

on appropriate ethnic terminology. You can also view the grainy Newsweek cover featuring Asian-American James Riady—the Oct. 28 issue, which is headlined “Candidates for Sale: Clinton’s Asia Connection.” From Slate’s “The Compost,” read Jacob Weisberg’s column about the history of fund-raising fraud in the United States and Eric Liu’s piece damning the press for painting Asian-Americans as having dual loyalties. PoliticsNow begins the new year with a feature, titled “1996 Yearbook: Scandals,” that covers the fund-raising issue. Visit the DNC Web site for a more positive portrayal of the embattled organizations.

#### EPA’S COSTLY REGULATIONS

Mr. BYRD. Mr. President, the Environmental Protection Agency has proposed new rules to modify the ambient air standards for ozone and particulate matter. I recently wrote to the EPA and urged the agency to reaffirm the current standards, conduct additional monitoring of particulate matter and related air quality issues, and allow our States to complete action on the ambitious clean air standards that are already in place before implementing additional regulations. I was joined in this letter by Senators ROCKEFELLER, FORD, GLENN, and ROBB.

These proposed rules have been extremely controversial, and have been sharply criticized by State Governors, municipal leaders, and business organizations. I have recently been made aware that these rules have also been criticized by other Federal agencies.

During the interagency review of these rules overseen by the Office of Management and Budget, several Federal agencies submitted comments which questioned many aspects of the proposed rules, including their scientific basis and cost effectiveness. These comments are part of the public record. Judging by the tone of the comments from the interagency review process, it appears that many Federal agencies are concerned about these proposed rules.

In but one example, the EPA has stated that the total national cost of implementing the ozone rule would be \$2.5 billion. However, the Council of Economic Advisers has stated that the cost of full attainment of just the ozone rule could be \$60 billion, or \$57.5 billion more than estimated by the EPA. This is a substantial discrepancy. The Department of Transportation, in its initial interagency review submission, concluded that “it is incomprehensible that the administration would commit to a new set of standards and new efforts to meet such standards without much greater understanding of the problem and its solutions.” The U.S. Small Business Administration stated that EPA’s proposed regulation “is certainly one of the most expensive regulations, if not the most expensive regulation faced by small businesses in 10 or more years.” The SBA said that “considering the large economic impacts suggested by EPA’s own analysis that will unquestionably fall on tens of

thousands, if not hundreds of thousands of small businesses, this (proposal) would be a startling proposition to the small business community.”

I understand that some of these Federal agencies had also planned on submitting comments to the EPA as part of the public comment period. However, the Oil Daily, a trade publication, has reported that these agencies were prevented from doing so. The Oil Daily reported that “according to a leaked memo, the agencies were muzzled [by OMB] \* \* \*.” The article further quotes the memo as instructing agencies that “based upon reports from a meeting this morning \* \* \* Federal agencies will not [I repeat not] be transmitting comments on the EPA proposals.”

Although the agencies provided critical comments during the interagency review process, there is no evidence that the proposed rules were significantly modified to reflect their concerns. OMB cannot, therefore, defend its “muzzling” of Federal agencies—as characterized by the Oil Daily—by arguing that the proposed rules reflect the collective wisdom and judgment of Federal agencies, when the exact opposite is the case. I would also note that the interagency review comments from last fall are part of the public record, and so there is no reason why the agencies could not also submit comments during the public comment period. EPA and OMB are apparently holding conversations with some of the Federal agencies, but the critical comments of other agencies will not be shared with Congress and other interested parties. On its face, this becomes a private comment period, rather than a public comment period.

I am disturbed by this apparent lack of candor and public accountability on the part of the administration in discussing these rules. These proposed rules will impose significant costs, not only on our Nation, but also on Federal agencies themselves. Many agencies and departments operate facilities that will be directly affected by these rules. As the ranking member of the Senate Appropriations Committee, I believe that these impacts and costs must be considered and reviewed as part of the appropriations process.

I am, therefore, today writing to various Federal agencies requesting that these agencies individually comment on the cost of the proposed EPA rules, both with regard to the operations of the individual departments, and upon that aspect of the Nation’s infrastructure that is regulated by the departments in question. I am also writing to the Director of the Office of Management and Budget, requesting his comments on the cost of these proposed rules to the Federal Government in its entirety.

