

the Justice Department investigate as they have been doing.

Mr. Speaker, I rise to speak on the request of the majority party's request for the Attorney General to appoint an independent counsel to investigate possible fundraising violations in connection with the 1996 Presidential campaign. The Independent Counsel Act sets forth very clear circumstances in which an independent counsel may be appointed.

First, if there are sufficient allegations of criminal activity of a covered person and if there are sufficient allegations of criminal activity by a person other than a covered person, and then an investigation or prosecution of that person by the Department of Justice may result in a conflict of interest, and independent counsel may be appointed. There must be specific and credible evidence. I urge my colleagues to read the statute which makes this quite clear. The Attorney General has already convened a task force that will investigate Democratic campaign fundraising. This does not call for an appointment of an independent counsel and the Attorney General's decision should be respected on this matter by all Members of Congress.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

#### WETLANDS RESTORATION AND IMPROVEMENT

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

Mr. JONES. Mr. Speaker, I rise today to announce the introduction of H.R. 1290, the Wetlands Restoration and Improvement Act. This legislation builds upon the mitigation banking bill I introduced last year and also the Federal guidance which was issued in 1995.

My eastern North Carolina district includes a majority of the coast and four major river basins; specifically, 65 percent of the land can be classified as wetlands. The citizens are directly affected by wetlands and the numerous regulations that protect the wetlands. I have been contacted by farmers, business owners and State and local officials, landowners and even the military for advice and guidance in hopes of reaching a balance between protecting these valuable wetlands and improving water quality but also allowing for eco-safe development.

Quite frankly, these different opinions have led to years of confrontation instead of reaching common sense solutions. I believe that in order to make

progress we need cooperation instead of confrontation. It is time to find a middle ground on which everyone can agree on and everyone can win.

This commonsense approach is mitigation banking.

Mitigation banking is a concept embraced by regulators, developers and the environmental community. It is a balanced approach to improving the wetland mitigation process. Mitigation banking recognizes the need to protect our wetlands resources while balancing the rights of property owners to have reasonable use of their properties.

Wetlands mitigation banking allows private property owners to pay wetlands experts to mitigate the impact their development has on wetlands. Those experts working with regulators do the mitigation in banks of lands which are set aside and restored to wetlands status.

Years ago the Federal Government adopted a no-net-loss wetlands policy. Due to the belief at the time that a majority of the Nation's wetlands had been destroyed, a whole system of regulations were designed to stop further destruction of our wetlands, one part being the requirement of a landowner to mitigate his or her wetland damage.

Quite frankly, traditional mitigation is not working. It is too expensive, time consuming and ineffective. Approximately 90 percent of onsite mitigation is unsuccessful.

Mr. Speaker, unlike other mitigation projects, mitigation banks are complete ecosystems. Regulators usually require that more wetlands be restored in a bank than are destroyed in a project. So instead of only trying to protect remaining wetlands, with mitigation banking we are actually increasing wetland acreage.

What is more, because the mitigation banks give economic value to wetlands, potentially billions of private sector dollars could flow into restoring wetlands and sensitive watersheds.

However, Federal legislation is needed. Mr. Speaker, mitigation banking has been occurring but is very limited because regulators have no statutory guidance. Also, investors are hesitant to invest the money needed to restore wetlands without legal certainty.

The Wetlands Restoration and Improvement Act will give wetlands mitigation banking the statutory authority it needs to flourish, and it will begin restoring the wetlands that many thought were lost forever.

Specifically, the legislation requires the banks to meet rigorous financial and legal standards to ensure that the wetlands are restored and preserved over a long time, provides for ample opportunity for meaningful public participation, and, third, the bank itself has a credible long-term operation and maintenance plan.

This legislation can and should be a bipartisan effort to ensure that in the next century we will do what we have to do in order to protect valuable wetlands. I hope my colleagues will join

me, Mr. Speaker, in supporting this bill.

