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No. 122

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 15, 1998.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

CONGRATULATIONS TO THE GREENVILLE TAR HEEL LITTLE LEAGUE ALL STARS

Mr. JONES. Mr. Speaker, I grew up in Farmville, North Carolina, playing Little League Baseball. In fact, it is one of my favorite childhood memories. Little League helped me to learn early in life the importance of responsibility, trust and teamwork. It continues to do the same today for 14 boys from Greenville, North Carolina, and the nearly 3 million young men and

women who participate in Little League Baseball worldwide.

In August, 14 young men, members of the Greenville Tar Heel All Stars, brought together a community, and in doing so they brought excitement and hope to the citizens of North Carolina.

Each summer, from the time Little League Baseball held its first World Series in 1947, young men and women have dreamed of reaching the U.S. finals. This dream came true for the Greenville Tar Heel All Stars.

Last month the team from the Third District of North Carolina traveled to Pennsylvania to compete for the World Series title. This marked the first time since 1952 that a team from North Carolina has made it to the World Series. After a week of competition, I am proud to congratulate the Tar Heel team for finishing second in the Nation to the world champion team from Toms River, New Jersey. This is an outstanding achievement for the Greenville All Stars, whose motivation and dedication helped them reach their goal and perform as true champions.

Being home during the August recess, I had the opportunity to see several of these games on TV. As it always seems to happen when young people excel, the community of families, friends and fans rallied together to support the hard work and dedication of the young team that came to serve as examples for us all.

To the Greenville All Stars, the world champion Toms River team and all Little League teams, congratulations. You performed as true winners. And to the 14 members of the 1998 Greenville Little League team, Richard Barnhill, Sam Byrum, Taylor Gagnon, Zachary Garris, Justin Hardee, Kevin Hodges, Jordan Lee, Michael Lilley, Brack Massey, Jon-Durham Morgan, Shelton Nelson, Patrick Warrington, Alex White, Brandon Brown; and coaches Mason Lilley, Randy White, Greg Benner, Pete Carraway; Manager

Wayne Hardee and Commissioner Lynn Cherry, congratulations. You have made North Carolina proud.

The achievements of the Greenville Tar Heels on the regional and state level created a wave of excitement that brought together the citizens of Pitt County and all of North Carolina to support and celebrate in their success. The boys' hard work and winning attitude filled us with a sense of pride as we cheered on the hometown team.

Participating in a team sport like baseball can teach children some of the most important values they will learn in life, responsibility, hard work and the importance of working together. Little League Baseball also works to instill character and courage in today's youth. In fact, the Little League pledge is this:

"I trust God. I love my country and will respect its laws. I will play fair and strive to win. But win or lose, I will always do my best."

These are ideals that are important to remember at any stage of life. The Greenville Tar Heel Little League team played well, and in the eyes of all North Carolinians they are winners. Not only did they succeed on the field, but they succeeded in bringing together and strengthening the community that watched, cheered and shared in their achievement. Through their success, we have all learned that with hard work, dedication and the support of family and friends, success is within the reach of all who wish to achieve it.

The Greenville All Stars brought pride to our community and will forever remain winners in our hearts and in our minds. Congratulations.

REPAYING THE SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Washington (Mr. ADAM SMITH) is recognized during morning hour debates for 5 minutes.

Mr. ADAM SMITH of Washington. Mr. Speaker, in the early part of this decade, no problem seemed more unsolvable than the problem of our growing Federal deficit. It was at over \$200 billion at that point, projected to hit \$300 billion in rapid succession, and projected by the end of the decade to be well over \$500 billion. Now, fortunately, we began to head in the right direction at that point and were actually almost in a position to get to a balanced budget.

That is the good news. The bad news is that we are now looking like we are going to snatch defeat from the jaws of victory.

The biggest part of this problem comes from the talk that we have heard here recently about a surplus. I hear my colleagues talking about it, I see it on television, I even hear it in my local press, that there is going to be a \$1.6 trillion surplus over the next 10 years.

The only problem with that is it is not really true. We are not going to have a \$1.6 trillion surplus, and the talk about that surplus I find very disturbing, because it puts us in a position to back away from our commitment to a balanced budget. It gives us the illusion that we have money that we do not have, and I fear that it is going to get us to the point where we are not going to get to the balanced budget that we have worked so hard for over the past 7 or 8 years.

It is important to explain these figures. So if we are not going to have a \$1.6 trillion surplus, why are so many people saying we are going to have a \$1.6 trillion surplus? It is because they count the money that we borrow from Social Security as income. It is just an unusual way of accounting that they do back here in Washington, D.C.

Somehow, if we borrow money from a bank or from anywhere else, that counts as being borrowed, but if we borrow it from Social Security, it counts as income. Well, that is not true, because, just like the bank and like any other source, we have to pay the money back to Social Security, plus interest.

Now, you might say, well, so part of the \$1.6 trillion surplus comes out of the Social Security trust fund. Well, that still gives us some money to play around with.

Unfortunately, when you look at the \$1.6 trillion over 10 years, only \$31 billion of that \$1.6 trillion comes from any place other than the Social Security trust fund. So we truly do not have a surplus.

Unless we are willing to spend money that comes directly out of the Social Security trust fund on something else, we do not have a surplus. We cannot consider it a surplus, and we must be honest in the way we evaluate those numbers.

I find it particularly disturbing to hear some of my colleagues from the

Republican side of the aisle talking about this surplus, because I remember back in the late eighties and early nineties they were the ones who first raised the argument that this was unfair, that we were masking the true size of the deficit.

Now, at the time Democrats were in the majority, so it was in their political interest to make that point, because it made us look bad. I was very troubled by that argument at the time, and I was troubled by it as a Democrat for one very good reason: They were right and we were wrong. We needed to address that issue and change it. But now we are in the latter part of the 1990's, they are in the majority, and now they are talking about a surplus, as if the Social Security trust fund was income that we could spend any way we want.

We need to stop doing that. We need to be honest about the numbers and make sure that we stay on a path to a balanced budget. A balanced budget is critical to this country. It helps our economy and protects our future. We need not to back away from it.

I understand with why we do this. I have people come by my office every day who have ideas to spend money on a variety of programs or have ideas for tax cuts in a variety of areas, and rarely does someone come by my office and present an idea where I can honestly say no, that would be a complete waste of money. That would not do any good for anybody.

Yes, there are programs that can use more money and taxes that could be cut, but the point is, where is the money going to come from? That is when you get to hard decisions.

No one likes to make hard decisions, so what we want to do is we want to say we can take it from the surplus. That is the easy answer. It is free money. We can give you tax cuts, we can give you spending, everything you want, we can promise you the world, and we can simply take it that take it from this mythical surplus. So I understand why we want to do this, because it is an easy way out.

But we were not elected to take the easy way out. We were elected to give people honest answers and give them an honest assessment of where the budget is. And the honest assessment is that we are doing okay. We are headed in the right direction. But we do not have a surplus this year, and we do not have that \$1.6 trillion projected surplus that we have heard so much about over the last 10 years. Almost all of that money is taken from the Social Security trust fund, is borrowed from it. It is not money that we can spend, for the very good reason that we have to give it back. We have to give it back, plus interest. And if we have spent it, we are going to run up debts or not be in a position to pay the money back.

I strongly urge this body in the last four or so weeks that we have in session here to not break down from our commitment. We have worked so hard

to get to a balanced budget. Let us get there. Let us be honest about the numbers, and let us stop using the money that we borrow from Social Security to mask the true size of our deficit.

ASSISTING AMERICA'S FARMERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized during morning hour debates for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about a very important issue, not only for people in my district, but I think for people all over the United States.

Yesterday morning I met with farmers in Kasson, Minnesota, and we talked about low commodity prices. For the benefit of Members who probably do not follow commodity prices and how they affect our farm economy and ultimately affect the entire economy, I would like to bring our colleagues up to speed.

Yesterday I think the posted price in Kasson, Minnesota, for corn was \$1.44 a bushel. To inform my colleagues, the cost of production on that corn is somewhere north of \$2 per bushel.

I know that some of our colleagues on the left are saying the problem is Freedom to Farm, that that was a huge mistake in the farm bill we passed several years ago, and that is the reason for that. It is curious, however, they were not complaining when the price of corn was in excess of \$3 a bushel.

The truth of the matter is, allowing farmers the decision about where and how they want to plant their crops and which crops to plant on which acres, the whole notion of allowing freedom to farmers I think is a good idea and an idea whose time had come.

The problem is that we have lost over \$5 billion worth of exports over the last year or year-and-a-half. That is \$5 billion that has come right out of the pockets of farmers throughout the United States.

But it has particularly affected the farmers in the upper Midwest where we are very dependent on export markets. Why has that happened? For a variety of reasons. One is the decline in the economy in Asia. That was a very large export source for us, particularly in the upper Midwest. But \$5 billion has come right out of the pockets of farmers. Coincidentally, this administration has failed to use nearly \$5 billion in export enhancements. At the very time we need to export more, the administration has done less in terms of encouraging more exports.

What are we going to do about this? I think it is incumbent upon the Congress to respond, and to respond this fall. Obviously, because we have had relatively good farm incomes for the last couple of years, we are not in a crisis state yet, but we certainly will be, unless Congress takes some immediate and important actions and takes them yet this fall.

First of all, I think we need to make certain that the United States has a seat at the bargaining table as it relates to trade talks.

One of the most important things this Congress can do, and I hope we will do it next week, is to vote on Fast Track. As I talk to farmers around my district, and literally I have talked to thousands over the last month, one of the most important things they all tell me is that we need to pass Fast Track. Whether you are talking to the Corn Growers Association, the Soybean Growers Association, the Farm Bureau, virtually any farm group that you talk to put as one of their top priorities passing Fast Track so we can negotiate with our trading partners and get a bigger share of the world market out there.

The next thing we have got to do is make certain we enforce the trade agreements that we currently have with our trading partners. It is no secret that many of our trading partners are not living up to the agreements they have signed with the United States, whether it is the heavy subsidies in Europe or our friends to the north in Canada.

There is clear evidence, and now we finally have the administration filing a 301 petition in the World Trade Organization against Canada for some of the things they have been doing. They have not lived up to their agreements under the North American Free Trade Agreement as far as we are concerned, particularly on the issue of dairy. We see where they are continuing to try to keep American exports out of Canada. They are applying penalties to the United States and using some of that penalty so they can further subsidize their exports into other markets, further putting American producers behind the 8-ball. So we have to do more to enforce the trading agreements that we have.

Another point that has come up in many of my discussions with farmers is we understand that we have got to do all we can as a Nation to help rebuild those economies, particularly in Asia. The issue of the IMF, the International Monetary Fund, has come up at many of the meetings I have been at. I think there is generally support for doing something to try to strengthen those economies, but there is a growing concern, and I share that concern, that much of the money we have given to the IMF has been wasted.

In fact, I think Indonesia and Russia are good examples. When you look at the evidence of the billions and billions of American tax dollars that have been spent in those regions, we see very little evidence that it has made much difference. So I and some of my colleagues are talking to people here in Washington about rather than giving in to the administration's request for another \$18 billion of American tax dollars going into the IMF, why do we not take at least half of that money and provide low interest loans to some of

our trading partners so they can buy some of this surplus grain that we have here in the United States at low prices?

We are like that car dealer or that carpet dealer that is overstocked, and we are having a sale of the century. We ought to move that grain and use that money so that our trading partners can buy that at low-interest loans.

There are a number of things that we can do here in Washington in the next several weeks to improve the lot of farmers in Minnesota and around the country, and hopefully we can get that done.

MOVING FORWARD ON A POSITIVE AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to take my 5 minutes this morning to stress again, as I have several times on the floor over the last week or so since we came back from our August recess, how important it is for us to move forward on a positive agenda that addresses some of the major concerns that the American people want us to deal with before this Congress adjourns in approximately four weeks.

I have to say the Democrats are united behind a strong and bold agenda which addresses the real challenges that face working families. Democrats have been working together over the last year and will be over the next few weeks to enact our priorities and deliver a clear message to the American people about what we stand for.

There are two main areas which I think need to be prioritized. One is the idea of saving Social Security first, and the other is a Patients' Bill of Rights, or HMO reform.

I am very concerned about what may happen this week with regard to a tax bill that is proposed to come out of the Committee on Ways and Means this Thursday and that will spend a significant portion of the so-called surplus that we allegedly have, but will not address the concerns over Social Security.

In fact, in today's Congress Daily, some of the Republican members of the Committee on Ways and Means who were concerned about addressing the Social Security issue actually were told that they will have to wait until next year to deal with that; we will do the tax bill first and worry about Social Security later.

Well, that is the wrong priority. We should be dedicating every penny, every penny of that surplus, towards shoring up the Social Security system, rather than providing short-term tax cuts that will primarily help the wealthiest Americans.

President Clinton said at the beginning of this year, and he has repeatedly said over and over again, that Demo-

crats want to make sure that whatever surplus there is over the next few years is used to basically make the Social Security system sound, because we know that in another 20 or 30 years there will not be enough money in Social Security to pay for current levels of benefits.

What we also need to point out is that most of the Social Security trust that is in surplus right now has been lent, if you will, to the Federal Government, and has to be paid back with interest.

Well, right now if you look at that trust money that has been lent to the government and essentially been used, we do not really have a surplus in our general revenue funds, because we have to pay back that Social Security money that was lent to the government. So I will insist, I will insist, and I think that most of my colleagues in the Democratic Party will insist, that before any tax cut is given back and any money is spent of this so-called surplus, that we make sure there is enough money left to pay for Social Security.

That is not the case right now. There is not enough money in the so-called "surplus" to pay back what is owed to the Social Security system, and we should not be passing any tax cut bill or giving out or even spending money on new programs or priorities until we make sure that that money is available for the Social Security recipients.

The Republicans are going to try to mask that this week and pretend as if there is a surplus out there. There is no surplus when you think about the money that has to be paid back to Social Security. Let us not pass a tax bill unless we have a guarantee in that tax bill that the money will be set aside for Social Security before any more money is spent or paid out in tax cuts this year.

The second issue that I would like to raise, and I think we need to address before Congress adjourns in the next four weeks, is HMO reform. The Democrats have put forth a Patients' Bill of Rights. The President, again, in his State of the Union address earlier this year, emphasized that we need to pass HMO reform during this Congress. The Democrats have put forth a very good bill called the Patients' Bill of Rights that is real HMO or managed care reform. We need to pass this legislation before we adjourn.

