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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 25, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember in our prayer those people who use their abilities and talents in ways that heal the hurt and strengthen the good for their neighbors and for the world. O gracious God, from whom comes every good gift, bless each person who strives to do justice and love mercy, who serves as a peacemaker, and who respects each person as created in Your image. May all people of good will, O God, join together in a unity of purpose that honors You and serves every person, whatever their need. In Your name we pray, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. ROGAN) come forward and lead the House in the Pledge of Allegiance.

Mr. ROGAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TAXPAYER ABUSE BY THE IRS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I come to the House floor today to tell my colleagues of yet another example of taxpayer abuse by the Internal Revenue Service. A constituent of mine who requested that his name not be used has recently contacted me regarding his recent IRS audit. This hardworking family man was recently forced to take a day off of work and pay his CPA $1,100 for his representation and defense. The gentleman's crime, you might ask? He was a little late in filing his tax return and accidentally incorrectly reported his daughter's Social Security number. After the audit the IRS declared the whole incident a mistake.

I can understand why these mistakes would set off bells and whistles at the IRS, but what I cannot understand is why a taxpayer would have to lose work time, wages, and pay a CPA to fix such a simple problem.

Madam Speaker, I am proud to have voted for the IRS restructuring bill last fall, but I am even more excited about our attempts to rid the American people of this terrible Tax Code. The time is right to reform our Tax Code.

MANAGED CARE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, the Republican leadership continues its efforts to try to kill managed care reform. Just yesterday the Speaker, the gentleman from Georgia (Mr. NEWT GINGRICH), attacked a reform proposal put forward by some of the members of his own Republican Party.

Let there be no mistake, the Republicans do not want to bring up managed care reform. They are aligned with the special interests, who are spending a million dollars to kill managed care reform because they know what tremendous support the issue has with the American people.

Meanwhile, the Democrats are moving forward to push legislation that provides Americans a choice of doctors, access to specialists, emergency care, and length of stay in a hospital that is determined by the patient and his or her physician, and not the insurance company.

President Clinton issued an executive order last week that will extend patient protections to Federal health insurance programs. The Democrats are determined to move ahead with managed care reform.

EMPTY PROMISES, BIG GOVERNMENT, HIGH TAXES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, everyone is familiar with the axiom related to the word ''assume,'' which colorfully explains why we should avoid doing so, everyone, that is, except the President of the United States.

In his budget proposal the President assumes that the American people will not notice the billions of dollars in new Federal spending. He assumes the

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American people would not notice the creation of numerous additional Federal bureaucracies. He assumes that it is okay to spend over $60 billion in tobacco settlement money that has not even been sent to Congress. Finally, he assumes the American people will not notice the billions of dollars in higher fees and taxes in his budget.

But let us be fair, Madam Speaker. The fault does not lie solely with the President. The American people must admit our guilt in believing his promises. We all assumed that the President was serious when he said to all America that the era of big government was over. Yet, this budget proposal is the very essence of big government. Empty promises, big government, high taxes. Mr. President, you can run from reality, but you cannot hide from the American people.

NOMINATION OF U.N. SECRETARY GENERAL KOFI ANNAN FOR NOBEL PEACE PRIZE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Madam Speaker, peace is fragile anyplace, but it is particularly so in the Middle East. Only time will tell whether the agreement reached by U.N. Secretary General Kofi Annan in Baghdad will hold.

There are two things, however, which are nondebatable: that the presence of our military forces is the best guarantee that the agreement will be kept; and that the extraordinary diplomatic skill of the Secretary General of the United Nations, Kofi Annan, needs to be honored and recognized.

I ask all of my colleagues on both sides of the aisle to join me in recommending and nominating Kofi Annan for the Nobel Peace Prize. This great international public servant deserves this recognition. His impeccable integrity and commitment to the finest values manifested itself in his negotiations, and may in fact save untold human lives in the region and beyond.

I ask my colleagues to join me in nominating Kofi Annan for the Nobel Peace Prize.

FEDERAL EDUCATION DOLLARS CAN BE REDIRECTED TO WORTHWHILE PROGRAMS IN THE CLASSROOM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise to bring an egregious example of Federal education waste to Members' attention. Through the Department of Education we funded an education study entitled, and I quote, ''Channeling Your Donna Reed Syndrome.''

Since when does the 1950s television ideal wife and mother have anything to do with teaching kids basic math, reading, writing, science, and history? As part of this education study, we learned the ''Four Affirmations We Should Say Daily: 1, I am competent; 2, I am attractive; 3, I am respected; 4, I own this day.''

While American schoolchildren lag behind the rest of the developed world in basic academic skills, our Federal education dollars are paying for the recitation of daily affirmation concepts. Instead of funding studies like this one, I urge Members to cosponsor the Dollars to the Classroom Act, which block grants 30 Federal education programs to States, requiring that at least 95 percent of the funds be made available for classroom activity.

LEGISLATION MUST ENSURE THAT HEINOUS CRIMES RECEIVE APPROPRIATE PUNISHMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, 20 years ago Larry Singleton picked up Mary Vincent. Singleton raped her, and to escape discovery, chopped off her hands and threw Mary into a ditch for her to bleed to death. Mary survived and helped convict this bum.

Larry Singleton was out in 8 years, Congress. Yesterday Mary Vincent, in a courtroom with two metal hands, fingered Singleton once again, because, you see, 20 years later, Larry Singleton picked up Roxanne Hayes. He raped her, and to make sure he did not get caught, he executed her.

Beam me up. Enough is enough. Eight years. We have victims screaming out from graves all over America, and Congress is coddling to criminals. It is time for Congress to look at the rights of the victims, not the murderers. It is time to legislate that those life sentence people who murder again do not get another life sentence. They get put to death.

BARBARIANS IN THE WHITE HOUSE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, Harry Thomason, a friend of the President who was forced out of the White House in the Travelgate affair once said he planned to stay, and I quote, until the barbarians are driven from the gate.

Well, the barbarians are now in the White House. History tells us that barbarian kings commonly killed the messenger if the messenger was the bearer of bad tidings.

That barbaric practice in a more civilized way exists today. You see, the White House does not like the message Judge Ken Starr is bringing. That message is possibly, just possibly the President of the United States misrepresented the truth, attempted to obstruct justice, and encouraged others to perjure themselves. So since the White House does not like the message, they have attacked Judge Ken Starr. It is a new version of kill the messenger if you do not like the message.

Madam Speaker, America must demand the truth, because if there is no truth, there is no justice. If there is no justice in Washington, there is no justice in Wichita, Kansas or anywhere else in the United States

ANNOUNCEMENT FROM THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Speaker would request Members not to make personal reference to the President of the United States.

PRESIDENT'S BUDGET HEADING IN THE WRONG DIRECTION

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Madam Speaker, I wish to make a few statements of principle. I consider tax increases to be a step in the wrong direction. I consider tax cuts to be a step in the right direction.

I consider increased spending and bigger government a step in the wrong direction. I consider lower government spending and smaller government a step in the right direction.

It is the belief of the Republican Party that the Federal Government has gotten too big, that tax burdens on families have grown too high, and that Washington is about the last place we ought to be looking to solve family problems.

This is why Republicans believe that the President's budget proposal represents a step in the wrong direction for two very good reasons. First, it is a step toward higher taxes, with a request for $100 billion in new taxes. Second, it is a step toward higher government spending; $100 billion in new spending.

This is the wrong direction because it means government, instead of families, will grow stronger, Washington becomes more powerful, and Americans have less freedom.

Madam Speaker, this is not what America voted for in November of 1996.

SCHOOL CONSTRUCTION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Speaker, I rise today to call on my colleagues in Congress to pass the legislation to help States and localities meet the school infrastructure needs of this country.

In community after community in my district, we desperately need new and improved schools. The General Accounting Office has documented that America's unmet school construction needs total more than $100 billion. And

we know that, from the Education Department's projected growth study, the problem is going to get radically worse in the next decade.

Madam Speaker, our schools are bursting at the seams. School children are being forced to attend classes in trailers. And educators struggle to teach in appalling overcrowded conditions and unsafe classrooms.

This Congress must act and act now to address this urgent problem. As a former school superintendent of my State's public schools, I know firsthand that the quality of a child's physical surroundings does make a difference in his or her ability to learn. Modernizing our school infrastructure will improve academic performance.

North Carolina citizens approved recently a $1.8 billion investment in our education infrastructure. Congress must do the same. And I call on this Congress to do its part.

Madam Speaker, we must pass school construction legislation and do it now.

□ 1015

AMERICA NEEDS AN ACROSS-THE-BOARD INCOME TAX CUT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Madam Speaker, America needs an across-the-board income tax cut. The average American family still pays more in taxes than it spends on food, clothing and shelter. This Congress, I think, has an obligation to cut taxes again.

Last year's tax cut was a positive step in the right direction, but it did not go far enough, for far too many Americans received little or no benefit at all, particularly singles and seniors.

Instead of picking winners and losers among overtaxed Americans, it is time to cut taxes across the board. I have introduced a bill, the Taxpayer Relief and Protection Act, that would cut marginal income tax rates 5 percent across the board.

This tax cut will ensure that every American who earns a paycheck will be able to keep a little more of their hard-earned money.

Madam Speaker, I urge my colleagues to cosponsor the Taxpayer Relief and Protection Act. An across-the-board income tax cut is the fairest way to provide the American people with the additional tax relief that they need and deserve.

SENATOR FEINGOLD: CHAMPION OF CAMPAIGN FINANCE REFORM

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Madam Speaker, I rise today to pay tribute to my friend and colleague from Wisconsin, Senator RUSS FEINGOLD. Senator FEINGOLD for 5 years has courageously championed campaign finance reform. The debate this week in the United States Senate is a tribute to Senator FEINGOLD and Senator MCCAIN's perseverance in the face of strong opposition.

While passage of the McCain-Feingold bill is not guaranteed, the Senate at least has been given an opportunity to cast an up-or-down vote on it. We in the House have been denied the right to any debate and vote on campaign reform.

Now, many of my friends in the Republican Party have argued that our first step must be to investigate any campaign violations that occurred during the 1996 elections. I agree. As a former prosecutor, I believe that anyone who violated the laws of this country must be held accountable.

Simply investigating the abuses, however, ignores the largest problem, that most of the worst problems of the campaign system are legal: Soft money, unregulated issues ads, and independent expenditures from groups accountable to no one.

Madam Speaker, these are the real problems of our campaign system and the citizens of Wisconsin have asked us not to accept ''no'' for an answer on this.

THE IRS: LAWLESS, ABUSIVE, OUT OF CONTROL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, a few weeks ago Newsweek Magazine had on its cover these words: ''The IRS: Lawless, Abusive, Out of Control.''

Now, these are not my words. This was Newsweek Magazine, a very mainstream publication. When Newsweek Magazine describes any Federal Agency as lawless, abusive, and out of control, things have gotten pretty bad. But when it is the IRS, an agency that touches all of us so personally, this is an especially horrendous situation.

About 85 to 90 percent of the people want us to drastically simplify the Tax Code. There is no good reason why we should have a tax law that is so hopelessly complicated and convoluted and confusing. Yet will we do it?

Well, Madam Speaker, do not hold your breath. The IRS would lose much of its power and some extremely big businesses would lose some of their tax breaks. Very powerful interests are fighting tax simplification, so we will probably do little more than just cosmetic changes around the edges.

CONGRESS' SCHEDULE SHOULD ''WORK'' FOR THE AMERICAN PEOPLE

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Madam Speaker, I stand here today for my 1-minute to talk about our schedule in Congress. And even though personally I think we enjoy it, I heard 2 weeks ago we have a vote schedule that a French trucker would strike for.

What we need to do is deal with tax reform, IRS reform. We need to make sure we continue that balanced budget effort and safeguard Social Security first, just like the President said here in January.

We also need to work on modernizing public schools. We need to make sure we have the teachers and the smaller class sizes there to help make sure those children are prepared for the next century.

The other thing that hopefully we will do this session is establish a Patient's Bill of Rights, whether it is the Norwood bill that we have or a number of other bills that are being introduced to set some parameters on people getting health care. That is what this Congress needs to deal with.

Madam Speaker, we do not need to have a schedule that is light. We need to have a schedule that works for the American people.

THE CHERRY TREE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Madam Speaker, last Sunday, the Nation celebrated George Washington's birthday. Washington was known for his honesty. We all remember that story of how he admitted to chopping down the cherry tree.

Now, if that were Bill Clinton, he would have blamed Ken Starr and the vast right-wing conspiracy for chopping down that poor cherry tree. We might say that Bill Clinton has a credibility problem.

So, Madam Speaker, when he says we should reserve the surplus for Social Security, I think we all need to be very, very careful. We know Bill Clinton wants to spend more money. In fact, as the gentleman from Texas (Mr. GREEN) just said, his budget has close to $100 billion in new Washington spending programs. Now that is a lot of cherry trees.

When it comes to the surplus, I believe the money belongs not to Washington bureaucrats, but to the American people. Madam Speaker, let us not allow the President to spend that surplus.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Members should be reminded not to make personal reference to the President.

HMO REFORM

(Mr. ROTHMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ROTHMAN. Madam Speaker, American families are being denied proper health care. They are being denied the right to see specialists, the right to go to the emergency room, and they have to battle just to get reimbursements for legitimate medical procedures.

The problem is that managed care for health insurance companies has become more about managing the profits for these health insurance companies than about managing the quality of health care for America's families.

We can no longer afford to have health insurance company clerks making health care decisions for our loved ones. That is the job of our doctors and our nurses.

There is a bipartisan bill put forth by the gentleman from Georgia (Mr. NORWOOD), a Republican, that would make health care insurance companies accountable. I am a cosponsor of that bill, as are 223 of my colleagues.

Madam Speaker, it is time we bring the Norwood bill to the floor so that we can give the American people what they deserve: a health care system accountable to them. Health care insurance companies must be made accountable when they wrongly deny coverage and reimbursements to patients.

NOTHING TO SHOW?

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Madam Speaker, how many times have we heard the White House or their attack dogs on their behalf repeat the lie that the Starr investigation has cost $40 million and has nothing to show for it; $40 million and produced no results; $40 million and turned up nothing? How many times, I ask? How many times have we heard this?

Turned up nothing?

Madam Speaker, all the Clinton associates, Cabinet officials, and business partners who are now sitting in jail might have a different view. In case James Carville and other apologists for political corruption and government fraud need a little help with their memory, we prepared a list for them. Let us take a quick look at that ''most ethical administration in history.''

Four independent counsels appointed by Attorney General Janet Reno; Cabinet Secretary Mike Espy, indicted; Cabinet Secretary Henry Cisneros, indicted; Cabinet Secretary Ron Brown, indicted; former Arkansas Governor Jim Guy Tucker, convicted of fraud and conspiracy; President Clinton's business partners, Jim and Susan McDougal, convicted of felonies and now sitting in jail; and the list goes on.

Nothing to show? That is simply wrong. There is a list and it is longer than I have given.

HEALTH CARE CONSUMER BILL OF RIGHTS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Madam Speaker, good morning. We can tell it is an election year because my Republican colleagues rush down to the well yelling ''Tax cut, tax cut.''

I think the President is correct. He says we need to be fiscally responsible. We need to save Social Security first. We need to look forward to future generations. There may be, however, something that we can agree on and that is a Health Care Consumer Bill of Rights.

I believe consumers need protection. The President has issued an Executive order saying that Federal employees, Medicare recipients, Medicaid recipients will all have that assurance. But we need it for all Americans.

A recent California study showed that 42 percent of the patients in HMOs have encountered problems with their health care delivery service. My State of Maryland took the first step and implemented a guarantee to emergency room care. We need to do that. We also need to guarantee the security and privacy of medical records. We also need to ensure that Americans can gain access to health care specialists when they need them.

Madam Speaker, we need to take the ''medicrats'' out of the health care business. We need to make sure that all Americans have a Health Care Consumers Bill of Rights.

DISTRICT OF COLUMBIA OPPORTUNITY SCHOLARSHIPS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Madam Speaker, I have good news this morning. Low-income children in D.C. are a giant step closer to a good education.

The Senate has passed the bill, which I had the privilege of introducing in the House, to provide opportunity scholarships in the District of Columbia. With this legislation, 2,000 poor children will be able to attend the public, private, or religious school of their choice. Only one thing stands between these children and a brighter educational future: President Clinton's signature.

The teachers unions may be determined to kill this bill. They may pressure him to veto it. But the parents of D.C. are saying: Sign the bill. In fact, one out of every six eligible children in D.C. wants an opportunity scholarship. That is right, 7,500 low-income children have applied for a voucher from a local private charity called the Washington Scholarship Fund. That is 17.2 percent of the eligible population.

Unfortunately, Madam Speaker, only 1,000 of these children will actually get a scholarship. That leaves 6,500 children empty handed, stuck in crumbling schools that are failing them.

Madam Speaker, we cannot abandon these children to another year of failure. If the President will not listen to me, I hope he will listen to his fellow Democrats. I hope he will listen to Floyd Flake, to JOE LIEBERMAN, to the gentleman from Illinois (Mr. LIPINSKI), to the gentleman from Texas (Mr. HALL), to JOE BIDEN. These courageous Democrats have risen above politics and reached across the aisle to help these children.

Madam Speaker, thousands of needy families in D.C. want hope. President Clinton can give them that hope. He can give them a choice. He can sign the bill.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Madam Speaker, a recent caller to my office wanted to know who is the President of Puerto Rico. Of course, the answer was Bill Clinton, and there was a stunned silence as the caller digested this information. They still were not sure, so they asked the question a different way. Does Puerto Rico not have a President? Yes, we do, my staffer clarified. Puerto Rico is part of the United States.

Despite a 100-year relationship, many people do not realize that Puerto Ricans are U.S. citizens. Despite many privileges and responsibilities that we as American citizens share with our counterparts in every State, Puerto Ricans do not share some fundamental political and citizenship rights. We can say that Puerto Ricans were granted a second-class citizenship.

The U.S. citizens in Puerto Rico serve and die in wars defending democracy and other people's right to vote in other nations, but they cannot vote to elect their Commander in Chief. Puerto Ricans do not have a voting representative in either the House of Representatives or the Senate, thus we have no input in the American political process. We are equal in death and war, but unequal in life and peace.

Congress has the opportunity to redress this situation by voting for Puerto Rico's self-determination bill, H.R. 856, the United States-Puerto Rico Political Status Act. Let us put an end to the disenfranchisement of the U.S. citizens in Puerto Rico and support H.R. 856.

SOCIAL SECURITY FIRST, BUT NO NEW SPENDING

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, put Social Security first. This is the battle

cry of certain leading politicians, and I agree with that. But how can we say put Social Security first, and then go out and introduce a whole bunch of new spending programs?

The way our budget is done, Social Security is really not a separate trust fund. Right now Social Security has an overpayment in it of about $100 billion. When we add that overpayment to the deficit, we come up with the sum of zero.

So let us be honest. Social Security, if taken off budget, still leaves us with a deficit.

□ 1030

It is very important for all of us, young and old, to realize that; that when we say the budget is balanced, all we are saying is Social Security is part of the general fund.

If we are going to put Social Security first, we sure do not do that and then turn right around, as the President has done, and introduce $100 billion in new spending programs. Because that money comes right out of Social Security.

I am sick and tired of Social Security being the political football and used to scare all the folks who are on it in the United States of America. We need to be honest about it. I believe we need to personalize Social Security, we need to have an open dialogue, and we need to acknowledge that, right now, the way the accounting is done it is being used to offset the deficit.

CAMPAIGN FINANCE REFORM

(Mr. TIERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNEY. Madam Speaker, I rise today to talk about campaign finance reform. As we witness the current spectacle of the Senate leadership preventing a clean vote on even modest campaign reform, I urge my Republican colleagues in the House to stand up and resist any attempts by the House leadership to follow in the footsteps of the Senate leadership.

Let us have a full and open debate in this House on campaign finance reform. Let us have a straight up-or-down vote on any one of the many measures that have been introduced here in the House. Let us not have a poison pill amendment. Let us have a clean vote so that our constituents can know where we stand on this very important issue.

Madam Speaker, I note that 187 of my colleagues have signed a discharge petition that would bring the issue of campaign finance reform to the House floor for a vote. I urge my Republican friends and colleagues who say that they, too, want reform to join us in this effort.

We may not agree on the actual context of any reforms, but the people in the House and all the Members therein are entitled to a debate that is open and honest and fair.

PUT REAL DOLLARS INTO THE SOCIAL SECURITY TRUST FUND

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Madam Speaker, I rise to follow on the 1 minute done by my colleague from Georgia.

The Social Security System this year is collecting about $450 billion from taxpayers all across America, including my 15-year-old son who is paying about $300 into that system. So they are collecting about $450 billion this year.

They are paying about $360 billion back out to our senior citizens in benefits, and that leaves a $90 billion surplus in the Social Security Trust Fund, and this is a true surplus. But instead of putting that money into a savings account to preserve and protect Social Security, that money, instead, is being put into the government's big checkbook, or general fund, and is being spent on other programs.

In the President's budget he did not propose that we take the surplus, whatever is left over in that big government checkbook, and put it into Social Security. Instead, his budget proposes we take that surplus, whatever is left over, which is not the way Social Security should be treated, and he proposes we take that and pay off nonSocial Security debt. He does not propose we put that money back down into the Social Security Trust Fund where it actually belongs.

This is a big problem facing our country; and it is here in the near term, not in the long term. It is time to put Social Security first by putting real dollars into the Social Security Trust Fund.

TIME TO PAY OFF BALANCE ON NATIONAL CREDIT CARD DEBT

(Mr. MCINNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINNIS. Madam Speaker, the national credit card now carries a balance of $5.5 trillion. Now, just in case those listening thought they heard me wrong, let me say that again. It is a trillion, $5.4 to $5.5 trillion, not billion, dollars in debt.

While the deficit this year may very well be zero, and that is of some question because of the Social Security issue and whether or not the Social Security funds create an artificial surplus, the last 60 years of government living beyond its means has brought us a debt that will not be zero for many, many more years when we consider the overall debt, not the annual deficit.

With a hundred billion dollar a year deficit year after year when the liberals controlled the United States Congress, the taxpayers now face a national debt that threatens our children's future. It is the time, the appropriate time, to start reducing that debt on the credit card that has been used by years and years of abuse in the United States Congress.

I would like to invite fiscal conservatives on both sides of the aisle, both Republicans and Democrats, to work together on a bipartisan method to control spending, to cut wasteful programs, and to make government smaller. It is time to start paying off the balance on our national credit card debt.

PERSONAL EXPLANATION

Mr. LAMPSON. Madam Speaker, on February 24, on rollcall 18, I am recorded as not voting. Unfortunately, my flight into National Airport was delayed.

This bill provides for increased mandatory minimum sentences for criminals possessing firearms. Had I been recorded on that vote, I would have voted ''aye.''

FEDERAL AGENCY COMPLIANCE ACT

Mr. MCINNIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 367 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 367

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee

shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the fine gentleman from the State of Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 367 is a very simple resolution. The proposed rule is an open rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary. After general debate, it shall be in order to consider the Committee on the Judiciary's amendment in the nature of a substitute as an original bill for the purpose of amendment under the 5-minute rule. House Resolution 367 allows the Chair to accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Additionally, House Resolution 367 allows for the chairman of the Committee of the Whole to postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote.

Finally, Madam Speaker, the rule provides one motion to recommit with or without instructions.

Madam Speaker, this open rule was reported out of the Committee on Rules by a unanimous voice vote. The underlying legislation, the Federal Agency Compliance Act, is a bill which makes a great deal of sense. This legislation generally prevents agencies from refusing to follow controlling precedents of the United States Courts of Appeals in the course of program administration and litigation of their programs.

In my opinion, citizens have the right to expect that Federal agencies will follow the law as interpreted by the courts of this country. Sadly, the Federal agencies often prefer to relitigate settled questions of law in multiple circuits at one time, creating needless expense for both the government and private parties.

I urge my colleagues to support this rule, it is an open rule, as well as the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Madam Speaker, I thank my colleague, my dear friend from Colorado (Mr. MCINNIS), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Madam Speaker, I rise in support of this open rule; and I congratulate the chairman and the majority members of the committee for bringing this rule to the floor in its present condition. It will enable Members to offer amendments to what has the potential of being a very good bill with very small changes.

This bill was written to stop some of the abuses that began in the 1980s when people were denied benefits by the Social Security and the Veterans Administrations.

For example, Madam Speaker, people who were seriously disabled were either arbitrarily dropped from the disability rolls or denied their benefits entirely. Once the courts determined that the agencies should neither have dropped the people nor denied them coverage, the agencies still did not fix all their mistakes.

Madam Speaker, there is no reason on earth that people who risked their lives defending this country or who work hard and pay into the Social Security system should have to go to court to get the benefits to which they are entitled; and there is certainly no reason that once the mistakes are found out that they should not be fixed immediately.

Because of the potential for abuse, this bill is a great idea, but it needs a few changes. And, Madam Speaker, since it is being brought up under the open rule, Members of this House will be able to offer amendments to improve the bill on the House floor and make these very needed changes.

For one thing, Madam Speaker, the way the bill stands now, this bill puts huge restrictions on all Federal agencies in order to stop the abuses of just a very few Federal agencies.

Madam Speaker, this bill is something like killing a mosquito with a sledgehammer. In this case, I am not saying the mosquito should not be killed, but maybe we could find a way to do it without creating an even more severe problem in the process.

Federal agencies should certainly be required to comply with court decisions about eligibility for benefits, such as Social Security and veterans' disability, but the implementation will be far from easy. And if we are not careful, Madam Speaker, this bill, as it stands now, might hurt the enforcement of labor, environmental and civil rights laws. So I look forward to supporting an amendment protecting the enforcement of these mechanisms, and I urge my colleagues to support this open rule.

Madam Speaker, I reserve the balance of my time.

Mr. MCINNIS. Madam Speaker, I yield myself such time as I may consume.

I think it is worth our time to spend a few minutes this morning looking into the question that motivated this legislation. It is important because the question here is whether or not Federal agencies should respect and abide by case law precedent established by the Federal Courts of Appeal.

The answer to that question, in my opinion, should be self-evident. But apparently it is not; and, of course, the self-evident answer is these Federal agencies should be bound by court precedents; and I think that is probably the opinion shared by most of the people that we represent in this country.

Chief Justice John Marshall stated in the case of Marbury versus Madison, and that case has become one of the cornerstones of our democracy, that it is emphatically the providence and the duty of the judicial department to say what the law is. The courts having said what the law is, it is the duty of every citizen, and that just as emphatically includes the executive branch, to follow the law.

It would seem strange that the question has arisen as to whether or not our Federal agencies, who by the way work for our people, who are bound by the courts, that there is some question as to whether they are bound to follow the law as determined by the courts. But for many years now agencies have asserted it is their right to determine whether or not they should acquiesce in court decisions. It is a right that has been granted or conceded to agencies by neither the courts nor Congress, and the result is an unwarranted exercise that has been the infliction of needless hardship on many of our most disadvantaged citizens, not to mention the destructive effect on the American legal system and the confidence that the ordinary people have in their government.

□ 1045

The ordinary people in this country face the consequences of a court action. They cannot defy a court action. Why on goodness earth should the Federal agencies be able to ignore Federal court decisions? The Judicial Conference of the United States, which is chaired by the Chief Justice, has identified agency nonacquiescence as a policy that undermines certainty and fair application of the law. It has recommended in strong terms that the Congress enact a law to control it.

Thus, the bill that we consider today, supported by the Judicial Conference, not to mention other groups, such as the American Bar Association, attempts to put some order back into the situation by prohibiting agencies from engaging in a general policy of nonacquiescence. We have attempted to provide agencies the latitude necessary in the administration of their various programs, but we have considered just as importantly the legitimate expectation of persons who appear before and whose lives are affected by Federal agencies. Disadvantaged supplicants face insurmountable hardships when a

Federal agency reserves that right to follow its own policy despite the fact that an appellate court has decided a question of law against it. The aged, the disabled, the impoverished not to mention most ordinary citizens who are affected by an agency's policy of nonacquiescence lack the resources to carry out a fight against an agency through the courts to receive what the Court of Appeals has already said is their right. In fact, few, if any, citizens, no matter what their status is in our society, have the time or the resources to battle the agency juggernaut. That is why it is so important to ensure that agencies follow applicable precedent absent a good reason to the contrary.

I think that this bill, with bipartisan cosponsorship that includes the distinguished ranking member, represents a fair and workable measure that will ensure that those who administer our laws also realize that they have a duty to follow them. The bill recognizes circumstances may sometimes warrant limited nonacquiescence by an agency and those situations are provided and addressed in this bill. H.R. 1544 takes a stronger position against intracircuit nonacquiescence than it does against intercircuit nonacquiescence because it recognizes that an agency's decision not to obey a Circuit Court of Appeals precedent within that circuit is an extraordinary attack on the principle of stare decisis, which must be controlled by the courts. Needless and repetitive litigation, seeking to create intercircuit conflicts with respect to the administration of a program or rule can also have destructive effects. But these are such that I think we can rely upon the Attorney General to prevent by placing upon her the duty to report annually to us on government compliance.

I know in the last few minutes I have been using a lot of legal terms, but to put it very simply in the language that a lot of us understand, that is that if the average ordinary person out there is ordered by a Federal court to do something, they have to follow that. They have to acquiesce to the Federal court's orders. We have a history of Federal agencies deciding they do not have to agree, or acquiesce, that is the word that has been used in the testimony we have had, they make a decision of nonacquiescence, that they do not have to follow the same kind of court orders that the ordinary citizen that we represent has to.

That is what this bill is trying to correct. That is what this bill, with assistance from other people like the American Bar Association and so on, is trying to curb, to force Federal agencies to live within the same bounds that the ordinary person has to. Some might argue that agencies which have in the past been so nonacquiescent, nonagreeable, should be trusted to change their spots. I do not think so. I do not think we can depend upon them to do it. I think that time after time though we have complained about it and no action has been taken. It is now time for us in the United States Congress to take action and pass this bill.

I have of interest here a letter from the American Bar Association. That is pretty controlling authority. That is the body of attorneys throughout the United States. They form an association that carries a lot of weight. They have experts in this area. I would like to read that letter. It is dated February 24, 1998. It is from the American Bar Association. It is addressed to the gentleman from Pennsylvania (Mr. GEKAS), the chairman.

DEAR MR. CHAIRMAN: We understand that on Thursday, February 26, 1998, the House of Representatives will consider H.R. 1544, the Federal Agency Compliance Act legislation that would, among other things, require the Social Security Administration to comply with Federal court precedents within the same circuit. I am writing on behalf of the American Bar Association to express our strong support, strong support from the American Bar Association, that is my own add in there, for legislation that would require the Social Security Administration to cease its policy of nonacquiescence and to follow Court of Appeals decisions within that circuit subject to seeking review in the United States Supreme Court. The provisions of H.R. 1544 addressing the SSA issue are consistent with the ABA goal of requiring the SSA, Social Security Administration, to cease its practice of nonacquiescence to the legal interpretations of the Court of Appeals within each circuit.

I will not go ahead and read the rest of this letter. I know that we would like to move on. We do have an open rule here. I would ask for Members' support on that open rule. But it is important that we remember the concept, and that is that the law that the ordinary person has to follow, as issued by the Federal courts, should very well be expected to be followed by the Federal agencies when the Federal court renders a decision involving those agencies.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BUNNING). Pursuant to House Resolution 367 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1544.

□ 1052

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Chairman, I yield myself such time as I may consume. This is the time that is now set for a full debate on the merits of the legislation that is before us which would for the first time make it a part of our law that administrative agencies who have established policies and who establish policy every day in the furtherance of their domains, that that policy when it clashes with precedent that has been set by the courts in a particular area should comply with what the courts have said. That is, that the agencies, just like every other citizen, should comply with the law.

How has this arisen and why is it such a problem? We would not be here on the floor today, Madam Chairman, if it were not for the fact that the Judicial Conference, which is made up of the Supreme Court Chief Justice and Federal judges across the Nation, they have discovered that it is a source of worry to them, more than worry, one in which they have pledged to take action and have, that some Federal agencies refuse to acquiesce to a circuit court decision which compels, or should compel, the agency to act one way or another in future cases based on the precedent that has been set. Yet we see time after time that the agency ignoring the precedent set, follows its own policy in the second, third, fourth and subsequent cases that come up, thus forcing litigation, forcing expenditures of time and money on the part of claimants, and, therefore, leads to uncertainty in the law.

