been performed in metric for the past two years.
Deparment of Energy	January 1994 for major projects: Many DOE labs and sites have ongoing metric construction programs.
Environmental Protection Agency	No metric policy on construction grants: EPA provides water and sewer grants to states and municipalities but is not involved in their construction.
USDA Forest Service	October 1996: The Forest Service's metrication schedule depends in large part on state highway metrication activities.
Department of Agriculture	January 1995: Major projects are in metric now.
Indian Health Service	January 1994: Numerous metric projects are in design and construction.
National Institute of Standards and Technology.	January 1994: Major projects are in metric now.
U.S. Postal Service (USPS is not a federal agency).	No date set at this time: But several metric pilot projects are under way.
Administrative Office of the U.S. Courts.	January 1994: All new federal courthouses have been built in metric by GSA since 1994.
Internal Revenue Service	January 1994: All major IRS buildings are built in metric by GSA; small projects are designed in-house in metric.
Naval Sea Systems Command (Ships and boats use many of the same construction components as buildings, particularly structural steel and mechanical and electrical equipment).	No formal date: The metric design of the LPD 17 amphibious assault ship is nearly completed. Two other ships, the SC 21 and the ADC(X), are in the early stages of metric design. NAVSEA's conversion is proceeding on a program-by-program basis.

THE REPUBLIC OF TUNISIA'S 40TH INDEPENDENCE DAY

Mr. THURMOND. Mr. President, I rise today to acknowledge the 40th anniversary of the independence of the Republic of Tunisia. Since gaining independence from France on March 20, 1956, Tunisians have been dedicated to pursuing a path of progress.

Although this small North African country has limited natural resources, it has shown great initiative by successfully devoting a majority of its assets to promoting its people and developing its economy, stressing education as the key to its future. The private sector has contributed greatly to the economy and, as a result, Tunisians have created a diversified, market-oriented economy. While the United States has assisted the Tunisian economy through focused development programs, Tunisia has been able to advance beyond our assistance and is quickly approaching an era of economic partnership with us.

The friendship between the United States and Tunisia dates back almost 200 years when our two countries signed a friendship treaty. Since that time, we have had an outstanding relationship marked by respect, cooperation, and a mutual commitment to freedom and democracy. We have a strong military alliance, routinely engaging in regular joint exercises and program exchanges. Strictly defensive in nature, the Tunisian military force is among the best trained and most professional in the Arab world. Like the United States, Tunisia is dedicated to the peaceful resolution of conflicts and has participated in many peacekeeping operations around the world.

Despite the volatile situation in North Africa, Tunisia has played a key role in preserving stability and peace. Further, they have been at the forefront of the struggle against terrorism, intolerance, and blind violence. They have appealed to the world community through various organizations, including the United Nations, to adopt strict measures in order to combat terrorism and extremism.

In addition, Tunisia has played a significant role and is a key supporter in securing peace in the Middle East. They were the first Arab State to host a multilateral meeting of the peace

process and to welcome an official Israeli delegation in Tunis, thus promoting a dialog between Arabs and Israelis. Since that initial meeting, they have hosted two other events and are scheduled to host others. As a result of their efforts, in January of this year, Tunisia and Israel agreed to establish formal diplomatic relations.

Earlier this week, Tunis served as the host city for the Joint Military Commission meeting, further demonstrating their dedication to peace in the Middle East and reinforcing the cooperation between the United States and Tunisia.

Mr. President, I would like to congratulate our friends in Tunisia on successfully achieving this milestone and commend them for their peacekeeping efforts.

FORTY YEARS OF TUNISIAN INDEPENDENCE

Mr. PELL. Mr. President, legend has it that more than 200 years ago, the bey of Tunis, as token of esteem and friendship, sent one of his finest stallions to U.S. President George Washington. Unfortunately, customs officials in the nascent republic denied entry to the horse, which spent its remainder of its days in the port of Baltimore. After this somewhat rocky start, I am happy to report that U.S.-Tunisian relations have improved considerably. Today, in fact, marks the 40th anniversary of the establishment of the Republic of Tunisia as an independent country, a time during which Tunisia has enjoyed a strong and healthy relationship with the United States. Today I wish to congratulate Tunisia for its many accomplishments, and to highlight some of the instances of cooperation between our two countries.

In recent years, Tunisia has taken positive steps towards the establishment of a more democratic system of government. Although the ruling party continues to dominate the political scene, Tunisia has made an effort to broaden political debate, including recent passage of an electoral law that reserved 19 seats of the National Assembly for members of opposition political parties. Because the government has placed a high priority on funding social programs, today Tunisia has literacy and life expectancy rates that are among the highest in the region. I hope that the United States will continue to work with Tunisia on efforts such as these to open up the political process and to improve the living standards of the population. This should help Tunisia to overcome some of the difficulties it continues to encounter in balancing secular and Muslim interests in the country.

Tunisia also has a very impressive economic record. In the last 10 years, the government has turned to economic programs designed to privatize state-owned companies and to reform the banking and financial sectors. As a result, Tunisia's economy has grown at an average rate of 4.5 percent over the last 3 years, and its economic success has had a beneficial impact on Tunisia's international standing. Tunisia joined GATT in 1990, and in 1995, the government signed a free-trade accord with the European Union.

In contrast to some of its Arab neighbors, Tunisia has achieved particular success in the promotion of women's rights. Under the direction of President Ben Ali, the number of Tunisian women and girls receiving an education—up through the university level—has risen dramatically. Women are protected under the law from forced early marriages and domestic violence. I applaud these steps and urge the Tunisian government to continue its efforts to expand personal freedoms for all of its citizens.

Tunisia and the United States have also explored ways to cooperate on international security issues. In fact, the 14th Annual Joint Military Commission of Tunisia and the United States met in Tunis over the last 2 days. Tunisia also has played an active role in U.N. peacekeeping missions, contributing military contingents to operations in Cambodia, Somalia, the Western Sahara, and Rwanda.