Again, the key elements of this bill, I would just like to list some of the key elements of the Patients' Bill of Rights: Guaranteed access to needed health care specialists, access to emergency room services, continuity of care protections, access to timely internal and external appeal process, limits on financial incentives to doctors, assuring doctors and patients can openly discuss treatment options, and an enforcement mechanism that ensures recourse for patients who are maimed or die because of health plan actions.

The main thing we want to do with this Patients' Bill of Rights is we want

the decision of what kind of care you will get, whether you will get an operation, whether you will be able to say, stay in the hospital a few extra days, have that decision be made by the physician and his patient, in consultation with the patient, and not by the insurance company.

Too many people have been denied care under their HMO policies or their managed care policies, and that should not be the way it is in this country. We have quality health insurance, but people have to be able to assure, if they need a particular operation, if they need a particular procedure, that they can have it.

That is what Democrats stand for, and that is what we will be fighting for over the next four weeks.

CUBAN TERRORISM AGAINST AMERICA CONTINUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. DIAZ-BALART) is recognized during morning hour debates for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, I rise this morning first of all to commend the FBI. They yesterday carried out a very important operation in furtherance of United States national security, along with, obviously, other law enforcement agencies and the U.S. Attorney for the Southern District of Florida.

The United States is indeed blessed to have agencies such as the Federal Bureau of Investigation and our other law enforcement agencies, as well as the intelligence community generally, that works day in and day out to protect the national security of the American people.

Yesterday, the arrests that were made, ten in all, were of spies for the Cuban dictatorship, agents of the Cuban dictatorship engaged in activities, in espionage activities, to infiltrate U.S. centers of military, political, economic and academic power, as well as means of communication. That is the mission of the state security intelligence services of the Cuban dictatorship.

So when we see an action such as the one carried out yesterday by the FBI, all of the American people have to feel pleased, supported and protected, and in exchange I think it is the duty of all Americans to support the FBI, to commend the FBI and our other law enforcement agencies.

I think yesterday's arrests of Cuban spies in the United States underlines the true nature of the terrorist state in Havana. These arrests by U.S. authorities of numerous Cuban intelligence agents, I am sure, will serve to remind the American people of the genuine nature and continued threat posed by the Cuban totalitarian regime, just 90 miles from the shores of the United States.

Despite what is evident on behalf of the majority of the media and the

means of communication is a total ignoring of the reality of Cuba. Just the night before, how ironic, CNN, that television network that has sometimes been referred to as the "Castro News Network" because of its fetish for seeking to make Castro at all costs look good, and I know that is something that is impossible, but it is continuously attempted to be done by CNN. CNN had provided one hour of prime time to the Cuban tyrant, one hour of prime time, with the main objective of giving him an opportunity to white-wash and somehow project that he did not in fact in writing call for a nuclear first strike upon the United States of America during the missile crisis in 1962.

Castro, some of you may have seen the interview, pulled out these books of reports and tried to somehow say, obviously with no follow-up, absolutely no follow-up questioning by the CNN reporter, that no, he did not really mean to say that the Soviet Union should launch a nuclear first strike.

Well, how ironic, that just the next day, and a generation later, it is that same regime led by that tyrant that has spies in the United States that were arrested for precisely caring out activities against U.S. military and political centers of power.

So I commend the FBI. There is so much more that has to be done. There is an indictment that is prepared, it is ready, it was prepared by the U.S. Attorney in South Florida, against the Cuban regime. This was leaked out of frustration, by the way, by the U.S. Attorney to the press, when evidently from Washington the order came down that the indictment was not to be issued.

Prosecutors have an indictment ready charging the Cuban government as a racketeering enterprise for a 10 year conspiracy to send tons of Colombian cartel cocaine through Cuba to the United States. This indictment is ready. The evidence is available. It is overwhelming. The Clinton Administration has in fact ordered this indictment to be placed in a drawer and hidden. Because of the frustration, it was leaked to the media.

I have not even had time to address the dangers this morning to our national security from the nuclear power plants that Castro is building, but, Mr. Speaker, in coming days I will address on this floor those threats.

REPAYING THE SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. BENTSEN) is recognized during morning hour debates for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise today, first of all, to commend my colleague from Washington (Mr. SMITH) who spoke earlier today. I was sitting in my office going through correspond-

ence from my constituents when I heard his comments on the plan to spend the interest on the Social Security trust fund on a tax cut that is part of the Republican Party, the majority party's plan either to have this year or next year.

I think this is one of the largest mistakes that we could make in this country. I think we have to go back and take a look at the economic history, the fiscal economic history of the United States, to see where we are, how we got there and the risk that this plan provides to the American people.

It was not too long ago in 1992 when the country was looking at fiscal deficits in the range of \$292 billion a year. In fact, if we go back to 1981, we see since that time the national debt has quadrupled to \$5.4 trillion. In terms of our gross domestic product it has doubled to the level of 677 percent to the level of our Gross Domestic Product, something that no business or no state or local government in our country would allow their finances to get into. Interest on the debt has become the third highest Federal program since 1981, tripling over that time.

Now, after many years of very strong fiscal medicine to get our fiscal house in order, starting with the 1990 budget agreement that was passed by the Democrats in the House and the Senate, the 1993 budget agreement that was passed by the Democrats in the House and the Senate, and followed by the 1997 bipartisan Balanced Budget Act, the Congress has now been able to show the country that we can live within our means and get the budget in balance, and this year in fact we are looking at the possibility of a surplus in the range of \$65 billion in the unified Federal budget.

But that should not cover over the fact that we still have this enormous debt, and it should not evade the fact that the total unified budget would only be in balance because of the huge surplus in the Social Security trust fund.

Some of my colleagues have suggested that perhaps the interest on the Social Security trust fund is not really the property of the Social Security trust fund or the beneficiaries. I would remind my colleagues, and I contacted the Treasury Department to get a copy of the bond that the Social Security trust fund is invested in, and that is a bond just like any American or anyone could go down to their bank or to their brokerage House and buy, and it is a bond backed by the full faith and credit of the United States Government, just like any other Treasury bond. It is not just the principal, but the interest that is paid.

The interest on the Social Security trust fund belongs to the beneficiaries of the Social Security trust fund. The idea that somehow you could bifurcate the trust fund, only giving the principal and not the interest, makes no sense at all. Certainly those of us who come from the business world, and I

know many of my colleagues on the Republican side came from the business world, as did I, would never do anything like that. They would be laughed out of the marketplace.

But what this comes down to is taking money from the Social Security beneficiaries and using it for a tax cut, which we could not need. But even worse than that, what this would do is add to the national debt, that is already starting to consume a vast amount of our annual Federal budget.

And what does the Congressional Budget Office say? The Congressional Budget Office says even if we stayed within the levels of the 1997 balanced budget agreement, but allowed for demographic growth, no increase in spending, with the growth in Medicare and the growth in the Social Security system as the baby-boomers come on line with retirement, that our national debt could get as high as 200 percent of the gross domestic product by the middle of the next century, which would mean that interest on the debt would become the largest Federal program and would start to squeeze out things like education, like national defense, as well as Social Security and Medicare.

Now, let me also remind my colleagues what the esteemed chairman of the Federal Reserve, who we often hear about on the floor of the House from both sides of the aisle, said about the situation. He was very clear in a hearing before the House Committee on Banking and Financial Services just a few weeks ago that paying down the debt was the most important thing we could do. In fact, he said the paydown of debt associated with the Federal surplus has helped hold down long-term interest rates.

Let us not spend the Social Security beneficiaries' money on a tax cut. Let us pay down the debt.

INFORM AMERICAN PEOPLE OF RESULTS OF ATTACKS ON TERRORISTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, several weeks ago the President addressed the Nation and told the American people that based on convincing evidence he had linked the bombings of the embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, to Osama bin Ladin, the Saudi millionaire whose base of operations is in Afghanistan. He went on to say that he had given our Armed Forces orders to launch cruise missile attacks against these targets. The first, of course, was a terrorist training camp in Afghanistan. The second target was a pharmaceutical plant in Sudan where evidence pointed to the fact that it was being used to manufacture chemical weapons.

Mr. Speaker, what troubles me about this is that since these strikes were

made, we have not heard anything more from the President or his administration about this matter. The question is, did we achieve our bombing objectives at these two sites? Where is Mr. Ladin today? Is he still alive and still operating in secret and conspiring against the United States, or was he in the training camp when we destroyed its base of operation in Afghanistan?

As the days went by after these retaliatory strikes were carried out, new information surfaced about the pharmaceutical plant in Sudan. On September 1st, the Los Angeles Times reported that Shifa Pharmaceutical Plant produced human and veterinarian medicines for the impoverished nation and the evidence about Mr. Ladin's financial stake in the facility had been overstated.

Mr. Speaker, the President owes this country a full accounting, because the orders he gave, which were carried out, could have far-reaching effects that impact every U.S. citizen living both here and abroad. There is a long history of terrorist activity against the United States. Sadly, our response has been weak at best.

I would like to read you a quote from Mr. Jensen, an international editor of the Rocky Mountain News in Denver in his article entitled "Responding to Terrorist Attacks." He states,

Our government imposes sanctions on so-called rogue nations that sponsor terrorism, which hasn't altered their behavior one bit, but one makes no effort to go after terrorists on the ground. In most cases it does not even retaliate for terrorist attacks.

Mr. Speaker, we are a civilized nation and thus far have refrained from fighting terror with terror. Is that the answer? Mr. Jensen goes on to say that Israel, through the Mossad, has perfected the art of fighting terror with terror.

Mr. Jensen's article also points out that over the last few years, 90 foreign hostages, including 11 Americans, have been held in captivity by Hezbollah and its operatives. Eleven were killed or died while in captivity.

Such atrocities cannot be allowed. Do we as a nation deal with such vicious attacks against our citizens by seeking to use the rule of law? According to Mr. Jensen, in the few instances where we have retaliated, such as President Reagan's bombing of Libya and President Clinton's use of the Tomahawk missiles, the civilian casualties that resulted have caused such international outrage that our reasons for taking such actions were totally obliterated.

We must make our enemies realize that if they take action against our country, we will take swift and decisive action against them as well.

Therefore, it is not my intention this morning to criticize the President's actions, because I think they were justified, based upon American intelligence and foreign intelligence. Thousands of people were killed in Kenya and Tanzania, and I do not think we should stand

idly by and pretend it did not happen. However, I am concerned that we have lost credibility in the international community because of the confusion about why we took the actions we did against these specific targets.

Mr. Speaker, my message is simple today: Mr. President, do you not think the American people have a right to know whether our mission was successful? Please tell us today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 38 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 10 a.m.

PRAYER

The Reverend Dr. Kenneth L. Samuel, Victory Baptist Church, Stone Mountain, Georgia, offered the following prayer:

Let us pray. Gracious God, our help in ages past, our hope for the new millennium, and our strength to stand this day, we are deeply grateful for the amazing grace and the wondrous mercies which have established us and sustained us as a people. Lord God, we have seen you move in and throughout our history to cultivate us and to correct us and to challenge us to make real the vision of our national mantra: One Nation under God, indivisible, with liberty and justice for all.

We know that the challenge to secure the rights of everyone, without denying the rights of anyone, is easier said than done. We know that the distinction between mercy for our weaknesses and judgment for our wickedness is often difficult to discern. But we also know that for every noble vision, You provide sufficient provision. And so we look to You for divine direction to accomplish Your divine directive.

Father, when You have shown us the way, please give us the courage and the faith to walk therein. We thank You today not just for the blessings You have bestowed upon us, we thank You today for the opportunity to make our blessings count. We thank You today for the opportunity to demonstrate our greatness through our service to humankind, and in that light we ask that You would help us to become greater than we have ever been before.

We offer this prayer in the name of the Christ who came that we might have life, and life more abundantly. 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 gentlewoman from North Carolina (Mrs. MYRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. MYRICK 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

REPUBLICAN MEMBERS DESERVE APPLAUSE FOR PLAN TO SAVE SOCIAL SECURITY WHILE PROVIDING TAX RELIEF

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

Mr. GIBBONS. Mr. Speaker, this morning I heard a lot of demagoguery from this side of the aisle. And let me say that I am not one to brag about things, but I believe that the Republicans have found a sound, logical, and fair plan to save the Social Security trust fund.

Now, we might not be able to eat a pack of crackers and at the same time whistle "Dixie", like some of my liberal colleagues, but, Mr. Speaker, Republicans have come up with a plan to save Social Security while at the same time providing tax relief to the American workers.

The Republican budget surplus plan, the 90-10 plan, sets aside 90 percent of the general revenue surplus until we make good on our commitment to save Social Security. The other 10 percent will be used for real tax relief to the American working men and women.

No smoke and mirrors here, Mr. Speaker. While my liberal Democratic colleagues on the other side of the aisle would like to use the same surplus to fund more of the same bureaucratic nightmare programs that, frankly, make Baby Elmo look like Freddie Kruger, Republicans are fighting to use

this money to shore up the Social Security trust fund and provide real tax relief to the American working families.

I applaud my Republican colleagues for their hard work on this historic legislation, and I urge all Members in the House to support the 90-10 plan.

IN HONOR OF THE EXHIBITION: LINUS PAULING AND THE TWENTIETH CENTURY

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

Mr. BROWN of California. Mr. Speaker, I rise today to comment on the exhibition, Linus Pauling and the 20th Century, which will open in San Francisco on September 20th.

This national touring exhibition is dedicated to the late Dr. Linus Pauling for his extraordinary contributions to science and humanity. In 1954, Dr. Pauling received the Nobel prize in chemistry. He also won the Nobel Peace Prize in 1962.

The exhibition is designed to inspire audiences with the life of one of the greatest scientists and humanitarians of this century and to teach our children about the important role scientists can play in the progress of human culture and world peace.

Mr. Speaker, I want to recognize the role of Dr. Daig Ikeda, President of Soka Gakkai International, for his initiative in organizing this special exhibit. Dr. Ikeda, an international peace activist, developed a deep friendship with Dr. Pauling during the final years of his life, and their dialogue was published in a 1992 book entitled, "A Lifelong Quest for Peace."

Mr. Speaker, I take great pride in supporting this exhibition to promote the legacy of Dr. Pauling in the U.S. and around the world. I ask my colleagues to join me in honoring the opening of the Exhibition: Linus Pauling and the Twentieth Century.