As our Nation strives to balance the budget, while at the same time providing Federal programs and services desired by the public, it is important that the significant costs of new regulations, such as these, be made available

and taken into account as part of the budget process.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I do not want to take much time. Am I correct in assuming that the Senate is ready to recess shortly?

The PRESIDING OFFICER (Mr. ABRAHAM). The Senate is still waiting for the House with respect to the adjournment resolution.

(The remarks of Mr. DOMENICI and Mr. GORTON pertaining to the submission of S. Con. Res. 16 and S. Con. Res. 17 are located in today’s RECORD under “Submission of Concurrent and Senate Resolutions.”)

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, with the concurrence of my good friend from North Dakota, I will just proceed for a moment.

#### HAPPY BIRTHDAY TO SENATOR DANIEL PATRICK MOYNIHAN

Mr. LEAHY. Mr. President, on March 16, Daniel Patrick MOYNIHAN, the senior Senator from New York State, turned 70. Senator MOYNIHAN has been referred to, quite properly, as the intellectual of the Senate and called by many, a renaissance man. I mean no disrespect when I say that during a couple of the gatherings of the Irish on March 17, he was also referred to as the “World’s Largest Leprechaun.”

To me, Senator MOYNIHAN is a good friend and a mentor, a wise voice that I heard before I was in the Senate, and since. He is a man who has spoken with great prescience on issues involving families and the economy, global power and welfare reform, on so many things.

Senator MOYNIHAN has served in administrations of both Democrat and Republican Presidents. He has always been ahead of his time, sometimes with a controversial voice that then turns out to be the only accurate voice.

Like all other Senators, I wish him very well as he heads into the latest decade of his life.

Mr. President, I ask unanimous consent that a column by David Broder entitled “The Moynihan Imprint” be printed in the RECORD.

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

[From the Washington Post, Mar. 16, 1997]

#### THE MOYNIHAN IMPRINT

(By David S. Broder)

Today is the 70th birthday of a unique figure in the public life of this nation for the past four decades, the senior senator from New York, Daniel Patrick Moynihan. Tomorrow, a day-long symposium and a celebratory dinner at the Woodrow Wilson Center will make it clear just how large Moynihan’s legacy is.

Previewing the papers to be delivered, as Georgetown professor Robert A. Katzmann, a onetime student of Moynihan’s and organizer of the tribute, allowed me to do, was a reminder of just how rich and varied the New York Democrat’s contributions have been.

He has been prescient about subjects as diverse as the crisis of the American family and the breakup of the Soviet Union. As his fellow scholar Seymour Martin Lipset points out, his 1965 report for President Johnson, titled "The Negro Family: The Case for National Action," was bitterly controversial at the time. But 30 years later, everyone has come to understand that the wave of out-of-wedlock births and the scarcity of jobs in the inner cities are overwhelming the welfare system and threatening the stability of the whole society.

As Michael Barone of Reader's Digest notes, it was Moynihan in January of 1980 who said that "the defining event of the decade might well be the breakup of the Soviet empire."

Moynihan was unable to persuade his colleagues in government to move in timely fashion to head off the family crisis he discerned, or to curb the excessive costs of the 1980s arms race with the Russians.

But as Stephen Hess, his deputy in the Nixon White House, and half a dozen others argue, he was a shrewd and often successful operative in policy jobs and diplomatic posts under four presidents (two of each party) and for the last 20 years as a member of the Senate.

For all his focus on social problems, Moynihan has left a strong physical imprint on the nation as well. In his Labor Department days under President Kennedy, he managed to rewrite the architectural standards for government buildings and to launch the rehabilitation of Pennsylvania Avenue into what is now nearing completion as the grand ceremonial thoroughfare of the Republic.

As a senator, Moynihan six years ago fundamentally redirected national transportation policy by converting the traditional highway program into something grandly called the Intermodal Surface Transportation Efficiency Act—a charter for states and communities to use federal funds for mass transit as well as roads. Characteristically, as another paper points out, he had written a magazine article as far back as 1960 on the negative impact the highway-building boom of the 1950s was having on older cities like New York.

Sweeping as they are, the papers to be delivered tomorrow do not embrace all the aspects of the Moynihan persona. Together with his wife, Liz, a warmhearted woman with the toughness it takes to have run most of his campaigns, Moynihan has a great gift for friendship, a talent for keeping score of slights or rebuffs—and a really wicked sense of humor.