Finally, Tunisia has been a welcome force for moderation I the Middle East peace process. The government has taken an active role within the Arab community in promoting better ties with Israel. In April of this year, Israel and Tunisia will establish official interests sections to facilitate political consultations, travel, and trade. Tunisia has condemned the recent suicide bomb attacks in Israel and has called for greater international efforts to fight terrorism.

As I alluded to earlier, the relationship between the United States and Tunisia goes back nearly 200 years, to the very beginnings of American independence. Tunisia was among the first to recognize the United States as a sovereign country. As Tunisia celebrates the 40th anniversary of its own independence, I ask my colleagues to join me in offering a sincere expression of congratulations.

Mr. FEINGOLD. Mr. President, today Tunisia celebrates its 40th anniversary of independence from French colonialism. I want to join in congratulating Tunisia on its social and economic accomplishments of the last 40 years, and to thank the Tunisians for their historic friendship with America.

Two years ago I visited Tunisia with Senator SIMON and Senator REID. Initially, our visit was planned to meet with President Ben Ali, who at that time was President of the Organization of African Unity. However, we quickly learned that Tunisia itself is a story of many other achievements as well.

As a small, secular Muslim country, nestled between two major, unstable powers, Libya and Algeria, Tunisia is playing an important and positive role in international politics. Because of its geography, it is a member of both the Middle East and Africa, and I am impressed how it has taken an active position in both regions.

In 1982, after Yasir Arafat was driven from Beirut, Tunisia opened its doors and hosted the Palestinian Liberation Organization for 14 years. I believe that Tunisia's secular and developed society had a moderating influence on Arafat, which was a critical factor in launching the Middle East peace process. Likewise, it is no surprise to me that Tunisia was the first Arab country to host a U.N. multilateral meeting in connection with the Middle East peace process, or that it will be among the first Arab countries to establish formal diplomatic relations with Israel next month.

Tunisia has also tried to help mediate some of the conflicts between its neighbors in sub-Saharan Africa. President Ben Ali served as President of the Organization of African Unity at a time when the OAU was being re-vitalized as a regional organization, and he helped begin preparations for a conflict resolution center at the OAU. Just this week, Tunisia hosted a regional conference on the Great Lakes which addressed the heated conflicts in Rwanda and Burundi, and the effects of refugees in Central Africa.

Tunisia has also, by necessity, been at the forefront of the international struggle against terrorism. Out of geographic necessity, it has worked diligently and consistently in international efforts against violence and extremism. Indeed, despite the terrorist threats it faces from Algeria and Libya on all its borders, Tunisia still attended the recent international conference on terrorism in Sharm-el-Shekh, and re-affirmed its commitment to moderation.

I believe Tunisia needs to be supported for these important steps. It is an invaluable partner as we form alliances for the 21st century. But Tunisia should also be congratulated for its economic and social achievements. In many areas—particularly family planning, opportunities for women, education, and economic reform—Tunisia can provide a model of development in the Mediterranean.

When I was in Tunisia, I was greatly impressed by the government's commitment to family planning and the development of opportunities for women. Tunisia is one of the world's success stories in family planning: birth control is widely available for those who desire it, and government clinics are focussed on promoting women's health. This was a very far-sighted and constructive decision by the government. As a result, the country has been able to harness the potential of most of its population, and, not coincidentally, has made significant economic gains.

Because of these effective programs, Tunisia was graduated from United States assistance, and is now entering

an era of partnership with the United States. Indeed, in many ways, Tunisia is a fine example of a foreign aid success.

Tunisia has great potential for leadership in the 21st century. But it is a country facing severe security risks. As we appreciate its accomplishments of the last 40 years, we must commit to do what we can to ensure Tunisia will continue to develop politically and economically, and enable it to continue to support United States goals of stability and democracy in the Middle East and Africa.

NATIONAL DOMESTIC VIOLENCE HOTLINE

Mr. WELLSTONE. Mr. President, last week I came to the floor to announce the realization of another component of our initiative to prevent violence against women—the National Domestic Violence Hotline. At that time, I indicated that I would come to the floor every day for 2 weeks, whenever my colleagues would be kind enough to give me about 30 seconds of time, to read off the 800 number to the hotline.

The toll free number, 1–800–799–SAFE, will provide immediate crisis assistance, counseling, and local shelter referrals to women across the country, 24 hours a day. There is also a TDD number for the hearing impaired, 1–800–787–3224.

Mr. President, roughly 1 million women are victims of domestic violence each year and battering may be the single most common cause of injury to women—more common than auto accidents, muggings, or rapes by a stranger. According to the FBI, one out of every two women in America will be beaten at least once in the course of an intimate relationship. The FBI also speculates that battering is the most underreported crime in the country. It is estimated that the new hotline will receive close to 10,000 calls a day.

I hope that the new National Domestic Violence Hotline will help women and families find the support, assistance, and services they need to get out of homes where there is violence and abuse.

Mr. President, once again, the toll free number is 1–800–799–SAFE, and 1–800–787–3224, for the hearing impaired.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the Federal Government is running on borrowed time, not to mention borrowed money—more than $5 trillion of it. As of the close of business yesterday, March 19, 1996, the Federal debt stood at $5,058,839,098,883.55. On a per capita basis, every man, woman, and child in America owes $19,128.56 as his or her share of the Federal debt.

More than two centuries ago, the Continental Congress adopted the Declaration of Independence. It's time for Congress to adopt a Declaration of Economic Responsibilities along with an amendment requiring the President and Congress to produce a balanced Federal budget—now.

TRIBUTE TO THE CORONADO HIGH SCHOOL THUNDERBIRD BAND OF EL PASO, TX

Mrs. HUTCHISON. Mr. President, it is with much pride that I rise today to recognize the 160 members of the Coronado High School Thunderbird Band who will be representing North America in the Russian Republic's Freedom Day Parade this May. These gifted student musicians from El Paso will travel to Moscow this spring to celebrate the rise of democracy there and to share their extraordinary musical talents with the people of Russia.