CASTRO REGIME NOT READY TO REFORM ITSELF FROM TOTALITARIAN VISION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as if we needed more evidence about the national security threat posed to the United States by the Castro regime, the FBI yesterday arrested 10 individuals for operating a spy ring in the U.S. for the Cuban Communist regime.

The Cuban spy ring's mission was the collection of information about U.S. military installations and anti-Castro groups operating in Florida.

The FBI bust is the latest proof that after 40 years in power, the Castro regime has no intention of changing its totalitarian ideals or its hatred for the freedom and democracy represented by the United States.

Castro continues to support international terrorist groups, is constructing a dangerous nuclear power plant a few hundred miles from the U.S., and is said to be developing the capability for biological weapons. This does not sound like a regime ready to reform itself from the totalitarian vision that it continues to promote.

Those who continue to make excuses for the Cuban tyrant's behavior should finally wake up to reality.

AN AMERICA WITH TWO LEGAL STANDARDS IS AN AMERICA WITH NO LEGAL STANDARDS

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

Mr. TRAFICANT. Mr. Speaker, if Joe Q. Citizen lied in a civil trial, he would be sued for every penny. If Joe Q. Citizen lied to a Grand Jury, he would go to jail. Lying is perjury. Perjury is a crime.

Now, having said that, what is going on here, Mr. Speaker? Does America now have two legal standards, one for you, one for me; one for he, one for she; one for generals, one for soldiers; one for Presidents, one for residents?

Let us tell it like it is. Joe Q. Citizen cannot apologize, Joe Q. Citizen is not censured, Joe Q. Citizen is prosecuted. And let me warn Congress: An America with two legal standards is an America with no legal standards.

Mr. Speaker, I yield back the balance of the lives of all of the soldiers that gave their lives fighting to preserve our freedom.

TRIBUTE TO SARAH DOOLIN OF HILLSBORO, ILLINOIS

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

Mr. SHIMKUS. I would like to take this opportunity, Mr. Speaker, to commend a constituent of mine from the 20th Congressional District of Illinois: Sarah Doolin of Hillsboro.

At the young age of 16, Sarah is already an accomplished leader. As a leader of Brownie Troop 535, which is a position almost exclusively reserved for adults, she earned the J. C. Penny Golden Rule Award. In addition to these exceptional accomplishments, she has also done volunteer work at The Escape, and is a member of the 4-H Club.

With all the negative things in the news these days about young people, it is quite refreshing to be reminded there are many Sarahs all over our great Nation, demonstrating leadership by volunteering and taking the initiative in their communities. Thanks for restoring our faith in the future, Sarah.

NATIVE AMERICAN SUCCESS STORY

(Mr. ROHRBACHER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. ROHRBACHER. Mr. Speaker, we Americans are rightfully proud that our country is known as the land of opportunity. Unfortunately, Native Americans have not always enjoyed the upward mobility we are so proud of, but obstacles faced by Native Americans can and are being overcome.

Prior to 1970, for example, the Choctaw Indians had no industrial development, suffered from high unemployment, and were dependent on assistance from Washington, D.C. for their survival. But since then, under the leadership of Chief Martin, a persistent and entrepreneurial attitude has enabled the Choctaws to break away from Federal dependency.

The incredible progress enjoyed by the Choctaws is living proof that self-empowerment, private enterprise, and entrepreneurship are the keys to opening the doors of opportunity for all Americans, especially Native Americans. The governmental and business leadership of Chief Martin has made the Mississippi Band of Choctaw Indians, since his election as chief, a shining example of what self-determination is all about.

I am proud to join my colleagues in honoring the Choctaw tribe and Chief Martin's leadership.

TRIBAL ENTREPRENEURSHIP

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

Mr. REDMOND. Mr. Speaker, as a Member from a State representing large Native American populations, I have taken a special interest in helping Native Americans and tribal businesses foster entrepreneurship and rigorous reservation economies.

Too often our Nation's Indian policies stifle tribal economic development in favor of big government solutions that continue to retard the developments of viable reservation-based economies. More devastating is that the rules and regulations that come with Federal control discourage private enterprises from investing and establishing businesses on reservations. The absence of a private sector to create wealth and employment for Native American people remains one of the biggest problems tribal leaders must confront.

I have risen today to join my colleagues to pay tribute to Chief Phillip Martin, whose belief in free enterprise and self-reliance inspired the Mississippi Band of Choctaw Indians to overcome its dependence on the Federal Government by creating a productive role for itself in the national economy.

Chief Martin recognized long ago that the key to becoming a self-governing tribe was in building a tribal government and educating and training their people.

BALANCING THE BUDGET

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

Mr. GUTKNECHT. Mr. Speaker, this Congress has accomplished something that was once considered impossible. When the other party controlled this House, some of their Members talked a good game about balancing the budget, but when I was elected just 4 years ago, the deficit stood at over \$200 billion and, according to the Congressional Budget Office, was going to get worse, not better.

We said that we would balance the budget within 7 years by slowing the growth in entitlement spending, putting a flexible freeze on defense spending and making targeted cuts in domestic discretionary and other areas. We eliminated over 300 wasteful and unnecessary Washington programs and streamlined countless others.

Mr. Speaker, on October 1st, we will celebrate the first balanced budget in almost 30 years, 4 years ahead of schedule, and we will have a large surplus. We did it while keeping our promise to provide tax relief for working families.

Mr. Speaker, what a difference a Republican Congress has made.

□ 1015

CENSURE FOR THE PRESIDENT IS INAPPROPRIATE

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

Mr. STEARNS. Mr. Speaker, there has been recent talk in the press and around the country since the release of the Starr report that censure of the President would be appropriate punishment. Under our Constitution, Congress has absolutely no power to censure a sitting President. Censure is an exercise for each body of Congress to discipline their own Members, not a sitting President. The only historical case of censuring a President was when Congress censured Andrew Jackson regarding the policy of the National Bank. It is clear that Congress acted outside its constitutional powers then because the censure was for policy differences, not because laws were broken.

If Members of Congress believe that the President has violated the law, Congress should move forward with courage and start the impeachment process rather than create a false solution by censuring the President. Either laws were broken or they were not broken. If they were broken, then we should step up to our constitutional responsibility and do what is necessary to complete it. The rule of law is the rule of law. That is what my argument would be, to follow the law rather than the censure and start the impeachment process if laws are broken.

URGING PRESIDENT TO COME CLEAN

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

Mr. FORD. Mr. Speaker, it is with some pain and some chagrin as a friend of this administration, as a Democrat that I rise to say and really to echo the comments of some of my colleagues in both the House and the Senate, namely, my leader in the House and my leader in the Senate. For the President by his own admission has lied. He has lied about a situation that many in America have said perhaps justified—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). The gentleman will suspend. The gentleman should avoid such references in regard to the President.

Mr. FORD. Well, I say this to my friend and my leader and my party. I would urge the President to come clean at this point. For he has admitted that he has lied. He has disappointed us in his party and disappointed many in this Nation. For it is difficult for those of us in this party and those of us in this House to continue to give the President the benefit of the doubt. Mr. President, please come clean.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman should refrain from references such as lying and directly addressing the President in debate on the House floor.

NO GOVERNMENT SHUTDOWN

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

Mr. OBEY. Mr. Speaker, I note that there are stories that continue to appear in the press to the effect that we are facing a possible government shutdown. The fact is that, in my view, there is virtually no chance whatsoever that we will experience a government shutdown. The President has already made clear that if the Congress cannot get its work done before the fiscal year expires on October 1 that he will immediately sign any neutral short-term continuing resolution in order to keep the government open while the Congress does catch up to the schedule that it is supposed to be on. I would assume that the majority leadership of this House would make certain that such a short-term continuing resolution is in fact ready, because it is obvious that this House is way behind the curve in getting all of our appropriation bills done in the necessary time period before the beginning of the next fiscal year.

So I think rather than hearing more of this rhetoric about a possible government shutdown, I think that people

need to be aware of the fact that there certainly is no predisposition on this side of the aisle nor is there any predisposition on the part of the White House to allow that to happen. And assuming that the House and the Senate meet their responsibilities to pass a neutral short-term continuing resolution that would take us sometime into October so that Congress would have a chance to produce an omnibus appropriation bill, because I assume that that is going to happen, there is absolutely no reason to expect that there will be a government shutdown in the wings. I just do not see that happening.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess for approximately 15 minutes.

Accordingly (at 10 o'clock and 21 minutes a.m.), the House stood in recess for approximately 15 minutes.

□ 1036

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 10 o'clock and 36 minutes a.m.

APPOINTMENT OF CONFEREES ON H.R. 4101, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. KAPTUR moves that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4101, be instructed to agree with the provisions of the Senate amendment which provide funding for agricultural disaster assistance and reserve inventories, including the designation of such funds as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and with no offsetting reductions as provided in the Senate amendment.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. KAPTUR) and

the gentleman from New Mexico (Mr. SKEEN) each will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to explain my motion to instruct conferees on this agricultural appropriations bill, and fundamentally this motion would require the conferees on H.R. 4101, which is the 1999 appropriations bill for agriculture and related agencies, to agree to the language in the Senate bill which provides funding for agricultural disaster assistance, including reserve inventories, and designates that assistance as emergency spending without offsets.

Mr. Speaker, there is a real crisis facing most American farmers and rural communities today, and many have been unduly affected by the drought and other extreme and unusual weather conditions. Some are suffering the impact of crop disease, and others have been impacted by falling farm prices and an increasing inability to obtain credit. While the rest of the country may be experiencing economic recovery, thousands of farm and ranch families and the communities that depend on them have been left behind.

But the current farm crisis is one that will eventually touch every American, rural and urban, if we do not address this problem and this set of circumstances immediately.

The Senate agriculture appropriation bill provides a total of \$521 million in emergency spending to begin to assist farmers in addressing this crisis. My motion does not address the adequacy of the funding level. That provision was added in July before the true extent of the summer drought and its impact on crops and livestock could be known. The appropriate funding level is something that we on the Committee on Appropriations will be discussing with the administration, with the authorizing committee and the Members most impacted by this crisis as we move to completion of this appropriations conference.

But my motion does address the designation of the funding provided to assist farmers in crisis as emergency spending, as defined under the Balanced Budget and Emergency Deficit Control Act of 1985, with no offsetting reductions in other areas. This has symmetry with the Senate bill.

I know some of my colleagues on the other side of the aisle will argue that the Congress has been offsetting emergency spending since 1994 and that this emergency should be treated no differently than the other supplemental spending bills we have passed. Well, it seems to us that we have found a way to bend these self-imposed rules on offsets in selected emergencies. We have done so in the supplemental appropriation bill passed last year. We offset only domestic emergency spending, not the defense-related emergency spending included in that bill. Surely our

Nation's farmers are as deserving of emergency assistance and designation, particularly this year, as have been our military forces in prior years, and the offsets used for the earlier domestic supplemental bills were primarily funds from the HUD section 8 housing program, funding which we will eventually need to pay back in that program to ensure adequate low-income housing for low-income citizens, particularly the elderly who need this program.

Mr. Speaker, we cannot continue to rob Peter to pay Paul when it comes to addressing funding for natural disasters and other emergencies. It is time to abandon the so-called budget shell games and face our responsibilities and address the real emergencies facing our country today.

Mr. Speaker, this farm emergency is real. Several of my colleagues who are here on the floor have districts more directly impacted by this crisis, and I will be pleased to yield to them so that they can discuss the severity of this crisis and the immediate impact on their constituents. I ask that the House support this motion to instruct conferees and send a message to America's farmers that we recognize the impact of this farm crisis, that we recognize the contributions that farmers and ranchers make to this country's economic success and the well-being of our families and that we are going to act in a responsible way to assure that they get the assistance they need to get beyond this crisis and continue to ensure the productivity of this Nation.

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

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I appreciate the distinguished ranking member of the subcommittee, the gentlewoman from Ohio (Ms. KAPTUR), bringing this matter before the House. We all know about the desperate situation in agriculture and the problems caused by flood and drought. These are the kinds of problems that we have solved together in a bipartisan fashion in the past, and I look forward to working in that same fashion again in conference to help our farmers and ranchers.

There already is a \$500 million emergency spending provision accepted by the other body. It is what we call a plug or a marker, and I refer my colleagues to the debate in the other body on the bill in which it was understood that the amount and scope of any emergency disaster plan for agriculture would have to wait for the administration to submit a detailed package. It is

now 2 months after the bill passed in the other body and much longer since bad weather and other problems hit our farmers and ranchers, and the Administration has yet to come up with a plan.

Now we heard that the USDA has a draft plan that will cost in the neighborhood of \$1 billion, and then there is another plan or package in the other body that is estimated to cost \$5 billion, and that plan was offered as an amendment yesterday, and it was tabled, but I understand the Administration supports or does not oppose it, and I expect we will see it again before the end of our conference.

So all Members should know at this point that we have several agriculture emergency spending proposals costing anywhere from \$500 million to 6 billion, but we still do not know what, if anything, the Administration wants in the way of money, new programs or authorities. I had hoped that the Administration would have put something together sooner, but for whatever reason that did not happen, and yesterday was the most recent day by which the Administration promised us a plan, but nothing has been sent down to us.

□ 1045

Therefore, Mr. Speaker, I suggest to my distinguished colleague that she may also want to consider some kind of instruction to the Administration which says that there are some serious problems out there in rural America, and it should not take this look to come up with at least an outline of what needs to be done.

The Department of Agriculture has several thousand people here in Washington and throughout the country, and that is their job. If, for any reason, the Administration cannot or will not draw up a plan, they ought to say so now, because time is wasting and Congress will have to step in and do the Administration's work.

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

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), who has worked as hard as any Member, harder than most Members in this Congress on this particular issue.

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank her very much for her leadership by bringing this motion to instruct.

I have the greatest respect for the chairman and appreciate the comments he just made. What is before the body, however, is what we can do right now, and what this body can do right now is pass this motion to instruct our conferees to go ahead and accept the Senate disaster provision into the conference report for the agriculture appropriations bill.

Mr. Speaker, we have an unprecedented disaster facing farm country, and working together, Republicans and Democrats, we have to respond. It is estimated that we could lose up to one-

third of the farmers in the State I represent if we do not do something meaningful. This is urgent. This is a crisis.

Our region, the Upper Great Plains, has been swamped by a 5-year wet cycle that has left 1.4 million acres inundated, under water, not able to be productive. In addition to that, the same wet cycle has produced a disease called Scab, which has devastated production, and for crop we are able to get that is afflicted with this Scab, we get steeply discounted prices. Just when we thought nothing could possibly get worse, we have a collapse in Asia markets and the price of wheat and barley is literally at a 50-year low.