On the last point, a speech that Moynihan delivered at a Gridiron Club dinner during the Reagan administration remains indelible in the memories of all who were there. It was his idea to explain to a bemused President Reagan that David Stockman—Reagan's precocious but controversial budget director, who had been a live-in baby sitter of the Moynihans during his Harvard graduate student years—was in fact a Democratic mole who had been programmed to subvert the Reagan presidency from within. It may have been the funniest Gridiron speech ever.

I also cherish the memory of a Moynihan speech in Philadelphia during the Democratic presidential primaries of 1976. Moynihan was supporting his great friend, Sen. Henry M. "Scoop" Jackson of Washington, and had been dispatched by the Jackson campaign to fire up a dinner audience of labor union Jackson backers. They were, of course, drunk and boisterous by the time he arose, but Moynihan delivered a scholarly discourse on the forces shaping the American economy and the Western alliance, worthy of a Harvard seminar. And when he got around to his candidate, a man of sterling qualities

but no great pizzazz, he was inspired to describe Jackson with one of the most gracious phrases ever applied to someone who was really boring. "Our candidate," said Moynihan, "is blessed with the charisma of competence."

The union guys had no idea what the hell he meant, but they knew it deserved applause. That's the way many of us in the press feel about Moynihan. He's sometimes over our heads, and often light years ahead of us. But we know he's something special.

Mr. LEAHY. Mr. Broder speaks far more eloquently than I could of what Senator MOYNIHAN has done and continues to do as he climbs new heights every year.

Mr. President, I also ask unanimous consent that an article from The Hill of Wednesday, March 19, entitled "The Senate's Renaissance Man Turns 70," be printed in the RECORD.

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

[From the Hill, Mar. 19, 1997]

DANIEL PATRICK MOYNIHAN—THE SENATE'S RENAISSANCE MAN TURNS 70

In a public career spanning three decades in the groves of academe and the halls of government, Sen. Daniel Patrick Moynihan (D-N.Y.) has helped shape public policy on a wide range of issues that bear on almost every major aspect of American life.

Thus, when he turned 70 on St. Patrick's Day, a group of Moynihan's friends, aides, colleagues and supporters used the occasion to highlight his accomplishments at a day-long celebration at The Woodrow Wilson Center.

The four-term senator, former U.S. ambassador to India, former Harvard professor and aide to three presidents was the guest of honor at a dinner culminating the tribute to "The Intellectual as Public Servant," excerpts of which follow.

(By Michael Barone, Senior Staff Editor, Reader's Digest)

Harry McPherson, writing about the Senate of the 1950s, described a Senate dominated by "whales" and populated otherwise by "minnows." But the Senate in which Daniel Patrick Moynihan took his place was quite another place. The senators after whom the three Senate office buildings were named had all died—Richard Russell in 1971, Everett Dirksen in 1969, Philip Hart in 1976. Sam Ervin had retired in 1974 and William Fulbright was beaten that year. Hubert Humphrey was battling the cancer that killed him in 1978 and his old adversary James Eastland would retire that year. Lyndon Johnson and Robert Taft were long gone. Mike Mansfield had retired and the new majority leader, Robert Byrd, was regarded as a technician, in an office that carries none of the great powers appertaining to the Speaker of the House. Fully 18 of the 100 senators in January 1977 had been elected for the first time. CBS News had to rent the large room in the Sheraton Carlton Hotel and repaint it for their "Meet the Senators" program. This was a heavily Democratic Senate, but a Senate without driving Democratic leaders, and a Senate which knew little or nothing about its new Democratic president. It was a Senate in which political and policy entrepreneurs could articulate their ideas and advance their causes: not a bad place for a Renaissance man. "In this Senate, you do your work in committees, not on the floor," Moynihan has said. And so Moynihan's first and perhaps most important decisions were what committees to serve on. He had confronted

the question in a debate in the 1976 primary, unsure at first how to answer. His opponents gave predictable answers—Labor, said one, because that is where the great urban aid programs are drawn up; Foreign Relations, said another, the forum for the great debates on the Vietnam War; another said Judiciary, which handled civil rights. Moynihan's answer: "Finance. Because that's where the money is."