Let me give my colleagues a quick example. I think this would set the stage for what we attempt to do here. This is based on an actual case but I am going to do it in hypothetical terms. If an individual claiming Social Security disability demonstrates through the medical reports that there is a lot of pain involved in the particular injury that this individual has but the pain, everyone agrees, is only subjective in that claimant's psyche, that it is totally subjective, the administrative agency, in this case the Social Security Administration, has found in the past that they will not grant benefits on the basis of a subjective claim of pain, and so they rejected a claimant's similar claim. The claimant now appeals. The circuit court then rules that the agency was wrong. Although pain may not be the final determinant as to whether that benefit should be conferred, it has to be considered whether it is subjective or not. The

pain level as asserted by the claimant is an element that has to be considered in the administrative level. Well, notwithstanding that, the next few cases that come by, the administrative agency sought to continue denying such claims based on pain even though the circuit court has acted on it and has set a precedent for at least that circuit. And so what do we have here? We have the vision of a nonacquiescence, as it is called. That is, that the Social Security Administration in the hypothetical that I gave chooses to pursue its own policies of how to deal with pain and ignore the precedent that has been set by the bona fide court decision.

This has worried the Judicial Conference. They suggested that the Congress deal with it. That is what we are trying to do. In the lowest common denominator that we can place this debate, Madam Chairman, is that everyone expects everyone to obey the law. If the law states, as it did in this case, this hypothetical that I gave, that pain has to be considered, then not just individuals have to comply with the law but the agencies which are charged with the responsibility of executing the law as the Congress and the courts have adjudicated, or have stated.

That is why we are here. We also enjoy the support of other bar association groups and other litigation groups and recipient groups; that is, of the benefits that are conferred by most of our agencies in the contemplation of this very serious problem. I must say that we have worked on this problem for perhaps 10 to 12 years now. We think that we have been spurred into action finally by reason of the fact that at last the judiciary itself, from the Supreme Court down, became alarmed at what was occurring. Although there are certain sanctions that the Supreme Court and the court system can apply to an agency that nonacquiesces, as we are wont to say, their recommendation that we craft it into law is why we have had hearings, we had good debate in both the subcommittee and in the full committee in Judiciary and by overwhelming vote, the matter carries to the floor here today.

Madam Chairman, I reserve the balance of my time.

Mr. NADLER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of this bill. I want to commend the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee, for the fair and adequate consideration this bill has gotten in the subcommittee and in the committee. I want to commend the gentleman from Massachusetts (Mr. FRANK), who did so much work for over a dozen years in originating the concept of this bill and in bringing it to where it is now. The gentleman from Massachusetts (Mr. FRANK) and I are going to offer an amendment in a while which we will discuss at that time but let me say in general about the bill now, there has been a serious problem.

□ 1100

Madam Chairman, it is generally, but not completely, but almost completely, with respect to benefits programs where an agency adopts an interpretation of the law, a perhaps overly restrictive interpretation of the law, and based upon that denies someone a benefit that he is entitled to, denies Social Security benefits. We had a lot of problems in the mid-1980s during the Reagan Administration about Social Security problems. We are having apparently currently a lot of problems about Medicare problems.

Someone sues, someone gets a lawyer, goes to court and sues and says the agency is wrong and I am entitled to this benefit under these circumstances, and the court agrees. The agency appeals. The Court of Appeals agrees. So that person gets his benefit. But the next person, the agency does not change their policy. They deny the next person their benefit, and he or she has to go to court. And every individual has to litigate up to the Court of Appeals.

Now this is wrong. Most people will not be able to afford attorneys or to get free legal help and to go through the problems, nor should they have to waste the money and the time, and especially a right delayed is often a right denied.

Federal Agencies have long asserted the right to ignore the law of the circuit in order to advance issues of public policy, recognizing that the United States speaks for all Americans, and it is in that sense a litigant different from all others.

While that is a debatable point, what is not debatable is that the so-called right of nonacquiescence has been abused under administrations of both parties. That abuse has been especially egregious in the areas of Social Security benefits, Medicare benefits and IRS enforcement where agencies for private citizens repeatedly have required private citizens to repeatedly relitigate settled issues of law. No one should have to spend years in court to win a right already recognized under law.

The purpose of this bill is to establish precisely that point, that no one should have to spend years in court to win a right already recognized under law. That is why this bill, if we pass the amendments that we will talk about in a few minutes, should become law, and that is why I rise in tentative support of it pending the outcome of the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEKAS. Madam Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. GOODLATTE) a member of the committee.

Mr. GOODLATTE. Madam Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding this time to me, and I commend him for his hard work in this important issue and join him in supporting his legislation. Nonacquiescence by Federal agencies has been an ongoing problem for most of this century dating as far back as the 1920s. Many Federal agencies, in particular the Internal Revenue Service and the Social Security Administration, have repeatedly held themselves to be outside the rules on which our system of justice is based.

They claim to be bound only by Federal, district and appellate court decisions in a particular circuit as they affect the particular litigant in the specific case under consideration. Beyond that, these agencies act without check until either the Congress or the Supreme Court intervenes.

This arrogance flies in the face of the reliance on judicial precedent that our system of justice presupposes and undermines the integrity and efficiency of the appeals process, while guaranteeing the claimant due process. By continuing to pursue its policy of nonacquiescence, these agencies are limiting access to the justice system for the claimant, who must pursue lengthy appeals to obtain a decision on an issue of the law that could have been resolved at the agency level, the claimants whose cases are delayed because the agency's resources are spent on duplicative efforts and claimants who may be denied timely access to the Federal court system because the court is forced to reconsider issues of law that it has already decided.

The Federal Agency Compliance Act generally bars intracircuit nonacquiescence while at the same time addressing the need in special cases for agencies to relitigate a precedent. In addition, the bill circumscribes the practice of intercircuit nonacquiescence. H.R. 1544 applies to all agencies, thereby recognizing that the policy on nonacquiescence, whether inter or intra, has been applied by various agencies and could be asserted by any agency.

In addition, this legislation provides a balanced approach by including exceptions to give Federal agencies sufficient flexibility to adhere to valid established precedent so as not to interfere with continued development of the law. This important legislation preserves the judiciary's constitutional role of interpreting the law. This important legislation preserves the judiciary's constitutional role of interpreting the law while allowing Federal agencies to administer fairly their programs.

Madam Chairman, I urge my colleagues to support the passage of H.R. 1544, and I thank the gentleman from Pennsylvania (Mr. GEKAS) for having yielded this time to me.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. GOODLATTE) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

FEDERAL AGENCY COMPLIANCE ACT

The committee resumed its sitting.

Mr. GEKAS. Madam Chairman, I yield such time as he might consume to the gentleman from Kentucky (Mr. BUNNING).

Mr. BUNNING. Madam Chairman, I thank the gentleman from Pennsylvania for yielding, and I thank him for the opportunity to comment on H.R. 1544, the Federal Agency Compliance Act.

Madam Chairman, I appreciate the committee's effort to prevent agencies from refusing to follow controlling precedents of the United States Courts of Appeal in the course of program administration. I fully agree that Federal agencies, including the Social Security Administration, must follow circuit court decisions. However, I do not support legislation that compromises the fair and impartial treatment of Social Security claimants.

This bill seeks to allow administrative law judges and other adjudicators the latitude to apply their own interpretation of circuit court decisions. As chairman of the Subcommittee on Social Security, I have grave concerns about the impact this legislation would have on Social Security disability decision-making and particularly on the Americans' public right to unbiased treatment.

Currently, when the U.S. Circuit Court of Appeals publishes a decision that conflicts with the Social Security Administration policy, Social Security can either, one, issue an acquiescent ruling to apply the case in that circuit or, two, change its policies to apply the case nationwide or seek Supreme Court review.

SSA's acquiescent ruling process is the means by which SSA provides all decision makers with directions on how to uniformly and fairly apply courts' decisions which conflicts with SSA's nationwide policy. SSA takes over 2 million new disability claims a year and processes over 600,000 disability appeals. SSA has over 20,000 decision makers. H.R. 1544 would authorize SSA, more than 20,000 adjudicators, to apply their own individual interpretation of a circuit court decision.

As we all know, court decisions are often subject to various interpretations. If all 20,000 SSA adjudicators were permitted to apply their own interpretations of court decisions, different standards would be applied to individuals with similar circumstances across this Nation.

I am not in favor of SSA adjudicators applying conflicting standards. Not only does H.R. 1544 jeopardize the right of individuals seeking SSA benefit, the bill also undermines the statutory authority of the Commissioner of SSA to establish rules and policies. In order to insure that similarly situated individuals are treated in a consistent manner, SSA would have to devote additional resources to monitor its adjudication process.

Total SSA resources are limited. Any shift in resources to account for new work loads would likely have untold effects. Those untold effects could include delays in retirement claims, claims filed by widows or claims filed by severely disabled individuals waiting for their disability decisions. SSA's disability work load is of such staggering proportion that any proposal that would have even the slightest impact on processing time delays must be carefully examined and deliberated by Congress.

The American public should not have to tolerate additional delays in the process that already takes too long. The American public should not be subjected to inconsistent and possible biased decision-making. The public deserves better.

We are all aware of the challenges facing the Social Security Trust Fund. CBO has stated that they cannot predict the budgetary impact of H.R. 1544. I say we cannot move forward until we know how this legislation will impact the long term solvency of the Social Security Trust Funds.

Therefore, I urge my colleagues to vote no on H.R. 1544, and I thank the gentleman from Pennsylvania (Mr. GEKAS) for the time.

Mr. GEKAS. Madam Chairman, having reserved some time, I now yield myself such time as I may consume. The gentleman from Kentucky has brought up some issues that require a response.

First of all, the Social Security Administration has told us in different ways repeatedly that they are willing to acquiesce and that they have changed their procedures and are turning towards a policy of acquiescence rather than the nonacquiescence which we seek to cure by this legislation. But even if they did, if they took a complete turn around and now are acquiescing in full, that does not make our legislation obsolete because this would carry to all agencies across the board where all of them would be bound by the circuit court and other court decisions.

So if the Social Security Administration itself says they are acquiescing, then opposition to this bill comes empty handed because all this does would be in effect codify what the Social Security Administration has asserted to us it is trying to do anyway. But in the meantime, while we pass this legislation, we are codifying their new system if they are acquiescing, while at the same time applying it to other agencies across the board whereby we would know that the court opinions would be respected and in which acquiescence would be a routine matter.

Another point which has to be made is that from the standpoint of the administrative judges, and the gentleman from New York (Mr. NADLER) first noted this very important aspect of what we are about here, the administrative law judges, in the first instance, are the first battleground. They, too, should have a cognizance that the precedents already set by the circuit court should apply to them as they deliberate on the adjudicative level within an agency on a particular matter.

So all of this helps the entire system of justice from the standpoint of the claimant, who makes the first claim would know that the chances of having to litigate and relitigate the claim that that individual is making for disability, for Social Security benefits, for Medicare, for land management questions, for labor questions, any kind of question that comes up before agencies would have the sweep of this law to help protect them against the cost. And the aggravation and the time involved in relitigation over and over again for a precedent that has already been set by the courts and should be adhered to in the first place, thereby saving all the time and energy and cost that would be involved in pursuing the case time and time again.

□ 1115

Madam Chairman, I reserve the balance of my time.

Mr. NADLER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I believe that, subject to the amendment I am going to offer in a few moments, as soon as the bill is open to amendments, that this is an excellent bill, a bill worthy of support, and, unfortunately, an unnecessary bill.

I say unfortunately because we should not have to do this. Agencies should not continue to deny benefits to people when the Circuit Court has said you are wrong in your interpretation of the law. That is not what Congress meant. Congress meant under these circumstances, whatever they may be, the person is entitled to Medicare or Social Security or disability or whatever the case may be.

But we know that, under administrations of both parties, this has happened. It has happened repeatedly, even recently; and we should protect people from the necessity and the taxpayers, too. Because when there is a relitigation of the same points, the taxpayers are paying the money on one side, the individual on the other; and this is wrong.

So I strongly support this bill; and I hope the majority, the distinguished chairman, will see his way clear to accepting the amendment so that we will have the votes to make sure that this bill is enacted into law.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in opposition to H.R. 1544, the Federal Agency Compliance Act. My primary point of contention with this bill, is that this legislation could potentially cause drastic harm to our federal agencies' ability to enforce and protect many of our essential labor, environmental and civil rights laws. The fact of the matter is that our federal agencies already have systematic procedures to determine which cases should be challenged in federal appellate court, and which should not. If we were to add another (unnecessary) set of criteria which restricts when our federal agencies can seek appellate review, ultimately, we will disadvantage these agencies' ability to protect some of our most fundamental civil rights.

Actually, many federal agencies rely upon the Department of Justice to be their ''arm of litigation'', because any desired appeal by a federal agency to an appellate court must be approved by the Solicitor General's office. Additionally, a court can hold these agencies to be financially responsible for their opposing parties' attorney's fees if their legal challenge is deemed to be ''substantially unjustified''. The fact remains that there is little incentive for federal agencies to bring frivolous challenges to standing circuit court precedents. Critics, however, respond to this evidence by saying, then why don't these federal agencies choose to comply with the various precedential decisions in the many federal judicial circuits?

Even though, I agree wholeheartedly, with the spirit of this concern, I can not in good conscience, agree with its substance. The Social Security Administration, widely considered to be the main target of this legislation, has already enacted a new regulation that in effect is a model of H.R. 1544, so why is it a necessity to potentially endanger our collective civil rights? Furthermore, what sense does it make to pass a law to restrict circuit court appeals by federal agencies, which then requires these same federal agencies to challenge potential exemptions to this new statutory rule in federal court? What is the added value? If an agency feels that it meets the standards for exemption and files an appeal in federal circuit court, a federal court, again, is the only available source of clarification and dispute resolution.

If this bill's intent is simply to prevent the relitigation of certain claims that affect individual grievances against federal agencies such as Health and Human Services or the Social Security Administration it should do that, and only that. However, as is clear from these many impassioned polemics against this bill, H.R. 1544 ends up doing far more. At least, the supporters of this bill should be able to say that even though this proposed legislation may very well endanger some of our most sacred Constitutionally-protected rights, it is motivated by an overwhelmingly meritorious reason. Unfortunately, neither I, nor anyone else that has questions about the necessity of this bill, has been able to find evidence of a desperate need for this legislation.

I believe that my colleagues simply have failed to ask and answer a series of important questions in their haste to pass this bill. For example, what will the immediate effect of H.R. 1544 probably be? If a federal agency is going to acquiesce according to the letter of this bill, it must adopt differing policies for the many judicial circuits which have made rulings about a particular issue. Under these rules, it is highly unlikely that a federal agency could ever have a singular, national regulatory policy again. In the bureaucratic maelstrom that is our federal government, is further complication of regulatory policies either prudent, or pragmatic? Ultimately, how is it different for an aggrieved party? If a circuit court rules disfavorably to one claimant's position, all similarly situated parties will be judged (in that particular judicial circuit) by that same standard. If we agree that aggrieved parties are too often unaware, if not financially unable, to pursue any further review of their claim in a court of law, how does this new statute help their plight?

And finally, the Supreme Court often has very good reasons for granting or not granting certiorari in matters involving controversial issues of law. Why enact a law that would require a multi-faceted standard for relief among the many judicial circuits, if we do not really know which is the appropriate standard of review? Often it takes several years for a rule of law to mature completely or even be overturned, so why should we force all claimants in a judicial district to experience the far too erratic ''growing pains'' of our federal judicial process.

For all of these reasons, I would implore my colleagues to vote against H.R. 1544, there must be a better way to solve this problem. A better way, a more efficient way than jeopardizing our most fundamental civil rights and liberties.

Mr. NADLER. Madam Chairman, I yield back the balance of my time.

Mr. GEKAS. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. GEKAS. Madam Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

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 cited as the ''Federal Agency Compliance Act''.

SEC. 2. PROHIBITING INTRACIRCUIT AGENCY NONACQUIESCENCE IN APPELLATE PRECEDENT.

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is amended by adding at the end the following:

''§ 707. Adherence to court of appeals precedent

''(a) Except as provided in subsection (b), an agency (as defined in section 701(b)(1) of this title) shall, in administering a statute, rule, regulation, program, or policy within a judicial circuit, adhere to the existing precedent respecting the interpretation and application of such statute, rule, regulation, program, or policy, as established by the decisions of the United States court of appeals for that circuit. All officers and employees of an agency, including administrative law judges, shall adhere to such precedent.

''(b) An agency is not precluded under subsection (a) from taking a position, either in administration or litigation, that is at variance with precedent established by a United States court of appeals if—

''(1) it is not certain whether the administration of the statute, rule, regulation, program, or policy will be subject to review by the court of appeals that established that precedent or a court of appeals for another circuit;

''(2) the Government did not seek further review of the case in which that precedent was first established, in that court of appeals or the United States Supreme Court, because neither the United States nor any agency or officer thereof was a party to the case or because the decision establishing that precedent was otherwise substantially favorable to the Government; or

''(3) it is reasonable to question the continued validity of that precedent in light of a subsequent decision of that court of appeals or the United States Supreme Court, a subsequent change in any pertinent statute or regulation, or any other subsequent change in the public policy or circumstances on which that precedent was based.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 5, United States Code, is amended by adding at the end of following new item:

''707. Adherence to court of appeals precedent.''.

SEC. 3. PREVENTING UNNECESSARY AGENCY RELITIGATION IN MULTIPLE CIRCUITS.

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, as amended by section 2(a), is amended by adding at the end the following:

''§ 708. Supervision of litigation; limiting unnecessary relitigation of legal issues

''(a) In supervising the conduct of litigation, the officers of any agency of the United States authorized to conduct litigation, including the Department of Justice acting under sections 516 and 519 of title 28, United States Code, shall ensure that the initiation, defense, and continuation of proceedings in the courts of the United States within, or subject to the jurisdiction of, a particular judicial circuit avoids unnecessarily repetitive litigation on questions of law already consistently resolved against the position of the United States, or an agency or officer thereof, in precedents established by the United States courts of appeals for 3 or more other judicial circuits.

''(b) Decisions on whether to initiate, defend, or continue litigation for purposes of subsection (a) shall take into account, among other relevant factors, the following:

''(1) The effect of intervening changes in pertinent law or the public policy or circumstances on which the established precedents were based.

''(2) Subsequent decisions of the United States Supreme Court or the courts of appeals that previously decided the relevant question of law.

''(3) The extent to which that question of law was fully and adequately litigated in the cases in which the precedents were established.

''(4) The need to conserve judicial and other parties' resources.

''(c) The Attorney General shall report annually to the Committees on the Judiciary of the Senate and the House of Representatives on the efforts of the Department of Justice and other agencies to comply with subsection (a).

''(d) A decision on whether to initiate, defend, or continue litigation is not subject to review in a court, by mandamus or otherwise, on the grounds that the decision violates subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 5, United States Code, as amended by section 2(b), is amended by adding at the end of following new item:

''708. Supervision of litigation; limiting unnecessary relitigation of legal issues.''.

AMENDMENT OFFERED BY MR. COX OF CALIFORNIA.

Mr. COX of California. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COX of California:

On page 5, line 16, strike the final period and insert ''of section 707 or 708.''

Mr. COX of California. Madam Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the committee, for discussing with me my concerns about this bill and for his good work in bringing this bill to the floor.

Madam Chairman, the Federal Agency Compliance Act, H.R. 1544, is intended to do two things: first, to ensure that the executive branch obeys the law, a good purpose; second, to discourage the relitigation of settled questions and to avoid the needless expense for both the government and private parties of unnecessary and wasteful litigation.

As one who has worked long and hard on civil justice reform, I could not agree with the gentleman more about the importance of reducing needless, wasteful and expensive litigation, both for the benefit of the parties and for the taxpayers, who, in the case of government litigation, of course, are footing the bill.

The Federal Agency Compliance Act contains essentially two parts, one dealing with the relitigation of decisions of the courts within a judicial circuit and another dealing with the relitigation of questions that have been decided in one circuit but perhaps not in all others, or that have been decided in others but where multi-circuit litigation is undertaken to address the question anew.

In the inter-circuit, the multi-circuit part of the bill, there is the following sentence: ''A decision on whether to initiate, defend or continue litigation is not subject to a review in the court by mandamus or otherwise on the grounds that the decision violates subsection A''.

In other words, there will not be collateral litigation, a new cause of action created, by virtue of the alleged violation of section 708, the decision by the government whether to continue to defend or to initiate a lawsuit.

That is a very good part of this bill. It relies upon not only the good faith of the executive branch in making decisions whether or not to litigate intercircuit but also upon the notion that it is the responsibility not of private litigants but of the government to take care, and the President is head of the executive branch of government, to take care that the laws are faithfully executed. That is the executive branch's constitutional responsibility.

The prohibition against that kind of wasteful, needless collateral litigation in this bill ought to apply not to just half of it but all of it.

So my amendment makes clear that the sentence that I just read, that decisions whether to litigate or continue litigation are not subject to review, not subject to additional collateral litigation, that will apply to both the inter- and intra-circuit parts of this legislation under my amendment.

As a consequence, I offer it for the consideration of the Members. I believe that, absent this provision, we would do two things that we ought not to do. Number one, we would unnecessarily and deeply intrude upon the constitutional prerogative of the executive branch to take care that the laws are faithfully executed; and, number two, we would be actually fomenting additional wasteful, expensive litigation.

It is the very purpose of this bill to do just the opposite. Reading from the purpose and summary of the bill: ''Unnecessary litigation is a needless expense, for both the government and private parties.''

I could not agree more. Hence, my amendment, and I urge my colleagues to consider it.

Madam Chairman, I should add, having just discussed this for the first time with the chairman and ranking member, I understand their reticence in accepting it, although they have been gracious in discussing the merits with me and understanding the purpose by which I offer it now.

Because there is similar legislation pending in the other body, because I expect that we have an opportunity to resolve this during conference, I will not be disheartened if my amendment is defeated today, but I do look forward to working with the chairman and the ranking member as well as our colleagues in the other body to see if we can improve the bill in this respect.

Mr. GEKAS. Madam Chairman, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I would respectfully request that the gentleman seek unanimous consent to withdraw the amendment, only on the basis that he has already asserted, namely, he has brought a good point to our attention. In fact, this point may have been raised subliminally during our testimony, and, therefore, it does require our attention.

But because it has come up at this juncture and we do not know the full consequences of accepting the amendment or even debating it, I would ask the gentleman to ask unanimous consent to withdraw his amendment, with the promise of the chairman and others that we are going to duly consider it in the pathway of this legislation all the way to the end.

Mr. COX of California. Madam Chairman, reclaiming my time, I appreciate the gesture that the chairman has made; and, inasmuch as I have not been able to alert my colleagues to my concern about this, I myself just discussed this with lawyers in recent days and in our leadership meeting yesterday, Madam Chairman, I would accept the chairman's generous offer.

I will note that because I will just now, as the gentleman suggested, ask unanimous consent to withdraw the amendment, that because the underlying bill lacks this amendment, I will not be able to support it today.

Madam Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 5, insert after line 20 the following:

SEC. 4. APPLICATION.

The amendments made by section 2 shall apply only with respect to agency actions which involve a Federal health benefit programs, a Federal program under which cash is paid based on need or insurance benefits are paid, or the Internal Revenue Code of 1986 and the amendments made by section 3 shall apply on with respect to proceedings in courts which involve a Federal health benefit programs, a Federal program under which cash is paid based on need or insurance benefits are paid, or the Internal Revenue Code of 1986.

Page 3, line 4 and beginning in line 10, strike ''Government'' and insert ''agency''.

Page 4, beginning in line 7, strike ''neither the United States nor any agency or officer thereof was,'' and insert ''the agency was not''.

Page 3, line 21, strike ''of following'' and insert ''the following''.

Page 5, line 20, strike ''of following'' and insert ''the following''.

Page 4, line 19, insert before the period the following: ''unless the precedents in a majority of other United States courts of appeals supports the position of the agency''.

Mr. NADLER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Madam Chairman, I am offering this amendment today, which would narrow the scope of this bill, to those areas where the record of abuse is clear, to those areas which in fact are the areas that motivated the introduction of the development of this bill over these many years.

Those areas are the areas of benefits and where the public actually deals with the government on a daily basis, the areas of health care, Medicare benefits, the areas of Social Security and disability benefits, the area of dealing with the Internal Revenue Service.

In those areas I think we clearly need a bill such as this to say to the agencies, to the Internal Revenue Service, to the Health Care Financing Administration, to the Social Security Administration, that you may not deny a benefit, you may not harass a taxpayer by insisting on the interpretation of the law denying the benefit or imposing the tax when the Court of Appeals has said you are wrong. You should not require the taxpayer or the person seeking Social Security or disability benefits to relitigate that on an individual basis.

That is what this bill is about. But I think it is a mistake to apply the bill more broadly in other areas, because there may be unforeseen effects, and it would really require more congressional study to determine the need and the implications.

For example, independent agencies such as the Securities and Exchange Commission play no role in government litigation and by virtue of their independence, this bill, without the amendment, might saddle them with rules without bringing important issues to the court's attention. The majority agrees there would be a mistake and has a manager's amendment to solve this problem, this particular problem. But we really do not know how many additional such issues there may be, and I think it would be a mistake to pass an overly broad bill where no compelling need has been demonstrated. The compelling need is with regard to benefits and with regard to the benefits that may be denied to people who need them and with regard to taxpayers dealing with the Internal Revenue Service.

That is certainly 95 percent of the problem. It is what brought this bill here. It is the subject matter of the hearings that we held to determine the need for this bill, and I say let us fix the problem at hand and do it right.

I will say one other thing on this amendment. Without this amendment, there will be very substantial opposition to this bill from the labor movement, opposition, I believe, not to be correct but, nonetheless, very substantial opposition, which will probably be more than sufficient opposition to prevent this bill from being enacted into law, especially given the fact that the administration has already told us they do not like the bill at all, with or without the amendment.

So we have the problem of getting this bill into law to deal with the problem that we know needs dealing with in the face of very substantial opposition that would be eliminated by this amendment.

Since this amendment would not eliminate any of the solutions to the problems the bill was designed to deal with, I urge the majority, I urge my friend, the gentleman from Pennsylvania (Mr. GEKAS) to accept the amendment so we can enact the bill into law and deal with the problems it is intended to deal with.

That is the argument. Let us deal with the problems we know are out there and let us do it in a way that is realistic in terms of being able to enact the bill into law so we have an accomplishment and so that we help the people that have to deal with the IRS and help the people that need benefits from Medicare, Medicaid, Social Security and disability and solve the problems and not simply have a debate on the floor of the House but have a real bill that helps real people.

So I urge all Members to accept this amendment.

□ 1130

Mr. GEKAS. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, when we undertook this measure from the start, most of us were convinced of the egregious problems that have existed for a long period of time under both Republican and Democrat administrations. What charged us into final action on this type of legislation was the action of the Judicial Conference.

The Judicial Conference, in recommending this proceeding to us, this process to us, made no distinction among agencies. It did not contemplate any other visitation of these benefits on this agency or that agency or that type of claimant or this type of claimant, but rather, noted a serious problem in the enforcement of our laws, and said, in effect, to us, ''Please, enact legislation that would cause the administrative agencies to acquiesce in the precedents that the court system set.'' They even felt it was inadequate for themselves to rely on the sanctions that they are able to impose and still preferred that we enact legislation to do so.

But here is the key. Here is the key. The gentleman from Massachusetts (Mr. FRANK) and I, on a radio symposium, touched upon this matter. Not only do we feel that it should apply across the board to all agencies, but we maintain that the language in the bill allows anyone who is disaffected with a problem of nonacquiescence or acquiescence, like the labor people to which the gentleman from New York alluded, the language in our bill provides for loopholes, as it were, which we crafted purposely; to say that if some agency, like whatever labor is saying should be exempted, or the Securities and Exchange Commission, which others say has to be exempted, the loopholes that we apply are the exceptions to the mandatory adherence to court of appeals precedent.

And we say, for instance, ''An agency is not precluded under section A from taking a position, either in administration or litigation, that is at variance with precedent established by United States court of appeals if,'' and then we cite three provisions which give that option to whoever the gentleman from New York (Mr. NADLER) is alluding to would feel threatened by a general law that asks for acquiescence in law.

Therefore, we have envisioned the moment that would come that some agency would feel that it would be threatened in the execution of its duties or the administration of its responsibilities by acquiescence with court decisions. And if it comes to that irony, that they are worried about acquiescing to court precedent, which is a wild thought, even in that circumstance we give them the option to opt out if they can demonstrate the rationale that is embodied in our own legislation, the one to which the gentleman from New York has acquiesced as necessary in the new processes that we want to see established among the agencies.

First, I would like to see all citizens be able to approach every single agency in the Nation, every single one, with equal justice available to all. That means no exceptions to acquiescence in the law. And in those egregious circumstances, which I cannot even envision, that acquiescence would be a terrible thing to follow the law, how terrible it would be to have to follow the law, in those cases the provisions in our bill which have envisioned that kind of circumstance allow an option out.

But we ought to start with general application of the recommendations of the Judicial Conference that all the agencies should adhere to the law, should obey the law, like every citizen must. And we start from there, and then back away only if, under our bill, those exceptions can be proved.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise to disagree with the gentleman from Pennsylvania, but first, to praise him. This bill first came to my attention when I chaired the relevant subcommittee several Congresses ago, and I began to move on it. I want to pay tribute to the gentleman from Pennsylvania, because it is his determination, as chairman of the subcommittee, that got us to this point. I think there is need for legislation. He showed a great deal of diligence and brought it forward.

But I believe in the interests of getting legislation we ought to be adopting the amendment. I will acknowledge that when I brought the bill out it looked like this, when we had it in committee, and generated a lot of opposition. At the time the opposition was so strong, and that was why it did not get anywhere. I believe we will run into the same wall of resistance if we do not make some changes.

I originally got interested in this subject as the result of unfair decisions by which disabled people were denied disability benefits, in conflict with

court opinions. That was something that began under the Reagan administration, and I must acknowledge that it, sadly, continued under the Clinton administration. I felt conscience bound to continue to support this bill, because I had originally dealt with it when it was a Republican administration, and it seems to me the same rules ought to apply to a Democratic administration.

But I should also acknowledge that virtually all of the discussion and evidence I have seen on this bill, having been through hearings on it and been through debates, had to do with the denial of benefits, most particularly through the Social Security Administration, where it seemed to me the pattern had been the most egregious.

While the Social Security Administration has from time to time, and the various administrations, promised us they will stop doing this, I do not believe them. And since we do not have a Secretary General of the U.N. to go get them to sign an agreement, I think legislation is necessary.

So with regard to people who should be beneficiaries of subsistence dollars, yes, one cannot allow the nonacquiescence policy, because it does damage to individuals. But I must acknowledge that in all of the hearings I have been at, the discussion focused on benefits.

At the most recent full committee markup some other agencies finally awakened to this. Maybe they had not taken it seriously before. It is to the credit of the gentleman from Pennsylvania that his diligence brought the bill forward and made them focus on it.

The Securities and Exchange Commission and some other agencies expressed some problems with the bill. I agree, we have tried to deal with them. The gentleman from Pennsylvania has outlined some ways to do that, but I do not think we have done it fully yet.

I do believe very strongly that both in terms of the information that we have had about the bill and the impact, there is a difference between nonacquiescence when it denies beneficiaries who are desperately in need of the benefits they should get, and the questions involved the Securities and Exchange Commission, the National Labor Relations Board, where we are not talking about anything quite so desperate, and where there is a legitimate right to relitigate.

The gentleman from Pennsylvania acknowledges this. He has from the beginning. Yes, we do not think that once a certain number of circuit courts have decided something, that is it forever. Even the Supreme Court of the United States has been known to reverse itself and within a fairly short period of time. The dilemma for us is how do you work out a method of protecting fairness for individuals without preventing legitimate relitigation. That is part of our process.

I believe that there is a compromise between this amendment and the bill that can deal with it. I do not think we have time to work this out now. I would hope if this amendment were adopted we might be able to revisit this before the bill finally went to conference.

But I can say this, if the bill goes forward as is, I believe it will be vetoed. It might be vetoed in any case, because this President, as his Republican predecessors, does not like the idea of Congress mandating that their agencies follow the law. It is more of an executive-legislative dispute than it is a partisan one.

The point I would make to my friend, the gentleman from Pennsylvania, who I honor for his work on this, is this: if we pass it in this form and it is vetoed, we cannot override. If we accept the amendment of my friend, the gentleman from New York, and leave open the possibility of working out some other method of dealing with the agency questions of a broader sort of litigation, the SEC and NLRB, then we will reach a point where we can override a veto.

But if the only thing we can get would be what the amendment would be limited by my friend gentleman's amendment, it would be an enormous accomplishment. Because I would remind everybody again, the impetus for this bill came from actions of the Social Security Administration. We are dealing here with people who are disabled. They are least able to relitigate, least able to hire a lawyer to get the benefit of a court opinion.

Where we are talking about litigants in the NLRB situation or the SEC situation, even if they have to go to court, they are better able to do it.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. So, Madam Chairman, there is an urgency to providing this protection for the recipients and benefits, which is not the same as for more sophisticated, better financed litigants who were dealing with public policy in the field of labor law, securities law, et cetera.