Mr. Speaker, this situation is so dire that according to the Department of Commerce, farm income in North Dakota declined by an astounding 98 percent, a 98 percent decline in net farm income between 1996 to 1997.

Now, our pain, and our pain could not be greater, is spreading. We do not take joy in having company in our plight, but we do acknowledge that the drought which wiped out the 1998 cotton crop in Texas created dire circumstances for farmers in the southern plains; hurricanes have hit the Carolinas; commodity prices have been hurt from Maine to California. We have a disaster of national dimension and we must respond to it.

Now, the motion to instruct calls upon House conferees to take the action by delivering immediate assistance to America's farmers and to acknowledge the flat reality that this is an emergency. This is an emergency. Our response to it needs to be afforded the emergency status provided for in our budget rules and not be offset, but be funded under the emergency basis. That is the action the Senate took, and it will be key to our being able to make a meaningful response to the dimensions of this plight.

The motion to instruct conferees to accept the Senate provisions in light of the mounting farm losses will probably need to be plussed up. We are going to need more money than the \$500 million in the Senate bill. I think that this motion, however, directs us exactly in the way we need to go. We have an emergency, we have to respond to it. Republicans, Democrats, farm country, urban legislatures, please unite to pass this motion.

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

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume to place in the RECORD communications that have been sent to this House from the President of the American Farm Bureau Federation, Mr. Dean Kleckner, where the federation met with the task force representing 10 different State Farm Bureau Presidents to consider the situation that is facing rural America.

I would like to include their report in the RECORD, but I just wanted to quote one section here, which indicates that net farm income is projected to fall by

over \$7 billion this year, and the level of a \$500 million disaster allocation will not begin to address this shortfall. They are asking Congress to focus on immediate remedies to redress producers, and given the magnitude of the agricultural economic problem, emergency supplemental funding of several billion dollars is justified.

I think in view of the Farm Bureau's position over past years, this is quite a significant statement, and we appreciate their hard work in helping us resolve this situation for our producers across the country.

Mr. Speaker, I include for the RECORD the correspondence just referred to in my statement.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, September 11, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Capitol Building, Washington, DC.

DEAR MR. SPEAKER: I recently appointed a task force of 10 state Farm Bureau presidents to consider the economic situation facing agriculture and to make recommendations regarding legislative and administrative changes necessary to increase farm income. The task force filed its report, and the leadership of the American Farm Bureau Federation wholeheartedly approved those recommendations. The attached report outlines the priorities that Farm Bureau believes need to be implemented to increase farm income and agricultural exports.

When producers agreed to support the FAIR Act in 1996, Congress assured them that its passage would be accompanied by regulatory reform, tax changes, private property protection, and trade policies designed to improve our global competitiveness. These commitments have not been met, thus exacerbating the current farm crisis.

I urge you to take immediate action to help alleviate the crisis currently facing farmers and ranchers.

Sincerely,

DEAN KLECKNER,
President.

REPORT OF THE COMMITTEE ON THE FARM ECONOMY, SEPTEMBER 11, 1998, BOB STALLMAN, CHAIRMAN

When producers agreed to support the FAIR Act in 1996, they were assured by Congress that its passage would be accompanied by regulatory reform, tax changes, private property protection and trade policies designed to improve global competitiveness and increase foreign markets. These commitments have not been met thus exacerbating the current farm crisis.

Farm Bureau has long been a proponent of balancing the budget and the "pay as you go" concept of offsetting increased spending with reductions elsewhere in the budget. However, the failure of Congress to fulfill its commitments necessitates immediate restitution by requesting emergency supplemental funding to assist producers facing depressed prices and/or weather-related disasters.

Farm Bureau firmly believes that current low price are not due to the failure of the FAIR Act. Instead, they are reflective of the failure to compete aggressively in foreign markets due to government restrictions and the inability or unwillingness of the Administration and Congress to fulfill their promise to open foreign markets for U.S. producers. With 96 percent of the customers living outside U.S. borders, these failures cannot be allowed to continue.

In the limited time prior to adjournment, Congress must focus on the agricultural

issues which will immediately aid producers suffering through disasters and low prices, as well as trade issues where the impact may not be immediate—but if ignored until the next Congress—will adversely affect the agricultural economy for years to come.

The problems facing agriculture are diverse—low commodity prices, crop disaster losses, livestock feed losses, and export market barriers that have reduced overseas markets. A “one size solution won't fit all.” Therefore, the proposed solutions address each of the problems individually.

Giving that background, Congress and the Administration must focus on the following agricultural priorities:

SHORT TERM NEEDS

Supplemental crop insurance payments

A crop disaster assistance program must be implemented. The \$500 million in emergency funding included in the Senate agricultural appropriations bill is insufficient. It is imperative that any disaster assistance be implemented in a way that maintains the integrity of the crop insurance program. We must avoid sending a signal to producers that discourages them from further participation in the program.

The crop insurance program is so inflexible it cannot be adjusted to unique situations. It is incapable of responding to multi-year disasters and leaves producers unable to insure crops at a reasonable level. Supplemental crop insurance payments must be made for those suffering from disasters. Payments should not be limited to those suffering from multi-year disasters.

SANCTIONS INDEMNITY PROGRAM

Unilateral trade sanctions are costing American farmers access to critical markets. Those lost markets have caused poor market prices and reduced sales volume. Program and minor crop producers must be compensated for those lost markets via direct funding. Sanctions Indemnity Payments should not be restricted by any payment limitations.

Unilateral sanctions have become the weapons of the moment to address actions by our trading partners when the U.S. disagrees with some action they take. There is no record of unilateral sanctions producing anything favorable from either an economic or political standpoint. They simply shut U.S. producers out of needed markets. Our competitors are only too happy to sell in these markets. The U.S. earns the reputation as a unreliable supplier when sanctions are imposed.

There currently are about 120 unilateral trade sanctions in place. Over half of those have been implemented during the last four years. It is estimated that over 11 percent of the world's wheat market lies outside the reach of U.S. producers.

Changes to the FAIR Act

Congress must avoid abandoning the market-based policies of the FAIR Act. Producers are reallocating their resources in a more efficient manner than the government could ever dictate. The loan program is intended as a method to lessen pressure to sell at harvest time and spread sales throughout the marketing year. It is a marketing tool for producers, not an income support program.

Raising commodity loan rates or extending the loan period should be discouraged. Such action would be a clear signal to our competitors that once again we are willing to forego our markets and guarantee sales to them. It is a short term fix that has grave longer term economic implications. Any possible short term gains will be obliterated by storage cost, lower prices when the loans ultimately come due and the loss of world market share. Both farm producers and taxpayers would lose.

Disaster Feed Assistance Program

Funding is needed for some type of assistance to livestock producers suffering weather related disasters. Congress should fund a Disaster Reserve Assistance Program or Emergency Livestock Feed Assistance Program to reimburse those producers who have experienced disaster related losses for a substantial portion of the cost of purchasing feed.

PL 480

Several foreign economies are near economic and political collapse. Now is an excellent time for the United States to donate products to these countries. We support enhanced funding for the PL 480 program. Enormous opportunities exist for humanitarian and public relations benefits, in addition to an opportunity to impact market prices. It is important to provide relief to our long term customers who are at risk of liquidating their livestock sectors. These markets must be supported as they are future long-term customers for U.S. products. The PL 480 program should not only be used to help move product to traditional customers, but increased to include customers who may not currently qualify for GSM credits.

Credit relief

A change in current law to allow producers more flexibility in obtaining Farm Service Agency (FSA) guaranteed farm ownership and operating loans is necessary. Under current law, FSA can guarantee operating loans up to \$400,000 and ownership loans up to \$300,000. The caps should be combined to allow producers to borrow up to \$700,000 from one or both programs.

The FSA guaranteed loan program should be expanded, particularly to assist young farmers and ranchers.

Current law generally requires FSA operating loans to be repaid within seven years. While Farm Bureau has long called for discontinuance of FSA lending to anyone unable to build up enough equity to get financing elsewhere after 10 years, the eligibility period for current borrowers should be extended for producers affected by disasters. Farmers should, at least, get the same treatment as other small businesses and homeowners do when floods, hurricanes, and other natural disasters occur.

Congress should oversee FSA's administration of the emergency loan procedures to ensure that application approval is expedited, paperwork is streamlined, and the process is more user-friendly.

Conservation Reserve Program (CRP)

There are currently 30 million acres under contract to CRP. Adequate funding should be provided to allow USDA to accomplish full enrollment at the authorized 36.4 million acres cap.

The announcement for the 18th CRP sign-up will be made this month. However, land accepted during that sign-up will not enter the program until October 1999. Entrance must be accelerated to early 1999.

In addition to the land traditionally accepted into the CRP, Congress should urge the Administration to target some of the newly-enrolled land towards mitigating emerging disease and pest situations such as wheat scab, potato blight and Karnal bunt.

Extended assistance

Since projections indicate that 1999 crop prices will not improve significantly, Congress should consider a two-year assistance program to help producers cope with current low prices expected to extend into the next crop year.

LONG TERM NEEDS

Trade issues

Fast-Track

Fast-track negotiating authority must be passed. Continuing to delay the implementation of fast-track is reducing critical time needed to define and advance U.S. negotiating objectives for the next round of multilateral negotiations, and the opportunity to realize meaningful gains in increasing market access. Discussions have already begun for the Free Trade Area of the Americas. Our trading competitors are not waiting for the U.S. to step forward as the leader but are moving forward to create agreements that we can only hope will not disadvantage the U.S.

International Monetary Fund (IMF)

Congress should act quickly to provide the full \$17.9 billion requested for the IMF. The IMF was created to help stabilize national monetary systems in times of fiscal instability. Countries must be determined to be creditworthy to be eligible to participate in the GSM guaranteed loan programs. These programs make possible the sale of U.S. products into critical markets, and help maintain market share and product visibility. The IMF must have the necessary funding to address financial market instability as it occurs around the world. In order to break the Congressional stalemate, we favor basic reforms to IMF policies.

Sanctions Reform

Food and agricultural products should not be used as a foreign policy tool.

In just four years the U.S. has imposed 61 unilateral economic sanctions on 35 countries. These countries contain about 40 percent of the world's population, and thus, a large lost market for U.S. farm output.

Congress should pass legislation that would help prevent future useless embargoes or sanctions by requiring a reasonable evaluation of the consequences of imposing unilateral sanctions before they are imposed.

Market Access and Development Programs

Congress should fully fund the Market Access Program to the \$210 million authorized and provide necessary funding for the Foreign Market Development Program. These programs need the expertise provided by a fully supported Foreign Agricultural Service that is expanded to cover all existing and potential market posts.

Tax issues

The next tax bill should include the Farm and Ranch Risk Management Accounts (FARRM). This would encourage farmers and ranchers to save for a “rainy day” by allowing them to deposit up to 20 percent of pre-tax net farm income into an interest-bearing account. Funds could be withdrawn and taxed over the subsequent five-year period.

Congressional efforts should also be focused on addressing farmers' cash flow problems this fall and winter. Tax legislation should include lengthening of the net operating loss rules so that net operating losses could be carried back more than two years and acceleration of the health insurance tax deduction for self-employed individuals.

Crop insurance

The crop insurance program must be fixed. Congress and the Administration must take a hard look at this program to determine how to make it a more viable risk management tool. For several years, we have attempted to “tinker” with the program. We will “tinker” again this fall due to the inadequacies and lack of flexibility in the program. With an increasing number of producers relying on crop insurance as their primary risk management tool, Congress must

commit to spend the time, effort and money to overhaul it. This obviously cannot be done prior to adjournment. However, a commitment by the House and Senate leadership to schedule floor consideration of major program changes early next spring would send a very positive signal that it does not intend to let the inadequacies linger.

Funding

Net farm income is projected to fall by \$7.4 billion in crop year 1998. A \$500 million disaster allocation will not begin to address this shortfall. Because the agenda to which Congress committed is woefully incomplete, Congress must focus on immediate remedies to redress producers. Given the magnitude of the agricultural economic problem, emergency supplemental funding of several billion dollars is justified.

The AFBF Committee on the Farm Economy urges Congress to adopt the above recommendations to insure the future viability and competitiveness of U.S. agricultural producers.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, as we wrap up our work on the fiscal year 1999 agriculture appropriations conference report, I want to reiterate the importance of emergency-designated funding to assist farmers, ranchers, and producers.

During my August break, I met with over 450 farmers and ranchers in my congressional district, together with FSA administrator Keith Kelly, and we heard about the emergency crisis that they are facing. I am particularly concerned about the agriculture sector in drought-stricken regions such as my home State of Texas.

There is no question that more funds are needed. At the minimum, the amount contained in the Senate-passed version of this bill is what needs to be adopted. This \$500 million is to be but a starting point. Personally, I feel this amount should be increased to \$2.5 billion. Under the emergency situations that we face, that is what we should be looking at to help them out.

My concern is that no matter what action is taken today, it may be too little too late. There are a large number of farm products producers; yes, hard-working agricultural producers who meet our Nation's food needs. We have to make their concerns our top priority, and I respectfully request that my colleagues join me in supporting this motion today.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Texas (Mr. HINOJOSA). I know that the pain and suffering that is being borne by farm families in that region of the country is particularly acute, and we want to commend the gentleman from Texas for his leadership and for his willingness to come down here today and help us on that measure.

Mr. Speaker, I yield 4 minutes to the very distinguished ranking member of the House Committee on Agriculture, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of this emergency declaration motion to instruct conferees in the conference on the agriculture appropriation bill. I wish there were other ways in which we could deal with this. I would hope that the House Committee on Agriculture would soon come together and begin to address this question from the perspective of our committee.

This problem is much bigger than the Senate anticipated. I think, as others have said, that it is very clear that \$500 million will not begin to address the devastation that is occurring in farm country. We have the natural disaster which we are addressing here. On top of the natural disaster, we have an economic disaster of low prices that I think a lot of people perhaps cannot fully appreciate. A lot of concern has been expressed about a 20 percent drop in the stock market. If it goes to 20, we are in a recession.