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

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. GEKAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. NEUMANN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### LINE-ITEM VETO IS UNCONSTITUTIONAL

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

Mr. PAUL. Mr. Speaker, I appreciated very much the remarks made by the previous speaker regarding Jackie Robinson. I think it would be interesting to note that the great achievement of Jackie Robinson all occurred prior to affirmative action, and I think that should be noted.

Today, though, I would like to spend a few minutes talking about the courts. I have been a strong critic of the courts, especially the Federal courts, because so often the Federal courts seem to be unconcerned about the Constitution, and so often they do a lot more legislation than they should.

Last week there was a court ruling that I was very pleased with, and I believe they deserve a compliment. There was a Federal court judge by the name of Thomas Jackson last week in the district court who ruled that the line-item veto was unconstitutional. Simply put, he said, it was unconstitutional because it delegated too much powers to the President. It was clear in the Constitution that the powers to legislate are given to the Congress. So I am very pleased to see this ruling and to compliment him on this.

To me, it was an astounding event really to see so many a few years back pass the legislation that gave us the line-item veto, and so often the proponents of the line-item veto was made by individuals who claimed they were for limited government. But this item, the line-item veto really delegates way too much power to the President, is unconstitutional, and if we believe in limited government, we ought to believe

in maintaining this power in the House of Representatives and in the Senate.

The court ruled that it just is not constitutional for a President to be able to rescind an appropriation or specific tax or a specific tax benefit, or for even that matter, a regulation. This is far and beyond anything intended by the writers of the Constitution. I am convinced the founders of this country, the writers of our Constitution, would have been proud of this ruling.

The line-item veto gives too much power to the President. It gives the President political power. It gives him the chance to lobby for his particular piece of legislation with the threat that if you do not vote for what I want, I can line-item veto that special thing that you like for your district.

Having been in the Congress prior to this term for several years, I had been lobbied on a few occasions by conservative Presidents, and the only time they ever called was for me to vote for more spending, never less spending. So I see the line-item veto as something a President can use actually to enhance or increase spending, not to reduce spending, which is the intent.

The line-item veto will still be ruled on again in the Supreme Court. I am sure it will be appealed. I will be anxiously awaiting to find out exactly what occurs there, but already in the corridors I hear a fair amount of grumbling among our fellow Members, Members who are saying, I wonder what the President is going to do. Is he going to take his veto pen out and line-item out a special project. I think that is a justifiable concern.

I think it is important that we concern ourselves about these issues because the main goal that we ought to have is to follow our oath of office, which is to obey the Constitution, and we should not be passing legislation that disregards the Constitution.

When the judge ruled, he had a statement that was somewhat out of the ordinary, but to me rather profound. He said that it is critical that we maintain the separations of powers in order to preserve liberty. That is the purpose of the separation of powers. It is to preserve liberties. It was designed deliberately, specifically, and we must cherish it.

I have to compliment those individuals from the other side of the aisle who brought suit, took it to court, and insisted that this be ruled on with the sincere belief that it is unconstitutional to have a line-item veto. I appreciate that very much.

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

[Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### NOMINATION OF ALEXIS HERMAN AS SECRETARY OF DEPARTMENT OF LABOR

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

Mr. DUNCAN. Mr. Speaker, very soon the other body will vote to confirm Alexis Herman as Secretary of Labor. I am sure that the Senators will vote almost unanimously for her because no one has been asking the tough questions that need to be asked about this nomination, yet the liberal magazine, *The New Republic*, has a scorching article about Ms. Herman in its current issue.

The *New Republic* would ordinarily be one of the strongest supporters for someone like Ms. Herman, but listen to what *The New Republic* has to say about her. "It would not be quite accurate to say that Herman's political career has been tainted by cronyism. Her political career is cronyism. For Herman, it seems government has meant little more than a way to enrich herself and her friends."