It was last September when Richard Lambrecht, the students' band conductor, received the phone call from the Russian Ministry of Culture, inviting the Coronado students to perform in the Freedom Day celebration held annually in Red Square. Since that moment, the students, their parents, and their avid supporters have been working tirelessly, day and night, to raise the necessary funds for this once-in-a-lifetime trip and to maintain their exceptional grade point averages.

This recognition is a fitting testament to the dedication, character, and talent of these Texas teenagers. But it is not the first honor the Thunderbird Band has received. In fact, the band has received the Sudler Flag and the Sudler Shield for both concert and marching performance by the John Phillip Sousa Foundation. These awards are given to only two bands annually, representing the best in the United States for that year. Coronado is one of only three bands to have ever received both designations.

In addition to honoring the Thunderbird Band for this achievement, I would also like to welcome both Alexander Demchenko, the Russian Minister of Culture, and General Victor Afanasiev, the Russian General Conductor, to the United States. These two officials will be visiting the Coronado students on March 27 in El Paso. The Republic of Russia has generously offered to finance a portion of the band's traveling costs, and I would like to thank them for their country's cooperative efforts in making this trip a reality for the Coronado students.

Mr. President, I am confident that the Coronado High School Thunderbird Band will represent the people of Texas, the United States, and North America with both honor and distinction. I congratulate them on this remarkable accomplishment, and I wish them the best of luck in their future endeavors.

Thank you, Mr. President. I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 38. Joint resolution granting the consent of Congress to the Vermont-New Hampshire Interstate Public Water Supply Compact.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2739. An act to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes.

H.R. 2937. An act for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

The message further announced that the House has agreed to the concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 148. A concurrent resolution expressing the sense of the Congress that the United States is committed to the military stability of the Taiwan Straits and United States military forces should defend Taiwan in the event of invasion, missile attack, or blockade by the People's Republic of China.

MEASURES REFERRED

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

H.R. 2739. An act to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes; to the Committee on Governmental Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on March 20, 1996, he had presented to the President of the United States, the following enrolled bill:

S. 1494. An act to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes.

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–2169. A communication from the Director of the Office of the Secretary (Administration & Management), Department of Defense, the report entitled, "Extraordinary Contractual Actions to Facilitate the National Defense"; to the Committee on Armed Services.

EC–2170. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice relative to renewing a lease; to the Committee on Armed Services.

EC–2171. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–2172. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on metal casting competitiveness research for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–2173. A communication from the Chairperson of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–2174. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2175. A communication from the Associate Attorney General for Legislative Affairs, transmitting, pursuant to law, the report on the activities and operations of The Public Integrity Section for calendar year 1994; to the Committee on the Judiciary.

EC–2176. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2177. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Low-Income Home Energy Assistance Program for fiscal year 1994; to the Committee on Labor and Human Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–486. A resolution adopted by American Democrats Abroad (Switzerland) relative to the foreign affairs budget; to the Committee on Appropriations.

POM–487. A resolution adopted by the Federal Judges Association relative to funding of the Judiciary branch; to the Committee on Appropriations.

POM–488. A notice from the Mayor of the City of Tucson, Arizona relative to a resolution adopted by the U.S. Conference of Mayors relative to the National Endowments for the Arts and the Humanities; to the Committee on Appropriations.

POM–489. A resolution adopted by the City of Inkster, Michigan relative to federally mandated obligations; to the Committee on Appropriations.

POM–490. A resolution adopted by the Los Angeles Board of Harbor Commissioners relative to the Alameda Corridor; to the Committee on Commerce, Science, and Transportation.

POM–491. A resolution adopted by the Alaska Environmental Lobby relative to the Arctic National Wildlife Refuge; to the Committee on Energy and Natural Resources.

POM–492. A notice from the Association of Pacific Island Legislatures relative to agriculture, compact impact, fisheries, and immigration; to the Committee on Energy and Natural Resources.

POM–493. A resolution adopted by the Board of Mayor and Alderman of the Town of Dover, Tennessee relative to the Tennessee Valley Authority Land Between the Lakes; to the Committee on Environment and Public Works.

POM–494. A resolution adopted by the Chamber of Commerce of Stewart County, Tennessee relative to the Tennessee Valley Authority Land Between the Lakes; to the Committee on Environment and Public Works.

POM–495. A resolution adopted by the Board of Commissioners of Cook County, Illinois relative to Puerto Rico; to the Committee on Finance.

POM–496. A resolution adopted by the American Society for Public Administration relative to the United Nations; to the Committee on Foreign Relations.

POM–497. A resolution adopted by the New York County Lawyers' Association relative to the United Nations Convention to Eliminate All Forms of Discrimination Against Women; to the Committee on Foreign Relations.

POM–498. A resolution adopted by the Commission of the City of Miami, Florida relative to the Cuban Government; to the Committee on Foreign Relations.

POM–499. A resolution adopted by the Teinaa Gey Tlingit Nation relative to sovereignty and jurisdiction over membership; to the Committee on Indian Affairs.

POM–500. A resolution adopted by the Teinaa Gey Tlingit Nation relative to jurisdictional boundaries; to the Committee on Indian Affairs.

POM–501. A resolution adopted by the Teinaa Gey Tlingit Nation relative to an audit and investigation of contractors; to the Committee on Indian Affairs.

POM–502. A resolution adopted by the City Council of the City of Seattle, Washington relative to proposed immigration legislation; to the Committee on the Judiciary.