Well, corn prices are 30 percent below the average of the past 5 years. Think about this as I recount some of these numbers. If one thinks of any other part of our economy, or very few parts of our economy in which the last 5-year average of prices and/or salaries that this year would be projected 30 percent below that, and then looking ahead to 1999 is getting no better, I think one can begin to appreciate the full economic problems facing American farmers and ranchers. Wheat prices, 28 percent below. Cattle prices, 17 percent below. Net cash farm income, 43 percent below the average of the last 5 years.

This is what we are dealing with, and the frustration that I have today is nobody seems to be concerned about it from the standpoint of doing what we should normally do, and that is address it through the committee system, working with the Secretary of Agriculture.

I heard previous speakers talking about the blame game and the fingerpointing to the administration. Perhaps there is some of that that is due, but there is also a blame game, and I was reminded of this when we start pointing fingers, I was reminded that when one points a finger, be careful, there are usually 3 pointing back at you.

This should not be a partisan argument. This ought to be today the beginning of an honest and sincere effort to address a very serious economic situation that is facing those who produce food and fiber in the United States. At home, we are talking no longer about farmers and ranchers going out of business, we are talking implement dealers, we are talking the support groups, we are talking the small towns and communities. One cannot take 30 percent of the economy out of the rural community and not have devastation. That is what we ought to be talking about today, and that is why I commend the gentlewoman for this motion to instruct.

I think it should be clear, though, that there are so many other areas

that need to be addressed. There is so little time remaining, 18, 17, legislative days. Mr. Speaker, let us not waste them in talking about other activities; let us go to work, roll up our sleeves and deal with it.

Mr. Speaker, I look forward to working with the Committee on Appropriations as a member of the House Committee on Agriculture. I see my chairman is here, and I would hope, and I know that the gentleman from Oregon (Mr. SMITH) is very concerned about this and is doing what I am about to say already. But the problem is that we need somebody else to listen to us, and the leadership of the House to say, let us seriously and sincerely begin to address this. Certainly our side of the aisle will reach out and work with my chairman and the members of the House Committee on Agriculture and the gentleman from New Mexico (Mr. SKEEN), and I know where his heart is on this, and the gentlewoman from Ohio (Ms. KAPTUR).

The bottom line is, as of today, we feel like that there is not very much being done, other than what the Senate has done. They have made a good step forward. We need to join in that and begin to build upon that to avoid a terrifically serious problem becoming even worse if we choose to do, through inaction, what we otherwise should do.

Mr. SKEEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time.

I have worked for the last few months with the gentleman from Texas and others interested in agriculture to try to reach agreements which would benefit the agriculture community in this Nation on a basis of trust and mutual respect, and to attempt to keep this question, which is so likely to slip into partisan politics, out of that arena. So I must remind Members that we have already taken action, and this leadership, by the way, has taken action to support agriculture in this country, and the gentleman from Texas will remember, with the Square Deal for Agriculture, which included lifting sanctions in Indonesia, which included normal relations with China, and that I join him and he joins me in the effort to pass funding for IMF and for fast track.

□ 1100

To some, those are long-term kinds of solutions. However, certainly lifting the sanctions and the immediate purchase of wheat by Pakistan was not a long-term program.

Since that time, we have searched to find ways to put cash in the hands of agriculturalists in this Nation without distorting world prices for commodities. We have done that by moving the transfer payments, as the gentleman well knows, and he was a part of that, to place in farmers' hands some \$5 billion by the 1st of October, which were

transfer payments under the AMTA program, in their hands for their discretionary use.

Now, beyond that, there have been identifications of disaster in the gentleman's portion of America as well as continuing problems in the upper northern States of North and South Dakota and Minnesota where they have had, not 1 year, but 6 or 7 or 5 years of loss due to Scab and other problems in that area.

I have been dedicated to try to find an answer to assist in disaster as well as those ongoing problems in the upper northern States as well as trying to address the horrible revenue reduction which Agriculture has sustained as identified by the gentleman.

So we have had an unfortunate set of circumstances likely, and not having occurred in the recent past, and that is simply a disaster on the one hand in agriculture coupled with and together with a huge reduction in income to farmers.

This does not take and should not take a motion to instruct to get my attention or anybody else's attention. I disagree with what the Senate did. This sounds like we are going to agree with the Senate. The Senate is inadequate, \$500 million does not touch this problem. If I thought it did, I would throw my arms about this amendment and say here we have done it. Congratulations. We have solved the agriculture problem. That is silly, and I am not going to do that.

But I am going to suggest this, that while we are putting together a program which must pass this House and the Senate, we ought to be cautious to work together on a program that makes sense and that is judgmental and that addresses each of these issues, disaster, loss of revenue in agricultural country. That is what I am up to. That is what I am about.

So I suggest to my colleagues this is not the way to legislate this issue. This may be a well-meaning amendment. It does not even address the minimum problems we have in agriculture. Vote this down. Give us a chance, hopefully, to work together, because if we do not, we do not answer the question. Let us let farmers make up their choices, but let us do the best job we can.

Ms. KAPTUR. Mr. Speaker, I would like to inquire as to the remaining time on both sides, please.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from Ohio (Ms. KAPTUR) has 16½ minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 22 minutes remaining.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to note again that the motion to instruct does not set a dollar level. There was a reference by the prior speaker of \$521 million. The motion to instruct does not address the adequacy of the funding level. All it does is says that this assistance should be in the form of emer-

gency spending as in past supplemental bills that have dealt with defense, for example. So it does not set a level.

Let me also place on the record if I might some of the figures that have been given to us from various States in the union. For example, in the State of Georgia, where the farmers and ranchers have been subjected to freezes, floods, and now drought through much of last year and this year, farmgate losses there are estimated to be three-quarters of a billion dollars, over \$767 million as estimated by the University of Georgia extension economists.

The gentleman from North Dakota (Mr. POMEROY) talked a lot about the losses in North Dakota. I know that the gentleman from Minnesota (Mr. PETERSON) will shortly be addressing the Minnesota situation and the Red River Valley in general.

But the amount of flooded acres are at historic levels over several years with the compounding factor of wheat Scab there and of course record low prices that are even putting a further draft on farm income and productivity in all of these places.

If we look across the country, USDA, as well as private forecasters, are not expecting price conditions to do any better for the near future due to freezes, floods, droughts, hurricanes, fires and for sure the Asian financial crisis which is affecting our markets and our ability to sell.

We know that up to a quarter of the farmers in many States will not get financing to put in a crop this fall or next spring and bankers are calling in and asking the U.S. Department of Agriculture to provide assistance.

So this is not a problem that is diminishing. This is a problem that appears to be growing as we move through 1998. Texas losses already are at over \$2 billion as our esteemed colleagues, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. HINOJOSA) have reminded us.

We have drought currently spreading from the southwest up to parts of Kansas, Missouri, Arkansas; in the southeast all the way to Virginia where over 400,000 acres are affected by drought. We have fires in Florida. We have seen those on television and even floods in my own home State in Ohio as well as Michigan. So this is a national problem that demands a national solution.

Mr. Speaker, I yield 4 minutes to our distinguished colleague, the gentleman from Minnesota (Mr. MINGE). I thank the gentleman so very much for coming down and for his leadership throughout this past year on these issues of concern to our farmers and ranchers.

Mr. MINGE. Mr. Speaker, I thank the gentlewoman from Ohio for yielding to me.

Mr. Speaker, I also would like to express my appreciation to the chairman of the subcommittee for his leadership on behalf of agriculture. It is very important that, in this time of agricul-

tural crisis, that we pull together, that we work on a bipartisan basis, and we try to make sure that the necessary legislative response comes before we adjourn in October.

We do not have many opportunities to take this up. Uniquely, this agricultural appropriations bill is one of those opportunities, if not the only opportunity.

So in that context, I would like to express what I have heard from the bankers, the farm equipment dealers, the farmers, and others in my area as to what we have to do.

I would like to preface this by saying that, as all of us recognize, the agricultural economy is in an economic freefall. If we do not act, we face the prospect of farming as we have known it in much of America being transformed, not for the better, but for the worse within a period of about 18 months.

First, with respect to administration, I have heard that the Farm Service Agency at the local level is suffering every bit the problems that the Defense Department is suffering from, and the gentleman from Florida has spoken about it so eloquently.

If we are going to take up the Defense Department's needs, I submit that we must take up the needs of the Farm Service Agency so it can deliver and administer these programs at the local level.

I have received calls from people I know in church and otherwise on their own time that work at the Farm Service Agency saying we do not know what to do. We have mountains of paperwork that are building up in our offices. We must respond to this.

Secondly, we have loan guarantee, direct loan, and interest buy-down programs. These programs have worked well over the past several years. They have served agriculture well. They have been supported on both sides of the aisle.

Unfortunately, we have spending caps that we have had to impose on these programs. But the bankers are telling me that, if we do not have these interest buy-down, loan guarantee, and direct loan programs that we are not going to be getting the crop in in 1999.

We have to expand these programs so it is not just having them but it is expanding them. I submit that we ought to double the loan guarantee authority that we have, given the interest buy-down and the direct loan. This, again, is an appropriations problem.

I would like to emphasize that we are all searching for a way to deal with the question of prices.

The question of prices, how do we respond to this? There are many choices, there are many opportunities, but I would submit that the easiest is to take something we are all familiar with, the loan marketing program, or the marketing loan program, uncap the loan rate, move it up to 85 percent. We can use the loan deficiency payment approach; we can use the forfeiture approach, whatever is going to work, but

that is a program that is in place that the farmers are familiar with, that the U.S. Department of Agriculture is familiar with and we can implement immediately.

I submit that we ought to do that. We ought to move on it.

There are many other items I would like to address but I would just like to leave this thought with you in closing: The bank examiners, in a sense, haunt the process. They have to make sure that our banking system is operated with integrity. Unfortunately, when cash flow statements do not make any sense, the bank examiners say to the banks, those are not going to be performing loans. Those are criticized loans. We have to make sure that the lenders in the farm economy are able to do cash flows with their farmers that show a prospect for repayment of the loans and that these are not criticized loans. If we do not act in a way that I have outlined, it cannot happen.

I submit that the motion to instruct is at least a positive development to move this along.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

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

Mr. COBURN. Mr. Speaker, there is no question that our agricultural community is in danger. One out of three farmers in Oklahoma this year is at risk, one out of three ranchers, but what this proposal portends to do is to take money that we do not have and take it off the balance sheet and say, children, you pay for this later. Social Security, we will take it out of you again.

What we have to do is to recognize that we have a need in the agricultural community. That need does not obviate our need to be fiscally responsible in other areas of our government budget.

I am going to support lots of things to help our farmers and additional monies, but it is incumbent upon us to pay for it, to not just say, here is money, we are going to just add it to the debt, our children are going to pay it back, or, better yet, the money that is there we are going to steal from the Social Security surplus that is coming right now, because that is what this instructs our conferees to do, to take the money away from our children or away from the seniors.

My question is: Is there not some place in the Federal grandiose budget that we can say we can cut so we can help our farmers? The question is not about whether or not we can help our farmers, and the question is not whether or not we should.

The question is: Who are we going to hurt to help our farmers? The assumption is if we cannot do that, if it is not possible for us to do that, then what we are saying is this government is running efficiently, there is no waste, there are no areas that we should be

able to rescind to be able to pay to help our farmers.

I think that the vast majority of the farmers in this country, the farmers and cattle ranchers in this country, want us to find it somewhere else. They do not want to put this money off on their children because that is exactly where it would go. The American public should know that declaring it an emergency means we do not have to pay for it. The hard work of being a Member of this body to find out the most efficient way to run this government is thrown out the door, and we just add it to the debt.

So we have two problems. One is, our farmers and ranchers are in trouble. We need to help them. The second problem is, we do not help them at all in the future by taking the money from our children or from the Social Security trust fund. That is exactly where this money will come from.

Let us find it. Let us do the hard job that we are paid to do to find the money to solve the problem for our farmers. We can do it. We can do it in a bipartisan manner. We can find this money and we can serve our farmers and ranchers well.

I will be asking for a recorded vote on the previous question in order to enable that we can offer a way to offset these funds.

Ms. KAPTUR. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I appreciate the dilemma that the gentleman from Oklahoma (Mr. COBURN) has posed. I certainly join with him in a commitment to balance the budget, but first let me point out we do not even have a budget resolution we are operating under. Who knows what the budget is for agriculture? Until we get a budget resolution, I submit, we do not have the leadership on the majority side on this vital matter.

Secondly, we are going to be treated to a request that this body approve \$80 billion in various taxes.

□ 1115

Where is that money coming from? From Social Security? If we have that amount of money, I submit we ought to also be considering what can we do for America's farmers. We must do something for this sector of our economy.

Finally, we are going to be considering supplemental appropriations in many other areas, the Defense Department for one. If we cannot consider this for the American farmers, I think we have abdicated our role in Congress.

Mr. SKEEN. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I would just say that I agree with the gentleman from Minnesota (Mr. MINGE), that there should not be the first tax cut until we have secured our children and the seniors in this country and what has been promised to them.

But there also should not be the first penny left in Washington for us to

spend that does not go towards those two goals. So, I will agree with the gentleman and he will find my vote lining right up there. But that does not say that we should not do the right thing now. Because somebody else is going to do the wrong thing does not mean that we should follow them down that road. Mr. Speaker, we should, without a doubt, pay for any supplemental spending to help our farmers and ranchers.

Ms. KAPTUR. Mr. Speaker, I would like to inquire as to time remaining.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from Ohio (Ms. KAPTUR) has 9 minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 18½ minutes remaining.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), who has been such a leader on trying to get assistance to our farmers and ranchers.

(Mr. PETERSON of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time.

Mr. Speaker, I would say to the gentleman from Oklahoma (Mr. COBURN), I sympathize with a lot of what he is saying. But I would like to point out again that we do not have a budget at this point, and that is frankly one of the problems.

Mr. Speaker, I come from an area, and I just spent last weekend out talking to farmers again, where they are telling me up in the north part of my district that 70 percent of the producers are not going to be able to get money to get in the field next year.

We are in an absolute crisis situation. I think all of us would like to pay for all of these additional appropriations, and I hope that we could find some way to pay for this. But my concern is that we might get into a situation where we cannot find the money and then nothing happens.

We have an absolute desperate situation because of things beyond our control, because of disease problems, to some extent because of weather problems, but mostly disease problems. We need some kind of an immediate response. Should have been one 2 years ago.

Mr. Speaker, while the rest of the country has been experiencing pretty good crops in most of the areas, and the prices have been a lot better than they are now, we were experiencing a situation where we did not have anything to sell. During the time when the prices for wheat and corn were considerably higher than they are now back in 1996, we did not have a crop because it was wiped out by scab and Vomitoxin and floods.