I would hope the amendment would be adopted. I would hope to work with the gentleman. I must say I was almost surprised the bill came up too soon. I think one of the issues was that we had some time to fill. I was hoping we could have worked a little bit more on some amendments.

Faced with this choice now, I think it would be important for us to adopt the amendment because, otherwise, we run the risk of a nonoverrideable veto that would deny the people whose plight led us to get into this years ago, the beneficiaries of disability programs and others who were being hurt. I do not want to put their right to get the benefit of this good legislation at risk, and that is why I hope the amendment is adopted.

Mr. CONYERS. Madam Chairman, I move to strike the requisite number of words.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Madam Chairman, I rise in support of the amendment. I am delighted to participate in this debate with my friend, the gentleman from Pennsylvania (Mr. GEKAS), who I think has worked in a very good spirit to try to deal with a set of problems that were ones that we all agreed with.

I think the problem here, though, is that we have gone too far, that we move now to cover every agency, department, bureau. I think that might lead to some results that we would regret, especially without the Nadler amendment.

I am prepared to say now that, if the Nadler amendment is supported, that I will support the bill. But I want to remind the gentleman from Pennsylvania (Mr. GEKAS), who is one of the more senior members of the Committee on the Judiciary, that there have been dangerous legal precedents that, had this bill been law without the Nadler amendment, and there was a determination by the United States Government and the Department of Justice to go forward on the Dredd Scott case, which denied African American slaves and former slaves constitutional rights, or the Plessy versus Ferguson case, which upheld separate but legal facilities in the United States, or the Korematsu versus United States case, which gave court approval to the Japanese American internment during World War II, the agencies or the departments that would have gone to the Department of Justice to challenge these legal precedents would have been barred under the gentleman's proposal.

My view is that the gentleman did not and does not intend to do that, but the fact of the matter is this would be the result. Because of that, without Nadler, we cannot support Gekas.

The Administration is opposed to it, and I think correctly so. The Department of Justice is opposed to it; I think rightly so. I recall that one of our colleagues, the gentlewoman from Texas (Ms. JACKSON-LEE), in the committee pointed out how civil rights litigation might be impacted negatively with this kind of bar that the gentleman suggests here.

How would a legislative initiative of this kind limit the ability of Federal entities to address the encroachment of the judicial branch on civil liberties? The Department of Justice, in its Civil Rights Division, the Department of Health and Human Services, those would be her primary focus in this objection to the language in the gentleman's bill and the thrust of it.

The limitation of these agencies' ability to appeal seemingly unjust court decisions to the Supreme Court, in addition to their ability to create novel and ingenious ways of protecting the rights of citizens, is literally sacred.

□ 1145

That should be regulated only with the greatest amount of reluctance and the highest level of scrutiny.

And so we must do all we can to ensure the efficient and effective government, but not at the expense of civil liberties and civil rights.

Now, one of our colleagues that sponsored the version of this language I do not think is motivated as the author of the bill is on the House side, because the gentleman from Colorado, Senator BEN NIGHTHORSE CAMPBELL, made it perfectly clear one of his reasons for introducing this bill.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 3 additional minutes.)

Mr. CONYERS. Madam Chairman, the author of the legislation on the other side in the other body telegraphed his intention of limiting the ability of the Bureau of Land Management to protect lands from grazing damage.

When that bureau recently proposed reform regulations for grazing permits, they were challenged by ranchers. After exhausting administrative remedies, the ranchers went to court. And after costly and lengthy litigation, the appellate court ruled in favor of the ranchers. However, with the non-acquiescence policy, the Bureau of Land Management could have refused to abide by this ruling each and every time the issue arises.

So I urge, for these reasons, that the Nadler amendment to this bill be accepted.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in support of the Frank-Nadler Amendment to H.R. 1544, the Federal Agency Compliance Act. My primary point of contention with the original H.R. 1544 bill, as I have expressed previously, is that it could potentially cause drastic harm to our federal agencies' ability to enforce and protect many of our essential labor, environmental and civil rights laws. However, the Frank-Nadler Amendment is a breath of fresh air to a legislative initiative that I once thought hopeless. This amendment would tailor H.R. 1544 in such a way that it would benefit those who need certain federal agencies to recognize the precedential justice that is handed down by our federal circuit courts, yet not harm the most fundamental civil rights of those who are completely disconnected from this entire process.

Since the initial authorship of this bill, I have been an advocate of limiting the scope of H.R. 1544 to only those agencies whose non-acquiescence has a detrimental effect on the claims of aggrieved parties, and finally we have a proposed amendment that seems to do that. Many people have tried to urge me that my concerns were unfounded, but the bottom line is why should we take so dangerous of a chance with something as important as our Constitutionally-granted rights? I can not think of a compelling reason why.

I know that this proposed threat to our collective civil rights was completely accidental. I am confident that no one who is a supporter of H.R. 1544 wants to intentionally cripple the pursuit of justice in this country. No one would maliciously try to impede the protection of the discouraged, mistreated and abused that is so much a part of the responsibilities of the civil rights divisions of our many federal agencies. The initial purpose of H.R. 1544, to my knowledge, was to force the government bureaucracy to recognize the rights of those who are being unjustly treated in particular claims, because of the unwillingness of certain federal agencies to acquiesce to standing circuit court precedents across the country.

Obviously, this bill was created to protect those who are often unable to protect themselves, but how are we helping these people if we diminish the ability of other parts of our government to defend their rights to fair labor, a clean and safe environment, and a series of their most fundamental Constitutional rights. The answer is clear, we must amend H.R. 1544. For these reasons, I would ask my colleagues to please support the Frank-Nadler Amendment to H.R. 1544, and in turn, protect the sacred civil rights and liberties of the American people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 238, not voting 20, as follows:

[Roll No. 19]

AYES—172

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brown (CA)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Fox
Frank (MA)
Frost
Furse
Gilman
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Petri
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
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Castle
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Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Lipinski
Livingston
Lucas
Manzullo
Matsui
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Boucher	Kennelly	Pelosi
Brown (FL)	Klink	Poshard
DeLauro	Lewis (KY)	Redmond
Ford	Luther	Riggs
Gejdenson	Mica	Rodriguez
Gephardt	Miller (CA)	Schiff
Gonzalez	Paxon	

□ 1214

Mr. KASICH changed his vote from ''aye'' to ''no.''

Ms. HARMAN, Mr. DEUTSCH, Mr. DAVIS of Illinois, Ms. MILLENDER-MCDONALD, and Messrs. SHERMAN, MCHUGH, MURTHA, BAESLER, MCINTYRE and HILLIARD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 3, line 11 strike ''or'', line 18 strike the period, close quotation marks and period following and insert ''; or'', and after line 18 insert the following:

''(4) the substance of the agency matter is under consideration by a United States court of appeals and involves issues of civil rights, labor rights, or environmental protection.''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the intentions of H.R. 1544 are good intentions. I supported the Nadler-Frank legislation, and I am sorry that we did not see fit to add, I think, a very strong component to this legislation. But now, Mr. Chairman, I have to come and say that we need to understand that this legislation has as a potential, it may not be the desire, but the potential to negatively impact on some very serious rights of Americans.

I am a product of civil rights laws. Many of my constituents, many Americans, are the product of civil rights laws. Hispanic Americans who recently have seen a flood of legislation dealing with immigration laws, dealing with laws regarding their voting privileges and as we look toward the renewal of the Voter Rights Act of 1965, our civil rights are being impacted every single day. The working men and women of the 18th Congressional District and of this Nation are impacted by labor rights. All of us, every single day, are impacted by environmental protection laws as implemented under the laws of this Nation. I am concerned that this legislation gives us the potential of overturning or disallowing good laws that may have been ruled against. I believe it is imperative that we understand the importance of separating out the impact on civil rights, labor rights and environmental protection. Allow me to read from the subcommittee markup my statement:

The bottom line is how would a legislative initiative of this kind limit the ability of Federal entities to address the systematic encroachment of the judicial branch upon the civil liberties of the average citizen, particularly the Department of Justice, its Civil Rights Division and the civil rights division of various agencies? The Department of Health and Human Services will be my primary focus in this categorical objection to the language of H.R. 1544, the limitation on these agencies' ability to appeal seemingly unjust circuit court decisions to the Supreme Court. For example, autonomy of relitigation in addition to their ability to create novel and ingenious ways of protecting the rights of citizens is a sacred craft that should be regulated only with the highest and most hesitant level of scrutiny. We must do all we can to ensure efficient and effective government, but not at the expense of our civil rights and liberties and, might I add, our labor rights and environmental laws. The primary source of my problem with this bill is that our trained public servants working in Federal Government agencies will not be allowed the discretion to determine whether a potential threat to standing civil rights and liberties posed by the new circuit court precedent should be challenged by the relitigation of that issue in open court.

I am sure, Mr. Chairman, that many are saying, what if the shoe is on the other foot, for I do realize that in years past the courts came to our rescue in environmental law, civil rights and labor protection. Tragically sometimes we have to look at the cup being half full. That means now we have gone full swing. Now our courts are interfering with civil rights around the Nation.

In particular, as we watched the litigation of Proposition 209 in California, we found that as our Justice Department attempted to intervene in that instance, we determined and saw the results, cases going on in the Southern District of Texas where our administrative agencies are not even allowed to intervene on cases dealing with affirmative action and civil rights, where courts have single-handedly dismantled the civil rights legacy of all that occurred in the sixties and seventies.

I think it is imperative as the shoe is shifted to the other foot that we still give our agencies if they are appealing decisions that infringe upon the civil rights of our citizens and infringe upon the labor rights of our citizens and infringe upon environmental rights.

Under its present language H.R. 1544 would potentially restrict agency divisions assigned the task of protecting civil rights and liberties from contesting a host of adverse and intolerable circuit court precedents in open court. I do not oppose the stated purpose of this bill, but simply question whether in its current form it is the best way to achieve its author's desired end. Again, my primary concern is how this bill will affect an agency's ability to contest those circuit court precedents which unjustly result in the denial or refusal of previously acknowledged civil rights or liberties. It is good that the previous amendment limited it to the IRS, Social Security benefits and Medicare, which is what I truly believe in, but unfortunately such amendment did not pass. Now we have a situation where legislation has a potential to run away with our rights.

Mr. Chairman, I offer this amendment out of concern of the human and civil rights and labor rights and environmental rights of our citizens. I ask my colleagues to join me in upholding these rights by supporting this amendment.

Mr. GEKAS. Mr. Chairman, I rise in opposition to the amendment.

Not only do I oppose the amendment from the basic tenets of the bill that we have introduced here which has as its foundation, Mr. Chairman, equal treatment for all of our citizens in front of the various agencies of the Federal Government. We start with that premise, that that is what we are trying to protect, and then say that in the furtherance of policy on the part of any agency, that they must acquiesce to the court decisions in their circuit or elsewhere when opposition to it would be, in effect, nonacquiescence in the law that is already established. That is a fair premise upon which to start. That is one reason that I oppose it.

Secondly, to chop out of the purview of the bill this agency or that agency, whether it has to do with labor or environmental protection or any issue of the day, would mean that that would render the bill useless and toothless. For that reason, added to the first, we should have enough reason to oppose the amendment. But there is a third one, and the one that it seems to me allows this amendment to crash down as being one that we should be voting down.

The gentlewoman herself makes the strongest argument when she says that the courts have historically been the last resort of our citizens and those who felt that the legislative process was inadequate to meet the problems of civil rights were exhilarated when in case after case the courts found that the agencies were incorrect and that the civil rights of individuals were paramount. It was court decisions to which acquiescence was preached on behalf of civil rights in the past.

Now, the gentlewoman says the shoe is on the other foot and she seeks to, in effect, preach nullification, if she says that now I am appraising, she says that the court system is no longer able to protect the rights of citizens; therefore, we have to look to an agency in the Federal Government, in the administration, to thwart the prospective judgment of the court. In other words, she is preaching nonacquiescence, which is the reason we are here in this bill in the first place, because there has been too much nonacquiescence, a point that the Judicial Conference well noted in urging us to do something about this.

The last point that I wish to make, that even if we were to give credence to all that the gentlewoman from Texas

has said, that there are cases in which, my goodness, acquiescence in the law would be horrid, would be terrible to contemplate, to obey the law would be ridiculously harmful, I say to her, as I have said before, that in the very language of this bill, we have those exceptions carvable that would protect the gentlewoman's worries about what the court might do. Because in the last section of our bill, we say that an agency is not precluded in making a decision at variance with the court actions if, and then we list 3 exceptions that would allow a kind of nonacquiescence, the third one being they would be able to nonacquiesce if it is reasonable to question the continued validity of that precedent in light of the subsequent decision of that Court of Appeals or the United States Supreme Court, a subsequent change in any pertinent statute or regulation, and here is the crucial language, or any other subsequent change in the public policy or circumstances on which that precedent was based.

The gentlewoman's concerns are addressed by the very bill which she is aiming to destroy by offering an amendment that would render the bill useless. I say to her that she should work with us in the implementation of this bill and to be able to in the forefront of her advocacy for any one of these concerns, environmental protection or civil rights, turn to that portion of this bill which would allow her to show that acquiescence would not be in the best interests of our people.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the very distinguished gentlewoman from Texas, the sponsor of this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much both for his leadership and for his kindness. Mr. Chairman, I wish in the best of all worlds we had been able to accept the Nadler-Frank amendment that would have clarified that this legislation pertains to programs such as Social Security and Medicare and that it would not interfere with the rights, the life and death rights of many Americans. In fact, I disagree with my chairman, not on his leadership but on his interpretation. I am not advocating nullification for an agency to be able to ignore a circuit court precedent, but I do argue to preserve their right to contest unjust decisions.

As I have said, we are now moving to the cup is half full, to the shoe on the other foot. I recognize that we are in different times. As we moved in the civil rights movement, we looked to the Department of Justice to send in and to be able to have FBI agents. We looked to the Department of Justice to go into courts and argue our cases. In that instance, those cases prevailed in some circumstances and generated legislative authority under the Civil Rights Act of 1964 and the Voting Rights Act of 1965. We now have a circumstance where tragically the civil rights of our citizens, laws are being legislated, courts are determining the other direction. I would not want to see those individuals in the Federal Government who are pressing forward on issues dealing with the labor rights of my community and this Nation, with the civil rights of those children who will come behind me and the environmental laws that I need to protect every single citizen of this Nation to be denied by this legislation.

□ 1230

Mr. Chairman, I ask my colleagues would they want to have a constituent in their district denied the expertise of the Department of Justice or the Environmental Protection Agency or the NLRB, the National Labor Relations Board, and those other agencies that are needed?

Allow me to put into the RECORD and read very briefly a letter, Mr. Chairman, from the Mexican-American Legal Defense and Education Fund.

The letter referred to follows:

MEXICAN AMERICAN LEGAL DEFENSE, AND EDUCATIONAL FUND,
Washington, DC, February 23, 1998.

DEAR REPRESENTATIVE: On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), I urge your opposition to H.R. 1544, the ''Federal Agency Compliance Act.''

Because of your historical respect for the integrity of the legal system, it is important that you consider the problems inherent in the changes proposed by H.R. 1544 with respect to both intracircuit and intercircuit nonacquiescence and the litigation needs of those represented by various governmental agencies.

H.R. 1544 purports to address the problem of governmental agencies' failure to explicitly comply with appellate court rulings both within and outside a particular circuit. While there is both a need for individuals to have their claims heard as well as having a consistent result within each agency, this bill does nothing to promote internal procedure to address more efficient internal rulemaking and guidance, nor enhance the ability of an agency to pursue a full determination of an individual claim. By limiting each agency's discretion in determining the cases it will appeal, agencies such as the U.S. Department of Justice and the Social Security Administration can only do less to adequately and legally interpret and pursue particular cases deemed to be significant in determining substantive policy.

Furthermore, in its vagueness, this bill may instead require more litigation to determine whether decisions are ''substantially favorable to the government'' or whether a ''substantial change in public policy'' has occurred. Because most agencies have already adopted internal guidance requiring intracircuit acquiescence, this legislation fails to do that which it allegedly seeks, namely require agencies to avoid unnecessary litigation.

While the needs of both agencies and individuals require a clear and equitable means by which to resolve pending litigation, I urge your consideration of the inherent problems of this bill that limits the ability of agencies to seek appropriate legal remedies.

Sincerely,

ANTONIA HERNÁNDEZ,
President and General Counsel.

Mr. Chairman, I will just simply say that their opposition to this legislation because of historical respect for the integrity of the legal system is important. They consider the problems inherent in the changes proposed by H.R. 1544 with respect to both intracircuit and intercircuit nonacquiescence and the litigation needs of those represented by various governmental agencies.

While the needs of both agencies and individuals require clear and equitable means by which to resolve pending litigation, I urge consideration of the inherent problems of this bill that limits the ability of agencies to seek appropriate legal remedies, and I will add the rest into the RECORD at some point, Mr. Chairman.

Let me conclude and say that this legislation is legislation that could be good, but it cannot be good if it denies the rights of citizens who need the protection of our civil rights laws, need the protection sometimes of the Federal Government and its expertise, need the protection of labor laws, need the protection of environmental laws. I ask my colleagues would they want to vote for legislation that slams the door of justice on those citizens who stand before our court systems and need the kind of justice that can be implemented by a strong fight on their behalf in the Federal Government? I would think not.

Mr. Chairman, to make this legislation better I would ask that my amendment be voted on as well as approved by this body.

Mr. Chairman, I rise today to speak in support of my amendment to H.R. 1544, the Federal Agency Compliance Act. The primary source of my problem with this bill, is that our trained public servants working in federal government agencies will not be allowed the discretion to determine whether a potential threat to standing civil rights and liberties posed by a new circuit court precedent, should be challenged by the relitigation of that issue in open court. I believe that the discretion that our federal agencies and the experts they employ currently wield in matters of civil justice, is, at its core, a political necessity that no good government can do without.

Under its present language, H.R. 1544 would potentially restrict agency divisions assigned the task of protecting civil rights and liberties, from contesting a host of adverse and intolerable circuit court precedents in open court. I do not oppose the stated purpose of this bill, but simply question whether in its current form it is the best way to achieve its authors' desired end. Again, my primary concern is how this bill will affect an agency's ability to contest those circuit court precedents which unjustly result in the denial or refusal of a previously acknowledged civil right or liberty. In essence, the only reason that these subagencies were created was so that they could be champions of justice for the uninformed, disadvantaged, and mistreated. If this Congress moves to prevent the full exercise of these agencies' discretion to litigate, by passing H.R. 1544, they will effectively deem the civil rights divisions of these various federal agencies as impotent, if not irrelevant.

My proposed amendment to this bill will, in turn, allow federal agencies to proceed with appellate challenges to those matters in which issues of civil rights or liberties are centrally involved. I have not proposed an amendment that would allow only those decisions that I disagree with to be challenged in Circuit Court, but instead, I have offered an alternative to the present language of H.R. 1544 that is in the defense of the fair process of government. I may not agree with every appellate challenge made by federal agencies to federal court decisions, but I am surely not prepared to suspend their right to make such challenges in every possible regard because of my displeasure. If the purpose of H.R. 1544 is not to inhibit the exercise of our civil rights and liberties in this country, then its language should be changed accordingly. If it is, then the authors of this bill should have the courage to say so. If civil rights, and all of their many forms, are not the target of this legislation, passing this amendment is the simplest way to take them out of play.

Furthermore, I fear that if the Civil Rights Divisions in the Department of Justice, Department of Health and Human Services, and the Department of Education, among others, are barred from relitigating those claims deemed ''off-limits'' by the letter of H.R. 1544, we will start down a slippery slope of ineffectual and indifferent regard for our most sacred, longstanding civil rights that will eventually marginalize the entire federal government's civil rights agenda. We must remember that the government exists not simply to protect us against each other, but at times to protect us against the encroachment of government itself. In this case, an exception for civil rights cases is necessary so that the government through our federal agencies can seek, when necessary, to defend the rights of the American people against the often highly-prejudiced decisions of our federal circuit courts. Often our federal agencies, and their activism in the arena of civil rights, is the only thing keeping our struggle for social justice in this country in balance.

Even though, I believe that this limitation on the purview of civil rights activism by federal agencies was an unfortunate by-product of this legislation and not the original intent of this bill, it is a lurking problem, nonetheless. During the Judiciary Committee Mark-Up of this bill, my efforts to try to amend the language of this bill so that the effects of this potentially dangerous threat to all of our civil and political rights might be mitigated proved unsuccessful. So now, I am giving the supporters of this bill a final warning. If we are going to make an error in the enactment of this legislation, it is my belief that we should err on the side of the civil rights and liberties of the American people, and not in favor of a more efficient bureaucracy. Our government, through the vehicle of its federal agencies, must be allowed the full discretion to propose novel and ingenious criticisms of adverse civil rights precedents when it deems such action to be necessary. Rogue circuit court decisions like the Hopwood versus Texas decision in the 5th Circuit, which affects the exercise of affirmative action in educational settings throughout the entire state of Texas, must not escape the legal scrutiny of relevant federal agencies when such scrutiny is applicable.

In light of these facts, I urge all of my colleagues, whether you are supporters of H.R. 1544 or still undecided, to keep these concerns in mind as you review the merits of this legislation, again. Ask yourself the question, why should we harm the civil rights of the many in order to expedite or eliminate the interaction with the judicial process for the few? There must be a better way to achieve this goal. So I ask you to oppose H.R. 1544 as it stands, and pass the Jackson-Lee Amendment.

Mr. NADLER. Mr. Chairman, reclaiming my time, I want to, first of all, commend the gentlewoman from Texas (Ms. JACKSON-LEE) for the work she has done in bringing this problem to the attention of the committee and now to the House, and I wish that the amendment that I sponsored that was defeated a few moments ago had been passed. It would have taken, this is one of the problems that it would have taken care of, and one source of opposition to the bill in chief that would have been removed, and I hope that as we move forward with this bill in conference, if it passes the House, that we can work to alleviate the problems presented or illustrated by this amendment and by the amendment that I offered earlier so that we have a bill that in the end we can support, especially since we will need that support on final passage.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. NADLER).

(By unanimous consent, Mr. NADLER was allowed to proceed for 30 additional seconds.)

Mr. NADLER. Mr. Chairman, we will need all that bipartisan support in both Houses at the end of the day.

So I look forward to working with the gentlewoman and I hope with the majority in trying to work these problems out. In the meantime, I urge the adoption of this amendment as resolving one of the problems with the bill, and even with this amendment adopted, the bill will still deal with the core problem with the 98 percent for which it was, of the problem for which it was designed, and it would be more likely to be passed. So I urge the adoption of the amendment.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 5, insert after line 20 the following:

SEC. 4. APPLICATION.

The amendments made by sections 2 and 3 shall not apply to an agency in its actions involving a commercial transaction with a business located in a foreign country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first say that we all want to see positive results coming from this legislation, but my concern is that I think it makes no sense to limit the ability of critical government agencies such as the National Labor Relations Board, as I spoke earlier, and the Environmental Protection Agency, along with our civil rights agencies, not to be able to protect the rights of our citizens, and of course that is the basis of the Nadler amendment previously and my amendment that was just on the floor.

This amendment that I now have goes to a much narrower point. That point deals with the provisions that apply to an agency dealing with the foreign governments and foreign businesses. Whatever justification there might be for forcing line adherence to legal precedents when the cases involve U.S. citizens and companies, there is no reason for these entities to be forbidden when it comes to a foreign company. This simply says that someone who is here in America has a right to have the protection of their government when dealing with a foreign entity, one that is larger, one that is stronger, one that has the backing of its government. That is, I think, a clear, a clear principle that we should advocate, is that our citizens have our protection both by the agencies and both by the courts.

For example, it is a possibility in a trade or a dumping dispute against a foreign company. We need to make sure the Commerce Department or other agency is fully armed to protect American jobs and American goods, and if the Agriculture Department is seeking to rid the country of disease through foreign products, that we need to make sure that we are fully prepared to protect American consumers.

This Nation faces a record and growing deficit. In the wake of the recent turn down or turmoil in Asia, we might expect, for example, dumping claims. We do not want them, we hope we do not get them, but we need to have the protection of the Federal Government and agencies who again have the expertise to protect in these two-person situations.

When foreign companies fight our government in court, they are forced to challenge work in adverse or work with adverse court precedence. This will not be true of our government under this bill, however. All my amendment does is create a level playing field with foreign companies, and this should be done to protect our citizens.

Again, I say do we want justice to be slammed in the face of our citizens or do we want them to have the opportunity to have the expertise, the power of Federal agencies on their side in pressing the point dealing with foreign companies? I hope that my colleagues will join me in supporting a very fair and balanced amendment that simply

says it gives our citizens, our businesses a working chance, a viable chance, in a contest with foreign entities in this instance of doing business in a new world order.

Mr. GEKAS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Texas.

First of all, I want to thank the gentlewoman from Texas for bringing to the attention of the Members another region of the Federal agency world which is covered and should be covered by our bill; namely, the Commerce Department. That is one example that I had not yet had the time to show the Members should also be covered by our bill as well as every other agency to provide equal justice for our citizens no matter in which agency they appear to claim certain benefits and rights and privileges.

Secondly, the Department of Commerce, for example, which is alluded to by the gentlewoman from Texas (Ms. JACKSON-LEE) could make decisions that would disfavor American citizens as much as it could make decisions that would benefit them. And so the gentlewoman says do not bother with the courts, leave them out of it, let the Department of Commerce decide finally what is best for the American citizen. Even if a decision of the Commerce Department under her analogy finds against the American citizen and says in favor of a foreign business entity.

Well, to make the decision as to whether it is beneficial to an American citizen or not historically and constitutionally and pragmatically and with the separation of powers in tact, it will be the court that will determine the relative merits of the proposition to either protect an American citizen against a foreign company or deny benefits to an American citizen because of a foreign company. The court will decide whether the Commerce Department decision is appropriate or not.

But that is not the basic issue. The basic issue is should we allow the Department of Commerce or any other agency in the Federal Government to look at the court decision on a proposition that is now before them that is lying on the desk for immediate action and say nuts to that decision, we are going to apply what we think is the best possible plan for this claimant even if it is to the detriment of that claimant, and if it is depriving of a benefit, all the more reason why they should acquiesce to the judgment of the court.

So we are saying follow the law, Commerce Department, follow the law, and then if for some egregious invisible rationale we again determine, my gosh, it might be disastrous to have to obey the law, then we can revert to the language of the bill that we have so carefully crafted that would allow those special circumstances in which it can be proved that following the policy of the Commerce Department and the example that the gentlewoman has given, to follow the policy would be strong enough to allow an exception to the purview of the bill. That is the way to approach this.

We believe that in order to provide equal justice at the start, we also allow justice to prevail if some great wrong would be committed by acquiescence to the law. But the way we have crafted it, that has to be proved, it has to be demonstrated, and that is fair in itself.

I urge rejection of the amendment and adherence to final passage in favor of the bill.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much, and I appreciate the argument of the chairman, but let me just simply say we do not allow foreign nationals to give monies to politicians; why then should we allow foreign companies to fight our Government in court, and they have a better leg up or greater standing than our own Federal agencies to be able to protect or contest the kinds of decisions that may negatively impact on our companies, citizens, and others doing business.

As Fuji Film comes into our court system, it seems that they may have a greater standing in our court system than our Department of Commerce or Department of Justice. We are simply trying to protect jobs here. We are trying to give an equal playing field, if my colleagues will, which all of America believes in, give us an equal playing field, allow our agencies to go in, but again with their expertise and fight fairly in court against decisions that may be adverse to our business community, to those who are doing international trade, to those who find themselves in a litigation mode against a foreign entity, and why give that foreign entity, if my colleagues will, the chance to come and overcome our maybe small- or medium-sized business or maybe large corporation who stands by themselves without the clout and protection of the Federal Government.

One of the points that we have noted when we do international business is that the governments of our foreign countries are intimately interwoven in their countries doing business. Why then, if we are in trouble here in the United States and have a litigation matter without businesses should we not allow our clout, Federal agencies, to be engaged in the fight and to have the ability to be in the fight on an equal playing field.

Mr. Chairman, I ask my colleagues to join me in support on behalf of American businesses and American citizens to give them an equal playing field in the court of international thought, international business and making sure that they have the clout of the American Government behind them.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair informs the gentleman from New York (Mr. NADLER) that although time is not controlled, the time has passed. He cannot yield blocks of time when we are in the Committee of the Whole, but must remain on his feet under the five minute rule.

The gentleman from New York (Mr. NADLER) is recognized for the remainder of his time.

Mr. NADLER. Mr. Chairman, I want to simply observe that this amendment, like the last amendment offered by the distinguished gentlewoman from Texas, is a worthy amendment and improves the bill. I urge its adoption. I urge all my colleagues to vote for it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

Mr. GEKAS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COMBEST) having assumed the chair, Mr. SNOWBARGER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1544), to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits, had come to no resolution thereon.

□ 1245

WITNESS PROTECTION AND INTERSTATE RELOCATION ACT OF 1997

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the

bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for one hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 366 is an open rule providing for the consideration of H.R. 2181, the Witness Protection and Interstate Relocation Act of 1997. The purpose of the legislation is to ensure the safety of State witnesses and to promote the notification of the interstate relocation of witnesses by States and localities engaging in that relocation.

Resolution 366 provides for one hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule further provides that the bill will be considered by title, with each title being considered as read.

The Chair is authorized by the rule to grant priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

In addition, the rule allows for the Chairman of the Committee of the Whole to postpone votes during the consideration of the bill, and to reduce votes to 5 minutes on a postponed question if the vote follows a 15 minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I believe that this resolution is a fair rule. It is an open rule for the thorough consideration of H.R. 2181, the Witness Protection and Interstate Relocation Act of 1997.

H.R. 2181 is a step in the right direction, Mr. Speaker, to address the very real problem of gang-related witness intimidation, which is an increasingly frequent problem as gangs expand their influence and membership beyond State lines.

In a recent survey, over half of the prosecutors in large jurisdictions cited intimidation of witnesses as a major problem in criminal proceedings.

This bill, among other things, establishes a new Federal offense for traveling interstate with the intent to delay or influence the testimony of a witness in a State criminal proceeding by bribery, force, intimidation or threat.

In Florida, our department of law enforcement has identified the presence of over 300 gangs with a membership of over 10,000, including motorcycle gangs, street gangs, prison gangs, militia gangs and racist gangs. However, of the current prison population in our State, less than 2 percent of those behind bars were convicted as part of gang-related crimes. Clearly it is very difficult to actually convict gang members, especially when witnesses are reluctant to testify for fear of retaliation in gang-related cases.

Witnesses in State proceedings are sometimes relocated to other States. Currently no Federal law exists which requires the notification of the State or local enforcement officials that a witness, sometimes with a criminal record, has been relocated to this new jurisdiction. This lack of notification has presented its share of serious difficulties. This legislation, H.R. 2181, promotes coordination among jurisdictions when a witness is relocated interstate.

It is my understanding that some Members may wish to offer germane amendments to this bill, and, under this open rule, they will have every opportunity to do so.

I would like to commend the gentleman from Florida (Mr. MCCOLLUM) for his hard work on H.R. 2181, and would urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Mr. Speaker, this rule is a completely open rule. It is obviously very fair. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this open rule and urge my colleagues to support it so that all alternatives and potential improvements to this legislation may be considered.

Law enforcement officials around the country report that gang-related witness intimidation is now endemic in a growing number of areas. Witnesses' refusal to testify is a major concern, because it undermines the administration of justice, while simultaneously eroding public confidence.

H.R. 2181 addresses the problem of gang-related witness intimidation by establishing a Federal offense for traveling in interstate or foreign commerce with the intent to delay or influence the testimony of a witness in a State criminal proceeding.

Such intimidation is increasingly interstate in nature and now poses a severe impediment nationally to the prosecution of violent street gangs and drug-trafficking organizations.

In 1994, a survey of 192 prosecutors found that intimidation of victims and witnesses was a major problem for 51 percent of the prosecutors in large jurisdictions. That is over half. Prosecutors interviewed for the 1996 National Institute of Justice Report on Preventing Gang and Drug-Related Witness Intimidation estimated that witness intimidation occurs in 75 to 100 percent of violent crimes committed in neighborhoods with active street gangs. Increasingly, gangs are promoting community-wide noncooperation through public humiliation, assaults and even the murder of victims and witnesses.

This type of community-wide intimidation cannot be allowed to undermine our judicial process by threatening our witnesses and our juries. I strongly support the witness notification relocation provisions in the legislation, as well as the goals of the witness intimidation provisions.

But, nevertheless, despite the laudable goals of the bill, provisions were included that allow for the death penalty for witness intimidation. The committee voted 17 to 7 against an amendment that would have deleted the death penalty provisions.