The President should reconsider this nomination in light of all of the reports in *The New Republic*, *The Washington Times*, and other publications concerning questionable financial dealings. It appears that Ms. Herman has spent her career doing political wheeling and dealing at great expense to the American taxpayer. Let me mention just two examples.

Ms. Herman was paid \$600,000 simply for advising on hiring minority firms for construction of the Federal Triangle project in Washington, DC. Six hundred thousand dollars is an unbelievably exorbitant fee for this type of work. Then the project was criticized for its very poor job in hiring minority firms, the very thing for which Ms. Herman was being paid. The Senate should have subpoenaed Ms. Herman and her records and questioned her in great detail about exactly what she did to get all of this money. This project, with interest, financing and all of the sweetheart deals, is going to cost \$2 billion, according to the GAO, and be the most expensive Federal building project in history.

Then there is the Market Square project, also in Washington, DC. According to *The Washington Times*, Ms. Herman was reportedly given a 1-percent ownership primarily because of her connections to Washington, DC Mayor Marion Barry. This 1-percent interest may now be worth as much as \$500,000, which she got to be a minority partner, even though she never invested any of her own money.

There are other examples, Mr. Speaker, and every Member of the other body should read this article in the current issue of *The New Republic* before they vote to confirm Ms. Herman. The title of the article is "Dishonest Labor." I will be sending every Member of the other body a copy of this article tomorrow.

I have no illusions, Mr. Speaker. I know she will be overwhelmingly confirmed, but the Senate should not confirm someone who has gotten rich for very little work or investment at great expense to the taxpayer. No one should be put in charge of a major department of the Federal Government who has such a cavalier disregard for the taxpayer.

At the very least, Mr. Speaker, I certainly hope that when she is confirmed that she stops all of this cronyism and political and financial wheeling and dealing while she is in office. Also, I hope the national news media will stay on guard and closely question every single contract the Department of Labor enters into under her leadership. Is she going to give all the contracts to her friends and pals and political buddies?

I close, Mr. Speaker, by repeating the words from *The New Republic*, not my words, but theirs. "It would not be quite accurate to say that Herman's political career has been tainted by cronyism. Her political career is cronyism. For Herman, it seems government has meant little more than a way to enrich herself and her friends." Not my words, Mr. Speaker, but those of *The New Republic*. Surely we can do better for one of the highest offices in our land.

[From *The New Republic*, April 28, 1997]

#### DISHONEST LABOR

(By Jonathan Chait)

Richard Shelby has distinguished himself in the United States Senate mainly by his passionate and oft-professed hatred for the Clinton administration. Indeed, he has made a career out of Clinton-hating, once proclaiming gleefully that his animosity for the president formed the basis of his popularity in his home state of Alabama. In February 1993, before other Democrats had even polished off the leftover champagne from Clinton's inauguration, Shelby attacked the White House for raising taxes. Clinton retaliated by moving ninety NASA jobs out of Alabama. The relationship went downhill from there. Just after the 1994 elections, Shelby shed his last Democratic vestiges and joined the Republican Party. Like Strom Thurmond and other Dixiecrat-turned-Republicans, Shelby took to the GOP faith with more fervor than most lifetime believers. As a reward, his new party handed him the chairmanship of the Intelligence Committee, from which Shelby resumed his antipathetic ways: over the last two months he almost single-handedly harangued Anthony Lake into forsaking his nomination for CIA director.

On March 19, still basking in the afterglow of Lake's demise, Shelby spoke before the Senate Labor and Human Resources Committee, which had gathered to decide the fate of another controversial Clinton nominee, Labor Secretary-designate Alexis Herman. On this occasion, however, Shelby came to praise, not bury, a Clinton nominee. In proud, almost pious tones, he introduced Herman as if she were a conservative convert. "She's worked in the vineyards," he declared. "She's worked in the Democratic Party. She's worked in the White House. She has earned her way the hard way: by hard work." Shelby wasn't the only senator