So now this year we have a fairly decent crop in some of the areas, but it is not worth anything. What has happened is the farmers have lost their equity. Next year, the situation does not

cash flow because of the prices that we got. We need some kind of response if we are going to keep these folks in business.

Mr. Speaker, if this is not an emergency, I do not know what is. I think that I am going to support this motion because it is a step in the right direction, but I do not think it is enough money to deal with the problem. I think that we need to look at solutions such as the administration is working on right now, as I understand it. They are looking at a proposal where if farmers had a crop insurance loss 3 years out of 5, that they would pay 25 percent of the crop insurance that farmers receive during that time as a direct payment. That would be a step in the right direction.

I also would encourage the Members in this body and the administration to look at a proposal that has been put forward by some folks in our area where we could set up a land diversion program where we would turn this land black for 3 years and try to get this disease out of the system. That would be something that would be very helpful to us.

Again, there would be some cost to that proposal. But, again to reemphasize, we have gone through a situation where we have some farmers that have not had a crop for 5 or 6 years, have not had a thing to sell, and have eaten up their equity. If we are going to keep the fabric of that part of the country together, we have to have some kind of a response.

Mr. Speaker, I implore my colleagues to support us in coming up with something yet before we adjourn this session, so that we can go back to those people with some kind of hope that they can farm next year.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to point out, one of the previous speakers expressed some concerns about the budget. I just want to say that of all the subcommittees in this House, this Subcommittee on Agriculture has taken more cuts, has laid off more people, over 10,000 at the U.S. Department of Agriculture, has consolidated more offices at the local level, has had to cap research dollars below levels at which we would prefer to fund them. We have had to cut back on our trade promotion programs at a time when we are having trouble with exports.

If we look at the choices that we have had to make, there has been no more responsible committee or subcommittee in this Congress than this Subcommittee on Agriculture. If one is concerned about attempting to deal with balancing the budget, we have done more than our fair share.

I would hope that the gentleman from Oklahoma (Mr. COBURN), in trying to find a true answer to this, could look across accounts, including to some of the accounts that are outside the jurisdiction of this committee.

This is an issue that the Committee on the Budget should have dealt with.

We do not have a budget resolution this year. Why should the farmers and ranchers of this country be asked to pay the price of the Committee on the Budget inside this Congress that did not do its job?

It just seems to me that we have taken the hits, substantial hits in this committee at a time when rural America is crying out to us for attention. It would be a travesty not to meet our public obligations to the people who are producing the real wealth of this country simply because some procedural group inside this Congress, not this subcommittee, and not this full committee, did not do their job.

So, I think we have a higher calling here today with this motion to instruct. We welcome the gentleman's support and ideas as we move forward here. But, please, understand what is going on on this budget situation. It is not the work of this subcommittee, nor the full committee, nor in fact the Committee on Agriculture of this Congress, but other problems that we are facing in other venues here. There is no reason we could penalize the farmers and ranchers of this country because of the inaction of some elements of this institution and the other body.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time, and I associate myself with her remarks concerning the work of this subcommittee, the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) and their fellow members. The problem we face is not their fault. In fact, they have done an admirable job in dealing in a very, very judicial and positive way with a very tight budget.

But I want to speak to the question that the gentleman from Oklahoma (Mr. COBURN) brought up just a moment ago, because he is right on target with one major exception. That is if we are truly to work out the expenditure cuts in order to fund this particular need of an emergency, that must be done supporting a budget that can get 218 votes.

If the gentleman will remember, and just for the body's recollection, those of us who had a slightly different opinion of what this budget ought to look like this year, those of us so-called Blue Dogs, were denied the opportunity even to debate our ideas on this floor when we had the opportunity to talk about this issue. The leadership of the House chose not to even let the free exchange of ideas occur on the floor of the House as some of us would like to have talked about this.

So, it is important for this body to understand those of us who bring this resolution today, admitting it is inadequate, admitting that it is muddying the water, but unless the water is muddied, some of us believe that nothing is going to happen because we will never be able to get the perfect plan.

Later this week we are going to debate an \$80 billion tax cut with Social Security trust funds. I agree with the gentleman, any dollars that are spent for any purposes are coming out of the Social Security trust fund. Therefore, I am going to be very judicial with how many of these dollars, and I will reach out and work with the gentleman from Oklahoma and anyone else that can help us find those dollars.

But I believe someone has already spoken to the fact that we have got a potential growing emergency in the defense areas of this country that I am very concerned about also. And, therefore, perhaps it is time for reasonable heads to get together and start working on a plan that can be supported by 218 votes that meets the needs of this country.

Mr. Speaker, today we talk about agriculture. We made that argument. But I think it is going to be "fess up" time and "honest up" time for a lot of us. The concern I have, and why I asked to speak again, is I am afraid that we are going to pursue a process in which we have all kinds of ideas, but no one ever gets 218 votes and we end up pointing the finger of blame. Rural America cannot stand that.

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

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just ask the Members to please support our motion to instruct in order to assure that the farmers and the ranchers of this country in many cases are allowed to plant a crop, to move their livestock, to keep this country whole in its economy and moving forward.

Mr. ORTIZ. Mr. Speaker, I rise in support of this motion to instruct conferees because of the grave drought situation affecting the farmers of south Texas and the difficulties they are facing with the Crop Insurance Program's coverage of their crop loss.

My office has heard from farmers, bankers, and those in the farming industry who have experienced their fifth straight year of weather related crop losses. Assistance under the emergency status designation for Texas agriculture producers is definitely needed.

I am here to voice the concerns of these farmers in Washington and urge that disaster assistance alleviating this situation be made available.

Mr. SANDLIN. Mr. Speaker, over the last month, donated hay has come to Texas from Missouri, Kansas, Illinois, and other states across the country. The free hay is a near miraculous sight for many East Texas ranchers and a wonderful tribute to the generosity of the human spirit. However, in all but a few cases, the hay will provide only a stopgap measure until the cattle producers can find another way to purchase hay.

Most of the state's pasture land is still rated as poor or very poor, and my district in East Texas is one of the driest regions in the state. For months, parched fields have forced Texas ranchers to purchase feed or hay to feed their herds. The dry conditions and the increased demand, however, have made hay scarce and expensive. Texas ranchers are spending an

average of \$3.5 million a day in extra feed costs to support their herds.

All agricultural producers in Texas, not just the ranchers, are suffering through the second severe drought to hit Texas in three years. Total farm and ranch losses from the drought are now estimated to reach \$2.1 billion statewide, with an overall impact to the state economy estimated at \$5.8 billion. Other factors, such as a glut of foreign cotton and bumper crops of grain in the Midwest are driving down commodity prices and compounding an already disastrous year for Texas farmers.

I return home to East Texas every weekend, and every time I do, I hear from another farmer who doesn't think he will make it to next year. Mr. Speaker, these are families who have been farming and feeding the country for generations. These farmers are highly skilled and very efficient, but no farmer, no matter how competent, could get through this year unscathed. And it is not just the farmer who suffers—every time East loses a farming family, the ripple effect is felt throughout the local economy.

Mr. Speaker, we absolutely must take this opportunity to address the crisis in the Texas farming community. We have to provide emergency funds to give the USDA the flexibility to address the needs of Texas farmers and ranchers. With emergency funding, Secretary Glickman can fund the Disaster Reserve Assistance Program to provide feed assistance to ranchers and provide increased flexibility for indemnity payments to producers who have lost their crops. It is only an initial step, Mr. Speaker, but it is a step we must take as soon as possible.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the motion to instruct conferees to agree with the Senate amendments to the Agriculture Appropriations Bill for Fiscal Year 1999 providing emergency funds for agricultural disaster assistance. Our nation's farmers and ranchers, especially those in Texas, have faced extremely difficult financial times due to brutal natural disasters and very low commodity prices over the past five years. They need these emergency funds, and they need them now.

Texas farmers have suffered extraordinary losses. This summer's extreme heat and drought conditions have resulted in near total crop losses for every county I represent. The drought has forced many Texas ranchers, who cannot afford to feed cattle any longer, to liquidate their herds. The crisis has cost the state nearly \$2 billion in economic losses.

Our nation cannot sustain this type of loss. Farmers and ranchers in Texas and other states deserve our assistance in this time of extreme need. They feed us and clothe us providing high quality agriculture products throughout the year. Supporting the Senate amendment for emergency funding is an essential step in the right direction.

We cannot afford to put anymore farmers and ranchers at risk. Although the Senate increase is minimal, it is necessary insurance for our nation's farmers and ranchers who risk losing their livelihood.

Mr. BISHOP. Mr. Speaker, after experiencing one weather-related disaster after another, including this year's drought, the future of production agriculture and family farming in middle and south Georgia faces a threat of almost unprecedented proportions.

This is not a sudden, overnight crisis. Farmers, bankers, and communities dependent on

production agriculture have been in a crisis mode for some time.

Our farmers have faced a threatening situation that has now become even more severe.

Over the past few weeks, I have visited farms to meet with farmers all across the Second District and to see first-hand the destruction that has been wrought by the droughts and other disasters which have struck our area. Indeed, as mentioned by Ms. KAPTUR, the University of Georgia has estimated farmgate value lost this year at over \$767 million.

Farmers want indemnification payments that will give them the same kind of safety-net our government offers to other nations in Asia, such as South Korea, Thailand, Indonesia and the Philippines—to bail them out in their time of crisis.

Farmers want relief from high production costs and low commodity prices.

I promised I would carry that message back to Washington and work with my colleagues in Congress and the Administration to get some relief.

I am pleased to join my colleagues in supporting this motion to instruct the Ag Appropriators to designate disaster spending as "Emergency Spending" under our current Budget Rules.

Ms. KAPTUR. Mr. Speaker, I yield back the balance of my time.

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

Ms. KAPTUR. Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. COBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the motion to instruct.

The vote was taken by electronic device, and there were—yeas 331, nays 66, not voting 37, as follows:

[Roll No. 430]

YEAS—331

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra

Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell

Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle

Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Farr
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Gordon
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hefner
Hill
Hilleary
Hilliard
Hinchev
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer

Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender
McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pascrell
Pastor

Payne
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shuster
Siskisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Traffant
Turner
Upton
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (FL)

NAYS—66

Archer
Barr
Bartlett
Brady (TX)

Coble
Coburn
Cox
Cubin

Doolittle	Largent	Royce
Duncan	Latham	Ryun
Ensign	Leach	Salmon
Ewing	LoBiondo	Sanford
Fox	Manzullo	Scarborough
Frelinghuysen	McIntosh	Schaffer, Bob
Goodlatte	Moran (VA)	Sensenbrenner
Goodling	Myrick	Shadegg
Greenwood	Neumann	Shays
Hayworth	Nussle	Smith (MI)
Hefley	Pappas	Smith (OR)
Henger	Paul	Snowbarger
Hoekstra	Paxon	Stearns
Hostettler	Petri	Sununu
Istook	Pitts	Taylor (NC)
Johnson, Sam	Pombo	Tiahrt
Jones	Radanovich	Wamp
Klug	Roukema	Weldon (FL)

NOT VOTING—37

Clayton	Manton	Rohrabacher
Engel	McGovern	Schumer
Eshoo	McIntyre	Smith, Linda
Fattah	Meeks (NY)	Stabenow
Gonzalez	Mink	Tierney
Goss	Morella	Torres
Graham	Nadler	Towns
Green	Oberstar	Velazquez
Harman	Owens	Weygand
Hastings (FL)	Pelosi	Wynn
Jefferson	Poshard	Young (AK)
Kennedy (MA)	Pryce (OH)	
Lewis (GA)	Riggs	

□ 1149

Mrs. CUBIN and Messrs. SENSENBRENNER, GOODLATTE, COX of California, WELDON of Florida, PAXON, WAMP, GREENWOOD, TAYLOR of North Carolina, FOX of Pennsylvania, and COBLE changed their vote from "yea" to "nay."

Messrs. SCOTT, BACHUS and LEVIN changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, on rollcall No. 430, I intended to vote "no" and inadvertently instead voted "yea" and did not realize my error until the vote was announced.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion to instruct offered by the gentlewoman from Ohio (Ms. Kaptur).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. SKEEN, WALSH, DICKEY, KINGSTON, NETHERCUTT, BONILLA, LATHAM, LIVINGSTON, Ms. KAPTUR, Mr. FAZIO of California, Mr. SERRANO, Ms. DELAURO, and Mr. OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4103) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4103, be instructed to reduce, within the scope of conference, the maximum amount possible from appropriations for low priority congressionally-directed projects not requested in the FY 1999 Defense Department budget request and apply those funds to alleviate high priority military readiness needs for spare parts, quality of life programs, training exercises, retention bonuses, and recruitment incentives.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, my understanding is that the majority party leadership is contemplating an emergency spending supplemental to add substantial sums of money for military readiness to be paid for out of the surplus. The concerns for slippage in military readiness are legitimate and I share them. What I do question is whether this Congress needs to spend sums out of the surplus to take care of those needs when it is evident that we have not come close to squeezing low priority pork barrel spending out of this bill so that that spending can be shifted to meet those legitimate readiness needs.

A lot that often happens in this town is enough to give hypocrisy a bad name, and on this issue I think we have the same principle operating. This Congress has added \$20 billion to military budget requests of the President over the last three years. The vast majority of that money, over 85 percent, has not gone to address readiness shortfalls about which we now hear so many crocodile tears. It has gone for procurement and research, some of it useful, much of it of low priority to meet the political needs of Members for things like additional C-130 aircraft that the Pentagon has not asked for, or questionable studies of the Aurora Borealis. It has been reported that there is \$4 billion in the House defense appropriation bill this year for congressionally-directed projects not requested by the Pentagon.

I want to say that I am not a Percy Pureheart on these items.

□ 1200

I think there are times when the Congress has a perfect right to substitute its judgment on the need for projects for that of the executive branch. I recognize that that is our prerogative. What I do object to is

when we go overboard in the process, and I would like to say that we ought to be able to take at least one-fourth of the congressional add-ons that in my judgment, and in the judgment of many others who know a lot more about it than I do, were made principally to meet the political needs of Members of Congress rather than to meet the defense needs of the country, and we ought to take that money, eliminate those low-priority projects and move that into true readiness portions of the budget for things like quality-of-life improvements for troops, spare parts, recruitment and retention initiatives.