I find this death penalty provision troubling, because this past February the American Bar Association passed a resolution declaring that the system for administering the death penalty is unfair and lacks adequate safeguards. The resolution declared that executions should be stopped completely until a greater degree of fairness and due process can be achieved.

My fear is that the proliferation of new death penalty offenses that we keep churning out only works to guarantee that executions will indeed become more haphazard. I do not oppose this open rule, however.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

The SPEAKER pro tempore (Mr. Ewing). Pursuant to House Resolution 366 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2181.

□ 1256

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and a member of the minority party each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2181, which is before us today, represents another important step by this Congress to address the unacceptably high levels of violent crime ravaging our country today. A lot of people do not realize that when they read about or hear that the violent crime rate in the country has come down the last two or three years, that it is still as high as it is, and that is why when they turn on their television sets at night and watch violence so much on that set, it is not out of proportion, even though some critics want to say it is.

Back in 1960 there were about 165 violent crimes for every 100,000 people in our population. That is 165 for every 100,000 people. About 4 years ago, we reached a little height in terms of the total number of violent crimes at about 685 violent crimes for every 100,000 people in our population, a huge difference between 1961–65 and the 165.

Now that we have had a marginal decrease in the violent crime rate over the past couple years, that is, down to the last year's figures of about 630 violent crimes for every 100,000 people, still more than 4 times as many violent crimes committed in the last year in this country per capita, per 100,000 in the population, as was the case in 1960. Way too much.

It means if you go to a 7–Eleven store, a convenience store, in the evening to buy a carton of milk, it is 4 times more likely you are going to get robbed or murdered or mugged or raped or whatever by an assailant than it was back in 1960.

We cannot take the country back to 1960 in a lot of ways, but we certainly should be able to take it back there in terms of the total numbers of violent crimes per capita in this Nation.

It is absolutely outrageous that this is the case, and that is why we have tried over the last year or two in this Congress to address those issues. That is why we have the law that went into effect to encourage the States to adopt truth in sentencing, to make those who commit violent crimes serve at least the greater portion of their sentence, the 85 percent rule, rather than in the last few years where it was at about 33 or 34 percent of their sentences.

□ 1300

That has been very successful, by the way, in over half the States now, with a pool of money being offered to them to build more prisons if they will agree to change their laws to make that truth-in-sentencing requirement, so violent criminals serve at least 85 percent of their sentences. That is why more than half of the States, to get that pool of money, have changed their laws now and we have those laws in place in those States. That is going to mean those who commit those violent repeat crimes are going to be locked up for long periods of time, not to be back out on the streets to commit the crimes.

We have also done some other things that are equally important in a bill that passed this Congress, at least passed this House, this body, last year, with regard to juvenile justice, where we are attempting to get some consequences put in the juvenile justice laws of this Nation very early on, so that those who commit misdemeanor crimes, spray painting graffiti on a building as a teenager, or perhaps running over a parking meter, breaking a store window, vandalizing the store, whatever, get a chance to see that there are some consequences, be it community service or otherwise. We have done an incentive grant program to the States in this proposed legislation that is now pending in the other body that would provide the States with additional resources if they would simply make sure, and assure the Attorney General of the United States, that they are putting consequences in some kinds of punishment, from the very early misdemeanor crimes that juvenile delinquents have, because we know most violent crimes proportionately are committed by teenagers in their middle to later years of teenaged life.

This is all part of a pattern, this bill today, H.R. 2181, to try to get control over this extreme violence that is out here in our country today. Yesterday we passed a bill in the House that would give some real tough teeth to Federal laws with regard to gun use. Whenever there is a violent crime committed using or in some way brandishing or discharging a firearm, or if there is a drug trafficking crime at the Federal level involving the possession or brandishing or discharging of a firearm, if that is indeed the case, then if the bill that passed the House becomes law, anyone who does that, in addition to whatever sentence they get for the underlying crime they are committing, anybody who does that is going to get 10 more years on for possession, 15 more years on for brandishing, and 20 more years added onto their sentence for the discharge of a firearm in connection with that crime.

Today H.R. 2181 is another step in that effort. It is another smart, tough response to the problem of juvenile violent crime we are talking about. It is the product of two hearings, this bill today, one which was held in my home district of Orlando, Florida, with a great deal of input from the Justice Department and the U.S. Marshals Service. It is derived in part from a proposal in the President's juvenile crime bill and it has strong bipartisan support.

Mr. Chairman, today there is a crisis emerging in our country. Violent street gangs are intimidating and retaliating against witnesses who have the courage to testify against them. In every major city in America today the rule of law is under attack by violent street gangs that are using violence and the threat of violence to silence those who would help bring those who are criminals in those gangs to justice. The stories of witnesses paying the ultimate price for their willingness to testify are as tragic as they are numerous.

Eduardo Samaniego, a courageous 14-year-old from Pomona, California, was one such victim. The son of a maintenance worker, Eduardo avoided gangs, although they virtually engulfed his working class neighborhoods. As much as possible he lived the life of a typical adolescent, becoming a star Little League baseball player, and dreaming of making the big leagues.

But one afternoon right in his own neighborhood Eduardo witnessed a gang murder. To his parents great pride, he was one of only three witnesses among approximately 15 who had observed the shooting who agreed to testify. He spoke up firmly at the preliminary hearing, but he never had a chance to testify at trial. Within a week Eduardo was fatally shot in an alley near his home. Not surprisingly, the two other witnesses subsequently refused to testify at trial.

The threatened violence and actual violence used by gangs against such witnesses is by itself enough to demand action, but the spectacle of violent street thugs getting away with undermining the administration of justice in cities, counties, and States throughout the country is simply intolerable. Sadly, their outrageous conduct has already led to the erosion of public confidence in law enforcement and our judicial system in too many communities, making community cooperation even more difficult to obtain.

Intimidation of witnesses is on the rise around the country, with the problem now endemic in a growing number of cities, cities as diverse as Los Angeles, California, Des Moines, Iowa and Washington, D.C.

The tentacles of street gangs extend and even flourish behind bars. Fear of retaliation is often fed by the belief that incarcerated gang members will return quickly to the community life after serving brief sentences and will be able while incarcerated to arrange for other gang members to target potential witnesses. Meetings that I had of the Subcommittee on Crime in the last Congress around the country with various community leaders in five different sections of the country reinforce

the fact that indeed this was the case, that there is an awful lot of crime being directed and conducted out of prisons today in this Nation, far too much, and much of it is gang-related, and much of it involves witness intimidation, to try to allow the person who is serving jail time, who is the leader of the gang or the leader of organized crime in that community, or drug trafficking crime, whatever, to get off the hook or to get one of his compatriots off the hook.

The mere fact that a crime is gang-related can be sufficient to prevent an entire neighborhood from cooperating. In New York City, a local gang executed a man for a petty drug theft. The gang then decapitated him and used his head as a soccer ball, kicking it around in the street. This atrocity served the gang's purpose. According to local law enforcement, the lack of cooperation by residents in this neighborhood prevented law enforcement officials from solving nearly 30 homicides in 1994, and contributed to an atmosphere of rampant violence in which an average of 8 gunshots occurred each night.

The traditional steps taken by State and local law enforcement to counter the problem of witness intimidation continue to be helpful, but these measures, which include requesting high bail, prosecuting witness intimidation vigorously, and enhancing witness and victim protection program services, are by themselves increasingly not enough.

As gangs have become more interstate in their operations and scope, their ability and willingness to track down witnesses who have moved to other States has increased. As a result, State and local law enforcement officials such as those who testified in our June, 1997 Subcommittee on Crime hearing have called for a greater Federal role in responding to interstate witness intimidation.

Title I of H.R. 2181 responds to this problem by establishing a Federal offense for traveling in interstate or foreign commerce with the intent to delay or influence the testimony of a witness in a State criminal proceeding by bribery, force, intimidation, or threat. The penalties provided for such an offense, in addition to fines, are imprisonment for not more than 10 years if serious bodily injury results, imprisonment for not more than 20 years, and if death results from the offense, the sentence may be for any terms of years or for life or the death penalty.

At our June 1997 subcommittee hearing a deputy district attorney from Los Angeles County, Jennifer Snyder, provided compelling testimony regarding the value of tough penalties for those who intimidate witnesses.

When asked whether the penalties provided in this bill would have any deterrent effect, and relying on the existing California State law for what occurs in that State, she stated, ''Gang members know that it is the death penalty to kill a witness. We have heard that in our wire intercepts, we hear it in their casual conversations. They know the difference between mad dogging, or staring at a witness, and what is going to cost him if they actually go through with it and kill them. So it does have an impact when you are talking about increasing the punishment.''

In addition to establishing a new crime and tougher personalities aimed at protecting witnesses, title II of the bill seeks to protect witnesses by facilitating safe and effective witness protection programs.

Witness protection programs are an indispensable tool in combating violent crime. In cases involving drug trafficking and organized criminal activity, prosecutors often must rely on the testimony of witnesses who were involved in some facet of the illegal operation.

In order to encourage them to testify, the government may need to offer protection when such witnesses are subject to retaliatory threats by defendants.

As the subcommittee learned during its November 1996 field hearing, the nature and sophistication of witness protection programs varies widely. Some localities have no witness protection and relocation capability. And even those that do have such capability vary considerably. While most programs do not relocate witnesses out of State, others, such as Puerto Rico's program, do so frequently.

There is currently no Federal law directly addressing the interstate relocation of witnesses. As such, unless required by a State's own law or by other agreement, programs are under no legal obligation to notify local law enforcement officials and witnesses with criminal records who are relocated interstate.

The potential problems associated with failing to provide notification were highlighted by the June 15, 1996 incident in Osceola County, Florida. On this occasion, Florida Highway Patrol officers and plainclothes Puerto Rico police officers moving a witness narrowly averted an altercation. The Florida troopers thought the officers from Puerto Rico were criminals posing as FBI agents, while the officers from Puerto Rico apparently thought the Florida troopers were assassins sent to kill their witnesses.

As a result of this incident, the Florida Department of Law Enforcement and the Puerto Rico Department of Justice entered into a Memorandum of Understanding to regulate the relocation of witnesses between the State and the Commonwealth. I am pleased to report that there have been no incidences since this Memorandum of Understanding was implemented.

Title II of this bill addresses the need for coordination among jurisdictions when a witness is relocated interstate, by directing the Attorney General to survey State and local protection programs with the aim of making training available to those programs.

The Attorney General is also directed to promote coordination among State and local interstate witness relocation programs, in part by developing a model Memorandum of Understanding for interstate witness relocation. This model Memorandum of Understanding is to include a requirement that notice be provided to the jurisdiction to which the relocation has been made in certain cases.

It is also noted that that particular notification has to be narrow. You cannot just blanket notify everybody that might possibly be in law enforcement or you do not protect your witnesses.

There needs to be a targeted method of doing that in order to provide protection in those States where these witnesses are relocated for the residents of those States because, often, these witnesses who are relocated themselves are potentially very dangerous since they were involved, often, in the underlying crime some way or another and are being protected in order to get them to testify against somebody who is perceived by the other State or jurisdiction's authorities to have committed a more heinous crime or maybe be the organizer and the head kingpin of that criminal enterprise.

Title II also authorizes the Attorney General to make grants under the Byrne discretionary grant program to those jurisdictions that have interstate witness relocation programs that have substantially followed the Memorandum of Understanding in terms of how it has been structured and proposed as a model.

Mr. Chairman, the two titles of this bill, taken together, represent a strong commitment to protect witnesses in federal and State criminal trials, and in doing so, to strengthen the criminal justice systems around the country which are increasingly overwhelmed, particularly by gang violence, but by violence generally.

Mr. Chairman, I have traveled through the drug source countries of South America over the last three months, and I have seen the tragic results of unchecked drug trafficking and violent crimes. I have seen what happens when the rule of law is under siege. The tradition of democratic self-government breaks down, and ordered liberty becomes a thing of the past.

In the United States, we cannot tolerate such lawlessness directed against our justice system. We must ensure that we have the right laws and the right penalties in place to send an unmistakable message to those who would subvert justice.

We must have the provisions in this bill which would provide for very, very tough penalties, including an up to the death penalty where murder occurs, for people across the State line to intimidate or kill a witness to avoid their own conviction or the conviction of somebody in their gang or somebody in their criminal enterprise.

We do not have that law now. It needs to be on the books, not only so

that when that does occur we can see justice carried out for the ones who perpetrate this crime, but in order to send the message, the message to those who do talk, as Ms. Snyder, the Los Angeles County prosecutor, told us, who do talk among themselves, whose wire intercepts we have heard, who understand what the penalties and the prices are. And when they understand it, they will be far less likely to go over and do this kind of intimidation across State lines.

I want to thank the Justice Department and the Marshals Service for their input into this much-needed bipartisan legislation.

Mr. Chairman, I reserve the balance of my time.

□ 1315

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM) for that extensive review of the witness intimidation and relocation bill. We can all support the notion that those who obstruct our system of justice must be subject to penalties, and we can support measures designed to make such conduct a Federal crime. If State lines are crossed, which is along the lines of measures proposed in the administration's juvenile justice bill, I think that this is also a good thing to do.

May we also indicate our support for the need to collect information regarding what States are doing in terms of relocating witnesses and notifying other States of those relocations. We need Federal standards for such programs, and I fully support witness relocation and notification provisions contained in this bill. And if it were not for the inclusion of the death penalty, I would support this legislation.

Recently, the Death Penalty Information Center issued a report entitled ''Innocence and the Death Penalty: The increasing danger of mistaken executions.'' This report described 16 instances since 1973 in which condemned prisoners had to be released from death row because mistakes had led to wrongful convictions. The figure represents more than 1 percent of the approximately 6,000 people sentenced to death in that period. And, of course, there are no measures to calculate the number of innocent people actually executed.

Last year, the American Bar Association passed a resolution declaring that the system for administering the death penalty in the United States is unfair and lacks adequate safeguards. They further declared that the executions should be stopped until a greater degree of fairness and due process could be achieved.

So 25 years after the Furman vs. Georgia invalidation of the death penalty in the Supreme Court, finding that the penalty was so wantonly and so freakishly imposed that those being sentenced to die received cruel and unusual punishment, I am sorry to say little has changed. The death penalty is still inflicted upon a capriciously selected, random handful. Moreover, the proliferation of new death penalty offenses only works to guarantee that its imposition will even become more hazardous and more capricious.

There is compelling evidence for many jurisdictions that the race of the defendant is the primary factor governing the imposition of the death sentence. In Georgia, the district attorney in one circuit sought the death penalty in 29 cases, and in 23 of those 29 cases, the defendant was African-American, although blacks made up only 44 percent of the population.

Similar evidence is emerging under the Federal death penalty for drug kingpins. Of the 37 defendants for whom the death penalty was sought between 1988 and 1994, four were white, four were Hispanic, but 29 were African-American.

Death sentences are even more frequently imposed when the victim is white. Since 1977, more than 80 percent of the country's death penalty cases have involved white victims, while about half of the homicides committed each year in the United States involve black victims.

A study by Professor David Baldus at the University of Iowa of over 250,000 homicide cases in Georgia, which controlled for 230 nonracial factors, found that a person accused of murdering a white was 4.3 times more likely to be sentenced to death than a person accused of murdering a black. Although fewer than 40 percent of Georgia homicide cases involved white victims, 87 percent of all the cases in which a death sentence was imposed involved white victims.

We are also concerned that the imposition of the death penalty has become so routine that there is now immediate support for the addition of this penalty whenever it is suggested. A death penalty attached to a new crime is deemed unremarkable and seldom engenders serious debate or discussion, and that is why I raise it on the floor with the measure before us.

Given the overwhelming concerns of fairness and accuracy with which the death penalty is imposed, combined with the lack of a proven deterrent effect, it is my strong desire and intention to modify the measure that is on the floor to contain a life sentence rather than the death penalty.

Mr. Chairman, with that I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), a member of the committee.

Mr. BUYER. Mr. Chairman, I appreciate the gentleman from Florida yielding to me.

Mr. Chairman, I rise in support of H.R. 2181, which is to address the very real problem of intimidation of witnesses. The instances of intimidation across State lines is especially pronounced in gang and drug cases, frustrating the ability of State and local authorities to successfully prosecute these cases to include the Federal Government.

The intimidation of witnesses is specifically intended to undermine and subvert our system of justice. I believe that it is an insult to the integrity of the judicial system. Let me give an example.

The last case that I was involved with in the United States Attorney's Office involved two Colombians charged with the distribution of cocaine. Three of our witnesses were also witnesses in a State collateral case, one of which was an informant who we had spoken to. The following morning they were found in the kitchen of an apartment, their hands tied behind their backs, washcloths stuffed in their mouths, and the back of their heads were blown off with shotguns.

Mr. Chairman, I can share that in all other cases that these individuals had been involved, not only in Federal cases, but also in State cases, no one would step forward to testify. The intimidation was very real and it was very effective. We never found out who actually pulled the trigger and killed these people, but I would have enjoyed having the opportunity to have prosecuted them.

Such a strategy of violence intended to intimidate does have a chilling impact on the system and I saw it firsthand. Opponents to this bill believe that in such instances the death penalty should not be used as the ultimate punishment. I disagree. The death penalty is appropriate to those who would kill to undermine our judicial system for their own personal gain.

Mr. Chairman, this intimidation does undermine and have a chilling impact upon the judicial system. It is not healthy and I support this bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROGAN), the newest member of the Committee on the Judiciary.

Mr. ROGAN. Mr. Chairman, I thank the distinguished gentleman from Florida (Mr. MCCOLLUM), chairman of the subcommittee, not only for his leadership on this particular issue, but for his eloquence in presenting it before the House. In doing so, I wish also to thank and congratulate the distinguished gentleman from Michigan (Mr. CONYERS), our ranking member, for his articulate presentation today, and for the dissenting views he and others put forth in the subcommittee report.

Although I do differ with the gentleman from Michigan in his opinion respecting the death penalty, aside from this philosophical difference, his statement respecting the merits of the bill itself is in line with those of the subcommittee chairman.

Mr. Chairman, it is significant that all the members of the subcommittee

who heard this bill see a real need for this particular legislation. Our differences are over the level of penalty that should be imposed for the most egregious cases.

This bill strikes a particular chord with me, because before I arrived in Congress I spent 10 years as both a criminal trial court judge in Los Angeles County and as a member of the Los Angeles County District Attorney's Office. Specifically, during my tenure in the District Attorney's Office, I was assigned to what was called the hard-core gang murder unit.

My job on a daily basis for a couple of years was prosecuting gang cases, particularly gang murder cases. It was very common for members of that unit like myself to carry over 20 open gang murder cases.

Mr. Chairman, those were extremely difficult cases to prosecute. The difficulty did not come from the lack of ballistic evidence, because we often had ballistic evidence. They were not difficult because we did not have fingerprints. Often we had fingerprints. And the difficulty did not come from a lack of witnesses. There were generally many witnesses. The difficulty came in getting those witnesses who saw the crime to come to court and testify. The whole trick to trying gang cases was getting the witnesses into court to tell what they saw.

Generally speaking, when a violent crime occurred, in the excitement of the moment or in the confusion when the police arrived, we often could find a lot of people who were willing to tell the police exactly what they saw, exactly what they heard, and identify the perpetrators. But once the police crime scene tape came down, once the squad cars left and once the detectives returned to the station, those witnesses became victims within their own community—helpless to the intimidation and threats from gang members. It did not take long for any of them to find out what the bottom line was to their safety.

Mr. Chairman, there was a curious phenomenon from the time of the crime until we empaneled the jury: a predictable loss of a witness' memory. Often we would try to do whatever we could to accommodate these witnesses, such as preparing to move them out of the neighborhood. But even that became problematic, because the sophistication of gangs throughout this country has become such that their boundaries are no longer within a neighborhood or a city. Their sophistication and their reach crosses State lines. That is why the current situation cries out for the remedy being suggested by this legislation.

The need for this bill is uncontroverted from both sides, and that is why I again congratulate and thank the gentleman from Florida, the subcommittee chairman, for bringing this to the floor. Again I thank the gentleman from Michigan, the ranking member, and the minority members of the subcommittee, for their support for the bill in concept.

Mr. Chairman, this will make an incredible difference to those who are on the front lines every single day trying to prosecute these cases to make our neighborhoods safe, and for those who must live in these areas. And I cannot emphasize enough to my colleagues what a difference this bill will make once it is on the books. It will note of those people who ought to be protected, those whom we call upon to do their civic duty and go before the bar of justice to help convict dangerous offenders. This will be a significant help to their level of comfort and safety.

Ms. DEGETTE. Mr. Chairman, I rise today to express my regret that H.R. 2181, the Witness Protection and Interstate Relocation Act, expands the death penalty in federal law.

Members of this Congress have heard definitive testimony from law enforcement officials that witness intimidation and coercion are increasing at a disturbing rate. As the instance of intimidation rises for gang-related and drug crimes, Congress must be responsive. Witnesses need to feel confident that they will be removed and protected from aggressors. Creating a series of new opportunities for courts to impose the death penalty, however, is not the answer.

Mr. KUCINICH. Mr. Chairman, I rise to state my views on H.R. 2181, the Witness Protection and Interstate Relocation Act of 1997.

While this bill includes many valuable provisions which would improve States' witness protection and relocation programs, I cannot, in good faith vote for final passage due to a provision currently in the bill.

My fellow colleagues, my moral and religious values prevent me from voting for a bill which calls for imposition of the death penalty. I believe those who commit serious crimes should be severely punished, even to the extent of life imprisonment, but I do not believe in the death penalty. I believe very strongly in the sanctity of life, and my voting record consistently reflects this belief.

I hope that when this bill goes to conference the death penalty provision is removed. I look forward to working with my colleagues on both sides of the aisle to provide the States with the means to protect witnesses who put their lives at risk to do the right thing and to set strong and reasonable penalties for those who engage in witness intimidation or obstruction of justice.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I support you in your efforts to address the crisis of witness intimidation; however, I do have some concerns. The problem of witness intimidation is a growing problem and one that must be addressed by this Congress. In a growing number of criminal cases around the United States, police and prosecutors are unable to prosecute cases successfully because key witnesses refuse to testify for fear of retaliation by defendants.

This problem is particularly acute in gang- or drug-related cases. In fact, prosecutors report that the mere fact that a crime is gang-related is often sufficient to ensure neighborhood silence. This situation is frustrating for prosecutors because the absence of an overt threat precludes the use of traditional responses to witness intimidation.

It is hard not to sympathize with the witnesses to these crimes who choose to remain silent out of fear of harm to themselves or their loved ones. These are people who are surrounded daily by crime, violence and death. They witness first-hand the horrors that the nation sees only on the six-o'clock news. They know that the threat of retaliation is not an idle one.

A 1994 survey of prosecutors found that 51 percent of prosecutors in large jurisdictions and 43 percent of those in small jurisdictions, identified intimidation of witnesses as a problem. Several prosecutors interviewed for the 1996 National Institute of Justice Report, ''Preventing Gang- and Drug-Related Witness Intimidation,'' estimated that witness intimidation occurs in 75 to 100 percent of the violent crimes committed in neighborhoods with active street gangs.

This all points to the fact that witness intimidation is a very serious concern because it undermines the administration of justice and erodes public confidence in the justice system.

However, I do have some concerns about this legislation includes the death penalty for witness intimidation that results in death. Recently, the Death Penalty Information Center issued a report entitled ''Innocence and the Death Penalty: The Increasing Danger of Mistaken Executions.'' This report describes 69 instances since 1973 in which condemned prisoners had to be released from death row because mistakes had led to wrongful convictions. This figure represents more than one percent of the approximately 6,000 people sentenced to death in that period. If an amendment is offered which would give a federal judge discretion in removing an imposed death penalty sentence and commuting it to life imprisonment when the facts do not support the imposition of a death penalty, then my colleagues should support such an amendment. This legislation addresses the problem of witness intimidation by establishing a new federal offense for interstate travel to intimidate a witness. It also requires that States which relocate witnesses into other States notify law enforcement in the ''recipient'' state.

Mr. BLUMENAUER. Mr. Chairman, I support the Witness Protection and Interstate Relocation Act as passed by the House of Representatives today. I voted for the bill because I believe protection of witnesses is one of the most important principles of the judicial process. We cannot tolerate interference or tampering with witnesses at any level of the judicial process, and any effort the federal government can make to ensure greater witness protection is a step in the right direction. While I do not agree with some of the details of the bill, in my mind, the importance of protecting witnesses, a cornerstone of our system of justice, supersedes those concerns.

Mr. DEUTSCH. Mr. Chairman, I rise today in strong support of this important legislation.

H.R. 2181 establishes meaningful guidelines for interstate witness relocation procedures. The legislation will help avoid conflicts between law enforcement agents of differing jurisdictions. In 1996, Florida officials narrowly missed an armed conflict with Puerto Rican agents who were protecting a witness in central Florida. This legislation will ensure that state officials are fully aware of witness relocation efforts in their communities so we can avoid the types of problems we've experienced in Florida.

Between 1987–1996, 83 witnesses have been relocated to Florida from Puerto Rico

alone. More than 1 out every 10 of these have a criminal record. Without a formal process for notification and cooperation, we are unknowingly jeopardizing the lives of innocent Americans and law enforcement agents. This legislation will protect these citizens and public safety officers.

There are serious questions about the appropriate procedures for interstate relocation. I attempted to address these concerns when I traveled to Puerto Rico last year and met with the Justice Minister to craft an agreement between our two states. This was followed by the first, and only, Memorandum of Understanding on interstate witness relocation procedures.

This legislation will build on our efforts to facilitate coordination between jurisdictions. Mr. Speaker, I am pleased to join my colleagues, Congressmen MCCOLLUM and ROMERO-BARCELO, in sponsoring this important legislation and I urge its adoption.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from California (Mr. ROGAN) for his wise comments, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by title, and each title shall be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 cited as the ''Witness Protection and Interstate Relocation Act of 1997''.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—GANG-RELATED WITNESS INTIMIDATION AND RETALIATION

SEC. 101. INTERSTATE TRAVEL TO ENGAGE IN WITNESS INTIMIDATION OR OBSTRUCTION OF JUSTICE.

Section 1952 of title 18, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) Whoever travels in interstate or foreign commerce with intent by bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding, and thereafter engages or endeavors to engage in such conduct, shall be fined under this title or imprisoned not more than 10 years, or both; and if serious bodily injury (as defined in section 1365 of this title) results, shall be so fined or imprisoned for not more than 20 years, or both; and if death results, shall be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death.''.

SEC. 102. CONSPIRACY PENALTY FOR OBSTRUCTION OF JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES, AND INFORMANTS.

Section 1512 of title 18, United States Code, is amended by adding at the end the following:

''(j) Whoever conspires to commit any offense defined in this section or section 1513 of this title shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

The CHAIRMAN. Are there any amendments to title I?

□ 1330

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

Page 3, after line 14, insert the following:

SEC. 103. FURTHER CONSIDERATION OF DEATH SENTENCE RECOMMENDATION.

(a) IN GENERAL.—Section 3591(a) of title 18, United States Code, is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a defendant who has been found guilty of an offense described in section 1512(j) or 1952(b) for which a sentence of death is provided shall not be sentenced to death but shall be sentenced to life imprisonment if court has any doubt that the defendant actually committed the offense.''.

(b) CONFORMING AMENDMENT.—Section 3594 of title 18, United States Code, is amended in the first sentence by inserting '', subject to the second sentence of section 3591(a)'' before the period.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this amendment provides that in cases where a jury has imposed the death sentence or death resulting from witness intimidation, if a court has any doubt regarding the defendant's guilt, the court shall sentence the defendant to life imprisonment rather than death.

This amendment is offered because of the Supreme Court's decisions regarding what has come to be known as ''actual innocence.'' Incredibly, the Supreme Court has held that actual innocence, without proof of a violation of a defendant's constitutional rights, is not enough to stop a death sentence.

In the case, only a few years back, of Herrera v. Collins, the Court ruled that a death row inmate who presents belated evidence of innocence is not ordinarily entitled to a new hearing before being executed. In that case, Judge Rehnquist stated that the Federal habeas courts sit to ensure that individuals are not imprisoned in violation of the Constitution, not to correct errors of fact.

According to the Supreme Court, newly discovered evidence has never been regarded as a sufficient basis for the Federal Court relief in the absence of some underlying constitutional violation. And that is notwithstanding the finality of a death penalty. If a mistake has been made, there is no way to undo it.

For the last 26 years, a little over 1 percent of the nearly 7,000 Americans sentenced to death have been released from death row after new facts came to light indicating their innocence. This means that at least 700 people who were sentenced to death were not guilty. In the State of Illinois alone in the past few years no fewer than nine death row inmates have been released after their innocence was proven.

While the system worked in these cases, if we ignore the fact that many of these people were imprisoned wrongfully for many years, the evidence that cleared these men turned up by accident and could well have been discovered too late to halt their executions. This means that although we do not know how many innocent people have been executed, we do know that there are such people and that their numbers are substantial.

This amendment is an accommodation to the irrevocable nature of the death penalty. It provides that where doubt of guilt remains, the opportunity to reverse the conviction on the basis of new evidence must be preserved, and a death sentence obviously does not allow for this.

The effect of this provision, then, would allow the trial judge to stop the imposition of the death penalty only in cases involving the death of witnesses in those cases in which experience has shown the greatest likelihood of erroneous conviction. In practice, this would mean the judges would exclude the death penalty in cases that turned on sometimes notoriously unreliable evidence of uncorroborated eye-witness identifications on the bargained-for testimony of accomplices and jailhouse informants.

The court would remain free to sentence the defendant to life imprisonment without possibility of parole. Only the death penalty would be precluded and only in cases where the judge, based on his experience, could conclude that the possibility of miscarriage of justice actually existed.

This amendment will not totally eliminate the possibility of error in capital cases involving witness intimidation, but it would provide a safety check, reducing the risk of sentencing innocent people to death.

No such safety mechanism exists now. The trial judge can only determine whether the evidence is sufficient

to convict and impose a death sentence. But as the law currently stands, a judge has no power to protect the defendant against the possibility of factual error by the jury.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. Mr. Chairman, the same is true on appeal. While appellate courts must review the adequacy of the evidence and the procedural regularity of the trial and sentencing, on appeal all factual determinations must be made in the light most favorable to the prosecution and appellate courts are powerless to reverse a death sentence based on questionable but legally sufficient evidence unless some harmful procedural error occurred at trial.

Only by means of this amendment will trial judges, in the limited number of cases involving violations of this act, acquire the power to ensure that the death penalty will not be imposed when the evidence appears strong enough to convict but not strong enough to bet a life on it.

Even those who in this Chamber do not oppose the death penalty, I do not think they can be in favor of executing innocent people; and, therefore, I urge my colleagues to support this amendment.

Mr. MCCOLLUM. Mr. Chairman, I rise in strong opposition to the amendment.

The death penalty has been debated on this floor many times, and I respect the gentleman's views and philosophy on this subject differ from mine considerably, but it is particularly poignant today, in light of this bill and how the death penalty would be applied if this new Federal crime were created and the issue of the death penalty generally.

I think it is probably true to say that there is no more important situation to have the deterrent effect of the death penalty than in this case where we have witness intimidation.

The truth of it, so everybody understands this, and I will make it very clear, the amendment the gentleman from Michigan is offering today would prohibit the death penalty from applying in this legislation to the witness intimidation cases where somebody crosses a State line and kills somebody to prevent them from testifying.

Do we support, the question really should be, capital punishment for vicious criminals who brutally kill bystanders who happen to have the misfortune of witnessing a serious crime and are brave enough to come forward and testify against the criminals? That is what we are talking about in this legislation. If we vote for the amendment, we are voting against the possibility of the death penalty for that provision.

Believe me, just as the prosecuting attorney in Los Angeles said, that I mentioned, Ms. Snyder, in my opening statement on this bill, there is an understanding among those in the street gangs who are doing this witness intimidation and who do cross State lines and have people killed to keep them from testifying. There is an understanding about what the punishment is. And if the death penalty is there, they are far less likely to do it.

We all know the overwhelming majority of the American public supports capital punishment. For as long as I have been a Member of this body, the House has consistently voted in favor of the death penalty.

Mr. Chairman, there is good reason for this record of strong support. The death penalty is the just punishment for the most heinous of crimes, and there are few crimes more heinous than the murder of a witness. Such murders destroy the lives of the victim and the victim's family and rock the very foundations of the criminal justice system.

It is absolutely essential that the possibility of the death penalty exist in this situation. How else will we deter a drug gang member who faces the possibility of a long prison term from killing a critical witness called to testify against him? If the death penalty is not an option, such criminals assume that they have nothing to lose if they kill witnesses. They face no greater punishment if they get caught. We cannot sit idly by and let it occur. That is why gang prosecutors so strongly support the death penalty provisions in this bill.