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. JOHNSTON:

S. 1627. A bill to designate the visitor center at Jean Lafitte National Historical Park in New Orleans, Louisiana as the "Laura C. Hudson Visitor Center."; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself, Mr. THOMAS, Mr. FAIRCLOTH, Mr. THURMOND, and Mr. HELMS):

S. 1628. A bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. DOLE, Mr. ABRAHAM, Mr. BENNETT, Mr. BROWN, Mr. COATS, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. GRAMS, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. KEMPTHORNE, Mr. KYL, Mr. NICKLES, Mr. SIMPSON, Mr. SMITH, and Mr. THOMPSON):

S. 1629. A bill to protect the rights of the States and the people from abuse by the Federal Government; to strengthen the partnership and the intergovernmental relationship between State and Federal governments; to restrain Federal agencies from exceeding their authority; to enforce the Tenth Amendment to the Constitution; and for other purposes; to the Committee on Governmental Affairs.

By Mr. WELLSTONE (for himself and Mr. WYDEN):

S. 1630. A bill to prevent discrimination against victims of abuse in all lines of insurance; to the Committee on Labor and Human Resources.

By Mr. PELL:

S. 1631. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EXTREME, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WARNER (for himself and Mr. FORD):

S. Con. Res. 47. A concurrent resolution for a Joint Congressional Committee on Inaugural Ceremonies; considered and agreed to.

S. Con. Res. 48. A concurrent resolution authorizing the rotunda of the United States Capitol to be used on January 20, 1997, in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice-President-elect of the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON:

S. 1627. A bill to designate the visitor center at Jean Lafitte National Historical Park in New Orleans, Louisiana as the "Laura C. Hudson Visitor Center"; to the Committee on Energy and Natural Resources.

THE LAURA C. HUDSON VISITOR CENTER DESIGNATION ACT OF 1996

• Mr. JOHNSTON. Mr. President, I am pleased today to introduce a measure to designate the visitor center at 419 Rue Decatur in New Orleans, LA, as the "Laura C. Hudson Visitor Center."

For almost 24 years I have been privileged to serve in the U.S. Senate. For some 20 of those years I have been blessed with the able assistance of Laura Hudson, who completed her Senate service last August, as my legislative director and indispensable right hand.

In so many ways, Laura personifies the best tradition of Senate service— beginning in one capacity and growing into so many more. The young history postgraduate, who took a legislative-

correspondent position in my office in 1975, quickly grew beyond that and has been my invaluable counsel on a variety of legislative challenges over the years.

There are parks and preservation projects, in Louisiana and beyond which exist solely because of the personal commitment and legislative skill of Laura Hudson, whole regions of the globe, such as Micronesia, routinely neglected by many in the Congress, receive a respect and recognition in Washington due heavily to Laura's devotion. That component closeup program, which brings hundreds of students and teachers each year from the former trust territories of Micronesia, is but one example of Laura's passion.

Moreover, I am convinced that the relationship between our country and many of the developing and emerging economies, such as China, Vietnam, and Indonesia, profit in immeasurable ways from the understanding and leadership of staff persons such as Laura.

This is a woman, Mr. President, who has forsaken many opportunities in the private sector because of a deep belief in the merits of public service, and a belief in the simple tenet that she could make a difference. More often than we acknowledge, it is the Laura Hudsons who made a qualitative difference in our daily work product. In honor of her unparalleled contributions, I am introducing this legislation today.

I know that Laura will continue to contribute, as only she can, to public policy. But I will miss her in a way immediate and direct, as will so many of her longtime colleagues in the Senate. But I know they join me in expressing appreciation and best wishes as Laura enters an exciting new chapter of her life.

I ask unanimous consent that a copy of the bill appear in the RECORD.

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

S. 1627

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

SECTION 1. LAURA C. HUDSON VISITOR CENTER.

The visitor center at Jean Lafitte National Historical Park, located at 419 Rue Decatur in New Orleans, Louisiana, is hereby designated as the ''Laura C. Hudson Visitor Center.''

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, paper, record, map, or any other document of the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the ''Laura C. Hudson Visitor Center''.●

By Mr. BROWN (for himself, Mr. THOMAS, Mr. FAIRCLOTH, Mr. THURMOND, and Mr. HELMS):

S. 1628. A bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes; to the Committee on the Judiciary.

MUSIC LICENSING LEGISLATION

● Mr. BROWN. Mr. President, I introduce legislation that would lift a burden off of small businesses who currently pay fees to music licensing organizations under a complicated and cumbersome copyright law.

Introduction of this legislation reflects what I consider a fair position. This bill acknowledges the different sides, and aims to reach a compromise position. This legislation comes after hours and hours of negotiations with different interests over the course of several months.

Under current law, music licensing organizations are permitted to collect fees from those who play a radio or television in their commercial establishment. The music may be background music, or it may be music played at half-time during a football game. The music license fee applies to shoe stores, to diners, to shopping centers or any other business establishment.

The artists who create this music certainly deserve compensation for their intellectual property. In fact, those artists are compensated for their labors. When a song is played over a radio or TV, the broadcaster pays for the rights to play that song. When we are at home, and we turn on the radio, we are not expected to pay a second fee. Yet, if a radio is played at a commercial establishment for no commercial gain, a second fee is charged for the music. This double-dipping smacks of unfairness.

In addition, there is tremendous inequity in the way licensing companies assess these fees. The businesses are unable to see a list of the songs that are available for licensing. The businesses are unable, because of the market inequity, to bargain for a fair price. Instead, we have an anticompetitive environment where two or three licensing companies control almost all of the music available. Small businesses have two options: pay the preordained fee or turn off the radio or TV.

The approach I have taken to address this problem aims at leveling this playing field. The legislation I am introducing would require the licensing companies to make a list of their repertory available so businesses can know what products they are paying for.

The legislation would exempt small businesses from paying the fee for music played over radio and TV if a fee has already been paid. Where music has already been paid for by the broadcaster, the copyright owner has in fact been compensated.

In addition, the legislation would establish arbitration to resolve disputes over fees. As it stands, if a retail store wishes to contest the fees paid to one of the licensing companies, they have to go to a court in New York. Moreover, full blown litigation in any case is often prohibitively expensive.

The legislation would require the music licensing companies to offer per period programming licenses—in other words allow radio stations to purchase licenses for shorter time periods instead of 24 hours a day if they are only playing music in short spots between religious, news, or talk shows. I hope my colleagues will join me in leveling the playing field and will support this bill.