Mr. Speaker, this amendment does not specifically require a specific amount to be moved, but it does instruct the committee, to the maximum possible extent, to move whatever items they can move out of these low-priority pork and project areas into readiness parts of the budget.

Now, I earlier mentioned hypocrisy. We have seen this Congress on several occasions bemoan the very shortfalls that it has helped create.

One example: Just last year, when the leadership of this House attacked the Clinton administration intelligence budget for being too low and then proceeded to cut it even more in order to free up more money for congressional pork.

I do not, as I said, object to the Congress occasionally exercising its independent judgment on the values of some of these projects. What I object to, whether it occurs on the highway bill, or the committee of jurisdiction added over 1,800 pork barrel projects, or whether it happens in this bill, what I object to is when the practice of adding these projects becomes so gross that in the end that itself drives through this place legislation which otherwise would be considered in a more thoughtful way and with a more skeptical eye.

And so I simply want to repeat: This Congress has added in the last 3 years over \$20 billion in military spending, 85 percent of which went to nonreadiness accounts for destroyers that the Pentagon did not ask for or C-130s the Pentagon did not ask for and other items.

In my own district, I have tried to eliminate one military project for 14 years and still have not had any success. I do not know if there is another Member of Congress who has asked the Congress to eliminate a project in his own district. I have not succeeded, but I am going to keep trying.

But what I object to is the mind-set on this bill that always assumes that money should be spent, rather than saying that the burden of proof falls on those once in a while who want to spend the money.

It just seems to me when we are told that there are 11,000 military personnel who are still on food stamps, that what we ought to be doing is putting our money in places that alleviates that demeaning need for them to ask for food stamps when they ought to be

compensated at a level decent enough to avoid having to ask that, and it seems to me we ought to be putting our money into items like that and into other areas of readiness rather than putting so much of it in items that are simply here to make the grease on the bill move the bill a little faster through the process.

So that is all this motion does, and as I said, out of deference to the committee I did not specify any specific dollar amount because the committee knows which items are pork and which items are truly high-priority congressional differences of judgment with the executive branch, and it seems to me that the House ought to adopt this motion and get on with the other business that faces us.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) for bringing this motion to instruct before the House. I do not have any problem with what he is suggesting here because this is what we have been trying to do since we became the majority party and I have had the privilege of chairing this subcommittee. We have tried our very best to eliminate any pork-type spending in the defense bill.

Now we are dealing with 435 Members of the House, 100 Members of the other body, and sometimes it might not be quite as easy as the gentleman from Wisconsin (Mr. OBEY) would suggest, but we do work at it.

And another reason I am glad that he raised this issue: Part of his motion says to apply those funds to alleviate high-priority military readiness needs for spare parts, quality of life, training exercises, retention bonuses and recruitment incentives. That is really one of the big things that we did in the House bill where we added to the President's budget. And we would admit the President's budget was very short in those areas. In our committee we added \$215 million over the President's budget for those spare parts.

More is needed. There are still airplanes in hangars that cannot fly because they do not have spare parts to fix them. There are other problems with spare parts throughout the services. So we agree with that, that we need more money in spare parts.

Quality of life: We added right at a billion dollars for quality-of-life issues, and one of the things that we added over the President's budget was for housing for people who work in the military and live in military housing, so that they have a decent place to live, a decent quality of life. And despite the fact that in the last 3 years we have added considerable money over the President's budget, there is still much to be done to repair and maintain some of the military housing.

For training shortfalls, again as the gentleman from Wisconsin (Mr. OBEY)

refers to it, he is right. We added \$560 million over the President's budget. These are congressional initiatives over the President's budget for training shortfalls, retention and recruiting, again a serious problem. People are leaving the military in large numbers. Recruiting schedules are off. Except for the Marine Corps, who are on schedule, the other services are behind in their recruiting. So we added \$85 million over the President's budget for retention and for recruiting.

We understand these problems, and we are doing the best we can. But I also want to say, Mr. Speaker, that there have been many programs that have been created by the Congress that the Pentagon did not want at the time, and most of those have proved to be very successful. I want to talk about just one or two of them.

Remember our committee was involved some years back in saying to the Defense Department that we need more sealift, we need the ability to get there from here, and the Pentagon objected; they did not like this idea at all. But we went ahead, and we did it anyway, and we bought the fast sealift ships. When Desert Shield, the buildup to Desert Storm, came about, they were all thanking their lucky stars that Congress pushed the program to create the sealift.

Airlift falls into the same category. We pushed the C-17, which now everyone in the world says is one of the smartest things we ever did. Again a push by the Congress over the objections of the Pentagon.

In the last 3 years we have had to add over a billion dollars, congressional adds, because the President's budget was so short when it dealt with health issues, when it dealt with the health care of those who serve in the military and their families.

The list is very long, Mr. Speaker, but I want to say to the gentleman from Wisconsin (Mr. OBEY) and to all those in the House, we recognize our responsibility to the Members of the House and to the Members of the other body, and we recognize our responsibility to those who serve in uniform.

I have a son who is enlisted in the military, and I can tell my colleague, the gentleman from Wisconsin (Mr. OBEY), he does not get enough money, he does not get paid enough. He does not have to live on food stamps because mom and dad tend to take care of some of his other financial requirements. But the lower ranks in the military are not paid enough. And the congressional initiative for fiscal year 1999 is to increase the President's budget request for pay raises by another half a percent. Not enough, not enough yet, but at least a signal to those who serve in the military that we recognize their needs.

So what I am saying, Mr. Speaker, is I do not object to the gentleman from Wisconsin's motion because I agree with it. But I wanted to point out that we are trying to do the very things

that his motion directs us to do, and as we go through this conference, we will continue the effort to make sure that whatever comes out in the final defense appropriations bill will be something that the military has a requirement for, that it responds directly to our national security and that there is a real need for it.

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

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would point out that the gentleman has indicated a number of things which are factually correct, but I think they need to be placed in broader context.

Example: At one point under the previous administration, the Bush administration, there was a complete pause in funding improvements to quality-of-life items for our troops in a number of areas.

I would also point out that the President just today is engaged in a readiness conference with the Joint Chiefs.

The reason that I raised this motion today is simply because I find it ironic that the Congress is considering adding a special supplemental to deal with readiness issues before it has eliminated a good deal of the waste and low-priority pork initiatives that this Congress has been renowned for through the years.

And I want to give my colleagues another example. The highest priority request from the Navy was to fund F-18s to replace aging F-14 aircraft. Thirty-one of those F-14s have gone down! Those planes need to be replaced, and yet the House cut that request in order to fund additional C-130s that the Pentagon had not asked for. Those C-130s were directed to the National Guard. And we should not kid ourselves, most of them were done that way simply to meet pork requests from Members of Congress who are trying to represent the need of their districts.

People will say, "Oh, gee whiz, but some of those C-130s are hurricane fighters." The fact is that the Pentagon showed there was another way to provide hurricane-fighting capacity by having greatly updated C-130s provided in those same areas but not going through an expense that was four times as high by providing new planes rather than updated older versions.

My point is simply that we could have met that need in a cheaper way and still maintained our ability to provide the No. 1 priority that the Navy had: F-18s. And yet this Congress, or this House at least, choose up to this point not to do so.

□ 1215

It just seems to me that this Congress ought to adopt this motion and really mean it and bring a bill back from conference that does eliminate many of the low priority pork items that the committee has added to the bill simply to garner votes for passage of the bill.

Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. HEFNER), the distinguished ranking member on the Subcommittee on Military Construction.

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

Mr. HEFNER. Mr. Speaker, first of all, let me say that in the years that I have been on the Committee on Appropriations, the Subcommittee on Defense, and served for a time as chairman of the Subcommittee on Military Construction and now the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), when he was the full chairman, served with distinction. Now the job has been passed on to the gentleman from Florida (Mr. YOUNG), and he has served with distinction, and we would like to believe that we have done a magnificent job with the limited funds that we have.

I agree with the gentleman from Wisconsin (Mr. OBEY) that priorities sometimes do not go where they need to be. For instance, in all of the time that I was chairman of the Subcommittee on Military Construction, every year, year after year after year, we fell further behind in quality of life as far as the housing for our men and women in the service. This was not a high priority for anybody except the people that were in the service, and for retention, this should have been one of our very, very high priorities. We should not have had to really push to add monies and take monies out of the defense bill and put on to military construction, but our military construction bill and quality of life has continued to decline. When we consider inflationary pressures, we have continued to decline, and we are not doing what we should be doing for quality of life for our family housing.

Mr. Speaker, I think that this is a modest amendment, and I think it points out that when we go to conference, we need to be very strong in our scrutiny of the add-ons and for the so-called pork. What is pork to some people, what is pork in one district is vital to another district. We like to think that we have done a good job, and I commend the gentleman from Florida (Mr. YOUNG) for being one of the fairest chairmen that I have ever served under. I pledge to the gentleman from Wisconsin (Mr. OBEY) that for the remainder of my tenure here, I will work very, very hard to do what I believe to be the responsible thing with the limited dollars that we have.

Mr. Speaker, if I may on a personal note, it has nothing to do with this amendment, but in all the hubbub that we have been having lately, it was alluded to that the terrorist attack that we had on the bases was a personal thing to divert attention. I am not going to get into that argument, but I want to say this. I have been knowing General Shelton, who is a chairman of the joint chiefs, I have been knowing him for years and years and years, and

for anyone to insinuate that he would go along with an operation like this is absolutely ludicrous, and I take it personally. I would think that anybody who would insinuate that personally owes an apology to General Shelton who is one of the finest public servants and one of the finest military people who would never stand for anything of this nature and would not go along with it.

Mr. Speaker, with that I urge that we support the motion of the gentleman from Wisconsin (Mr. OBEY) and that the committee, when we go to conference, look at the differences with the other body and come up with a bill that we believe is responsible and does the job for our military men and women, also for quality of life and the things that need to be done for the defense of this great Nation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a very distinguished member of the Subcommittee on Defense Appropriations, who is also a very distinguished fighter pilot.

Mr. CUNNINGHAM. Mr. Speaker, I would like to tell Members one of the best committees we have in Congress and works in a very bipartisan way is the Committee on National Security on authorization and also on the Committee on Appropriations, the Subcommittee on Defense. Republicans and Democrats focus on a general area and they work in the same direction, and that is national security for the United States of America.

I would like to make a statement that I would like my colleagues to listen to, and that is that even at a low funding rate, under the balanced budget, defense of this country could survive under the balanced budget figure. Would we be strong? No, but we could survive. Could we do 2 MRCs starting now? I do not believe that is the case.

But what the problem is is that the President has us operating at 300 percent above what it was in Vietnam, if we take an already low defense budget and then we pile on top of that \$40 billion because the White House has us deployed all over the world. Some of those places I supported, like Iraq, that the President tried to fight. But we have to pay for those things. That mostly comes out of our operation and maintenance funds. We find ships that are not repaired, we find sailors that are not going.

Mr. Speaker, we are going to lose, and I want my colleagues to listen to this on both sides, between now and over the next 5 years, even if we invest, we are going to lose a great number of aircraft and pilots in our services. Operation Tempo being 300 percent above, the number one issue for sailors and pilots getting out is family separation. Our sailors are getting worked to death. They are away from their families. They are hurting so bad that we are only maintaining 24 percent. When we say we need to recruit, we need to

keep the experienced people that are in the service and not kill them through working them 20 hours a day every day and being away from their families. Mr. Speaker, 24 percent, which means our experience level is going. We are only maintaining 33 percent of our pilots.

The gentleman talks about, well, the Pentagon did not ask for it. In an already low budget, that is one of the things that is kind of smoke and mirrors. The Pentagon does not ask for it. If we ask the Pentagon what they really need and they will tell us they need these things. I talk to them almost every single day and I know most of them by their first names.

Let me tell my colleagues about some pork in my district if we want to call it pork. Captain O'Grady was shot down by a SAM over in Bosnia. When we were in Vietnam he shot a Shrike at a missile site and then they went to standard arm. Those weapons only have a 10 percent, we call it PK, kill probability to take out that weapon. In my district we have a 7-inch tube that uses GPS that will take out that site 95 percent of the time.

Now, some call that pork; I call it survivability of our men and women in our services, and that should be a priority.

The training. Oceana just announced that they normally have 45 F-14s to train their pilots, and the gentleman talked about training. They only had 4. So the capability to train the brand-new pilots coming into the Navy, and then they go overseas with a lack of training, that is all a degradation. We could do it with the balanced budget figures, but we cannot continue to pay for this White House extravagant overseas deployment.

Bosnia. Bosnia, \$12 billion that comes out of the defense budget. I would say to my colleagues on both sides of the aisle, there are national security needs. We need to provide for those, and we are deficient. Just listen to the Joint Chiefs of Staff. Yes, they have to speak the words of the President, such as morale is good. We are near disaster, but when we talk to them, we are in a hollow force. GAO says we are \$150 billion short.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2½ minutes.

I wanted to explain, and again, I have had a number of questions from Members as to what I intended to do on the Obey motion. As I said in my first comments, I intend to support it, because I think it is appropriate that we make sure that whatever goes into the defense appropriations bill actually deals with national defense. So I have no problem with that. In fact, I do support it. But I wanted to make this point.

There is a serious shortfall list that the services, the Army, the Navy, the Air Force and the Marine Corps have

provided to us, as members of the subcommittee, listing things that they need, but they could not fit into the overall budget. Now, many of the Members who have asked to have congressionally-directed adds put in this bill, many of those Members are asking that the shortfall list be dealt with. The Members who are very knowledgeable on national defense issues in this House, and there are many who are knowledgeable, they are working toward the same shortfall list that the Department of Defense has provided for us during our hearings. We will be very careful to make sure that anything that we add over the budget will fit into the category of having a direct national defense effect, and number 2, that there is a requirement for it.

So for those who are questioning how I intend to vote on the Obey motion, I intend to support it because I see nothing at all wrong with it.

Mr. Speaker, I want to take another minute. The gentleman from Wisconsin (Mr. OBEY) mentioned the F-14. He is right, the F-14 had a pretty serious safety record. I led the fight in the committee for years to reengine the F-14s to eliminate the TF-30 engine that was causing many of the accidents and the problems. As the airplane got older, the Defense Department decided not to continue the reengining program because the airplanes would be going out of the inventory. But those F-14s that are going out of the inventory are not nearly as old as some of the C-130s that we are replacing with those that we add today. Some are as many as 40 years old. Yes, some of them are hurricane hunters. Others are refueling tankers used by the Marine Corps and are 40 years old. I just do not think that people who are in uniform and given a mission to fly into a hostile situation should have to fly an airplane that is 40 years old. Frankly, an airplane at 40 years old should not be in the air.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question are postponed.