Let me say we have heard a lot of about the imposition of the death penalty in America. A few facts, I think, might set the record straight.

The death penalty is actually rarely used in comparison to the number of murders in this country. Less than one-tenth of 1 percent of all murderers are executed. Less than one-tenth of 1 percent of all murderers are executed.

Death penalties are imposed with extraordinary care and accuracy. There is no evidence whatsoever that anyone truly innocent has been executed since the Supreme Court reinstated the death penalty in 1976.

While I respect the statistics the gentleman from Michigan raised a moment ago with regard to the fact that there are some people who have been put on death row who have been ultimately exonerated, they were not executed, obviously.

And there is a long period of time for appeal. The average time for appeal in this Nation has been about 10 years. We hope with the change in the habeas corpus laws we passed last year it will get down to 4 to 6 years. But it is a long period of time.

If somebody is truly innocent, there is going to be plenty of time for them to get off death row. It is not as though it were occurring right before the sentence was being carried out.

The average time a convicted murderer sits on death row before they are executed, as I said, is 10 years.

In 1996, there was a total of 3,219 prisoners on death row; and only 45 were executed.

Among the offenders on death row, 66 percent had at least one prior felony conviction and almost 10 percent had a previous murder conviction. Forty-two percent were on probation, parole or supervised release at the time they committed the crime which landed them on death row.

Studies by anti-death penalty scholars, including last year's report by the Death Penalty Information Center, or a highly publicized 1987 study from Stanford Law Review, failed to sufficiently confirm that one innocent person had been executed. In fact, both studies showed that innocent individuals were released, as I said earlier, well before their executions.

There are many other facts about capital punishment that we could discuss but time does not permit me today.

Let me conclude by saying on this amendment, Mr. Chairman, that it should be defeated. When gang members can joke about killing snitches, we know America is in trouble. If we strip the death penalty from this bill, Congress will take a dangerous step closer to turning America's criminal justice system over to brute force rather than to the rule of law.

I urge my colleagues to vote against this amendment. Leave the death penalty in in this bill. It is as important or more important than in any other provision of Federal law to have the death penalty for those who cross States lines to intimidate and to actually kill a witness who otherwise would testify.

The message is important, the deterrent message; and, obviously, the execution itself, in some cases, is certainly as justified as in any other heinous crime.

The CHAIRMAN. The time of the gentleman from Florida (Mr. MCCOLLUM) has expired.

(On request of Mr. CONYERS, and by unanimous consent, Mr. MCCOLLUM was allowed to proceed for 3 additional minutes.)

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman very much for yielding.

The only two points I wanted to bring up is this is not about whether we are for or against the death penalty. This amendment is to make sure that, if the court has any doubt that the defendant actually committed the offense, the court would be allowed to suspend the sentence of death and provide a sentence of life imprisonment.

And with reference to the gentleman's observation that there is no evidence that any person that has been executed was innocent, it is pretty hard after the execution to ask people to continue to look for evidence that the execution was wrong. We know

that they were on death row and we have saved them because the effort and the energies persisted while they were alive.

So I would not want the gentleman to conclude from the fact that we have not proven that people executed were in fact innocent turns on the fact that they were in fact guilty. That is a pretty long stretch.

□ 1345

Those were the two points in his refutation I wanted to bring forth.

Mr. MCCOLLUM. Mr. Chairman, if I could reclaim my time, I do want to address that. I am glad he pointed it out to me. The point about any doubt is what bothers me in his amendment more than anything else. He has suggested that a person shall be sentenced to life imprisonment if the court has any doubt. As the gentleman knows, the rule of law with regard to this matter is reasonable doubt now, not any doubt whatsoever. I think by passing this, he effectively means there will be no death penalty when he puts out any doubt. It is very difficult to come up with cases where that standard would be applicable and it would be I think an extraordinary change in the law that exists in all other death penalty cases to my knowledge in the Nation, let alone here in the Federal system, to have the contingency of this as any doubt as opposed to reasonable doubt. Reasonable doubt is the current standard, which he would not need an amendment to do as the gentleman knows. I oppose this. I think he has cleverly drawn this. I respect why he has done it. Again he and I philosophically differ. But I think it is clever by one too much. Effectively it would end the death penalty or not allow it in most of the cases, or at least in a great many of them that would be involved in the prosecution under this bill. I think my remarks earlier were equally applicable regardless of the subtlety of this point he is making which is true and technically correct.

I thank the gentleman for allowing me the additional time, but I again strongly oppose this amendment and urge its defeat because we need an ordinary, everyday, plain vanilla death penalty provision in here if we are going to deter gangs from going across State lines and intimidating people and witnesses, especially the death penalty part applying when they kill somebody when they do that, kill a potential witness.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 113, noes 300, not voting 17, as follows:

[Roll No. 20]

AYES—113

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Berman
Blumenauer
Bonior
Brown (CA)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dixon
Ehlers
Engel
Eshoo
Evans
Fattah
Filner
Frank (MA)
Furse
Goodling
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoekstra
Hooley
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Levin
Lewis (GA)
Lowey
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pappas
Paul
Payne
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano
Skaggs
Slaughter
Stabenow
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Yates

NOES—300

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Brown (FL)
DeLauro
Ford
Gejdenson
Gonzalez
Kennelly
Klink
Luther
Mica
Miller (CA)
Paxon
Pelosi
Poshard
Riggs
Rodriguez
Schiff
Smith (NJ)

□ 1408

Messrs. BOB SCHAFFER of Colorado, CLEMENT and PETERSON of Pennsylvania changed their vote from ''aye'' to ''no.''

Mr. SCOTT and Mr. HOEKSTRA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GEJDENSON. Mr. Speaker, I regret that I missed two votes pertaining to H.R. 2181, the Witness Protection and Interstate Protection and Interstate Relocation Act and H.R. 1544, the Federal Agency Compliance Act. At the time I was attending the funeral of former Connecticut governor and Senator Abraham Ribicoff. If I had been here, I would have voted yes on Roll Call #19 and yes on Roll Call #20.

The CHAIRMAN. Are there any further amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—WITNESS RELOCATION AND SAFETY

SEC. 201. WITNESS RELOCATION SURVEY AND TRAINING PROGRAM.

(a) SURVEY.—The Attorney General shall survey all State and selected local witness protection and relocation programs to determine the extent and nature of such programs and the training needs of those programs. Not later than 270 days after the date of the

enactment of this section, the Attorney General shall report the results of this survey to Congress.

(b) TRAINING.—Based on the results of such survey, the Attorney General shall make available to State and local law enforcement agencies training to assist those law enforcement agencies in developing and managing witness protection and relocation programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsections (a) and (b) for fiscal year 1998 not to exceed $500,000.

SEC. 202. FEDERAL-STATE COORDINATION AND COOPERATION REGARDING NOTIFICATION OF INTERSTATE WITNESS RELOCATION.

(a) ATTORNEY GENERAL TO PROMOTE INTERSTATE COORDINATION.—The Attorney General shall engage in activities, including the establishment of a model Memorandum of Understanding under subsection (b), which promote coordination among State and local witness interstate relocation programs.

(b) MODEL MEMORANDUM OF UNDERSTANDING.—The Attorney General shall establish a model Memorandum of Understanding for States and localities that engage in interstate witness relocation. Such a model Memorandum of Understanding shall include a requirement that notice be provided to the jurisdiction to which the relocation has been made by the State or local law enforcement agency that relocates a witness to another State who has been arrested for or convicted of a crime of violence as described in section 16 of title 18, United States Code.

(c) BYRNE GRANT ASSISTANCE.—The Attorney General is authorized to expend up to 10 percent of the total amount appropriated under section 511 of subpart 2 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 for purposes of making grants pursuant to section 510 of that Act to those jurisdictions that have interstate witness relocation programs and that have substantially followed the model Memorandum of Understanding.

(d) GUIDELINES AND DETERMINATION OF ELIGIBILITY.—The Attorney General shall establish guidelines relating to the implementation of subsection (c) and shall determine, consistent with such guidelines, which jurisdictions are eligible for grants under subsection (c).

SEC. 203. BYRNE GRANTS.

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking ''and'' at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting ''; and''; and

(3) by adding at the end the following:

''(27) developing and maintaining witness security and relocation programs, including providing training of personnel in the effective management of such programs.''.

SEC. 204. DEFINITION.

As used in this title, the term ''State'' includes the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States.

The CHAIRMAN. Are there any amendments to title II?

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

Page 3, line 4, insert the following before the quotation mark:

''When considering whether to inflict the death penalty for a violation of this section, the jury shall consider, as a mitigating factor, whether the evidence, although sufficient to permit a finding of guilt, does not completely remove all doubt about the defendant's guilt.''

Page 3, line 14, insert the following before the quotation mark:

''When considering whether to inflict the death penalty for a violation of this section, the jury shall consider, as a mitigating factor, whether the evidence, although sufficient to permit a finding of guilt, does not completely remove all doubt about the defendant's guilt.''

The CHAIRMAN. That is an amendment to title I, and we have gone beyond title I at this point.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the amendment be considered in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. Does the gentleman from Florida reserve his point of order?

Mr. MCCOLLUM. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, this amendment is on the same lines as the previous amendments. This amendment also provides a safeguard against executing innocent people. Unlike the last amendment, however, which allowed the judge to void the decision by the jury, this amendment simply proposes a way for the jury to consider the possibility of the defendant's innocence.

I offer this amendment to exclude the death penalty as an option whenever the evidence does not foreclose all doubt regarding a defendant's guilt.

In 1988, the Supreme Court held that a defendant has no constitutional right to have a capital sentencing jury consider as a reason not to impose the death penalty the possibility that the defendant may be innocent. This means that if the jurors are to consider the possibility of error as a reason to vote against imposing the death penalty, the law must explicitly provide for such consideration.

Under current law, the jurors are told to consider a long list of specific mitigating factors as reasons not to sentence a defendant to death. These factors can include that the defendant is mentally ill, youthful, under duress or suffered impaired capacity at the time of the crime. The law does not, however, require the jury to consider the most basic reason of all for worrying against the imposition of death, the possibility the defendant is actually not guilty of the crime for which he has been convicted. The amendment would add residual doubt to the list of mitigating factors a citizen jury can consider.

□ 1415

The amendment provides that the jury may consider any doubt that the defendant committed the offense, notwithstanding that such doubt may initially not be considered to constitute reasonable doubt.

This amendment should be unobjectionable, even to my colleagues opposed to the death penalty. This does not take away anything from the power of the trier of fact, nor does it overturn a trier of fact's determination. This amendment merely instructs the jury to consider, among other mitigating and aggravating factors that they already consider, whether the jury has remaining doubts as to whether the defendant is actually the perpetrator of the crime.

Again, this amendment will not stop innocent people from winding up on death row or even being executed. It will, however, offer another check, another way for us to say hold on, we better be certainly sure that a person committed an offense before we sentence him or her to death, at least in cases arising from violations of this particular statute.

This extra safeguard, I think, is certainly desirable, in light of the consequences. When you vote on this amendment, remember that since 1976, 66 inmates have been freed from death row based on strong evidence of their innocence. I urge my colleagues to vote in favor of the amendment.

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I equally and strongly oppose this amendment, as I did the one before this offered by the gentleman from Michigan. The amendment, while clear in its nature, is one which effectively destroys the death penalty provisions in this bill and sets a different course for the consideration of whether to impose the death penalty or not from any other law of this Nation that I am aware of, either State or Federal.

What it does effectively is to say that you have to completely remove all doubt before you impose a death penalty. It is given as a mitigating factor, which sounds innocent enough, but what happens in a criminal trial when you get to the sentencing phase on the death penalty under Federal law is that under the Supreme Court ruling and under the legislation that has been established since the court several years ago overturned the death penalty as unconstitutional, there has been a way to reestablish it, and that way involves a weighing of aggravating and mitigating circumstances that are put forward for consideration with regard to the death penalty.

There is very precise statutory language constructs in Federal law with regard to this. There are listings of what those aggravating factors are and what those mitigating factors might be, and here is what you produce to the jury or to the deciding court.

In this particular case, what the gentleman from Virginia is trying to do is to suggest that the burden gets a lot higher for the prosecution seeking the

death penalty in a witness intimidation murder case; again, one of those cases which I think is the most heinous of all crimes, where you are intimidating a witness and trying to prevent him or her from being able to testify to get a conviction in a major gang-related case or an organized crime or otherwise case.

Well, gosh knows, when that situation occurs, murdering the witness is the strongest form possible of intimidation. Not only does it intimidate, obviously eliminating that witness altogether, but it intimidates other witnesses, which is what this legislation is all about, by sending an extraordinarily strong message. We are trying to send one equally strong or stronger back that says look, if you go across a state line and kill a witness, you are going to get the death penalty for doing that.

Well, what is happening here though is because under the gentleman from Virginia's construct, you would add another mitigating factor that says to whoever is deciding this, before you can give the death penalty after the conviction has occurred of killing a witness in an intimidation across the state line matter, you have got to have removed completely all doubt. It does not say just all doubt, it says completely remove all doubt of the defendant's guilt.

Let me tell you, there are example after example where somebody could interject some spurious, rather simplistic type of evidence, that would allow some doubt to exist. I think some doubt exists in lots and lots of cases where the death penalty is imposed.

For example, you can have a whole stack of evidence over here of the crime and that somebody did it, but you can have a single witness come in and say gee, Sam is my best friend and he was with me drinking last night.

Does that create reasonable doubt, when you have got all this other evidence outweighing it on the other side in the guilt or innocence or sentencing phase? The answer is no, it does not create reasonable doubt. But if it is a jury instruction or an instruction under the law to the court on the death penalty, it could create some doubt, however tiny, however small that is, which would effectively mean that in virtually any case, anybody could drum up somebody to walk in and give an alibi, even though there is overwhelming evidence they committed the heinous crime for which they are getting the death penalty or might get the death penalty. Then you would not be able to say, a decider of the death penalty, the sentence, could not say that all doubt had been completely removed, which is what is required by the gentleman from Virginia.

So the bottom line is, the gentleman's amendment is just as pernicious as the previous one. It effectively eliminates the death penalty for those who would commit the crimes for which it is intended that they receive the death penalty in witness intimidation, witness murder, in this bill that is before us today.

I urge strongly the defeat of this amendment. It is a killer amendment in the true sense of the word, in that it eliminates the death penalty teeth of this bill, and it needs to be defeated.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just submit to my colleagues that what would be pernicious is not the provisions of this amendment. What would be pernicious is if our country put somebody to death, and then found that what they were being put to death for was untrue. And that has been happening more and more recently with the advent of new technological advances, such as the advances in DNA research. We are able now to go back 20 or 30 years and find out that people have in fact been put to death by our country, by our system of criminal justice, for a crime that they did not commit. That is what is pernicious.

This amendment has nothing to do with the burden of proof. The burden of proof is whether you are guilty or innocent. In our system of justice, that burden of proof is, in a criminal case, beyond a reasonable doubt.

This amendment goes to what is considered after there has been a determination of guilt or innocence beyond a reasonable doubt. It goes to what you consider in determining whether there is a death penalty assessed, whether you put somebody to death.

So this is not about the burden of proof on guilt or innocence; this is about what you consider in deciding whether someone should be put to death by our criminal justice system.

Simply put, the amendment says if there is one iota of doubt, if there is any doubt about it, the jury which is considering whether to put a person to death or not ought to be able to take that into account. That is all it says.

I submit that is a very reasonable proposition. The notion that we are doing something un-American by trying to remove any doubt before we use the official forces of the government to put a citizen to death is surprising to me.

I think this amendment is imminently reasonable. I encourage my colleagues to support it. It is not pernicious, it is just plain good sense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title II of the bill?

There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAZIO of New York) having assumed the chair, Mr. SNOWBARGER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes, pursuant to House Resolution 366, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 366, nays 49, answered ''present'' 1, not voting 14, as follows:

[Roll No. 21]

YEAS—366

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)

Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—49

Barrett (WI)
Bonior
Brown (CA)
Brown (OH)
Clay
Clayton
Clyburn
Conyers
Cox
Cummings
Davis (IL)
DeGette
Delahunt
Fattah
Furse
Hastings (FL)
Hilliard
Jackson (IL)
Kennedy (RI)
Kilpatrick
LaFalce
Lewis (GA)
Martinez
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Mink
Mollohan
Oberstar
Owens
Paul
Payne
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Scott
Serrano
Stabenow
Stark
Stokes
Towns
Waters
Watt (NC)
Weygand
Yates

ANSWERED ''PRESENT''—1

Kucinich

NOT VOTING—14

Brown (FL)
Ford
Gonzalez
Hall (OH)
Klink
Luther
Mica
Miller (CA)
Nadler
Paxon
Pelosi
Poshard
Sanchez
Schiff

□ 1446

Mr. MCGOVERN and Ms. WATERS changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, on rollcall vote 21, final passage of H.R. 2181, I was unavoidably detained.

Had I been present, I would have voted YES.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Speaker, on rollcall No. 21, I am recorded as voting no. I wish to be recorded for the record as aye.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Speaker, it is my understanding that what is left yet to occur on the floor is the voting on the two Jackson-Lee amendments and then final passage. Has the Speaker notified the House that that is the order, if it is?

The SPEAKER pro tempore (Mr. BLUNT). The gentleman's understanding is correct.

Mr. GEKAS. That is the case.

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. GEKAS. So it will be two amendments back to back, Jackson-Lee and then final passage.

The SPEAKER pro tempore. The gentleman is correct.

Mr. GEKAS. I thank the Speaker very much.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2495

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2495.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

FEDERAL AGENCY COMPLIANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 367 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1544.

□ 1449

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits, with Mr. LAZIO of New York (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) had been postponed, and the bill was open for amendment at any point.

Are there any further amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. There being no further amendments, pursuant to House Resolution 367, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and amendment No. 2 offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT OFFERED BY MS. JACKSON-LEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 253, not voting 13, as follows:

[Roll No. 22]

AYES—164

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Fox
Frank (MA)
Furse
Gejdenson
Gephardt
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver

Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—253

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Brady
Brown (FL)
Ford
Frost
Gonzalez
Klink
Luther
Mica
Miller (CA)
Paxon
Pelosi
Poshard
Schiff

☐ 1509

Mr. KINGSTON changed his vote from ''aye'' to ''no.''

Ms. SANCHEZ and Messrs. MCHALE, BAESLER, PASCRELL, BONIOR and FOX of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BRADY. Mr. Chairman, on rollcall No. 22, I was unavoidably detained.

Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAZIO of New York). Pursuant to House Resolution 367, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment on which the chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the second amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

Vote was taken by electronic device, and there were—ayes 154, noes 258, not voting 18, as follows:

[Roll No 23]

AYES—154

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Berry
Bilirakis
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Stabenow
Stark
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—258

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts

Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Brown (FL)
Conyers
Ford
Frelinghuysen
Gonzalez
Graham
Hobson
Klink
Luther
Mica
Miller (CA)
Paxon
Pelosi
Poshard
Riggs
Schiff
Smith (NJ)
Stokes

□ 1519

Mr. MATSUI changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No.'s 19, 20, and 23, I was unavoidably detained from the House Chamber on other congressional business and could not be present to vote.

Had I been present, I would have voted ''no'' on all three rollcall votes.

The CHAIRMAN pro tempore (Mr. LAZIO of New York). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WICKER) having assumed the chair, Mr. LAZIO of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits, pursuant to House Resolution 367, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 176, not voting 13, as follows:

[Roll No. 24]

AYES—241

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Bryant
Burr
Buyer
Callahan
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Diaz-Balart
Dickey
Dooley
Doyle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Livingston
Lofgren
Lucas
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Pryce (OH)
Ramstad
Redmond
Regula
Riley
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun
Sanchez
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—176

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brown (CA)
Brown (OH)
Bunning
Burton
Calvert
Campbell
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Cox
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dixon
Doggett
Doolittle
Dreier
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fossella
Frank (MA)
Frost
Gejdenson
Gephardt
Green
Gutierrez
Hastings (FL)
Hayworth
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Riggs
Rivers
Rodriguez
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schumer
Scott
Serrano
Shadegg
Skaggs
Slaughter
Spratt
Stabenow
Stark
Stokes
Stupak
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Brown (FL)
Ford
Gonzalez
Gordon
Klink
Luther
Mica
Miller (CA)
Paxon
Pelosi
Poshard
Schiff
Smith (NJ)

□ 1539

Mr. REYES changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Speaker, today I was away from the House with the President visiting the tornado damage in and around my district in Central Florida. I was unable to vote on roll call votes 19 through 24. If I had been here I would have voted as follows:

Rollcall vote: 19—Aye, 20—Aye, 21—Aye, 22—Aye, 23—Aye, and 24—Nay.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2460, WIRELESS TELEPHONE PROTECTION ACT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–421) on the resolution (H. Res. 368) providing for consideration of the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a resolution (H. Res. 369) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 369

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Small Business: Ms. Velazquez to rank directly above Mr. Sisisky.

Committee on Banking and Financial Services: That the powers and duties conferred upon the ranking minority members by House rules shall be exercised by the next senior member until otherwise ordered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

JERRY CHOUINARD, A TRUE PUBLIC SERVANT

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, this week marks the end of 35 years of public service, 32 years of which were with the House Committee on Appropriations for Jerry Chouinard. Jerry has decided to retire from the government, and he plans to split his time between consulting and traveling.

He was born in Nashua, New Hampshire, on June 19, 1943, where he graduated from the public schools, and in 1961 he enlisted in the United States Army and was stationed in Ethiopia prior to his honorable discharge July 1963. Shortly afterward he moved to Washington, D.C., and began a career in the Federal Government in the Washington, D.C. field office of the United States Secret Service. He was detailed to the House Committee on Appropriations in April 1966 where he quickly received a staff appointment and began service that lasted for 32 years. Over this time period he has had various administrative positions for the committee culminating with the position of the committee's administrative officer.

In his various capacities, he has worked closely with the committee members' offices, helped organize conferences with the Senate, coordinated activities with the various 13 subcommittees, organized full meetings and just kept the committee on an even keel. One testimony to his talent was his ability to know what needed to be done before he even thought of it. In a sense he was our Radar O'Reilly.

As Jerry enters retirement we wish him well as he will now be able to see more of his family and his two daughters, Joanna and Alison, and his one grandchild, soon to be a second. We wish him good health and extend a permanent invitation to him to come through our door to stop by and see his friends. We shall always be grateful for his untiring work and his unwavering loyalty to the committee and the institution of the House of Representatives and his service to the country. Good luck, my friend.

□ 1545

CONTINUATION OF NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–218)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 1998, to the *Federal Register* for publication.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1998.*

REPORT ON LOAN GUARANTEES TO ISRAEL PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations.

To the Congress of the United States:

The attached report to the Congress on the Loan Guarantees to Israel Program was completed on December 31, 1997. Since then there have been several key, positive economic developments in Israel that I wanted to communicate to the Congress.

The Israeli Knesset passed its 1998 budget on January 5. The final budget adhered to the deficit target of 2.4 percent of gross domestic product (GDP) set by the Israeli Cabinet in August 1997, and established a spending target of 46.3 percent of GDP (down from 47.3 percent in 1997), without resorting to additional taxes. Furthermore, due partially to the mid-year spending cuts discussed in the report, the Government of Israel overperformed the 1997 deficit target of 2.8 percent of GDP by a significant margin; the 1997 budget deficit came in at 2.4 percent of GDP. These events demonstrate the commitment of the Israeli government to fiscal consolidation and reform.

Second, the Israeli consumer price index (CPI) for 1997 rose by only 7 percent, at the bottom of the 7–10 percent 1997 target range and a 28-year low. This indicates that the battle being waged by the Bank of Israel and the Israeli government against persistent inflation is succeeding. The Israeli Ministry of Finance is reportedly considering lowering the 1998 inflation target (currently set at 7–10 percent) in order to consolidate the strong inflation performance registered in 1997.

This information will be included in the 1998 report to the Congress on the Loan Guarantees to Israel Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1998.*

INCENTIVE FOR ACADEMIC ACHIEVEMENT

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and include extraneous material.)

Mr. MCGOVERN. Madam Speaker, today I rise to announce that I will be introducing a bill that will offer students significant motivation to pursue academic excellence during their high school years. The bill is entitled the Incentive for Achievement through Pell Grants Act.

I am a strong supporter of the Pell grant program and would like to take this moment to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. MCKEON), the gentleman from Michigan (Mr. KILDEE), the gentleman from Illinois (Mr. PORTER), and the gentleman from Wisconsin (Mr. OBEY) for their leadership on Pell grants.

My bill would double the Pell grant award for the first 2 years of college for those Pell eligible students who, against all the odds, graduate in the top 10 percent of their high school class. Over 84,000 students can benefit from this achievement award.

This bill will provide students with a strong incentive to achieve academically in high school. This bill will increase the affordability of higher education without increasing the indebtedness of students and their families. This bill will increase the accessibility of a higher education and expand the options of college choice available to students and their families.

I encourage my colleagues to join me in this effort and cosponsor this bill.

Mr. Speaker, I include the following for the RECORD:

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, February 17, 1998.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCGOVERN: I write to express my interest in and appreciation for the bill you are sponsoring, the ''Incentive for Achievement Through Pell Grants Act,'' which will establish a program to increase Pell Grant awards to students who graduate in the top 10 percent of their high school class. This bill is clear evidence of your commitment to providing greater access to higher education for students from low- and middle-income families.

Your proposal to provide an incentive to students with early information about the availability of an increased Pell Grant could have a profoundly positive impact on students' academic performances and aspirations. This will help to mitigate students' concern that resources necessary to fund a postsecondary education are beyond their financial reach, and will instead motivate them to achieve greater academic success.

I congratulate you for introducing this innovative legislation. I look forward to working with you as reauthorization of the Higher Education Act progresses.

Sincerely,

TERRY W. HARTLE,
Senior Vice President.

ASSOCIATION OF JESUIT
COLLEGES AND UNIVERSITIES,
Washington, DC, February 17, 1998.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of the Association of Jesuit Colleges and Universities, I want to commend and support your initiative in introducing the ''Incentive for Achievement Through Pell Grants Act'' for needy students who have demonstrated special achievement.

The doubling of the Pell Grant for recipients who graduate in the top 10% of their high school class can provide both an incentive and a reward for those students. This program would send the encouraging message to students struggling to achieve under difficult circumstances that their hard work and perseverance will be rewarded.

The new Hope Tax Scholarship Credit and Life-Long Learning Tax Credit assist middle income families in providing an education for their children. Your program addresses the needs of lower income families.

Pell Grants have long been a critical component of federal student financial aid programs on our campuses. Our association has consistently worked diligently to preserve these and all campus-based programs at the same time we have significantly increased our own institutional commitment to financial aid for our students. Your new program very importantly supplements these efforts, rather than replacing them.

Our special thanks to you for this latest example of your leadership, this time in support of deserving and needy students who will help create our nation's future.

Sincerely and gratefully,

CHARLES L. CURRIE, S.J.,
President.

COLLEGES OF WORCESTER CONSORTIUM,
Worcester, MA, February 18, 1997.

STATEMENT OF PAUL J. LYNSKEY, DIRECTOR OF EDCENTRAL

''Those of us who work with low income college bound students know that the cost of an education is often perceived as a major barrier. We need to do all that we can to encourage these students especially those with exceptional ability, to strive for their ultimate potential in higher education and beyond''

ASSUMPTION COLLEGE,
Worcester, MA, February 18, 1998.

DR. CHARLES L. FLYNN, JR. ENDORSES PELL GRANT LEGISLATION

Worcester—Dr. Charles L. Flynn Jr., acting president and provost of Assumption College, spoke in support of Congressman James P. McGovern's Pell Grant legislation today.

Dr. Flynn remarked, ''On behalf of Assumption College, it is my pleasure to commend Congressman McGovern for leading the effort to increase Pell Grants. Pell is the federal government's largest, most important program of need-based financial aid. More than any other federal program, it targets low and middle-income students.

''Congressman McGovern's proposal to create a 'Double' Pell Grant for students of high academic achievement is particularly impressive. This proposal simultaneously addresses two important national needs. First is the need to make educational opportunity available to all citizens without regard to family wealth. Second is the importance of encouraging outstanding student achievement. Congressman McGovern's legislation will help to keep the doors of higher education open to students who need financial assistance; it will also reward high school students who strive hard, learn more, and earn better grades.

''Last year, 16 percent of Assumption students who applied for financial aid were eligible to receive Pell Grants. The average award to these students was $1,500. Those Pell Grants were supplemented by other federal and state loans and grants. And by far, the largest amount of financial aid came to students and their families from the College itself. The system I am describing, therefore, is a partnership of colleges, state government, and the federal government. This partnership is essential if we are to continue to be a nation of true opportunity.

''Congressman McGovern, you are playing a vital role in the Congress of the United States. At Assumption, we share your view that Congress should do more to ensure opportunity for low and middle-income students. I hope that everyone here today will send a message to our congressional leadership that the McGovern Bill is important, not only to Central Massachusetts, but also to higher education nationally.

''Higher education serves several purposes. As chief academic officer of this liberal arts college, I am particularly aware of the humanizing role of a college education. At Assumption, in reason and in faith, we prepare citizens. We prepare students for the good use of their talents, the responsible exercise of their rights, and the fulfillment of their obligations to others. That is true for our graduates at work, at home, and in the public square. In that way, too, I am keenly aware of the importance of higher education to the future of Central Massachusetts. If we are to have a community of hope and economic opportunity, we must have a highly skilled workforce. The McGovern Bill promises to keep the doors of higher education wide open, and thus to further both the noble and practical ends of our colleges and universities.''

RICHARD P. BURKE,
Vice President, Public Affairs.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WICKER). 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 California (Mr. RIGGS) is recognized for 5 minutes.

(Mr. RIGGS 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 gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ACCOMPLISHMENTS OF REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, the Republican Congress has much to be proud of, and the American people who elected us should take heart in the dramatic shift in how our government in Washington is perceived by those it serves.

When I was elected to Congress in November of 1994, the economy and American businesses were reeling from the effects of the largest tax increase in the history of America. Our Nation was also facing a $200 billion deficit each year for the next 10 years.

However, in 1994, the American electorate turned and supported Republicans around the Nation and endorsed their promise to lower taxes and balance the budget. No longer would Washington spend money it did not have on programs we did not need.

In 1995, the American people entrusted the new Republican majority with the reigns of Congress, handing them the gavel for the first time in 40 years.

Mr. Speaker, some will tell you that our prosperous economy and our recently restrained budget had nothing to do with the revolution of 1994. They might even say that the political implications of the 1994 election were overstated.

They are wrong. The electoral revolution of 1994 lives today. Each of us in the Republican majority should stand proud and tall, knowing that if American people had not given their trust to us in 1994, and renewed it in 1996, our economy would not be surging, our budget would not be balanced; we would not have had the first tax cut in 16 years, and the stock market would not have more than doubled in just three years. Each of us in the Republican majority can take pride in the new-found hope and confidence of our Nation.

I stand here not to boast of our accomplishments, but to thank the American people for their well-placed trust, and I pledge to them that those of us in the Republican majority will put the needs of families first, always. You see, families do come first, for me, and for the Republican majority.

This afternoon I am proud to say that when I cast votes in this session of the 105th Congress to reduce taxes on the American family, to reform government and its overreaching involvement in our lives, and to restore our precious and sacred rights, including the most fundamental of all, the right-to-life, I will think of a new little Kansan named Jason Robert Searl, Jr., because it is his future, along with the future of all our children, that we determine when we vote in this sacred chamber.

He was born just three days before Christ's birthday at 5:18 in the evening at Via Christi Hospital's St. Francis Campus, in Wichita, Kansas. Really, I should not call him little, because he weighed 8 pounds and 10 ounces and was over 20 inches long.

I want to salute and warmly congratulate Chrissy and Jason Searl. I want to thank them for having the courage to take the toughest job in our world, parenting. I pledge to them and all others who place their trust in the Republican majority that we will continue to live up to the promises we made to all of them, including little Jason.

REMOVING FINANCIAL BURDENS PLACED ON FAMILY PHARMACIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise today to urge my colleagues' support for legislation I am introducing with Senator DORGAN to eliminate the regulatory and financial burdens placed on America's family pharmacies by the Balanced Budget Act of 1997.

The Balanced Budget Act contained a provision that required all dealers of durable medical equipment for Medicare to obtain a $50,000 surety bond. Unfortunately, pharmacists were inadvertently included in the surety bond requirement, because some of them do sell small amounts of durable medical equipment such as crutches and other items.

My bill will exempt any licensed pharmacist who owns his or her own business from the bond requirement. It is an unnecessary and costly burden for these professionals, who are already struggling to keep their businesses afloat, particularly in rural areas.