I ask unanimous consent that letters in support of this bill from the National Federation of Independent Business, the National Religious Broadcasters, the National Restaurant Association, and the National Retail Federation be included in the RECORD.

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

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, March 20, 1996.

Hon. HANK BROWN,
U.S. Senate, Washington, DC.

DEAR SENATOR BROWN: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I would like to express our support for your compromise music licensing legislation. NFIB believes this proposal will resolve many of the serious problems that exist between the small business community and the music licensing societies—ASCAP, BMI and SESAC.

In a recent NFIB survey, more than 92 percent of small-business owners called for music licensing reform. The time has come for fairness in music licensing.

While your bill is different from S. 1137, it addresses many of the issues that are of great importance to small business owners. It allows small businesses to play incidental music on radios and TV's without violating federal copyright law. In addition, the measure gives small business owners the right to arbitrate fee disputes in local forums rather than forced to file a lawsuit in New York City. Many small businesses across the country cannot afford the added expense of traveling to New York City to dispute fees levied by BMI or ASCAP. The legislation does protect the nine state music licensing laws that have been enacted and the other 15 states with legislation pending.

NFIB commends your efforts to fashion a workable compromise and we look forward to working with you to enact music licensing reform legislation.

Sincerely,

DONALD A. DANNER,
Vice President,
Federal Governmental Relations.

NATIONAL RELIGIOUS BROADCASTERS,
Manassas, VA, March 19, 1996.

Hon. HANK BROWN,
U.S. Senate, Washington, DC.

DEAR SENATOR BROWN: On behalf of National Religious Broadcasters, I want to commend you and Senators Thurmond, Faircloth, Helms and Thomas for introducing legislation to address the inequities and abuses in the current system for licensing copyrighted music. Our organization, which represents over 800 religious broadcast stations and program providers, is grateful for your leadership and is prepared to support you in any way possible to pass this bill in the 104th Congress.

Legislation is badly needed to rectify the injustices forced upon Christian radio by the entertainment licensing monopolies, ASCAP and BMI. For years, our members who use limited amounts of music in their programming have tried to negotiate a fair license that would allow them to pay simply for the music they play and not be charged as if they played copyrighted works all day long.

In the face of monopoly powers granted to ASCAP and BMI by the federal government, and in the absence of clear Congressional policy to guide competition in the licensing arena, we find we have no leverage with which to negotiate a fair "per program license". Your bill goes a long way toward solving that problem.

We also understand your bill will require the music licensing monopolies to disclose in a practical and user-friendly way the songs for which they have the rights to collect royalties, and it will not allow ASCAP, BMI or any other licensing organization to bring infringement actions against music users for songs that are not listed in their publicly available data bases. These provisions, together with an effective per program license, are critical to establishing music licensing rules that bear some resemblance to a free market system.

In addition to our strong support for your bill, I also urge you and your cosponsors to block any copyright-related legislation in the Senate that does not incorporate music licensing reforms. It would be unconscionable for Congress to enact any measures that enhance the economic clout of the music licensing monopolies without first correcting their abusive business practices. In the view of religious broadcasters, the current system essentially forces Christian radio stations to indirectly subsidize immoral, violent and sexually explicit entertainers—entertainers who reap millions in royalties from the unfair blanket licenses small religious broadcasters are forced to buy. Please see the attached resolution passed by the NRB Board of Directors in February in this regard.

Thank you again for taking a stand for fairness in music licensing. In doing so, you're also making a stand for the positive, life-changing power of religious radio. The millions of Americans whose lives are enriched every day by religious broadcasts are watching this issue very carefully.

Sincerely,

E. BRANDT GUSTAVSON, L.L.D., *President*.

NATIONAL RETAIL FEDERATION,
Washington, DC, March 19, 1996.

Hon. HANK BROWN,
U.S. Senate, Washington, DC.

DEAR SENATOR BROWN: On behalf of the National Retail Federation and the 1.4 million U.S. retail establishments, I am writing to support your compromise legislation to amend federal copyright law to provide the nation's retailers with protection against the arbitrary pricing, discriminatory enforcement and abusive collection practices of music licensing organizations.

Retailers of all sizes, particularly smaller establishments in your state, are confronted daily by costly and unreasonable demands from music licensing organizations. These organizations have monopoly power to set rates and therefore, retailers are frequently asked to pay outrageous and unfair licensing fees to play music which is only incidental to the purpose of their business.

Under your legislation, business establishments that use radio or TV music with less than 5,000 square feet of public space would be exempt from licensing fees as long as the music was purely background or incidental to the purpose of the business, and customers were not charged a fee to listen to the music. While not all retailers are covered under this compromise, we believe it represents significant progress. Your bill also gives businesses the right to arbitrate fee disputes in local forums rather than being forced to file lawsuits in New York and requires music licensors to provide consumers with full information about the music they are purchasing.

Thank you for your leadership on behalf of America's Main Street. Your efforts and those of your staff to provide relief are greatly appreciated. We look forward to working with you to enact this legislation.

Sincerely,

JOHN J. MOTLEY III,
Senior Vice President, Government and Public Affairs.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, March 19, 1996.

Hon. HANK BROWN,
U.S. Senate, Washington, DC.

DEAR SENATOR BROWN: On behalf of the National Restaurant Association and the 739,000 foodservice establishments nationwide, we would like to express our support for your compromise music licensing legislation. We believe this proposal will resolve many of the serious problems that exist between the business community and the music licensing societies—ASCAP, BMI, and SESAC.

As you know, your legislation represents major concessions by the business community and is different from S. 1137, the Fairness in Musical Licensing Act of 1995. More importantly, however, you measure addresses many of the issues that are of great significance to restaurateurs throughout the country. These include:

Allowing for a logical expansion of current law to allow small businesses to play incidental music on radios and TVs without violating federal copyright law.