(By Nicholas N. Eberstadt, Visiting Scholar, American Enterprise Institute)

Anyone even vaguely familiar with his long and distinguished career will already know that Daniel Patrick Moynihan is a polymath. For over four decades, this sometime speechwriter, political adviser, domestic affairs counselor, diplomat and senator has also occupied himself, with seeming effortlessness, as an established expert—in fact, a pre-eminent authority—in an unnerving multiplicity of intellectual disciplines and academic fields: among them, American history, architectural criticism, arms control, educational policy, ethnology, income policy, international law, public finance, public policy research and evaluation, the sociology of the family, and urban planning. As a habitual and evidently incorrigible trespasser in the sometimes jealously guarded fields of specialized learning, it should come as no surprise that Moynihan's intellectual ambit has taken him into many other areas not enumerated above.

(By Suzanne Garment, Resident Scholar, American Enterprise Institute)

The foreign service will never be composed of Moynihans—and a good thing, too. The international political system would collapse under the pressure. Still, every so often the debate resumes about whether the foreign service is professionalized enough and whether too many ambassadorial appointments are going to outsiders who do not have "ambassadorial temperament." When we hear this argument, we should remember that making reasonable room for outsiders is necessary if we are to have room for the Moynihans, and that having one Moynihan around at a crucial foreign policymaking juncture makes it worthwhile to put up with entire troops of lesser professionals in the ambassadorial ranks.

(By Robert A. Katzmann, Walsh Professor, Georgetown University, The Brookings Institution)

But for the 20th Amendment, March 4, 1997, would have been the day the nation inaugurated its president. Instead, it may come to be remembered as the day when the nation began to change its mindset about secrecy in government. For that is when the Commission on Protecting and Reducing Government Secrecy issued its report.

Most commissions receive scant attention. Rare is the commission report which has a life beyond its issuance; most are consigned to the microfiche collection in the basement of some federal depository library. But this report on secrecy would be different because of its chair, Sen. Daniel Patrick Moynihan.

If the typical commission is concerned with moving organizational units from one place to another, this would seek to change the way we think about a problem so as to better address it. It is vintage Moynihan—using an instrument of government, in this case a commission, to shape the very definition of policy and its debate.

(By Stephen Hess, Senior Fellow, The Brookings Institution)

Sen. Moynihan is the political man of ideas. Some are his own, some he borrows,

some are cosmic, others more modest: Our generation greatest spotter of ideas that might make our society somehow better. This is a remarkable talent. But what turns it into a national treasure is a finely attuned antenna for knowing when an idea is ready for the public arena, the skill to be in positions to make his ideas matter, and the flair to make others notice. It is a harnessing of intellectual energy and political smarts that is so rare that when such a person is also blessed with long life, we must create opportunities to celebrate.

(By Seymour Martin Lipset, Hazel Professor of Public Policy, George Mason University)

Why was Moynihan so prescient? I would say because he has known from the start that there is no first cause, not in politics, not in social science.

What Pat teaches is that not only are there no utopias, there are no solutions, not in the state or in the completely uncontrolled market. There are only approximations, only the continuing struggle for decency, for morality, for equality of opportunity and respect.

(By Robert A. Peck, Commissioner, Public Buildings Service)

What did he know and when did he know it? Ask this about Pat Moynihan in the matter of public works and, as in so many other fields of public policy, the answers are: more than everyone else and long before, as well. In public works, as in other arenas, he has transformed the debate. Public architecture he single-handedly disinterred from the grave and resurrected on the political agenda. If you would see his monuments in this field, look about you literally.

On public buildings, urban design, highways, transit, waterways, water supply and even sewers, he has brought to bear his trademark qualities; an eclectic historical memory, a rapier tongue and typewriter, a nose for demography and geography, an inner ear for the data that matter and in immunity to ideological blinking. In this field in particular Moynihan the political vote-counter and Moynihan the passionate New Yorker rival Moynihan the political scientist. Moynihan's achievements are worthy of the great public builders, from Hadrian to Hausmann to Robert Moses, only Moynihan's are humane.

Mr. LEAHY. Mr. President, I thank the forbearance of my good friend, the senior Senator from North Dakota, and I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to thank the Senator from Vermont for his observations on the ranking member of the Finance Committee, who is really an American legend.

I also want to just say to my colleague, Senator BUMPERS, who is coming on the floor, that I will be brief so that Senator BUMPERS can have his time. And I look forward to hearing his remarks.

#### THE BUDGET

Mr. CONRAD. Mr. President, let me just say that Senator DOMENICI, the chairman of the Budget Committee, has come to the floor this afternoon and presented two possible budgets. One is the President's budget, but

without the trigger mechanism the President provided to assure balance even if the Congressional Budget Office projections are the ones that are used.