America's family pharmacist is already under siege by drug companies who set prices on pharmaceutical prices. These companies offer reduced or rock-bottom prices to HMOs and other purchasing groups, but do not offer the same discounts to a family pharmacist.

Even if the terms of a recent court settlement are met by the pharmaceutical companies, the family pharmacist in rural areas will likely still not have full access to these discounts.

Who is hurt most by high drug prices? Our pharmacists, increasing numbers of whom are forced to shut down their family-owned businesses in rural areas, and, most important, their patients. It is indeed a crime that here in the world's richest Nation, our seniors must choose between buying groceries and buying prescription drugs.

This legislation will eliminate the costly burden placed upon pharmacies by the Balanced Budget Act, but it will not eliminate the costly burden of the high drug prices that continue to grow by leaps and bounds. I intend to address that issue at a later date.

HANDLING THE SO-CALLED BUDGET SURPLUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, over the President's Day break I had the opportunity to travel the length and breadth of my great State of South Dakota, and during that time I met with senior groups, with business groups, with education groups, with volunteer groups, with student groups, with community leaders, all across my State.

This is the real world. These are real people who are concerned about their future, their children's future, about their children's education, about affordable health care, about retirement and about the deterioration of American values.

Now, there was an aversion as I traveled across the State, I didn't find anybody who was very much in favor of the situation in the Middle East of our going to war there. I heard a lot a lot of interest in getting a transportation bill passed in the very near future, and I also had a lot of skepticism expressed by the people in my State about the budget situation in Washington, the so-called budget surplus, and what might be the right thing to do with that.

And what is the right thing? That is a question I asked as I traveled the State. And the answer I frequently got from the people of South Dakota, according to them, is to use the budget surplus to the extent there is one to pay down, begin retiring our $5.5 trillion debt, to repay the Social Security Trust Fund. Beyond that, there wasn't much appetite for new Washington programs and new Washington spending. Instead, people would like to see those dollars, to the extent there are any additional dollars available, returned to the taxpayers.

Now, in deciding how best to do that, I came up with an idea which is now in the form of legislation, and I have introduced along with the gentlewoman from California (Ms. DUNN) a couple of tax relief bills which I think are consistent with two principles that are very important as we debate tax relief in this country.

The first principle is that we ought to be looking at how we can come up with tax relief legislation that is broad-based. We hear a lot from the White House, from Members even in this body, about targeted tax relief, about Washington picking winners and losers. In my own view, the best way we can deal with the issue of tax relief is to do it in a way that allows everyone in this country to participate from a growing economy and benefit from a growing economy.

So our legislation is based upon the principle that everyone, irrespective of what your status is, whether you are married, whether you have children or any other issue, that you ought to be able to, if you are a taxpayer, have the benefits of tax relief.

The second principle is this: It ought to lead us toward the goal of simplification. As we move to the long-term goal of a new Tax Code for a new century, it ought to be about trying to come up with a way in which we further simplify, rather than further complicate, the Tax Code in this country.

I, a couple of weeks ago, did my own tax return, and I can tell you that even though last summer in the balanced budget agreement we lowered taxes on people in this country, we made the Code even more complicated than it already is.

I think an underlying fundamental principle of any tax relief that we do ought to be moving us toward the goal of simplification. So, in doing that, we came up with a couple of ideas.

The first raises the personal exemption from $2,700 to $3,400. Again, anybody in this country who is a taxpayer claimed as a dependent on a tax return gets the benefit of that tax proposal.

The second proposal actually raises the late rate at which the 28 percent rate applies to taxpayers in this country. It drops 10 million taxpayers out of the higher 28 percent bracket, down to the 15 percent bracket.

□ 1430

That is significant for a number of reasons: because it gives an incentive to people, to hard-working Americans, to work harder, to produce more, to earn more. Instead of penalizing them by assessing 28 cents out of each additional dollar they earn, it moves them back into the 15 percent bracket.

More taxpayers in this country—in fact, the estimate is that there are 29 million Americans in this country who will have their taxes lowered under this proposal, to the tune of about $1,200 per filer. That is significant. I think that is a movement in the right direction.

In a conversation I had last week with Fed Chairman Alan Greenspan, I asked him, what things can we do to continue the economic growth cycle we are in? He said two things, one of which was lowering marginal rates. That is effectively what our legislation would do.

These are real choices. This is real relief for hard-working men and women in this country because it allows them to decide how they spend their savings. Instead of creating new Washington bureaucracies, new Washington programs, new Washington spending, we say that as a matter of principle and philosophy we believe the people of this country are better equipped to make those decisions in their living rooms, in their homes. We want to empower people in small town America to make those decisions on their own and to quit looking to Washington, D.C.

I encourage the Members of this body to take a hard look at cosponsoring this legislation, and work towards its passage.

URGING MEMBERS TO SUPPORT H.R. 856 AND ALLOW A VOTE ON THE STATUS OF PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

Mr. SERRANO. Mr. Speaker, for half a century our Nation has been committed to political freedom and self-determination around the world. In his special message to Congress on Puerto Rico on October 16, 1945, President Truman said, ''To this end I recommend that the Congress consider each of the proposals, and that legislation be enacted submitting various alternatives to the people of Puerto Rico. In that way, the Congress can ascertain what the people of the island themselves most desire for their political future.''

Since then, Presidents Kennedy, Johnson, Nixon, Ford, Reagan, Bush, and Clinton all have supported self-determination for Puerto Rico. Moreover, both the Democratic and Republican Party platforms have supported self-determination by the people of Puerto Rico. But support is not enough.

Therefore, I come before the House to remind Members that next week we will be taking up H.R. 856, a bill submitted by the gentleman from Alaska (Mr. DON YOUNG) and supported by yours truly and many Members on this side. In fact, it has bipartisan support.

This bill would allow, for the first time ever, a federally-sponsored plebiscite in the Commonwealth of Puerto Rico where people can choose to remain a Commonwealth, choose statehood, or choose independence or free association. What I think is most important as we look forward to this vote is to fully understand that unlike some opponents' comments, the bill does not commit this Congress to any one option. In other words, this is not, I repeat, this is not, a pro-statehood bill. If you have a problem with statehood, or if you have a problem with independence, or if you have a problem with the Commonwealth status, this bill would only allow, this November, for a vote to be taken in the Commonwealth. Then 180 days later we take up the result. Then you can bring up the issue of whether you support statehood or not based on their requests.

So it is important as we look forward to next week that we do not allow some people to muddy the waters by suggesting that this bill favors statehood. But from 1493 to 1898, Puerto Rico was a colony of Spain. Now, from 1898 to this July 25th, 1998 will be another 100 years of colonial status.

I know that the minute some of us mention the word ''colony'' some people react to it and say, well, it is truly not a colony. It is a self-governing commonwealth. But the fact of life is that the government and the people of Puerto Rico cannot establish relationships with another government at this point. They cannot trade ambassadors, they cannot trade on their own, they cannot set up foreign affairs offices. Therefore, they are not an independent nation.

At the same time, they do not have six Members of Congress and two U.S. Senators who sit here, they have one Representative who does not have a vote in Congress representing 4 million people. So it is not a State.

I ask the Members, if it is not a State and it is not an independent nation, call it whatever you want, it is a colony. Even though we do not pay much attention to the United Nations, the United Nations has suggested that by the year 2000 every country in the world do away with, get rid of, or solve the problem of any colonies they may hold.

Next week is a historic moment during the commemoration of this 100-year relationship. By passing the Young bill, we will allow 4 million Puerto Rican citizens on the islands of Puerto Rico to make this decision for themselves, and then we will put forth our advice.

It is interesting to note that in 1917 Congress took a vote and gave the citizens of Puerto Rico American citizenship. Since then Puerto Ricans have fought in every war, have participated in every Democratic and Republican Convention, and yet have had very little representation, if any, at the Federal level. This bill will give us the opportunity, once and for all, to do in Puerto Rico what we preach to the rest of the world.

I ask the Members, as I ask them on so many other occasions, can we truly demand for the Cuban government to hold ''free elections'' if we do not allow for 100 years a free election in Puerto Rico to determine its future? Secondly, can we promote democracy throughout the world and demand that people, as they should be, be free of all persecution, if we on one hand say ''you are 4 million American citizens,'' and on the other hand say ''but you do not have the same rights either as an independent nation or as a member of the union?''

Think of this. If any one colleague who is here with us today, or anyone watching this program, was to move to Puerto Rico with me, they would immediately lose all their rights. So I ask Members next week to vote for the Young bill, a way out of this problem.

CELEBRATING 9 YEARS OF A HAPPY MARRIAGE, AND URGING MEMBERS TO HELP END THE MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise to a point of personal privilege this afternoon. While I acknowledge that every constituent within the Sixth Congressional District of Arizona is very important, I think my colleagues, and indeed, my constituents, will not mind if I talk about the one to whom I refer as my most important constituent, because, Mr. Speaker, it was on this date 9 years ago today that Mary Denice Yancey became Mary Denice Hayworth. In those 9 years I have been honored beyond compare.

The institution of marriage is many things: A sacred partnership, a friendship, a trust, a shared endeavor. Mary Hayworth, Mr. Speaker, has been my best friend and companion and helpmate for this Member, is often said to have the ability to put into words many things. It is essentially indescribable.

For those of us who endeavor to serve and embrace this public life, there are many challenges, challenges of spending time here in the Nation's capital as well as spending time in the district, challenges of family. We live in the Sixth District. Mary several days of the week basically has to take care of all the responsibilities of the household, and added responsibilities of a congressional spouse.

But I cherish her and I appreciate her, and I love her very much for all that she does for me and our family. Mr. Speaker, I think it is proof positive that miracles can and do happen that someone like Mary Denice Hayworth is there to help me and love me and encourage me.

You learn many things, as I mentioned earlier, through marriage. I remember one remark my mother made, and maybe it is something many of us have heard, ''Oh, honey, I am so happy you are going to get married, because after all, two can live as cheaply as

one.'' I appreciated my mom's advice, but, Mr. Speaker, I should point out that mom is not a certified public accountant, and the fact is today, Mr. Speaker, as we know, for many people, two cannot live as cheaply as one, especially when it comes to tax policy in this country.

As the first Arizonan to serve on the Committee on Ways and Means, not only our personal experience with the institution of marriage but hearing from many of our constituents, we know what a challenge it is. Many people write us to say that marriage actually has proven to be a financial disadvantage, that tax policies have proven to serve as a disincentive to the institution of marriage.

Indeed, sadly, we have a tax code, Mr. Speaker, which has grown so expansive, so often working at cross purposes that, perhaps unintentionally we as a Nation have proscribed penalties against those very things that we should value as a society.

And that is why, Mr. Speaker, on this special day in the Hayworth household I am pleased to rise not only to that point of purely personal privilege, but also to make this policy statement, that to really cherish families, that to really cherish the institution of marriage, we as a Congress, for our constituents, for our families, for the institution of marriage, should eliminate the marriage penalty that exists, should eliminate those things in the tax code which actually serve as a disincentive to the institution of marriage.

There are many tasks which confront us in this Congress, but we should remember that, in representing all families, we need to move to maximize the fact that those families across this country should hang on to more of their money, to save, spend, and invest as they see fit, not to have those funds confiscated by a government in Washington trying to redistribute wealth, because the families know best.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereinafter in the Extensions of Remarks.)

MEDIA BIASED AGAINST KENNETH STARR

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, today on Good Morning America, I saw the most biased, most slanted, least objective interview I have ever watched. The interview was conducted by a woman named Lisa McCree, and she was interviewing Monica Lewinsky's lawyer, William Ginsberg.

Before I went to law school, I got my undergraduate degree in journalism. While this does not make me an expert, it does cause me to notice words or expressions that others perhaps may overlook. Seldom have I seen any commentator make his or her view so obvious to color an interview while trying to at least give an appearance of objectivity.

I do not have the transcript, so I cannot quote word for word, but Ms. McCree's most obvious bias was in regard to Kenneth Starr, the Independent Counsel. Her every word, every nuance, every expression indicated that Judge Starr, in her opinion, had exceeded his authority, was unethical, and just a generally horrible person. Ms. McCree made it very clear that she seems to think that Judge Starr is almost the devil incarnate.

Then when it came to Monica Lewinsky, she kept referring to her by her first name, Monica this and Monica that, and once referred to her as this girl, wondering if Mr. Starr was going to prosecute this girl.

Well, first, Ms. Lewinsky is 24 years old. I used to be a criminal court judge trying the felony criminal cases all across this Nation. Many, perhaps even most, defendants in adult criminal courts are 24 years of age or younger.

Secondly, the polls tells us that a large majority of the people believe that the President had an affair with Ms. Lewinsky starting when she was 21. Thus, if Mr. Starr is trying to take advantage of Ms. Lewinsky, millions of Americans apparently believe the President took advantage of her in a much worse way when she was even younger than that.

I switched stations after this interview by Ms. McCree, and I saw Tim Russert.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised to avoid personal references to the President.

Mr. DUNCAN. I saw Tim Russert of Meet the Press, and he was talking about the same subject. He asked, why all the smoke? Why all the cover-up? He asked what is the truth, Mr. President?

I was a criminal court judge for seven and a half years prior to coming to Congress. I tried the felony criminal cases. Offenses like subornation of perjury and obstruction of justice are very serious offenses. If anyone lied under oath in a major case, even at the deposition stage, that is very serious.

The American people have a right to know the truth. Yet, today, we learn that the White House is now hiding behind executive privilege. They do not want the Secret Service to testify. They do not want top officials at the White House to testify. Even the President's own press secretary says this is all going to be very hard to explain and that the people may have a hard time accepting some of what may come out. Judge Starr is doing exactly what he is required by law to do.

□ 1615

He has already gotten more convictions than any independent counsel in history, including convictions of some of the President's closest friends like Webster Hubbell, formerly the Number 2 man at the Justice Department, and Jim Guy Tucker, the former Governor of Arkansas.

Judge Starr was the Solicitor General of the United States. He represented the Federal Government before the Supreme Court. He was a judge of the Federal Court of Appeals. He was one of the most respected lawyers and judges in this Nation until he started going after the President.

If we had a conservative President in office, most of the media and most liberals would be attacking Mr. Starr for not being aggressive enough, yet Ms. McCree, in her interview, asked Mr. Ginsburg if Mr. Starr should be sued. Sued for what? For doing his job?

Bernard Goldberg of CBS Television, in a column in the Wall Street Journal a couple of years ago, said the very liberal bias of the national news media is now so obvious that it is hardly worth mentioning. This from a veteran news man like Bernard Goldberg.

Mr. Speaker, I think the thing that concerns me the most out of this whole situation is the message that we are sending to our young people. We seem to be saying that everyone is having affairs and that everything is all right and that there is not a real difference between right and wrong anymore. I can tell my colleagues that there is still a difference between right and wrong and not everyone out there is having an affair.

I can say that it is interesting to me that women rate a very high percentage of men as having affairs. But if the same women were asked: Do you think your fathers ever had affairs or your husbands, that percentage drops way down. And I think the truth is I know millions of people have had affairs, but far fewer than many people seem to think. We need to send a better message to the young people of this country.

TRIBUTE TO JULIE ROGERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, Southeast Texas said good-bye to Julie Rogers last week. Julie Rogers, and her late husband, Ben, displayed the finest example of citizenship throughout their lives that I have ever known.

''Extraordinary'' is the only word our language provides us to describe the qualities Julie Rogers displayed throughout her 83 years. In an era where women were supposed to stand in the background, Julie's intelligence and talent stood out. She was born and grew up in Chicago. She finished college at age 16 and earned her law degree from DePaul University when she was only 19 years old.

While in Chicago, Julie fell in love with a promising young man named Ben Rogers. The couple moved to Texas in 1936 to seek their own portion of the American Dream. Through hard work, the Rogers family prospered and Julie and Ben Rogers were able to share their love for each other with the entire community.

Julie was a talented violinist and her love of music motivated her to promote the fine arts. She helped organize the Beaumont Symphony and the Texas Arts Alliance As we laid Julie to rest, two internationally acclaimed artists, pianist Van Cliburn and opera singer Roberta Peters performed in her honor. The funeral was held in the Julie Rogers Theater for the Performing Arts.

While the lives of the people of Southeast Texas will be greatly enriched by the Rogers' promotion of the arts, their love and care for the people around them will be their legacy. Julie and Ben Rogers established philanthropic entities that helped the less fortunate get a college education, receive mammograms and receive needed treatment for mental illness.

Julie and Ben Rogers fought for social justice even when popular opinion was against them. They actively supported the Anti-Defamation League and the National Association for the Advancement of Colored People and the National Conference of Christians and Jews.

The awards won by Julie Rogers are too numerous to list. She received the highest civilian honor from the Salvation Army in 1992, which is perhaps the most symbolic recognition of her giving and loving spirit.

Ben Rogers left us 4 years ago and now, as we say farewell to Julie, we can take comfort in the fact that the two of them will be reunited. Their legacy of love will live on in the lives of Southeast Texans for many generations to come. We are all richer for having known them.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

(Mr. LUCAS of Oklahoma addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN 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 Louisiana (Mr. LIVINGSTON) is recognized for 5 minutes.

(Mr. LIVINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BALANCED BUDGET SHOULD NOT INCREASE NATIONAL DEBT

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. Mr. Speaker, I suspect some of my colleagues might be disappointed in the message I am going to convey in the next 5 minutes.

Mr. Speaker, this is one of the several books that the President sent over on the budget that we will start in 1999. The budget books, however, go for the next 5 years. There has been a lot of maybe bragging done that we have a balanced budget or we now may have a balanced budget by the end of this year, definitely by the end of next year. The President suggested in his budget that we have a balanced budget next year.

Well, I would like to suggest that it is not a balanced budget; that we are borrowing $100 billion every year, more than $100 billion from the Social Security Trust Fund. And like the saying goes, ''You can't fool Mother Nature,'' neither can you fool the economists and bookkeepers that decide what is happening to the national debt.

Now, it would seem reasonable to me, Mr. Speaker, that if we had a balanced budget, the national debt would not continue to go up every year for the next 5 years under the President's budget. And I suggest anybody that might want to look at the historical tables that the President sent over, on page 111, it shows actually what is happening to the national debt for the next 5 years.

In 1998, the national debt is $5.5 trillion. In 1999, it goes to $5.7 trillion. In the year 2000, it goes to $5.9 trillion. In the year 2001, it goes up to $6 trillion. In the year 2002, $6.6 trillion. In 2003, 6.33 trillion dollars. Every year the national debt increases between $122 billion and $176 billion every year for the next 5 years.

So what is wrong? How come we say it is a balanced budget? Well, that is because we creatively figure good ways to say things that maybe meets the end that we have accomplished more than we really have accomplished.

I would like to suggest the real test of a balanced budget is when the national debt stops going up. When I go back to my district, I hear some people ask what is the difference between a deficit and a debt? Well, the deficit is how much we overspend every year. The national debt is if we add up all of those years' borrowings, that is the national debt.

Right now the national debt is $5.5 trillion. It takes 15 percent of our total Federal budget to pay off the interest on that national debt. That is why I think it is very important to be very clear and very honest with all of the American people that we need to do a little better job than we have done.

As good as the job has been for the last 3 years in cutting down spending, in trying to get rid of some of the waste in government, we have still got a distance to go if we are going to have a true Federal balanced budget that does not borrow from the trust funds.

Look, borrowing from the Social Security Trust Fund is one of the most dangerous things we can do. We heard the President say Social Security should be first. A lot of my colleagues are now suggesting Social Security should be first. I suggest that if we are serious about starting to help solve the problem of Social Security, we are going to take some of that surplus money and give the option to a group of working Americans to say, look, we are going to invest part of that money in our own personal retirement savings account that becomes our property. If we die before retirement age, it goes into our estate. Unlike Social Security and those benefits today, if we die early, we do not get anything.

I think it is important that we look at the long-range solutions for Social Security and simply that we be honest with the American people when we really have achieved a balanced budget.

TRIBUTE TO HARRY CARAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, a few days ago this country lost one of its most colorful personalities. And so I rise today to pay tribute to an individual who has been characterized as Mr. Baseball: the legendary Harry Caray.

Harry left this life Wednesday, February 18, at the age of 78 and he leaves behind a lifetime of memories and great service to mankind. His legacy of changing the seventh inning of baseball with ''Take me out to the ball game'' will be remembered forever by millions of people.

Harry was a man who loved life and enjoyed every minute of what he did. He was certainly one of the top broadcasters in the business. His famed phrase, ''holy cow'' can be heard throughout the United States. He made baseball's most exciting moments even more fun.

Harry was not just a broadcaster from the booth. He would often mix in with the fans and go out in the bleachers and broadcast with the fans in Wrigley Field and Comiskey Park and other places throughout the country.

His 53-year remarkable career as a play-by-play man comes to an end just as his grandson, Chip, embarks upon his career as an announcer for the Chicago Cubs. Harry made baseball a better game because of his way of presenting it to the public.

I guess he has left behind a legacy that others will try to imitate and emulate, but there will never be another Harry Caray. To his wife, Dutchie, and the rest of the Caray family, we simply say, ''Holy cow.'' Harry

Caray has been a part of a great tradition, a great legacy, and to all of those people who might be in Harry Caray's, back in the Seventh District in Illinois at this moment, reminiscing, having a sandwich, remembering the life and the legacy, we say all of us are going to miss Harry Caray. But all of us will always know that he has been here and was a part of the great American tradition. And so we say ''Holy cow,'' another great broadcaster gone.

IN TRIBUTE TO JOHN E. HOGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I proudly rise today to pay tribute to a sturdy Irishman, a fine farmer, a distinguished lawyer, a committed naval officer, a devoted family man, a solid churchman who has served the farmers and ranchers of America, the United States House of Representatives, and indeed all of his countrymen for better than a quarter of a century. I am, of course, speaking of the recently retired Chief Counsel of the House Committee on Agriculture and, Janesville, Minnesota's favorite son, John E. Hogan.

It is tough for any of us to measure the loss to this body that will result from John's departure. This is not because we cannot quantify his many contributions to the United States House, not the least among them are five farm bills. Rather, we cannot predict the loss this body will sustain because few Members of this Congress can imagine a day without John Hogan. To be exact, only seven Members of this body, seven Members were around when John committed himself to public service back in 1969.

John Hogan grew up in rural Waseca County on the family farmstead. He and his sister, Agnes, still own that farm today. Those years growing up on a farm in southern Minnesota left an indelible impression on John and he never, ever, in style or substance, lost his roots.

Even today far from home, John Hogan farms in southern Maryland and drives an old Dodge truck when negotiating the streets of this capital. It was not at all unusual to see John wearing work boots at the office when Congress was not in session. And occasionally you could even find denim overalls folded behind John's desk.

□ 1630

But this is not mere window dressing. Passion for agriculture and those who provide Americans with the most abundant, affordable and safest food supply in the world courses through John Hogan's veins. For nearly 29 years John Hogan gladly and dutifully put in a farmer's workday on behalf of America's farmers and ranchers.

Mr. Speaker, John Hogan is living proof that you can take the boy out of the country, but you can't take the country out of the boy. Having lost his father at a very early age, the young and determined John Hogan pulled himself up by his own bootstraps.

Equipped with little besides his intellect, work ethic and the strong values instilled in him by his devoted Irish Catholic mother, John headed off to the University of Minnesota, where he graduated with a Bachelor of Arts degree. John Hogan became first in his family to graduate from college.

Upon his graduation, John was commissioned as an officer in the United States Navy and served aboard the USS *Hood*. During his active military duty, the Navy ultimately transferred John to the Nation's capital, whereupon the young and industrious naval officer took advantage of any spare time and the GI bill to enroll at George Washington University School of Law.

In 1957, John Hogan left the U.S. Navy to practice law and further pursue higher learning. In that tradition, in the tradition of an Irishman, John Hogan did so with a happy vengeance. Between 1967 and 1969, John Hogan would work as a legal assistant for the Federal Reserve Board of Governors, as a law clerk for a Federal judge, as an assistant U.S. Attorney, as senior trial attorney for the Small Business Administration, and as a director of the Commission of the Organization of the Government of the District of Columbia.

Meanwhile, John would earn his Master's in Law at Georgetown School of Law, a Master's in Business at American University and would do graduate work in government and politics at the University of Maryland.

Through all of this, John somehow managed to find time to search for a bride. He courted and caught Edith Howard. Together for 36 years, they would raise two children, Christi and Terry, and nurture along three grandchildren, Cassie, T.J., and Abigale.

John Hogan made his way to Capitol Hill in 1969, where he began his 29 year career for the House of Representatives. In that year, John took a position with Minnesota Congressman Anchor Nelson, the ranking member on the House Committee on the District of Columbia. But it was not until 1975 when John Hogan finally arrived at the place where he has since become an institution in his own right, the House Committee on Agriculture.

In that year, Congressman Bill Wampler, the ranking Republican, added John Hogan to his committee staff as associate counsel and 4 years later promoted him to minority chief counsel. John Hogan remained minority counsel until January, 1995, when the GOP took control of the House; and to the incoming chairman of the committee, PAT ROBERTS, it was a foregone conclusion that John Hogan would be elevated to committee chief counsel.

John Hogan has served in 15 consecutive Congresses, outlasted all but seven Members of this House, outran four Committee on Agriculture chairmen and six ranking members and worked on five farm bills, effectively shepherding U.S. agriculture law for the past 23 years. He did it all with a keen wit and sense of humor, which is characteristic of the Irish but perfected by John.

In short, in two lifetimes' worth of achievement, John Hogan never compromised principle, never forsook his family and never shrunk from his duty to God and country. We can all be thankful that John served us.

To John Hogan I wish to say good luck and may God bless you.

The SPEAKER pro tempore (Mr. WICKER). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Kentucky addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

ATTACKS ON THE INDEPENDENT COUNSEL AND EFFORTS TO AVOID ACCOUNTABILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. BURTON) is recognized for 10 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, I rise today to make some observations about the White House efforts to avoid accountability to the American people. It is very apparent that there has been a concerted White House attack on independent counsel Kenneth Starr, the independent counsel who has been investigating a number of serious allegations against the Clinton administration.

First, regarding all these attacks on Ken Starr: Attorney General Janet Reno approved the expansion of Starr's investigation into the Lewinsky-related matters as well as the Travelgate and Filegate matters of 1996.

Three Federal judges approved expansions of Mr. Starr's jurisdiction each time serious allegations arose. There was overwhelming approval of these actions from the Justice Department, according to reports.

In the past, the President said he was in the cooperation business with investigators. That simply has not been the experience of anyone investigating anything to do with this administration. What we have here is an orchestrated attack on Kenneth Starr, the independent counsel, in order to change the subject and avoid answering the real questions.

The Clinton White House has a history of engaging in smear campaigns

against anyone conducting legitimate investigations. The President's attorneys and friends have attacked and demonized everyone who has conducted investigations of the President or members of his administration.

When FBI director Louis Freeh called for an independent counsel, the White House staff started maligning him in the press and trying to undermine one of the Nation's chief law enforcement officials. The President allowed these attacks.

Independent counsel Donald Smaltz, who has obtained six guilty pleas and six convictions and millions recovered in fines from wrongdoers, testified before my Committee on Government Reform and Oversight and was compared by one of my Democrat colleagues to a Nazi. Such mindless attacks are unprecedented and the Washington Post even attacked this senseless smear.

The Clinton White House has attacked every committee chairman who has conducted investigations: Senator THOMPSON, who conducted the Senate campaign finance investigation; the gentleman from Iowa (Mr. JIM LEACH), when he conducted the Whitewater investigation here in the House; Senator D'AMATO, when he conducted the Senate Whitewater investigation; and Mr. Clinger, my predecessor, who had actively participated in many investigations of Republicans as well as Democrats.

So when we have the Clinton White House once again attacking, this time, Mr. Starr, the independent counsel, it is predictable and consistent. Instead of answering questions, the White House attacks the questioners, evades the press and changes the topic.

These are all legitimate and necessary investigations. The Clinton White House does not cooperate with investigators to get the truth out; they attack them.

Ken Starr has been doing the work the Justice Department has directed him to do. This attack on Mr. Starr is extremely misdirected.

Mr. Starr has had a distinguished legal career. He clerked for the Supreme Court, for Chief Justice Warren Burger when he first got out of law school. He served as the chief of staff to Attorney General William French Smith during the Reagan administration. He served as solicitor general of the United States and argued cases on behalf of the United States before the Supreme Court. He also served as a judge on the D.C. Circuit Court of Appeals and has taught constitutional law at New York University Law School.

Mr. Starr also was called upon by the Senate to review Senator Packwood's diaries when Senator Packwood was embroiled in an ethics scandal. No one criticized him when he was involved in an investigation of a Republican Senator.

Now we learn that private investigators, get this, private investigators were hired to investigate Mr. Starr's team of Democrat and Republicans, a bipartisan group of career prosecutors. Last year, we learned these same private investigators investigated Oklahoma Senator DON NICKLES' wife, and I believe other Members who have been investigating the White House have had private investigators looking into them and their past as well. And I believe that is being done to intimidate those who are trying to get the truth out.

Senators, both Democrats and Republicans, attacked the actions that were taken against DON NICKLES' wife in last fall's Senate hearings. This suggests an effort to intimidate and silence both investigators and witnesses. That is just wrong. If we are trying to get the facts out to the American people, as investigators looking into illegal activities, or alleged illegal activities, we should not be intimidated, or there should be no attempt to intimidate us in doing our job. And that goes for Mr. Starr as well.

In his various positions, Mr. Starr had to go through the confirmation process; and never, never was his integrity put into question by anybody, Democrat or Republican. When he was appointed independent counsel, he was almost unanimously applauded as a fair and seasoned jurist.

Ken Starr selected as his legal ethics adviser for his office a Mr. Sam Dash, the chief counsel for the Watergate Committee. Ken Starr has selected a team of lawyers who are both Republican and Democrat, yet still the attack. Why? All of these attacks are designed to do two things: change the subject and delay the investigation. This has been a pattern and practice of the Clinton White House in response to each investigation, whether it be Travelgate, Filegate, Whitewater, the campaign finance investigation or this latest scandal.

This, after all, was going to be the most ethical administration in history. Yet consider this: Numerous close friends and senior aides of the President, such as Webster Hubbell, former Governor Jim Guy Tucker of Arkansas, and the President's former business partners, Jim and Susan McDougal, have been convicted and have served prison terms.

Four independent counsels have been appointed by Attorney General Reno, his Attorney General.

Independent counsel Kenneth Starr has secured 11 guilty pleas, three convictions and two indictments that are pending.

Independent counsel Donald Smaltz in the Espy investigation over at the Agriculture Department has secured six guilty pleas and six convictions with three indictments pending, including an indictment against former Agriculture Secretary Espy.

Independent counsel David Barrett, Cisneros investigation, has seven indictments pending, including an indictment of former HUD Secretary Cisneros.

Independent counsel Donald Pierson, of the Ron Brown investigation, his investigation was turned over to the Justice Department, which has now indicted DNC fund-raisers Nora and Gene Lum, as well as Ron Brown's son, Michael Brown.

And consider this: In the campaign finance investigation which I am conducting, over 70 people have taken the Fifth Amendment or fled the country.

This is not a history of the most ethical administration in history. It is not even close.

Just in the past few weeks, Attorney General Reno called for an appointment of an independent counsel regarding Secretary Babbitt at the Department of the Interior regarding actions with Indian tribes who are large DNC donors. All of this has come to pass because of the actions of the President and his appointees.

The attacks on Ken Starr should stop. The President has had five independent counsels appointed by his Attorney General. Some of his closest friends have been convicted of serious crimes and others have taken the Fifth Amendment or fled the country. Instead of attacking Mr. Starr, the President's lawyers, associates and friends should be allowing the answers to many legitimate questions to be answered.

Mr. Speaker, I would like to put into the RECORD four editorials by leading newspapers regarding this because I think it is very relevant. So, without objection, I hope you will do that.

Let me say one last thing. When we had the FBI director before my committee and I asked him if he had ever seen scandals before of the magnitude that we were investigating, he said, well, as a matter of fact, I have. And I said, could you tell me when that was? He said, when I was investigating organized crime in New York City.

Now, I am sure he wished he had that comment back, but the fact of the matter is these scandals are huge, they are out of control, and Mr. Starr should not be taken to task because he is trying to do his job.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the gentleman will be allowed to insert the articles mentioned but is cautioned that it would be unparliamentary to insert articles personally offensive to the President.

There was no objection.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

THE FOLLY OF FOREIGN INTERVENTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. PAUL) is recognized for 50 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, if I had a chance to pick a topic for my special order today, I would call it the folly of foreign intervention.

We have heard very much in the last few weeks about the possibility of a war being started in the Persian Gulf. It looks like this has at least been delayed a bit. There is a temporary victory brought about by Secretary General Kofi Annan of the United Nations in agreement with the government of Iraq.