Giving businesses the right to arbitrate fee disputes in local forums rather than being forced to file a lawsuit in New York City.

Requiring music licensors to provide consumers with full information on the product—the music—they are buying.

All of this is done while protecting the nine state laws that have been enacted and the other 15 states with legislation pending. As you know, S. 1619, introduced by Senator Hatch would preempt all state music licensing laws. It also, in our opinion, fails to address the number of the problems that exist with the societies including arbitration and access to repertoire.

Senator, as you know, restaurateurs from around the country have faced harassment, frivolous lawsuits, and arbitrary and onerous licensing fees. On behalf of the entire industry, we want to thank you and your staff for the countless hours you have devoted to reach a reasonable compromise. We fully support your efforts and will work towards enactment of your bill.

Sincerely,

ELAINE GRAHAM,
Senior Director, Government Affairs.

KATY MCGREGOR,
Legislative Representative.●

By Mr. STEVENS (for himself, Mr. DOLE, Mr. ABRAHAM, Mr. BENNETT, Mr. BROWN, Mr. COATS, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. GRAMS, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. KEMPTHORNE, Mr. KYL, Mr. NICKLES, Mr. SIMPSON, Mr. SMITH, and Mr. THOMPSON):

S. 1629. A bill to protect the rights of the States and the people from abuse by the Federal Government; to strengthen the partnership and the intergovernmental relationship between State and Federal governments; to restrain Federal agencies from exceeding their authority; to enforce the 10th amendment to the Constitution; and for other purposes; to the Committee on Governmental Affairs.

THE 10TH AMENDMENT ENFORCEMENT ACT OF 1996

Mr. STEVENS. Mr. President, today, on behalf of 23 of my colleagues, as well as Governors, attorneys general, State legislators, and mayors across the Nation, I rise to introduce the 10th Amendment Enforcement Act of 1996.

The 10th amendment was a promise to the States and to the American people that the Federal Government would be limited, and that the people of the States could, for the most part, govern themselves as they saw fit.

Unfortunately, in the last half century, that promise has been broken. The American people have asked us to start honoring that promise again: to return power to State and local governments which are close to and more sensitive to the needs of the people.

The 104th Congress and in particular, the Unfunded Mandates Reform Act, started to shift power out of Washington by returning it to our States and to the American people. Today we continue that process.

The 10th Amendment Enforcement Act of 1996 will return power to the States and to the people by placing safeguards in the legislative process, by restricting the power of Federal agencies and by instructing the Federal courts to enforce the 10th amendment.

The act enforces the 10th amendment in five ways:

First, the act includes a specific congressional finding that the 10th amendment means what it says: The Federal Government has no powers not delegated by the Constitution, and the States may exercise all powers not withheld by the Constitution;

Second, the act states that Federal laws may not interfere with State or local powers unless Congress declares its intent to do so and Congress cites its specific constitutional authority;

Third, the act gives Members of the House and Senate the ability to raise a point of order challenging a bill that lacks such a declaration or that cites insufficient constitutional authority. Such a point of order would require a three-fifths majority to be defeated;

Fourth, the act requires that Federal agency rules and regulations not interfere with State or local powers without constitutional authority cited by Congress. Agencies must allow States notice and an opportunity to be heard in the rulemaking process;

Fifth, the act directs courts to strictly construe Federal laws and regulations that interfere with State powers, with a presumption in favor of State authority and against Federal preemption.

Before the bill was even introduced, I received letters of support from many Governors and attorneys general—men and women from across the Nation and from both parties who support our efforts to return power to the States and to the people.

Mr. President, I ask unanimous consent that the text of the bill and letters from Governors Allen, Bush,

Engler, Leavitt, Merrill, Racicot, Cayetano, and Thompson, and from Attorneys General Bronster, Condon, and Norton be included in the RECORD.

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

(See exhibit 1.)

Mr. STEVENS. Mr. President, as the Supreme Court has stated,

just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.

The 10th Amendment Enforcement Act of 1996 will prevent overstepping by all three branches of the Federal Government, and will focus attention on what State and local officials have been advocating for so long: the need to return power to the States and to the people.

EXHIBIT 1

S. 1629

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 referred to as the ''Tenth Amendment Enforcement Act of 1996.''

SEC. 2. FINDINGS.

The Congress finds that—

(a) in most areas of governmental concern, State governments possess both the Constitutional authority and the competence to discern the needs and the desires of the People and to govern accordingly;

(b) Federal laws and agency regulations, which have interfered with State powers in areas of State jurisdiction, should be restricted to powers delegated to the Federal Government by the Constitution;

(c) the framers of the Constitution intended to bestow upon the Federal Government only limited authority over the States and the People;

(d) under the Tenth Amendment to the Constitution, the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;

(e) the courts, which have in general construed the Tenth Amendment not to restrain the Federal Government's power to act in areas of State jurisdiction, should be directed to strictly construe Federal laws and regulations which interfere with State powers with a presumption in favor of State authority and against Federal preemption.

SEC. 3. CONGRESSIONAL DECLARATION.

(a) On or after January 1, 1997, any statute enacted by Congress shall include a declaration—

(1) that authority to govern in the area addressed by the statute is delegated to Congress by the Constitution, including a citation to the specific Constitutional authority relied upon;

(2) that Congress specifically finds that it has a greater degree of competence than the State to govern in the area addressed by the statute; and

(3) if the statute interferes with State powers or preempts any State or local government law, regulation or ordinance, that Congress specifically intends to interfere with State powers or preempt State or local government law, regulation, or ordinance, and that such preemption is necessary.

(b) Congress must make specific factual findings in support of the declarations described in this section.

SEC. 4. POINT OF ORDER.

(a) IN GENERAL.—

(1) INFORMATION REQUIRED.—It shall not be in order in either the Senate or House of Representatives to consider any bill, joint resolution, or amendment that does not include a declaration of Congressional intent as required under section 3.