The President's budget, of course, reaches unified balance by the estimates of the Office of Management and Budget, but it does not reach balance by the estimates of the Congressional Budget Office. And I want to emphasize, "unified balance." All of us need to understand that is not real balance.

Nobody should be fooled anywhere about any of these budgets that talk about balancing on a so-called unified basis, because when they use that big word, what they are talking about is putting all of the trust funds into the pot to claim balance. So I think it is important to understand I do not believe any of these budgets that claim unified balance are really balanced budgets at all.

But, with that said, I think it is also important to understand when you hear these differences between Office of Management and Budget projections and Congressional Budget Office projections, the fact is both of them over the last 4 years have been overly pessimistic. They have overestimated what the deficit would be. And I think that is also important to keep in mind.

As I understand it, the Senator from New Mexico, the chairman of the Budget Committee, offered the President's budget but without his trigger mechanism. Why did the President not balance according to CBO's projections? Well, very simply, when he did his budget he did not have available to him the CBO baseline. He did not have available the CBO projections. Although he asked for them, and asked for them repeatedly, they were not prepared in time.

So in order to fulfill his responsibility to present a budget, he used his Office of Management and Budget projections, which, again, I emphasize have been overly pessimistic, not a rosy scenario, overly pessimistic over the last 4 years in order to present a budget. He provided a trigger mechanism so that if, in fact, CBO's projections were different, were even more pessimistic than his own Office of Management and Budget's, that he could still be in unified balance by the year 2002.

I also understand the Senator from New Mexico has offered a second budget that has no tax cuts or no net tax cuts and also has very deep cuts in domestic discretionary spending. When we use the term "domestic discretionary spending," what we are talking about is that category of spending that includes education, roads, bridges, airports, parks. Those are the categories of spending that are included in so-called domestic discretionary spending.

Mr. President, if I could, the reason I came to the floor this afternoon was to try to put this all in some perspective. Because I think unless people have an idea of what we are talking about in terms of the estimated expenditures of the Federal Government over the next

5 years and the estimated revenues and where the money goes, it is very hard to understand the nuances of these budget discussions.

This chart shows over the next 5 years what we are anticipating spending from the Federal Government: \$9.3 trillion. The revenue that is forecasted for the Federal Government over the next 5 years is here in this block: \$8.5 trillion.

So it is readily apparent that we are faced with a circumstance that, without change, we are going to be adding \$800 billion to the national debt.

Unfortunately, our friends on the other side of the aisle in Senate bill 2, which means clearly that is one of their highest priorities, says the first thing to do is to cut the revenue anticipated by \$200 billion. So they take this sliver off to start with. They reduce our revenue from \$8.5 trillion down to \$8.3 trillion as the initial step in addressing this gap between expenditure and revenue. It makes no sense to me why you would dig the hole deeper before you start filling it in. That is what our friends on the other side of the aisle have been talking about.

Instead of addressing this \$9.3 trillion worth of expenditures with \$8.5 trillion of revenue, they say cut it to \$8.3 trillion of revenue to begin with. So now we have \$1 trillion that will be added to the national debt.

Mr. President, this chart shows where the money is going to be going over the next 5 years. This is where the money is scheduled to be spent, and I think this is what our friends across the way are struggling with as they struggle to come up with a budget resolution. Where are you going to cut? If we can see we are faced with adding \$1 trillion to the national debt based on scheduled spending and scheduled revenues, and they start out by first taking \$200 billion of revenue away, so you create a \$1 trillion hole to fill in, where are you going to cut?

Here is where the money is scheduled to go: Social Security, \$2.1 trillion of the \$9.3 trillion that we are scheduled to spend over the next 5 years. Interest on the debt, \$1.3 trillion. Clearly you cannot cut interest on the debt. Everybody is against cutting Social Security. Those two alone are 37 percent of the scheduled expenditures. Defense, \$1.4 trillion, another 15 percent. We do not hear much of anybody talking about cutting defense. So you start adding it up, defense is 15 percent, Social Security is 23 percent, which is 38 percent, and interest on the debt is 14 percent. That is 52 percent of the scheduled expenditures which nobody is talking about cutting.

That takes us to Medicare, \$1.3 trillion, or another 14 percent of Federal expenditures. Medicaid, \$600 billion, about 7 percent of Federal expenditures over the next 5 years. Other entitlements. We use that terminology and it refers to things like retirement, nutrition for children, welfare. Those are things that are in the categories of "other entitlements."