This, I think, is beneficial. At least it gives both sides more time to stop and think and talk before more bombs are dropped.

Before we left about 10 days ago from the Congress, I think many Members and much of the Nation thought that within a short period of time, within a week or so, there would be additional bombing by the Americans over Baghdad.

□ 1645

There were polls out at that time that said 70 percent of the American people endorsed this move, something that I questioned and of course I question the legitimacy of dealing with policy by measuring polls, anyway. I think we should do what is right, not try to decide what is right by the polls. But in this circumstance, I think the polls must have been very, very misleading.

We heard a gentleman earlier this evening from North Dakota mention when he was at home essentially nobody was telling him that they were in favor of the war. I think most Members of Congress on this past week on visiting home had the same message. Certainly there was a very loud message in Columbus at a town hall meeting. It was written off by those who wanted to go to war and wanted to drop the bombs by saying, well, no, this was just a very noisy bunch of hippies who are opposed to the war. There are a lot of people in this country who are opposed to the war and they are not hippies. I think to discredit people who oppose going and participating in an act of war and try to discredit them by saying that they belong to a hippie generation, I think they are going to lose out in the credibility argument in this regards.

This debate has been going on for quite a few months. It looks like it is not resolved. Although there has been an agreement, it is far from a victory for either side. It is somewhat ironic about how this has come about, because it seems that those of us who have been urging great caution have been satisfied with at least a temporary solution, yet we are not entirely satisfied at all with the dependency on the effort by the United States enforcing U.N. resolutions. In this case I think what we must do is reassess the entire policy because it is policy that gets us into trouble.

It is in this one instance. We did not just invent foreign interventionism in foreign policy. This has been going on for a long time. The worst and the first egregious example, of course, was in Korea where we went to war under the U.N. banner and was the first war we did not win. Yet we continue with this same policy throughout the world. Hardly can we be proud of what happened in Vietnam. It seems like we are having a lot more success getting along with the Vietnamese people as we trade with them rather than fight with them.

There is a lot of argument against this whole principle of foreign interventionism, involvement in the internal affairs of other nations, picking leaders of other countries. We were warned rather clearly by our first President, George Washington, that it would be best that we not get involved in entangling alliances and that we instead should talk with people and be friendly with people and trade with people. Of course the first reaction would be, yes, but the person that we are dealing with as leader of Iraq is a monster and therefore we cannot trust him and we should not talk to him. There have been a lot of monsters in the world and we have not treated them all the same way. Just think of the tremendous number of deaths to the tune of millions under Pol Pot. At that time we were even an ally of his. Even the inconsistency of our policy where in the 1980s we actually encouraged Saddam Hussein. We sold him weapons. We actually had participated in the delivery of biological weapons to Hussein. At that time we encouraged him to cross the border into Iran. We closed our eyes when poison gases were used.

So all of a sudden it is hard to understand why our policy changes. But once we embark on a policy of intervention and it is arbitrary, we intervene when we please or when it seems to help, it seems then that we can be on either side of any issue anytime, and so often we are on both sides of many wars. This does not serve us well. A policy design that is said to be pro-American and in defense of this country where we follow the rules and follow the laws and we do not get involved in war without a declaration by the Congress, I think it would be very healthy not only for us as Americans but it would be very healthy for the world as a whole.

I am very pleased that there has been at least a pause here, although our troops will be maintained there and they are waiting to see if there is some other excuse that we can go in there and resume the bombing. But the whole notion that we are going to bring Hussein to his knees without the cost of many American lives I think is naive, because nobody has proposed that we go in and invade the country. There have been proposals that we just assassinate Hussein, which is illegal. At least that is acknowledged that this is an illegal act, to go in and kill another leader, although we have been involved in that too. But many people have argued that this should be our policy now, and that is to topple Hussein.

But we used the CIA in Cuba a few decades ago. Now it has just been revealed that our CIA botched the job. Also, those individuals who were trying to restore freedom to Cuba, we let them down by them assuming we would do more and then we did less. We were very much involved in overthrowing a leader in South Vietnam right before the rampant escalation of the war there. That did not serve us well. And then there is another example of our CIA putting a government in charge over in Iran. That is when we put the Shah in. But this did not bring peace and stability to the region. It brought us hostage takings and hostility and hatred and threats of terrorism in this country. So although many will make the moral cause for doing good around the world, there is no moral justification if we are going to follow the laws of this land and try to stick to the rules of providing a national defense for us and a strong foreign policy.

I yield to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I wanted to take just a moment to say how much I appreciate many of the points that the gentleman is making, particularly in regard to the folly of much or many of our foreign interventions in recent years.

I remember about 3 years ago reading on the front page of the Washington Post that we had our troops in Haiti picking up garbage and settling domestic disputes. Picking up garbage for Haitians and settling their domestic disputes should not be a mission of the American military. The Haitians should pick up their own garbage.

Then a few weeks ago, I heard that we had our troops in Bosnia giving rabies shots to dogs. The Bosnians should give their own rabies shots to their dogs. That should not be a mission of the American military. This business of turning our American military into international social workers is something I think the overwhelming majority of Americans are strongly opposed to.

The really sad thing is that we have spent many, many billions of hard-earned tax dollars in recent years in Haiti, Rwanda, Somalia, Bosnia, now in Iraq, and I said on the floor of this House a couple of weeks ago, why the rush to war in Iraq, why the rush to war, why the eagerness to send young American men and women into harm's way. The American people were not clamoring for war then. They are even more so not clamoring for war now.

Going to war should be the most reluctant decision that we make. We should go to war only when there is no

other reasonable alternative. I saw George Stephanopoulos on television a few days ago and he said that even in World War II, we had some people who were opposed to World War II. But I can tell you the day after Pearl Harbor, the Senate voted 82–0 and the House voted 388–1 to go to war against Japan. But Japan had attacked us at that time. It was a totally different situation from the one we face in Iraq. You can say any bad thing that you want to about Saddam Hussein and I would agree with you. But I can also tell you that he was greatly weakened by the first Gulf War, he has been weakened even more by the sanctions since then. I heard one commentator say that even the Italian army could beat Saddam Hussein at this time. The threat is not there. For us to spend all these hundreds of millions of dollars deploying all our troops over there in the Middle East is a tremendous waste of money. It is not something that should be done. We should try to be friends with all nations in the world that will let us be friends. But that does not mean we need to keep sending billions and billions of dollars overseas. Much of this money and many of these interventions are creating great resentment toward us.

I read recently that in regard to the International Monetary Fund that many of these countries, they feel like we are behind the International Monetary Fund interventions in Southeast Asia, and they are requiring some of these countries and peoples to do things that they do not want to do and really all they are doing is bailing out big banks and big multinational companies, and it is creating great resentment toward us.

I will stop with just two other points. One is that Tony Snow said in a column a few days ago in regard to the situation in Iraq, we are about to achieve the worst of all possible worlds. We are about to alienate our European allies and our Arab allies and achieve nothing of military significance.

President Kennedy in 1961 said: We must face the fact that the U.S. is neither omnipotent nor omniscient, that we are only 6 percent of the world's population, that we cannot impose our will upon the other 94 percent, that we cannot right every wrong or reverse each adversity, and that therefore there cannot be an American solution to every world problem.

That was President Kennedy in 1961. The only change is that now we are slightly less than 5 percent of the population of the world instead of the 6 percent that we were then. I think President Kennedy was exactly right. There cannot be an American solution to every world problem. Let us be friends with every country, but let us not try and impose our will and create great resentment toward this country. Let us have a foreign policy, a trade policy, an economic policy that puts this country and its taxpayers and its workers first, even if that is not politically correct or fashionable to say at any particular given time in history.

Mr. PAUL. I would like to ask the gentleman one question. He was just home in his district, he traveled and talked to quite a few of his constituents. Did he get a sentiment from his district on what they want?

Mr. DUNCAN. I spoke many places in my district. I represent east Tennessee, which is a very conservative, patriotic, pro-military district. I have said before that I think a strong national defense is one of the most legitimate functions of our national government. But we should not try to turn the Department of Defense into the department of offense and do things like that. When I spoke, and I told the people of my district what I had said on the floor just a few days before, that we should not rush into war, I told them some of the things that I had said on the floor that I have said here today, I got nothing but applause, nothing but support. All of my calls and letters that I have gotten have been totally against us attacking what Tom Aspell, the CNN correspondent, said now is a defenseless country.

I am not trying to get any sympathy for Saddam Hussein. I will say once again, you can say bad things against him. He is a megalomaniac. But the truth is even if we put every single person in this country in a military uniform, we could not 100 percent guarantee that there would not be some kook do something with a chemical or biological weapon of some sort. But we need to be a little more thoughtful in the way we handle some of these situations in the future and I think not be so eager to show that we are a macho nation and be so eager to go around and attack other countries. I do not think that is what the American people want us to do. I thank the gentleman for yielding to me.

Mr. PAUL. I thank the gentleman for his remarks. He made some very good points. I would like to follow up on the one point with regards to the military. That is one of the most essential functions of the Federal Government, is to provide for a strong national defense. But if we intervene carelessly around the world, that serves to weaken us.

I have always lamented the fact that we so often are anxious to close down our bases here within the United States because we are always looking for the next monster to slay outside of the country, so we build air bases in places like Saudi Arabia. Then when the time comes that our leaders think that it is necessary to pursue a war policy in the region, they do not even allow us to use the bases. I think that is so often money down the drain. It is estimated now that we have probably pumped in $7 billion into Bosnia and that is continuing. Our President is saying now that that is open-ended, there is no date to bring those troops back. We have already spent probably a half a billion additional dollars these last several weeks just beefing up the troops in the Persian Gulf.

The funds will not be endless. I have too many calls from so many in my district who serve in the military, and their complaint is that they do not have enough funds to adequately train. We are wasting money in the wrong places, getting ourselves into more trouble than we need to. At the same time we detract from spending the money where we should in training our personnel the way they should be. I think this is not so much a tactical decision made by management as much as it is a policy decision on what our foreign policy ought to be.

□ 1700

If we continue to believe that we can police the whole world and provide security and right every wrong, I think it will lead us to our bankruptcy, and just as was mentioned earlier, we receive the same kind of grief when we pretend that we can impose economic conditions on other countries.

We, as a wealthy Nation, are expected to bail out other countries who have overextended themselves and they get into trouble. At the same time, we put economic rules and regulations on them and resentments are turned back toward us. The Arabs in the Middle East do not understand our foreign policy because there have been numerous U.N. resolutions, but it is only this one particular resolution that we have felt so compelled to enforce.

And the real irony of all this is that first we use the United Nations as the excuse to go in. Then, the United Nations gets a little weak on their mandates, and they themselves do not want to go in. So it is a U.N. resolution that we try to enforce, and then when it is shown that it is not a good resolution, the U.N. then backs away from it. So there is no unanimous opinion in the U.N., I think further proving that this is a poor way to do foreign policy.

And those who would like to do more bombing and pursue this even more aggressively tend to agree with that. They do not like the idea that we have turned over our foreign policy making to an international body like the United Nations.

So this, to me, is a really good time to make us stop and think should we do this? I certainly think that our foreign policy in the interests of the United States should be determined by us here in the Congress, and then some will argue, well, it is not up to Congress to deal in foreign policy. That is up to a President. But that is not what is in the Constitution.

As a matter of fact, foreign policy, those words do not even exist in the Constitution, and the Congress has all the responsibility of raising funds, spending funds, raising an army, declaring war, so the responsibilities are on us.

And this is the reason why I have introduced a resolution that would say that we do have the authority to withdraw the funds from pursuing this

bombing, and there is another resolution that the gentleman from Maryland will mention here shortly dealing with that same subject, because we do have the responsibility, and we, especially in the House, are closest to the people.

We have to be up for reelection every 2 years, and if we listen to the polls that say that 70 percent of the American people want this war, at the same time if we fail to go home and talk to our people and find out that most Americans do not want this war and there is no good argument for it.

The whole idea that we can immediately go over there and make sure there are no weapons of mass destruction when we helped build the weapons up in the first place, and if we are really concerned about weapons of mass destruction, why are we not more concerned about the 25,000 nuclear warheads that have fallen into unknown hands since the breakup of the Soviet Union? Our allies in the Middle East have nuclear weapons, and we have China to worry about. What did we do with China? We give them more foreign aid.

So there is no consistent argument that we can put up that all of a sudden Saddam Hussein is the only threat to world peace and it is in our interest to go in there and take him out. It just does not add up. If he really was a threat, you would think his neighbors would be the most frightened about this, and yet the neighbors are urging us not to do it. They are urging us to take our time, back off and wait and see what happens.

We, in the United States, so often are involved in conflicts around the world, and one of the things that we urge so many to do is sit down and talk to each other. We ask the Catholics and the Protestants in Ireland to talk, we ask the Croats and the Serbs to talk, we ask the Jews and the Arabs to talk; why is it that we cannot do more talking with Saddam Hussein? Instead, we impose sanctions on him which does nothing to him, solidifies his support, rallies the Islamic fundamentalists while we kill babies. There is now a U.N. report that shows that since the sanctions, well over a half a million children died from starvation and lack of medicines that we denied them.

So I think that there is every reason in the world for us to reassess this policy. There is a much more sensible policy. What we need is more time right now. There is no urgency about this. We did the bombing in the early 1990s, and by the way, I can see this as a continuation of that single war. But since that time with inspections, even the President claims that they have gotten rid of more weapons since the war ended than occurred with the war.

So if there is no military victory in sight by bombing and only great danger, what is the purpose? Why can we not continue with more negotiations and more inspections? And they say, well, we cannot trust Hussein. Well, that may be true. But looking at it objectively when we finished in 1991 our policy was to encourage the Kurds and the Shiites to rebel, and we implied that we would be there, and what happened? We were not there. Thousands and thousands of Shiites and Kurds were just wiped out because we misled them, similar to our promises that we made to the Cubans in the early 1960s.

So we do not gain the respect of the world by, one, saying, well, we cannot trust anything he says. Of course not, we cannot trust it. But we have to be realistic, and can they trust us, as well, because our record is not perfectly clean.

I now yield to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I am sorry I could not join the discussion before this, but I have just come from a Members-only briefing on Iraq, where we are now in the Iraq situation.

I would like to start my discussion by referring to something that Congressman PAUL has just referred to, and that is there really is not just one, but two constitutional issues involved here. The first of those constitutional issues is Article 1, section 8 of the Constitution, and it is a little document, a very important one; I carry it in my pocket.

Article 1, section 8 says that one of the responsibilities of the Congress is to declare war. There is no hint of that in the responsibilities of the President, who is Commander in Chief, who commands the troops after they are committed by the Congress.

Yeltsin said that if we bomb, that could start World War III. By our President's own admission we were going to take casualties. I think it is very difficult to argue that this bombing would not have been the equivalent of what our Forefathers were talking about when they mentioned declaration of war.

And that is not the only part of the Constitution that would have been violated by this. Article 1, section 9 says that no moneys shall be drawn from the Treasury, but in consequence of appropriations made by law. There has been no appropriation for this activity over in Iraq, so I think that clearly two parts of the Constitution are involved here, the part that says that the President, as you know, we do not elect in our democratic republic, we do not elect an emperor. We elect a President, and the President is bound by the Constitution. And the Constitution says that the Congress declares war; that he is the Commander in Chief after war has been declared.

The Constitution also says that moneys cannot be taken from the Treasury except by appropriations. We have made no appropriation for this. So he clearly needs to come to the Congress.

I have a resolution that Congressman PAUL was on and a great many others, and by the way, this has wide support across the aisle. We have Members from the most conservative to the most liberal on this. It is a very simple resolution. All it says is that, Mr. President, if you want to bomb Iraq, you have got to come to the Congress first.

We do not mention this resolution, the constitutional issues because one may debate those, but one cannot debate the common sense position that the President, if he is going to do this, has got to have the support of the American people.

The way to get the support of the American people is to have the Congress debate it. I would hope that debate would be long enough that the American people would have a chance to weigh in on that debate because we cannot do this kind of thing without involving the American people.

Let me just mention the two objectives of these strikes. The first was to destroy the weapons of mass destruction. This has to be the most telegraphed military strike in the history of mankind. If those weapons of mass destruction were where we thought they were when we said we were going to bomb him, you can bet that they are not there now, and we would have no way of knowing when you see some barrels moved on an ox cart or in the back of a truck whether they were barrels of molasses or chicken feed or anthrax. Our satellites are very good, but they cannot see inside the barrel.

The other objective was to diminish significantly his capability to produce weapons. If you have a brewery, you can produce biological weapons. That is why we call them the poor man's atomic bomb because they are so easy to make.

So we were not going to accomplish either one of those objectives. Let me tell you what we would have accomplished. We would have galvanized the Islamic world against us. We sit on 2 percent of the known reserves of oil. We use 25 percent of the world's energy. The Islamic world, the Middle East, controls 70 percent of the world's oil, and I cannot understand how it is in our vital national interest to alienate that part of the world, which controls 70 percent of the world's oil.

Let me tell you something else it would have done. I can see it now. Peter Arnett is holding up on CNN the shredded body of a baby. It would have been an absolute P.R. disaster, killing innocent civilians over there, and they are innocent. This is a tyrannical regime that does not represent, I think, the Iraqi people. But, you know, what are we going to accomplish by killing these innocent citizens? And we call that collateral damage, and there was an admission trying to steel us so that we could endure those TV pictures that were going to come. We were told we are going to have significant collateral damage.

□ 1715

As a matter of fact, they were all pleased that there had been a level of

constraint; and they were all raising their voices to President Clinton and to Madeleine Albright, saying let's keep talking. Let's keep negotiating. Let's continue to look and see if there is not a way to avert this crisis. That as long as there is a sliver of hope, let us find that hope and let us have the alternative and let us not put the American people in the predicament where we would have to know that because some innocent child lived down the road from Saddam Hussein, or some elderly citizen, who had no interest in moving towards war, had to be maimed, hurt or killed because of our inability to find a peaceful solution.

I think people like yourself, who talk about peace and who talk about alternatives, we know it is difficult.

Peace has never been easy. I grew up sort of in the traditional Christian experience, and we were led to believe that at one time there were only four people on the earth: Adam and Eve and Cain and Abel. And it seems as though they had some difficulty. One thought that the other one had something that was his or that he ought to have. And only four people, yet some friction.

I think if we try and live in movement towards peace, it can be obtained.

I am reminded of something I believe John Kennedy was supposed to have said, that peace is not really found in treaties, covenants and charters but in the hearts and souls of men and women; and if we actually look for a way, if people all over the world can believe that there is the opportunity to peacefully coexist and if we can use our resources to find solutions to the major problems that plague our earth, rather than using those to create and develop weapons of war, then, perhaps, we can find a cure for cancer. Perhaps we can indeed find a way to eradicate hunger or we can find a way to make people healthy, to create the kind of quality of life that we are looking for.

So, again, I commend the gentleman for taking out the time, for giving the rest of us an opportunity to share and participate; and I believe that if people continue to pursue, as the gentleman is doing, as difficult as it might be, we can ultimately find a peaceful solution to the world's problem.

Mr. PAUL. I thank the gentleman very much for participating.

Early on, I talked about a policy of nonintervention; and I would like to talk a little bit more about that. Because some might construe that if you have a policy of nonintervention, it means you do not care; and that is not the case. Because we can care a whole lot.

There are two very important reasons why one who espouses the constitutional viewpoint of nonintervention, they do it. One, we believe in the rule of law and we should do it very cautiously, and that is what we are bound by here in the Congress. So that is very important.

The other one is a practical reason, and that is that there is not very good evidence that our intervention does much good. We do not see that intervention in Somalia has really solved the problems there, and we left there in a hurry.

We have spent a lot of money in Bosnia and the other places. So the evidence is not very good that intervention is involved, certainly the most abhorrent type of intervention, which is the eager and aggressive and not-well-thought-out military intervention. That is obviously the very worst.

I would argue that even the policy of neutrality and friendship and trade with people, regardless of the enemy, would be the best.

Of course, if you are involved in a war or there is an avowed enemy, declared enemy, that is a different story. For the most part, since World War II, we have not used those terms, we have not had declared words, we have only had ''police actions,'' and, therefore, we are working in a never-never limbo that nobody can well define.

I think it is much better that we define the process and that everybody understands it.

I would like to go ahead and close with a brief summary of what we have been trying to do here today.

It was mentioned earlier, and I want to reemphasize it, something that has not been talked about a whole lot over this issue, has been the issue of oil. It is oil interests, money involved.

As I stated earlier, we were allies with Hussein when we encouraged him to cross the border into Iran, and yet, at the same time, the taking over of the Kuwait oil fields was something that we could not stand, even though there has not been a full debate over that argument. We have heard only the one side of that, who drew the lines and for what reason the lines were drawn there and whose oil was being drilled. There is a major debate there that should be fully aired before we say that it is the fault of only one.

But it is not so much that it was the crossing of borders. I do believe that oil interests and the huge very, very important oil fields of Iraq and what it might mean to the price of oil if they came on has a whole lot to do with this.

We did not worry about the Hutus and the Tutus in Africa. A lot of killing was going on there; 1 million people were being killed. Where was our compassion? Where was our compassion in the killing fields of Cambodia? We did not express the same compassion that we seem to express as soon as oil is involved.

We cannot let them get away with the repetition of ''we got to get the weapons of mass destruction.'' Of course. But are they mostly in Iraq? I would say we have done rather well getting rid of the weapons there. They are a much weaker nation militarily than they were 10 years ago, and those kind of weapons are around the world, so that, as far as I am concerned, is a weak argument.

Another subject that is not mentioned very often, but the prime minister of Israel just recently implied that, hopefully, we will pursue this policy of going in there and trying to topple this regime. I can understand their concerns, but I also understand the concerns of the American taxpayers and the expense of the American lives that might be involved. So I can argue my case.

But even taking it from an Israeli point of view, I do not know how they can be sure it is in their best interests to go over there and stir things up. They are more likely to be bombed with a terrorist bomb if we go in there and start bombing Iraq. If we do, Israel will not stand by as they did once before. They told us so.

So if we bomb first and then the goal of Saddam Hussein is to expand the war, what does he do? He lobs one over into Israel, and Israel comes in, and then the whole procedure has been to solidify the Islamic fundamentalists. Then there is no reason not to expect maybe Iran and Syria coming in.

Right now Iraq is on closer ties with Syria and Iran than they have been in 18 years. This is the achievement of our policy. We are driving the unity of those who really hate America, and will do almost anything. So we further expose ourselves to the threat of terrorism. So if they are attacked and they have no way to defend themselves against this great Nation of ours, they will strike out. Therefore, I think in the practical argument, we have very little to gain by pursuing this policy.

It is not difficult for me to come down on the side of arguing for peace. Peace is what we should be for. That does not mean you give up your military, but you use your military more wisely than we have over the past 30 or 40 years. You use it for national defense.

Today we have a powerful military force, but a lot of people do not think we are as strong in defense as we used to be. So, yes, we are stronger than others, but if we have a failed and a flawed policy and a military that has been weakened, then we are looking for trouble.

So even the practical arguments call for restraint and a sensible approach, for debate and negotiations. It is for this reason I think for the moment we can be pleased that Mr. Annan went to Iraq and came back with something that is at least negotiable, and that the American people will think about and talk about. Hopefully this will lead not only to peace immediately in this area, but hopefully it will lead to a full discussion about the wisdom of a foreign policy of continued perpetual interventionism and involvement in the internal affairs of other nations.

If we argue our case correctly, if we argue the more argument, the constitutional argument, and the argument for peace as well, I cannot see how the American people cannot endorse a policy like that, and I challenge those who think that we should

go carelessly and rapidly into battle, killing those who are not responsible, further enhancing the power and the authority of those who would be the dictators. They do not get killed. Sanctions do not hurt them. The innocent people suffer. Just as the economic sanctions that will be put on Southeast Asia as we give them more money, who suffers from the devaluations? The American taxpayer, as well as the poor people, whether they are in Mexico or Southeast Asia, in order to prop up the very special interests. Whether it is the banking interests involved in the loans to the Southeast Asians, or our military-industrial complex who tends to benefit from building more and more weapons so they can go off and test them in wars that are unnecessary.

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. COOKSEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102–356), I transmit herewith the report of the Corporation for Public Broadcasting.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1998.*

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, I want to stand here and have the opportunity to have a discussion with some of my colleagues this evening, to talk about an issue that is near and dear to the hearts of the American people, and that is for those who are today in something called managed care for their health care, people who are looking at how they are going to afford health care, how in fact they can meet the rules and regulations that some of the HMOs have put upon them, how they can have the option of selecting their physician or specialist if they need one, how in fact they can get all of the information that they need in order to make good choices and good decisions about their medical treatment, and how, if they run into a difficulty with their provider, their HMO, their insurance company, that they have an appeal process that they can go to to see if this can be sorted out.

□ 1730

This is a topic that is going to be hotly debated in this Chamber in the next several months. The President talked about a patient's Bill of Rights, if you will. That sounds like a very elevated term. Essentially it is what I have talked about, having for individuals the opportunity to know what their best options are in order to get their health care.

This patient's Bill of Rights is going to be debated. The President talked about it in his State of the Union Address. He wants to see something like this passed. There are a number of us on both sides of the aisle, and as a matter of fact it was one of those issues the night of the State of the Union where Democrats and Republicans were on their feet because it makes good sense. It makes good sense for people to have the adequate kind of health care, the adequate treatment that they need in order that they may survive, themselves and their families. What is at stake here is not just the bottom line, the profit motive in health care today, but in fact the health and safety of the American public.

An issue that I have specifically focused on is the issue of mastectomies. I have found through a Dr. Sarfos in Connecticut, a surgeon, he came to me and told me that women were being treated as outpatients for mastectomies, and that they were getting a few hours' treatment, or less treatment than both their doctor and they thought they needed in order for them to be healthy, to be on that road to recovery both emotionally and physically.

Together a number of us have written legislation that says in fact that the length of stay in a hospital needs to be determined by a doctor and by a patient, and not be the decision of the insurance company. In the case of this specific piece of legislation, it says 48 hours for a mastectomy, 24 hours for a lymph node dissection, and that the individual, the woman can in fact have the luxury, if you will, of not having to stay for 48 hours if the doctor and patient make that determination that in fact it can be a shorter stay.

These are commonsense kinds of decisions that we are talking about. What we want to do is to make sure, as I say, at the base of all of this, is that people's health is the first order of business, and not the profit motive of the insurance provider or of the HMOs.

I am delighted to have with me tonight a colleague from Illinois, and I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding to me, and I also want to do more than that. I want to thank her for the kind of leadership that I think she displays and continues to display in this House of Representatives by bringing before the American people on a daily basis issue by issue, making the greatest use of herself to awaken the conscience of the American people; for putting before them positions that they need to be aware of, things that they need to understand, and then taking the lead in actually not only talking the talk but walking the walk, and voting her conscience and convictions. It is just a pleasure and an honor for me to serve in this body with her.

Ms. DELAURO. Mr. Speaker, I thank the gentleman very much.

Mr. DAVIS of Illinois. Mr. Speaker, when we look at health care delivery and we look at what has happened in health care all over the place, there have been changes and changes and changes. We see in America right now thousands of individuals who are physicians who decided to go to medical school, learned their profession, because they wanted to be engaged in the practice of medicine. They wanted to work out with patients treatment plans and treatment patterns. They wanted to make use of the skills which they had acquired to provide the best possible care for their patients and their clients.

Now we reach a point where many of these very same physicians, individuals who have spent years and years and years of study and training, are actually being told how they must practice. They are being told what it is they have to prescribe for certain illnesses, what it is that they have to do for certain patients, how long they can keep their patients in the hospital, what they have to do with them if they have to go home. It just seems to me that rather than making use of that training and skills, now we have health maintenance organizations, managed care organizations, HMOs, which are telling the physician how he or she must practice.

I can understand when we first evolved to the point where managed care became a real part of the American scene, people were concerned about cost containment, lack of regulation. It appeared as though the health care industry was running wild, and in some instances people may have been staying in hospitals much longer than they actually needed to. There may have been a few physicians in some cases who may have been taking liberties with their prescriptions and what they were doing, or seeing patients when they were not needed to be seen. But that was not the majority. That was not even anything close to a majority.

I think we have now given managed care, HMOs, a little too much action. I think we have given them too much leeway to set the pace, to make the decisions, to make the determinations. It is time to look at the needs of the patients. That is why, when the President talks about a patient's Bill of Rights, what he is really talking about is looking now at what the patient can logically and reasonably expect from a health care provider, from a health care institution that will meet his or her individual needs.

I do not believe that you can practice medicine wholesale, when it gets down

to the actual treatment. One person does not necessarily respond and react the same way as another. While you need to keep one person 3 days, you may need to keep another one 5. There may be some special problems and some special needs that they have.

I think we have to move to enact the Patient's Bill of Rights, and we have to give to the patients the greatest opportunity to interact with their doctor, to interact with their provider to determine what the health care is going to be.

Mr. Speaker, I see that we have also been joined by a number of other colleagues, and I await what it is the gentleman is going to say.

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from New Jersey (Mr. MENENDEZ) is recognized for the balance of the hour as the designee of the minority leader.

Mr. MENENDEZ. Mr. Speaker, I yield to the distinguished gentleman from Texas (Mr. GREEN).

(Mr. GREEN asked and was given permission to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for this special order, but also for the issue, managed care and managed health care. I was interested when my colleague, the gentleman from Chicago, was discussing the managed care issues in his community. I would like to talk about it in mine, not only in the State of Texas but in Houston.

My concern is we need to be more concerned about the patients' rights and establishing some standards for managed health care plans. We all have to live by parameters. If you drive on the road, you have to live by the speed limits. You have to live by rules and regulations. That is what I would like to see this Congress address, is something that would protect the patients' rights, and establishing standards for managed health care plans, which a great many of them already comply with, Mr. Speaker. But I think we would like to see that as knowledgeable consumers, people would be able to know that, and know that they have certain rights and certain requirements on whatever managed care plan they have.

Ever since their existence, managed care health plans have determined what medical procedures would and would not be covered for the patients. We need to guarantee patients will receive quality health care from their managed care plans. We need to hold managed care companies accountable for providing quality health care, instead of just being concerned about their bottom line.

We are a free enterprise system in our country. All of us in business are interested in making a profit, but that is also why we have government regulations. If it is a State health plan, then you have a State agency. In Texas, our State Commission on Insurance is one that regulates health plans in the State of Texas. They set the guidelines for health plans in Texas, and now we need some guidelines on national plans.

But more importantly, we need to be concerned. We need to protect that patient's rights. I am a cosponsor of the bill of the gentleman from Georgia (Mr. NORWOOD). It is a bipartisan piece of legislation to protect patients' rights and to establish standards for managed health care.

I know there are other options. The gentleman from New Jersey (Mr. PALLONE) also has a bill. There is a health care task force within the Democratic Caucus that is working on that. Our ranking member, the gentleman from Michigan (Mr. JOHN DINGELL) has been putting that together, and hopefully we will see it. So there are lots of options out here, and it is a bipartisan concern that we need to deal with.

The legislation, whether it is the gentleman from Georgia (Mr. NORWOOD) or any other ''Woods'' should require employer health plans to allow employees to select their own personal physicians, for example. That is what Congressman NORWOOD's bill would do.

Patients would have the rights to choose their own doctor, a doctor who meets their personal needs. It would eliminate preauthorization requirements for emergency room visits and pay for specialists' care recommended by a primary doctor.

One of the concerns I have heard from my own constituents is that, oftentimes, for emergency room care, they really do not know what kind of illness they may be having. For example, I have used, and I heard this used to me from my constituents, if I have chest pains, I do not know whether it is a heart attack or it may be indigestion. And the only place to know that is to go to an emergency room. So that is why preauthorization for emergency room visits may not be practical in the real world.

If you are badly injured or severely ill, you should not have to worry about your insurance. You should be more concerned, and rightfully so, about your health and getting the needed help you get. Your health should be your primary concern.

According to a study from the American College of Emergency Physicians, 94 percent of emergency room visits have been allocated to an injured person. So 94 percent of those emergency room visits, they are not someone who thinks they have the flu or have a fever. They are actually to an injured person.

In most cases of injury, there is not an ample enough amount of time to call or get approval for an emergency room visit. If there is a 24-hour phone line for preauthorization for emergency room treatment, again, most of the time, the concern is for the health care need and not necessarily for the authorization.

Congressman NORWOOD's legislation would also help patients who have been denied care to appeal their decisions to a mutual third party. Patients should be allowed the right to file a claim regarding their health coverage. And a third party neutral would ensure quality health care for patients unlike current managed care regulations oftentimes.

It would also allow patients to sue health plans for damages under the State malpractice law. In other words, if a person's health care plan makes the medical decision, then that patient would then have the right, instead of suing their doctor or whatever provider, they can say, well, that health care was denied by my health plan.