(2) SUPERMAJORITY REQUIRED.—The requirements of this subsection may be waived or suspended in the Senate or House of Representatives only by the affirmative vote of three-fifths of the Members of that House duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate or House of Representatives duly chosen and sworn shall be required to sustain an appeal of the ruling of the chair on a point of order raised under this subsection.

(b) RULE MAKING.—This section is enacted—

(1) as an exercise of the rule-making power of the Senate and House of Representatives, and as such, it is deemed a part of the rules of the Senate and House of Representatives, but is applicable only with respect to the matters described in sections 3 and 4 and supersedes other rules of the Senate or House of Representatives only to the extent that such sections are inconsistent with such rules; and

(2) with full recognition of the Constitutional right of the Senate or House of Representatives to change such rules at any time, in the same manner as in the case of any rule of the Senate or House of Representatives.

SEC. 5. EXECUTIVE PREEMPTION OF STATE LAW.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 559 the following new section:

"SEC. 560. PREEMPTION OF STATE LAW.

''(a) No executive department or agency or independent agency shall construe any statutory authorization to issue regulations as authorizing preemption of State law or local ordinance by rule-making or other agency action unless—

''(1) the statute expressly authorizes issuance of preemptive regulations; and

''(2) the executive department, agency or independent agency concludes that the exercise of State power directly conflicts with the exercise of Federal power under the Federal statute, such that the State statutes and the Federal rule promulgated under the Federal statute cannot be reconciled or consistently stand together.

''(b) Any regulatory preemption of State law shall be narrowly tailored to achieve the objectives of the statute pursuant to which the regulations are promulgated and shall explicitly describe the scope of preemption.

''(c) When an executive branch department or agency or independent agency proposes to act through rule-making or other agency action to preempt State law, the department or agency shall provide all affected States notice and an opportunity for comment by duly elected or appointed State and local government officials or their designated representatives in the proceedings.

''(1) The notice of proposed rule-making must be forwarded to the Governor, the Attorney General and the presiding officer of each chamber of the Legislature of each State setting forth the extent and purpose of the preemption. In the table of contents of each Federal Register, there shall be a separate list of preemptive regulations contained within that Register.

''(d) Unless a final executive department or agency or independent agency rule or regulation contains an explicit provision declaring the Federal government's intent to preempt State or local government powers and an explicit description of the extent and purpose of that preemption, the rule or regulation shall not be construed to preempt any State or local government law, ordinance or regulation.

''(e) Each executive department or agency or independent agency shall publish in the Federal Register a plan for periodic review of the rules and regulations issued by the department or agency that preempt, in whole or in part, State or local government powers. This plan may be amended by the department or agency at any time by publishing a revision in the Federal Register.

''(1) The purpose of this review shall be to determine whether and to what extent such rules are to continue without change, consistent with the stated objectives of the applicable statutes, or are to be altered or repealed to minimize the effect of the rules on State or local government powers.''.

(b) Any Federal rule or regulation promulgated after January 1, 1997, that is promulgated in a manner inconsistent with this section shall not be binding on any State or local government, and shall not preempt any State or local government law, ordinance, or regulation.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by adding after the item for section 559 the following:

"§ 560. Preemption of State Law.".

SEC. 6. CONSTRUCTION.

(a) No statute, or rule promulgated under such statute, enacted after the date of enactment of this Act, shall be construed by courts or other adjudicative entities to preempt, in whole or in part, any State or local government law, ordinance or regulation unless the statute, or rule promulgated under such statute, contains an explicit declaration of intent to preempt, or unless there is a direct conflict between such statute and a State or local government law, ordinance, or regulation, such that the two cannot be reconciled or consistently stand together.

(b) Notwithstanding any other provision of law, any ambiguities in this Act, or in any other law of the United States, shall be construed in favor of preserving the authority of the States and the People.

(c) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, March 18, 1996.

Hon. TED STEVENS,
Chairman, Government Affairs Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent correspondence sharing with me your proposal to strengthen the 10th Amendment by requiring the federal government to restrict its legislative and regulatory activities to those powers delegated to it under the Constitution.

As you know, I have spent a great deal of time over the past few years working on 10th Amendment issues, and I am very supportive of your proposed legislation. As I have studied the history of the 10th Amendment, it has become clear to me that we must act overtly to strengthen this important precept of the Constitution, or it will continue to erode away.

Let me provide some background on why I believe this is so important. The founders of our country attempted to carefully balance power between the competing interests of the states and the national government. They worried that the national government might gain too much power, so they gave

states tools, or rules, that if followed would maintain the healthly tension necessary to protect self-governance by the people and prevent any level of government from overstepping its bounds.

Among those rules or tools given to states were these:

The 10th Amendment, which reserved any power not specifically delegated to the national government to the states and the people. Clearly, the founders intended the national government to stay within the bounds of duties enumerated in the Constitution.

The election of U.S. senators by state legislatures. Having senators directly accountable to state legislatures would keep the national government in check. If the national government centralized authority or passed bills disliked by the states, legislatures could call their senators in for an accounting. It would not be likely for the Congress to usurp state authority if senators owed their political lives to state legislatures. The power was carefully balanced and the tension was healthy.

The ability of state legislatures to initiate constitutional amendments. This also would keep the national government in check because if it got out of line the states could take action to rein it in. It is clear that the founders intended state leaders to have the ability to initiate constitutional amendments.

The sense that state leaders would rise in indignation and band together to oppose congressional centralization of authority and usurpation of power. In *Federalist 46*, James Madison predicted that ''ambitious encroachments of the federal government on the authority of the state governments . . . would be signals of general alarm. Every government would espouse the common cause . . . plans of resistance would be concerted.'' States would react as though in danger from a ''foreign yoke,'' he suggested.

Those were some of the tools the founders put in place to safeguard the roles of both levels of government and to prevent either from becoming too dominant.