In fact, the State of Texas this last legislative session in 1997 passed that legislation on a very bipartisan vote. And it was sponsored by a Republican State senator to make sure that where the decision making is at is also where the responsibility is at. And that is what's important.

I would hope whatever bill, I know the gentleman from Georgia (Mr. NORWOOD's) bill has it and whatever bill we consider would also say we have responsibility for our decisions whether you are an individual or whether you are a health care plan.

Current Federal law allows self-insured employers to exempt themselves from State regulation governing both pension and health benefit plans and often prevents individuals from having that opportunity to seek legal redress for their health care plans. That is under the ERISA preemption.

We like the ERISA preemption. I have companies in my District who need to have ability to have a health care plan that covers, not only their employees in Houston, Texas, but also their employees in Louisiana or Seattle or anywhere else.

That is why it is so important on a Federal level. This cannot be handled just on the State level. On the Federal level, we have to provide some guidelines for these plans that may not be licensed by the State but do business in the State, but they come under Federal law.

Health care needs need to be held to a standard, a standard that provides that quality health care to patient at all times by providing quality health care such as in the Norwood legislation and again in other legislation that the House we hope we will consider will provide patients with medical options.

One of the medical options is that any time there is a managed care plan, and I know this is in the Democratic Task Force plan that the gentleman from Michigan (Mr. JOHN DINGELL) has been working on, that will allow an individual that their employer may only be able to afford a managed care plan. But they would offer them at the employee's expense to be able to upgrade that to a different plan a point a service plan or something else.

□ 1745

That, again, just brings options into health care. And having been in a business where we oftentimes had trouble

being able to justify the increasing in health care premiums, I know what has happened in the industry the last few years. Businesses want to try and cut their costs or cut the increasing costs in health care premiums. And so that is why managed care has been so successful. It has limited the cost, but in a lot of cases we are also seeing a limit in the ability of the service to the people that are supposed to be served, the employees or the patients.

Hopefully, our managed care reform legislation will give patients a greater range of medical options instead of restricting them. Managed care originally was an ideal program to say patients will have other options, they will have wellness care, for example. Because, again, it is much better to provide immunizations and provide checkups on an annual basis before there is a need. Checkups catch things like diabetes, and that is what managed care was originally about.

There are a lot of great managed care plans in our country. What we need to do, again on a congressional level, is provide some guidelines for managed care companies to live by. If they are licensed by the State with State regulations, then the State can take care of that. But also on the Federal level, and that is our job as Members of Congress. Let us provide patients with options to make the right choice for their health care, at the same time being mindful of the cost considerations of employers and people who have to pay those premiums.

Mr. Speaker, I know that is the important part and I would hope tonight that during this managed care reform discussion in the Congress over the next few months, that will be one of the issues we deal with.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, FEBRUARY 24, 1998

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 927. An act to reauthorize the Sea Grant Program.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. KENNELLY of Connecticut (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. MICA (at the request of Mr. ARMEY) for today on account of traveling with the President concerning the violent tornadoes in his district.

Mr. LUTHER (at the request of Mr. GEPHARDT) for today on account of family matters in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York for 5 minutes today.

Mr. ALLEN for 5 minutes today.

Mr. BERRY for 5 minutes today.

Mr. SERRANO for 5 minutes today.

Ms. NORTON for 5 minutes today.

Mr. LAMPSON for 5 minutes today.

Mr. SHERMAN for 5 minutes today.

Mr. DAVIS of Illinois for 5 minutes today.

Mr. GREEN for 5 minutes today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS for 5 minutes on March 3.

Mr. THUNE for 5 minutes today.

Mr. HAYWORTH for 5 minutes today.

Mr. DUNCAN for 5 minutes today.

Mr. LUCAS of Oklahoma for 5 minutes today.

Mr. LIVINGSTON for 5 minutes today.

Mr. SMITH of Michigan for 5 minutes today.

Mr. LEWIS of Kentucky for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:

Mr. CLYBURN.

Mr. CARDIN.

Mr. KUCINICH.

Mrs. MEEK of Florida.

Mr. MARKEY.

Mr. HAMILTON.

Mr. BLUMENAUER.

Ms. STABENOW.

Mr. FILNER.

Mr. MILLER of California.

Mr. RUSH.

The following Members (at the request of Mr. THUNE) and to include extraneous matter:

Mr. SMITH of Oregon.

Mr. RADANOVICH.

Mr. PAUL.

Mr. PETERSON of Pennsylvania.

Mr. DAVIS of Virginia.

Mr. PACKARD.

Mr. SMITH of Michigan.

Mr. COBURN.

The following Members (at the request of Mr. GREEN) and to include extraneous matter:

Mr. SHUSTER.

Mr. ROMERO-BARCELÓ.

Mr. GILLMOR.

Mr. STARK.

Mr. MENENDEZ.

Mr. STOKES.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the ''Blaine H. Eaton Post Office Building''.

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the ''Larry Doby Post Office''.

ADJOURNMENT

Mr. GREEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, February 26, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7483. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Tinker Air Force Base, Oklahoma, has conducted a cost comparison to reduce the cost of operating communications functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7484. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Edwards Air Force Base, California, has conducted a cost comparison to reduce the cost of operating base supply functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7485. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Regulations Governing Book-Entry Federal Home Loan Bank Securities [No. 98–03] (RIN: 3069–AA54) received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7486. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Administrative Reporting Exemptions for Certain Radionuclide Releases [FRL–5970–8] (RIN: 2050–AD46) received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7487. A letter from the Acting Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Soluble Fiber From Certain Foods and Coronary Heart Disease [Docket No. 96P–0338] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7488. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 96F–0477] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7489. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration,

transmitting the Administration's final rule—Food Additives Permitted in Feed and Drinking Water of Animals; Sodium Stearate [Docket No. 96F–0410] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7490. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Germany (Transmittal No. DTC–10–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7491. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–34–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7492. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC–15–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7493. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–13–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7494. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC–11–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7495. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–12–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7496. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC–9–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7497. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the Republic of Korea (Transmittal No. DTC–16–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7498. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Taiwan (Transmittal No. DTC–130–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7499. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of the Philippines (Transmittal No. DTC–14–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7500. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in January 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

7501. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Modular Contracting [FAC 97–04; FAR Case 96–605; Item XV] (RIN: 9000–AH55) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7502. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Transfer of Assets Following a Business Combination [FAC 97–04; FAR Case 96–006; Item XIV] (RIN: 9000–AH56) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7503. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Limitation on Allowability of Compensation for Certain Contractor Personnel [FAC 97–04; FAR Case 97–303; Item XIII] (RIN: 9000–AH90) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7504. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Change in Contract Administration and Audit Cognizance [FAC 97–04; FAR Case 95–022; Item XII] (RIN: 9000–AH27) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7505. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Administrative Changes to Cost Accounting Standards Applicability [FAC 97–04; FAR Case 97–025; Item XI] (RIN: 9000–AH88) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7506. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Treatment of Caribbean Basin Country End Products [FAC 97–04; FAR Case 97–039; Item X] (RIN: 9000–AH93) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7507. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Special Disabled and Vietnam Era Veterans [FAC 97–04; FAR Case 95–602; Item IX] (RIN: 9000–AH86) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7508. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Business Competitiveness Demonstration Program [FAC 97–04; FAR Case 97–305; Item VIII] (RIN: 9000–AH91) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7509. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; SIC Code and Size Standard Appeals [FAC 97–04; FAR Case 97–026; Item VII] (RIN: 9000–AH87) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7510. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; OMB Circular No. A–133 [FAC 97–04; FAR Case 97–029; Item VI] (RIN: 9000–AH83) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7511. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Applicability of Cost Accounting Standards Coverage [FAC 97–04; FAR Case 97–020; Item V] (RIN: 9000–AH89) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7512. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Certificate of Competency [FAC 97–04; FAR Case 96–002; Item IV] (RIN: 9000–AH66) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7513. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Review of Procurement Integrity Clauses [FAC 97–04; FAR Case 97–601; Item III] (RIN: 9000–AH92) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7514. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Federal Compliance With Right-To-Know Laws and Pollution Prevention Requirements [FAC 97–04; FAR Case 92–054B; Item II] (RIN: 9000–AH39) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7515. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Use of Data Universal Numbering System as the Primary Contractor Identification [FAC 97–04; FAR Case 95–307; Item I] (RIN: 9000–AH33) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7516. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–04; Introduction [48 CFR Chapter 1] received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7517. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Fishery Openings [Docket No. 970930235–8028–02; I.D. 021798E] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7518. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Topeka, Forbes Field, KS (Federal Aviation Administration) [Airspace Docket No. 98–ACE–1] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7519. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Crete, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–23] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7520. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; St. Louis, MO; Correction (Federal Aviation Administration) [Airspace Docket No. 97–ACE–22] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7521. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Keokuk, IA; Correction (Federal Aviation Administration) [Airspace Docket No. 97–ACE–16] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7522. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbia, MO (Federal Aviation Administration) [Airspace Docket No. 98–ACE–3] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7523. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Cape Girardeau, MO (Federal Aviation Administration) [Airspace Docket No. 98–ACE–2] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7524. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Joplin, MO (Federal Aviation Administration) [Airspace Docket No. 98–ACE–4] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7525. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft Corporation Model PA–38–112 Airplanes (Federal Aviation Administration) [Docket No. 96–CE–53–AD; Amdt. 39–10308; AD 98–03–16] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7526. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Valentine, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–39] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7527. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–222–AD; Amdt. 39–10312; AD 98–03–20] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7528. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB–120 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–231–AD; Amdt. 39–10311; AD 98–03–19] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7529. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Chadron, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–38] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7530. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–23–AD; Amdt. 39–10319; AD 98–04–06] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7531. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA— Groupe AEROSPATIALE Model TBM 700 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–43–AD; Amdt. 39–10317; AD 98–04–04] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7532. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lexington, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–27] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7533. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA— Groupe AEROSPATIALE Models TB9, TB10, TB20, TB21, and TB200 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–77–AD; Amdt. 39–10316; AD 98–04–03] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7534. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Jefferson City, MO (Federal Aviation Administration) [Airspace Docket No. 97–ACE–17] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7535. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; EXTRA Flugzeugbau GmbH Model EA–300/S Airplanes (Federal Aviation Administration) [Docket No. 97–CE–93–AD; Amdt. 39–10314; AD 98–04–01] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7536. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Eagle Grove, IA (Federal Aviation Administration) [Airspace Docket No. 97–ACE–19] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7537. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; HOAC Austria Model DV 20 Katana Airplanes (Federal Aviation Administration) [Docket No. 97–CE–84–AD; Amdt. 39–10315; AD 98–04–02] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7538. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pella, IA (Federal Aviation Administration) [Airspace Docket No. 97–ACE–25] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7539. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 and DC–9–80 Series Airplanes, and C–9 (Military) Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–12–AD; Amdt. 39–10320; AD 98–04–07] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7540. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Topeka, Philip Billard Municipal Airport, KS; Correction (Federal Aviation Administration) [Airspace Docket No. 97–ACE–12] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7541. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glasflugel Models Standard Libelle and Standard Libelle 201 B Sailplanes (Federal Aviation Administration) [Docket No. 96–CE–35–AD; Amdt. 39–10213; AD 97–24–06] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7542. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Atchison, KS (Federal Aviation Administration) [Airspace Docket No. 97–ACE–26] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7543. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–264–AD; Amdt. 39–10322; AD 98–04–09] (RIN: 2120–AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7544. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Flight Information Region of the Democratic People's Republic of Korea (Federal Aviation Administration) [Docket No. 28831; Special Federal Aviation Regulation (SFAR) No. 79] (RIN: 2120–AG48) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7545. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29017; Amdt. No. 1820] (RIN: 2120–AA65) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7546. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes (Federal Aviation Administration) [Docket No. 28937, Amdt. Nos. 25–93 and 121–269] (RIN: 2120–AG42) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7547. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29018; Amdt. No. 1821] (RIN: 2120–AA65) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7548. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials in Intrastate Commerce; Technical Amendments (Research and Special Programs Administration) [Docket HM–200; Amdt. No. 173–259] (RIN: 2137–AB37) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7549. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment (National Highway Traffic Safety Administration) [Docket No. NHTSA–98–3452] (RIN: 2127–AG47) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7550. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29019; Amdt. No. 1822] (RIN: 2120–AA65) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7551. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Additional Interchanges to the Interstate System (Federal Highway Administration) (RIN: 2125–ZZ00) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7552. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29078; Amdt. No. 404] (RIN: 2120–AA65) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7553. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Passenger Manifest Information [Docket No. OST–95–950] (RIN: 2105–AB78) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7554. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Grumman Model TS–2A Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–75–AD; Amdt 39–10353; AD 98–04–42] (RIN: 2120–AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7555. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200 and -300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate SA2969SO (Federal Aviation Administration) [Docket No. 98–NM–30–AD; Amdt 39–10352; AD 98–04–41] (RIN: 2120–AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7556. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 500, 501, 550, 551, and 560 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–170–AD; Amdt. 39–10350; AD 98–04–38] (RIN: 2120–AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7557. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sabreliner Model 40, 60, 70, and 80 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–171–AD; Amdt. 39–10349; AD 98–04–37] (RIN: 2120–AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7558. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Salyer Farms, CA (Federal Aviation Administration) [Airspace Docket No. 96–AWP–33] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7559. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Keokuk, IA (Federal Aviation Administration) [Docket No. 97–ACE–16] (RIN: 2120–AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7560. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G–159 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–172–AD; Amdt. 39–10348; AD 98–04–36] (RIN: 2120–AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7561. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–3 and DC–4 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–173–AD; Amdt. 39–10347; AD 98–04–35] (RIN: 2120–AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7562. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Model YS–11 and YS–11A Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–174–AD; Amdt. 39–10346; AD 98–04–34] (RIN: 2120–AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7563. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream American (Frakes Aviation) Model G–73 (Mallard) and G–73T Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–175–AD; Amdt. 39–10345; AD 98–04–33] (RIN: 2120–AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7564. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–14 and L–18 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–176–AD; Amdt. 39–10344; AD 98–04–32] (RIN: 2120–AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7565. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Model F27 and FH227 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–177–AD; Amdt. 39–10343; AD 98–04–31] (RIN: 2120–AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7566. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone Regulations; Swift Creek Channel, Freeport, NY (Coast Guard) [CGD01–97–135] (RIN: 2115–AA97) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7567. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services, 1998 Update [STB Ex. Parte No. 542 (Sub-No. 2)] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7568. A letter from the Acting Deputy Director, National Institute of Standards and Technology, transmitting the Institute's final rule—Physics Laboratory 1998 Summer Undergraduate Research Fellowships (SURF)— Partnerships in Atomic, Molecular and Optical (AMO) Physics and Materials Science and Engineering Laboratory (MSEL) 1998 Summer Undergraduate Research Fellowships (SURF) [Docket No. 971029258–7258–01] (RIN: 0693–ZA17) received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7569. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 98–11] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7570. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Contributions to Foreign Partnerships Under Section 6038B [Notice 98–17] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7571. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition Relating to Corporate Reorganizations [Rev. Rul. 98–10] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7572. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Dole Amendment determination and the accompanying justification for national interest determination relating to Haiti, pursuant to Public Law 105—

118, section 562; jointly to the Committees on International Relations and Appropriations.

7573. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to reform and reorganize the Department of Defense, to streamline its operations, to eliminate its inefficiencies, to reallocate its functions, and for other purposes; jointly to the Committees on National Security, Government Reform and Oversight, Rules, Education and the Workforce, and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 368. Resolution providing for consideration of the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices (Rept. 105–421). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MARKEY (for himself, Mr. SHAYS, Mr. BOUCHER, Mr. BEREUTER, Mr. MORAN of Virginia, Mr. MCHUGH, Ms. SLAUGHTER, Mr. MILLER of California, Mr. WEYGAND, Mr. DEFAZIO, Mr. PETERSON of Minnesota, Mr. FRANK of Massachusetts, Mr. BROWN of California, Mr. GEJDENSON, Mr. GUTIERREZ, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. LAFALCE, Mr. TIERNEY, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. YATES, and Mr. COYNE):

H.R. 3258. A bill to eliminate the March 1999 sunset of consumer price protections on cable programming services; to the Committee on Commerce.

By Mr. CARDIN (for himself, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Mr. CLEMENT, Mr. MURTHA, Mr. FROST, Mr. KUCINICH, and Mr. SANDLIN):

H.R. 3259. A bill to amend title XVIII of the Social Security Act to clarify that any restrictions on private contracts for Medicare beneficiaries do not apply to non-covered services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. CAMP, Mr. KILDEE, Mr. SMITH of Michigan, and Mr. BARCIA of Michigan):

H.R. 3260. A bill to amend the National Sea Grant College Program Act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Resources.

By Mr. PAUL:

H.R. 3261. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, and to prohibit the establishment in the Federal Government of any uniform national identifyingnumber; to the Committee on Ways and Means, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. MARKEY, Ms. FURSE, Mr. PAYNE, Mr. RUSH, Ms. DEGETTE, Mr. HINCHEY, Ms. MCKINNEY, Mrs. CLAYTON, Mrs. LOWEY, Mr. SERRANO, Mr. VENTO, Ms. CHRISTIAN-GREEN, Mr. WEXLER, Mr. BERMAN, Mr. DIXON, Ms. JACKSON-LEE, Mr. EVANS, Ms. PELOSI, Ms. DELAURO, Mr. GEJDENSON, Mr. JACKSON, Mr. FROST, Mr. YATES, Mr. KENNEDY of Massachusetts, Mr. OLVER, Mr. KUCINICH, Mr. NEAL of Massachusetts, Ms. MILLENDER-MCDONALD, Mr. GUTIERREZ, Mr. OWENS, Mr. SANDERS, Mr. BROWN of California, Mr. DAVIS of Illinois, Mr. MCGOVERN, Mr. LANTOS, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. DELAHUNT, Mr. CONYERS, Mr. MILLER of California, and Mr. FARR of California):

H.R. 3262. A bill to reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROMERO-BARCELO:

H.R. 3263. A bill to designate the Federal building located at 300 Recinto Sur Street in Old San Juan, Puerto Rico, as the ''Jose V. Toledo United States Post Office and Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. BAESLER (for himself and Mr. HAMILTON):

H.R. 3264. A bill to stabilize tobacco quota fluctuations despite any comprehensive legal settlement between cigarette manufacturers and State governments, to require cigarette manufacturers to pay all Department of Agriculture costs associated with tobacco regulation, to establish a voluntary quota retirement system for tobacco quota holders, to provide market transition assistance for tobacco producers, tobacco industry workers, and their communities, particularly in the event of tobacco quota reductions, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 3265. A bill to amend the Federal Credit Union Act with regard to qualifications for membership in a Federal credit union; to the Committee on Banking and Financial Services.

By Mr. CLYBURN (for himself, Mr. THOMPSON, Mr. HILLIARD, Ms. WATERS, Mr. CONYERS, Mr. CLAY, Mr. STOKES, Mr. RANGEL, Mr. DIXON, Mr. OWENS, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. PAYNE, Ms. NORTON, Mr. JEFFERSON, Mrs. CLAYTON, Mr. BISHOP, Ms. BROWN of Florida, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. RUSH, Mr. SCOTT, Mr. WATT of North Carolina, Mr. WYNN, Mr. FATTAH, Ms. JACKSON-LEE, Mr. JACKSON, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. DAVIS of Illinois, Mr. FORD, Ms. KILPATRICK, and Mr. MEEKS of New York):

H.R. 3266. A bill to amend section 507 of the Omnibus Parks and Public Land Management Act of 1996 to provide additional funding for the preservation and restoration of historic buildings and structures at historically black colleges and universities, and for other purposes; to the Committee on Resources.

By Mr. HUNTER (for himself, Mr. LEWIS of California, Mr. CALVERT, and Mr. BROWN of California):

H.R. 3267. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea; to the Committee on Resources.

By Mr. JENKINS:

H.R. 3268. A bill to suspend temporarily the duty on the chemical DEMT; to the Committee on Ways and Means.

By Mr. MCGOVERN:

H.R. 3269. A bill to amend the Higher Education Act of 1965 to establish a program to increase Pell grant awards to students who graduate in the top 10 percent of their high school class; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia (for himself, Mr. DAVIS of Virginia, Ms. STABENOW, Mr. ADAM SMITH of Washington, Mr. SAWYER, Ms. HOOLEY of Oregon, Ms. CHRISTIAN-GREEN, and Mr. RUSH):

H.R. 3270. A bill to authorize the Secretary of Commerce to provide grants to improve the job skills necessary for employment in specific industries; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia (for himself and Mr. DAVIS of Virginia):

H.R. 3271. A bill to amend the Job Training Partnership Act to establish regional private industry councils for labor market areas that are located in more than one State, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia:

H.R. 3272. A bill to amend the Job Training Partnership Act to allow certain funds under that Act to be used for payment of incentive bonuses to certain job training providers that place large percentages of individuals in occupations for which a high demand exists; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia:

H.R. 3273. A bill to treat certain information technology occupations as if the Secretary of Labor had made a determination under section (a)(5)(A) of the Immigration and Nationality Act, to limit such determinations, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself and Mr. DAVIS of Virginia):

H.R. 3274. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for high technology job training expenses; to the Committee on Ways and Means.

By Mr. PETRI (for himself and Mr. BOSWELL):

H.R. 3275. A bill to amend the Internal Revenue Code of 1986 to exempt auxiliary power units from the excise tax imposed on heavy trucks; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mr. EDWARDS, Mr. DICKEY, Mr. THUNE, and Mr. MCKEON):

H.R. 3276. A bill to amend the Federal Credit Union Act with regard to qualifications for membership in a Federal credit

union; to the Committee on Banking and Financial Services.

By Mr. TRAFICANT:

H.R. 3277. A bill to amend the Internal Revenue Code of 1986 to require 15 days notice and judicial consent before seizure and to exclude civil damages for unauthorized collection actions from income; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 3278. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowable as a first-year contribution to education individual retirement accounts and to adjust for inflation the amount allowable thereafter as an annual contribution to such accounts; to the Committee on Ways and Means.

By Mr. BERRY (for himself, Mr. LAMPSON, Mr. FRANKS of New Jersey, Mr. CRAMER, Mr. HUTCHINSON, Mr. SNYDER, Mr. COOKSEY, Mr. SCHIFF, Mr. FROST, Ms. WOOLSEY, Mr. PASCRELL, Mr. TURNER, Ms. FURSE, Mr. MATSUI, Mr. DICKEY, Mr. MCINNIS, Mr. FOLEY, and Mr. SANDLIN):

H. Con. Res. 224. Concurrent resolution urging international cooperation in recovering children abducted in the United States and taken to other countries; to the Committee on International Relations.

By Mr. FAZIO of California:

H. Res. 369. A resolution designating minority membership on certain standing committeesof the House; considered and agreed to

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolution as follows:

H.R. 132: Mr. BOB SCHAFFER.

H.R. 150: Mr. PASCRELL.

H.R. 292: Mr. TALENT.

H.R. 306: Mrs. KELLY and Mr. COSTELLO.

H.R. 612: Mr. FILNER, Mrs. NORTHUP, Mr. WAMP, Mr. GUTKNECHT, and Mr. DIXON.

H.R. 693: Mrs. LOWEY, Mrs. MYRICK, Mr. GALLEGLY, and Mr. BILIRAKIS.

H.R. 715: Mr. LAFALCE.

H.R. 922: Mr. DAVIS of Virginia, Mr. FORD, Mr. PITTS, Mrs. KELLY, Mr. FORBES, Mr. DELAY, and Mr. DOOLITTLE.

H.R. 923: Mr. DAVIS of Virginia, Mr. FORD, Mr. PITTS, Mrs. KELLY, Mr. FORBES, Mr. DELAY, and Mr. DOOLITTLE.

H.R. 1016: Mr. SANDLIN.

H.R. 1059: Mr. METCALF.

H.R. 1061: Ms. KILPATRICK, Mr. TOWNS, Mr. BLUMENAUER, and Mr. COYNE.

H.R. 1134: Ms. VELAZQUEZ.

H.R. 1151: Mr. BARR of Georgia, Mr. SHUSTER, Mr. ROYCE, Mr. YOUNG of Alaska, Mr. WISE, Ms. LOFGREN, Mrs. THURMAN, Mr. BILBRAY, Mr. MCHUGH, Mr. SOUDER, Mr. MCHALE, Mr. BURR of North Carolina, Mr. OBEY, Mr. MATSUI, Ms. DEGETTE, Mr. SMITH of Michigan, and Mr. JONES.

H.R. 1215: Mr. MANTON, Mrs. LOWEY, and Mrs. MEEK of Florida.

H.R. 1320: Mr. QUINN.

H.R. 1335: Mr. THOMPSON.

H.R. 1401: Mr. GALLEGLY and Mr. DEFAZIO.

H.R. 1679: Mr. SANDLIN.

H.R. 1812: Mrs. CHENOWETH.

H.R. 1813: Mr. OLVER and Mr. CALVERT.

H.R. 1842: Mr. PEASE.

H.R. 1891: Mr. MILLER of Florida, Mr. MATSUI, and Mr. SNOWBARGER.

H.R. 2070: Mr. FRANK of Massachusetts.

H.R. 2090: Mr. MALONEY of Connecticut.

H.R. 2228: Mr. MCGOVERN and Mr. NEAL of Massachusetts.

H.R. 2257: Mrs. MEEK of Florida and Mr. EVANS.

H.R. 2321: Mr. FOX of Pennsylvania.

H.R. 2377: Mr. COX of California, Mr. DEUTSCH, Mr. HERGER, Mr. HILLIARD, Mr. JENKINS, Mr. MCCOLLUM, Mr. RILEY, and Mr. SNOWBARGER.

H.R. 2500: Mr. NETHERCUTT, Mr. BACHUS, Mr. LEWIS of Kentucky, and Mr. BILIRAKIS.

H.R. 2509: Mrs. MEEK of Florida, Mr. STEARNS, and Mr. SHUSTER.

H.R. 2515: Mr. NETHERCUTT.

H.R. 2538: Mr. DIAZ-BARLART, Mr. SKEEN, Mr. LEWIS of California, Mr. CAMPBELL, Mr. WATKINS, Mr. BOEHNER, Mr. SUNUNU, Mr. POMBO, Mr. CANNON, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. SESSIONS, Mr. WICKER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLUNT, Mr. COX of California, Mr. FOX of Pennsylvania, Mr. HANSEN, Mr. PICKERING, Mr. HASTERT, Mr. HUTCHINSON, Mr. LEWIS of Kentucky, Mrs. CUBIN, Mr. KINGSTON, Mr. RILEY, Mr. MANZULLO, Mr. PARKER, Mr. PEASE, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. TAUZIN, Mr. WAMP, Mr. JACKSON, Mr. SCOTT, Mr. TRAFICANT, Mr. JENKINS, and Mr. HERGER.

H.R. 2541: Mr. FORD.

H.R. 2547: Mr. SHAYS, Mr. BERMAN, Mr. GUTIERREZ, and Mrs. MALONEY of New York.

H.R. 2560: Mr. STRICKLAND, Mr. BLUNT, Mr. MCNULTY, Mr. SHAYS, Mr. ANDREWS, Mr. SCHUMER, Mr. BROWN of California, Mr. KILDEE, Ms. KAPTUR, Mr. YATES, and Mr. FOX of Pennsylvania.

H.R. 2608: Mr. ARCHER.

H.R. 2715: Mr. HYDE.

H.R. 2754: Mr. CLEMENT, Mr. OLVER, Mr. PETERSON of Minnesota, Mr. BROWN of California, and Mr. HILLIARD.

H.R. 2758: Mr. CALVERT, Mr. BARCIA of Michigan, Ms. STABENOW, Mr. BAKER, Mr. GOODE, Mr. KENNEDY of Rhode Island, Mr. GILMAN, Mr. KING of New York, Mr. LATHAM, Mr. BERRY, and Mr. MCHUGH.

H.R. 2760: Mr. SKEEN, Ms. DANNER, and KELLY.

H.R. 2761: Mr. KUCINICH.

H.R. 2828: Mr. HALL of Texas and Mr. CONDIT.

H.R. 2829: Mr. LATHAM and Mr. MCHUGH.

H.R. 2888: Mrs. MCCARTHY of New York, Mr. ROEMER, Mr. BOB SCHAFFER, Mr. MANZULLO, and Mr. COLLINS.

H.R. 2912: Mr. PEASE and Ms. KAPTUR.

H.R. 2922: Mr. COLLINS.

H.R. 2925: Mr. SOLOMON, Ms. KAPTUR, and Mr. FORD.

H.R. 2936: Mr. SKELTON, Mr. TURNER, Mr. MANZULLO, Mr. METCALF, Mr. COMBEST, and Mr. MCINTOSH.

H.R. 2941: Mr. GOODE, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. SESSIONS, Mr. ISTOOK, and Mr. PAUL.

H.R. 2951: Mr. GEJDENSON, Mr. COSTELLO, Mr. OBERSTAR, Mr. MCDERMOTT, Mr. HILLIARD, Mr. KENNEDY of Massachusetts, Mr. STRICKLAND, Mr. OLVER, Mr. PETERSON of Minnesota, Mr. STUPAK, Mr. FROST, Mr. BLUMENAUER, Mr. YATES, Mr. RUSH, and Mr. ADAM SMITH of Washington.

H.R. 2955: Mr. MATSUI.

H.R. 2968: Mr. RAHALL.

H.R. 2970: Mr. SAXTON and Mr. QUINN.

H.R. 2992: Mr. ARMEY.

H.R. 3095: Mr. HERGER and Mr. HOUGHTON.

H.R. 3097: Mr. COBLE, Mr. HERGER, Mr. MCCOLLUM, Mr. GILLMOR, Mr. LATHAM, Mr. SHIMKUS, Mr. CRAPO, Mr. HOSTETTLER, Mr. KIM, and Ms. ROS-LEHTINEN.

H.R. 3104: Mr. LEWIS of California, Mr. PITTS, Mr. QUINN, Mr. HILLEARY, Mr. TALENT, Mr. DUNCAN, Mr. HUTCHINSON, Mr. SNOWBARGER, Mr. BARTLETT of Maryland, Mrs. MYRICK, Mr. PAXON, Mr. POMBO, Mr. NEY, Mr. FRANKS of New Jersey, Mr. LEWIS of Kentucky, and Mr. NETHERCUTT.

H.R. 3121: Mr. LANTOS and Mr. MANTON.

H.R. 3131: Mr. BOUCHER.

H.R. 3145: Mr. SCARBOROUGH.

H.R. 3154: Mr. YOUNG of Florida.

H.R. 3161: Mr. HOYER, Ms. SLAUGHTER, Mr. GUTIERREZ, Mr. FRANKS of New Jersey, and Mr. COYNE.

H.R. 3205: Mr. RAHALL and Mr. MANTON.

H.R. 3217: Mr. NEAL of Massachusetts.

H.R. 3240: Mr. LAFALCE and Mr. CONYERS.

H.R. 3247: Mr. EHRLICH, Mr. CHABOT, and Mr. ANDREWS.

H.R. 3248: Mr. LEWIS of Kentucky and Mr. BOB SCHAFFER.

H.R. 3254: Mr. MCKEON, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. POMBO, Mr. HERGER, Mr. DREIER, and Mr. CALVERT.

H.J. Res. 66: Mr. GEJDENSON and Mr. PASTOR.

H. Con. Res. 152: Ms. NORTON and Mr. FOLEY.

H. Con. Res. 203: Mr. KENNEDY of Massachusetts and Mr. TIERNEY.

H. Con. Res. 205: Mrs. LOWEY and Mr. MCGOVERN.

H. Con. Res. 208: Mr. LEACH, Mr. DAVIS of Virginia, Mr. BOEHLERT, Mr. HOLDEN, Mr. CAMPBELL, Mr. ADAM SMITH of Washington, Mr. UNDERWOOD, Mr. PETERSON of Minnesota, Mr. BENTSEN, Mr. BAKER, Mr. FILNER, Ms. SANCHEZ, Mr. WOLF, Mr. FROST, Mr. LATHAM, Mr. MCHUGH, and Mr. MINGE.

H. Con. Res. 211: Mrs. KENNELLY of Connecticut.

H. Res. 83: Mr. YATES.

H. Res. 340: Mr. HALL of Ohio, Mr. ACKERMAN, Mr. WEXLER, Mr. ANDREWS, Mr. FARR of California, and Mr. BORSKI.

H. Res. 364: Mr. EVANS, Mr. MCGOVERN, Mr. COX of California, Mr. PITTS, Mr. SANDERS, Ms. ROS-LEHTINEN, Mr. HYDE, and Mr. BROWN of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1415: Mr. COMBEST.

H.R. 2495: Mr. COLLINS.