It would likely be a matter of some bitterness and disappointment to the founders if they were to return today to see what happened to the finely-crafted balance, the healthy tension that they built into the Constitution. As they see a national government that dictates to states on nearly every issue and that is involved in every aspect of citizens' lives, they might wonder what happened to those tools and rules they established to maintain balance.

The sad fact is that each one of those tools has either been eroded away, given away, or rendered impossible to use. Thus, today there does not exist any restraint to prevent the national government from taking advantage of the states. To their credit, leaders of the Republican Congress have gone out of their way to involve governors in important decisions. But there is nothing permanent in that relationship. With a change in leadership, state leaders could easily be relegated to their past status as lobbyists and special interest groups. Over the past several decades, they have had to approach Washington hat in hand, hoping and wishing that Congress will listen to them. There has been no balance of power, no full partnership in a federal-state system. States must accept whatever the Congress gives them. States have no tools, no rules, ensuring them an equal voice.

Let's look at what happened to those tools and rules the founders so carefully provided to ensure balance.

The 10th Amendment has been eroded to the point that in the minds of most Washington insiders it barely exists. The preponderance of congressional action and federal court decisions over the past 60 years have rendered the 10th Amendment nearly meaningless. It would barely be recognizable by the founders. States did not defend or guard it properly and it no longer protects states.

States gave away the power to have their U.S. senators directly accountable to state legislatures. There was good reason for this, as graft and corruption sometimes occurred in the appointment of senators by legislatures. States ratified the 17th Amendment making senators popularly elected, and citizens should not be asked to give up the right to elect their senators. But while it does not make sense to try to restore that tool, it should be replaced with something else more workable.

The ability of states to initiate constitutional amendments has never been used and is essentially unworkable. Clearly, the founders intended for state leaders to be able to initiate amendments as a check on federal power, but it has never happened and likely never will. The Congress sits as a constitutional convention every day it is in session, and can propose constitutional amendments any time it desires. But many citizens have an enormous fear of state leaders coming together to do the same thing, even though any amendment proposed would require ratification by three-fourths of states. Thus, this tool provided by the founders has become impractical and does not protect states from federal encroachment.

The fourth tool was the founders' belief that state leaders would jealously guard their role in the system and rise up in opposition to federal intrusions. That has not happened, especially as state governments have become dependent on federal dollars and have been willing to give up freedom for money. States have proven themselves to be politically anemic. Instead of mobilizing against federal encroachments, state leaders have spent their time lobbying for money and hoping for flexibility.

Thus, it is no wonder that states have little true clout as budget cuts are made and as the pie is being divided in Washington D.C. There is no healthy tension. States have no tools or rules to protect themselves. What is passing for federalism in Washington today is not a true sharing of power, but a subcontracting of federal programs to states. The federal government is merely delegating, not devolving true authority.

Because the tools protecting states have been rendered ineffective, it is important that Congress replace them with new versions that accomplish what the Founders intended. That is why I am so supportive of your Tenth Amendment Enforcement Act. It would help prevent all three branches of the federal government from overstepping their constitutional authority and would help restore the careful balance put in place by the Founders.

I thank you for your efforts to return power to the states and to the people. Please count me among the supporters of this legislation.

Sincerely,

MICHAEL O. LEAVITT,
Governor, State of Utah.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
March 12, 1996.

Hon. TED STEVENS,
Member, U.S. Senate, Chairman, Committee on Governmental Affairs, Washington, DC.

DEAR TED: Thank your for your letter regarding the Tenth Amendment Enforcement Act of 1996.

Two centuries ago, the challenge to individual liberty came from an arrogant, overbearing monarchy across the sea. Today, that challenge comes all too often from our own federal government, which has ignored virtually every constitutional limit fashioned by the framers to confine its reach and thus to guard the freedoms of the people.

In our day, the threat to self-determination posed by the centralization of power in the nation's capital has been dramatically demonstrated. Under my administration, Virginia has challenged the constitutionality of federal mandates in court, and I have testified before the Congress in support of restoring powers to the States and the people.

The legislation you are proposing will help the States and the people regain prerogatives usurped by an overbearing federal government. I wholeheartedly support your efforts and would be pleased to work with you to highlight the impact of federal intrusion in Virginia.

With kind personal regards, I remain,

Sincerely,

GEORGE ALLEN.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, March 19, 1996.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: I am writing in support of the Tenth Amendment Enforcement Act of 1996, which I understand you intend to introduce this week. Congressional action of this type is necessary to restore vigor to this often-neglected provision of our constitution and I wholeheartedly support your effort to do so.

Congress has over the years run roughshod over state concerns and prerogatives and has generally lost sight of the fact that ours is a federal system of government. In that system, the federal government has only those powers specifically delegated to it and enumerated in the constitution, with the balance remaining with the states or the people. Too often in our recent history the federal government has ignored the meaning of the Tenth Amendment in a mad rush to impose a one-size-fits-all approach in areas of traditional state and local concern. This approach stifles innovation and takes the policy debate further from the people by centralizing decision-making in Washington, D.C.

A recent example of federal intrusion into a matter best left to the states is the Motor Voter law, which imposes an unfunded mandate on the states to offer voter registration services at state social services offices. Michigan must comply with this requirement even though nearly 90 percent of its eligible population is already registered to vote. In fact, Michigan demonstrated the states' superior ability to craft innovative solutions in areas such as this when it initiated the motor voter concept some 21 years ago by offering voter registration services at Secretary of State branch offices. The imposition of a federal ''solution'' in this area ignores the fact that states are better positioned to address the needs of their citizens and can do so without prodding from the federal government.

The Tenth Amendment Enforcement Act of 1996 will help restore the balance to our federal system that the framers of the constitution intended. It will do so by requiring congress to identify specific constitutional authority for the exercise of federal power. This will have the salutary effect of reminding the congress that it can legislate only pursuant to an enumerated power in the constitution. Requiring congress to state its intention to preempt existing state or federal law or interfere with state power should assist in limiting the intrusion the federal Motor Voter law exemplifies.

I recently offered amendments to the National Governors' Association's policy on