There was no objection.

The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct, and that I may include tabular and extraneous material.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4112, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4112) making appropriations for the Legislative Branch for fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

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

There was no objection.

□ 1230

MOTION TO INSTRUCT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SERRANO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4112, be instructed to bolster the Capitol police force by concurring in the Senate amendments that restore \$4.197 million of reductions passed by the House for Capitol Police salaries and Capitol Police general expenses.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York (Mr. SERRANO) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I will withhold my comments until we hear from the gentleman from downstate New York.

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

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

Mr. Speaker, I believe this is a motion every Member can support. This has been an extraordinary year for the Capitol Police and its police force. We have seen the first deaths of Capitol Police officers in the line of duty in many years. U.S. embassies have been bombed by terrorists, and the U.S. has responded to this terrorism with missile attacks. All of this raises the perception of threats, if not the actual threats to U.S. interests and institutions all over the world.

The Capitol, of course, is one of the great symbols of our Nation. Therefore, it is occasionally a target of people with seriously deranged thinking or violent anti-American views.

The Capitol is also the seat of the people's branch of our government and the destination of thousands of visitors every day, both constituents and tourists, as well as high-ranking officials of our own government and leaders from all over the world.

I suppose we could be much safer and perhaps also save money if we chose to wall the Capitol complex off from the people. But I believe everyone here would strongly oppose that approach to security.

Instead, Mr. Speaker, the people's branch must remain open to the public. It is our duty, often through this bill, to make sure that the Capitol Police have the resources they need to keep this open campus safe and secure for Members, staff, employees, visitors, and guests.

As threats evolve, responses must evolve, and the Capitol Police must have the resources for the personnel, training, and technology they need.

Mr. Speaker, as I have said before and will no doubt say again, the gentleman from New York (Mr. WALSH) has done an excellent job in putting this bill together. I think our initial decisions on funding levels for the Capitol Police were entirely appropriate.

But since our bill passed the House in June, we have seen the unfortunate murders of Officers Chestnut and Gibson, the bombings of U.S. embassies in Kenya and Tanzania, and the resulting missile attacks on terrorist locations.

All of this has increased the obligations of the Capitol Police, increased the need for overtime, caused new thinking on the physical security needs for the campus and the need for additional resources.

As a first step to that end, and of course there will be additional and more substantial steps, I urge my colleagues to support this motion to instruct conferees, to accept the Senate figures for the Capitol Police.

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

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

Mr. Speaker, I am delighted to accept the gentleman's motion to instruct the conferees. I think it is very constructive. It puts the House squarely in a position where we see the wisdom of the Senate's decision to fund these given the events that my good friend, the gentleman from New York (Mr. SERRANO) has mentioned, especially the tragic events that occurred last month involving the loss of our two officers, Chestnut and Gibson.

We really need to enhance our security, and certainly we need to reward the professionalism and the high quality of service provided by our Capitol Hill Police.

So we see this as constructive and support the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. SERRANO).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular extraneous material.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. Walsh, Young of Florida, Cunningham, Wamp, Latham, Livingston, Serrano, Fazio of California, Hoyer, and Obey.

There was no objection.

APPOINTMENT OF CONFEREES ON
H.R. 4328, DEPARTMENT OF
TRANSPORTATION AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1999

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves, that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4328, be instructed to disagree to a provision in the Senate bill that amends the Alaska National Interest Lands Conservation Act to allow helicopters unrestricted access to wilderness areas in Alaska.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. SABO) and the gentleman from Virginia (Mr. WOLF) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

Mr. Speaker, when H.R. 4328, the fiscal year 1999 transportation appropriations bill passed the House, it was a bill that was relatively free of anti-environmental riders. However, the Senate has attached to the bill several controversial riders that undermine important environmental protections.

Mr. Speaker, this Motion to instruct addresses the most controversial of

those riders which would amend the Alaskan National Interest Lands Conservation Act to permit helicopters to operate inland in all national wildlife refuges, national parks and wilderness study areas in Alaska. This motion to instruct directs the House conferees to disagree with this provision which is not in the House bill.

Mr. Speaker, the Senate rider has no place in the transportation appropriations bill. First, the provision is a legislative provision that amends the Alaska National Interest Lands Conservation Act, a law that is within the jurisdiction of the House Committee on Resources.

Second, this provision is not simply a provision to clarify as some have claimed. It would rewrite 18 years of national environmental policy with potentially far-reaching impacts that, according to the National Park Service, could fundamentally change the character of national parks in Alaska.

Currently, helicopter landings are allowed in Alaska wilderness areas only for emergency reasons and on a case-by-case basis for nonemergency uses in nonwilderness areas. These restrictions were carefully constructed when ANILCA was adopted in 1980.

This amendment would lift those restrictions, allowing helicopters to land routinely in the remote areas of the Tongass National Forest, the glaciers of Kenai Fjords National Park, and the inlets of Glacier Bay, primarily for the benefit of helicopter tour operators and cruise ship passengers who want to take these sightseeing tours.

Mr. Speaker, the administration has strongly objected to this provision. The Secretaries of Interior and Agriculture have previously recommended that bills containing similar provisions be vetoed. Federal land management agencies have already considered the expanded use of helicopters on wilderness lands in Alaska and found it to be inappropriate.

Numerous environmental groups also have objected to this provision. They fear that the constant buzz of helicopters dropping tourists into fragile ecosystems on the tops of mountains, near isolated lakes, and in other pristine areas for purely recreational purposes could destroy the very essence of these wild areas, disturb wildlife, and disrupt habitat protection activities for threatened and endangered species.

Further, hunting and sporting organizations have objected to this provision. They are asking us to safeguard default hunting and sporting opportunities in Alaska by rejecting this provision.

Mr. Speaker, this anti-environmental rider is controversial and complex and should not be included in the conference report on the transportation appropriation bill. I urge adoption of this motion.

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

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members have 5

legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I rise in very, very strong support of the motion to instruct the conferees offered by my good friend, the gentleman from Minnesota (Mr. SABO).

The Senate version of the FY 1999 Department of Transportation and Related Agencies Appropriations bill includes a rider which would amend current law to change "airplanes" to "aircraft" to allow helicopters to operate and land in conservation systems units in Alaska, including wilderness areas and wilderness study areas. To permit helicopters in Alaskan wilderness and other conservation areas would be a travesty and, quite frankly, just flat wrong.

If the Senate provision were adopted, there would be widespread commercialization of the Alaska wilderness. Recreational helicopters, operated by tour companies, would penetrate and land in parks, wilderness and other conservation areas, significantly altering the experience of the park and threatening the resources of these very special places.

Opening these conservation units in Alaska to aircraft access is opening them to virtually unlimited access. Helicopter use has few limitations. Virtually any area can be accessed and any small clearing is suitable for landing. Furthermore, the Senate provision opens the door not only for helicopters but also for hover craft, ultralights and virtually any and every technological innovation that personal aircraft industry may produce.

Unrestricted helicopter access, operations and landings would disrupt ongoing conservation efforts in the national parks, national wildlife refuges, national forests and on the public lands. Scientific research has demonstrated that helicopter noise levels can adversely impact wildlife. The noise and wind disruption from helicopters would impact the caribou, the moose, the waterfowl, raptors and other bird species, brown and black bears, and certain other animals and mammals.

Unrestricted helicopter operations would destroy the very essence of these wild areas, by allowing helicopter-borne recreation, hunting and fishing access to areas of this country that we have determined to be pristine, and would be absolutely wrong. Poaching and other illegal hunting would also, I think, become commonplace.

The Senate amendment should be resoundingly rejected by the House. We must protect our Nation's wilderness areas for generations to come. We must not permit the commercialization of

national wilderness lands and allow tour operators to destroy these untrampled areas, all for the sake of a couple of dollars.

I favor the gentleman offering the amendment and strongly urge the Members to support it.

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

Mr. SABO. Mr. Speaker, I thank the chairman for his support of this motion.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman from Minnesota (Mr. SABO) and I also thank the chairman for his comment in accepting this motion by my colleague, the gentleman from Minnesota (Mr. SABO).

Mr. Speaker, I rise in certainly strong support of it. I would just point out to my colleagues that Alaska under the land use laws that were passed in ANILCA and in other land use laws is already treated special by permitting airplanes to land within some parks, wilderness and refuges. We do not permit helicopters landing in wilderness or on an open basis in refuges, or certainly in our national parks for that matter, other than that we do have some of the Frank Church wilderness, some landing strips which were preserved there.

Congress and the law already treats Alaska special by permitting aircraft and other access with special transportation through these stretches of wilderness of refuge and parks in Alaska. We already do that. What is being proposed here is that you take off almost all restrictions with regards to the penetration of helicopters, ultralights in wilderness, parks refuges in Alaska, basically in such a way as would substantially damage these areas.

We are not talking for safety and health reasons in this case. We are talking for sport purposes, for tourist purposes and, in fact, of course, you prevent the basic aircraft definition in law and the business that has been built up in Alaska today relying upon the current law.

As far as sportsmen are concerned, I do not think it takes much imagination to recognize if you can put a helicopter into a key area where you have some of the trophy hunting that might go on, it would not be long before there would not be many of those species left that are so desirable.

□ 1245

That is why I think some of the hunting groups have spoken out against this, recognizing that it is really destroying this last great stretch of wilderness and these special areas which serve as home for the spectacular species.

So, I certainly rise in strong opposition to this proviso in the Senate-passed measure and would point out

that there is no technical mistake in the law. Some of my colleagues and I were here when this law was enacted. Senator GLENN and others were active. Obviously, our good friend and my mentor, Mo Udall, was here and when he wrote this there was a pretty big debate about what constituted transportation in this area at that time and how we are going to conduct ourselves, and extended some privileges and some opportunities, I think practically, to the residents of Alaska and others to facilitate the transportation and use of such significant areas under the special land designations.

Mr. Speaker, the legislative language points out the use of some motorized vehicles such as snowmobiles and others in the report language explaining intent. So, it is very specific in terms of how it deals with and defines airplanes. Thus, the effort to try and rewrite and suggest that words mean what we say they mean by our two esteemed Senators from Alaska that have placed this in the language here is just dead wrong.

Mr. Speaker, I would urge my colleagues to support the Sabo motion, as the gentleman from Virginia (Chairman WOLF) has offered to do, and for them to stick by this recommendation in the House in conference. It is an important change, an unnecessary change, and we should not accept it legislatively. We should not accept it in this end-around, rider process that is being practiced all too often, I might say, by the Senate and by others in the appropriation process. This motion should be supported and these proposed Senate amendments eliminated.

Mr. SABO. Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I rise in support of the Motion to Instruct the conferees on the bill H.R. 4328.

Section 342 of the Senate-passed version of the Transportation Appropriations Bill contains an extremely controversial legislative rider which would amend the Alaska National Interest Lands Conservation Act to allow commercial and private helicopter fly and land in Alaskan wilderness areas, National Parks, National Wildlife Refuges and National Forests.

This is an ill-advised rider. Helicopters simply do not belong in Congressionally designated wilderness areas, except in cases of emergency, which is already permitted by law. The concentrated noise that helicopters produce and their ability to hover, move slowly, and descend anywhere can drive wildlife out of habitat areas and destroy the wilderness experience of those visiting these protected places.

Some in the Republican Majority seem to be spending half their time trying to pass laws like the so-called American Land Sovereignty Protection Act (which was supposed to protect us from an invasion of imaginary black helicopters), and the other half of their time trying to allow real commercial helicopters to buzz through pristine wilderness areas, disrupting the wildlife, annoying campers, hunters, and hikers.

The Alaska National Lands Conservation Act contains a carefully crafted compromise

which allows fixed-wing airplane landings in Alaska's wilderness areas. This provision in current law was adopted because Congress recognized that airplanes were a reasonable and necessary way to reach some of the remote wilderness areas in Alaska, and they cause only a fraction of the noise and disturbance produced by helicopters. To now undo this compromise and allow helicopter landings in wilderness undermines the original intent of the Wilderness Act of 1964 and the Alaska National Lands Conservation Act of 1980.

We have had no hearings on such a significant change in national wilderness policy in the Resources Committee, which is the jurisdictional authorizing Committee. We have had no process. No bills have been introduced in the House that would authorize such a change in the law. We have heard no testimony as to why Congress should undo the compromise which was struck back in 1980 when we last considered this issue. In 1996, the U.S. Forest Service considered a request to allow helicopters to land in the Tongass National Forest, but rejected it due to public opposition. Shouldn't we at least have a single hearing before we tell the helicopter pilots: Gentlemen, start your engines?

Sportsmen and conservation groups are opposed to this provision. This rider is opposed by the National Audubon Society, Sportsman's Network, the Wilderness Society, the Alabama Rifle & Pistol Association, the Alaska Wilderness League, the National Parks Conservation Association, the Alaska Center for the Environment, the Alaska Conservation Alliance, the Alaska Quiet Rights Coalition, the Alaska Rainforest Campaign, the Alaska Wildlife Alliance, the Denali Citizen's Council, the Southeast Alaska Conservation Council, and the Trustees for Alaska. In addition, this rider is also opposed by the Alaska Wilderness Recreation & Tourism Association, which represents more than 300 small Alaskan tourism businesses that depend on Alaska's wild lands and wildlife.

The Motion to Instruct would direct the conferees to oppose this ill-advised provision that would disrupt the wilderness character of Alaska's national parks and wildlife refuges. I urge my colleagues to support its adoption.

Mr. YOUNG of Alaska. Mr. Speaker, the motion to instruct conferees is unjustified and just boggles my mind. The motion in effect says the House of Representatives does not believe that helicopter landings in the millions of acres of wilderness areas of Alaska should be permitted. It says that if you're elderly, infirm, or unable to walk, you can't use the aid of a helicopter to see public wilderness areas.

These areas should be open to everyone, not just rugged backcountry hikers.

The provision inserted by Alaska's Senators simply clarifies what we thought helicopter operators should have the right to do: land where they have traditionally landed before such areas were designated as wilderness.

It must be remembered that Alaska has over 50 million acres of wilderness. This is an area half the size of California. If the Federal Government enacted legislation restricting aircraft flight over an area this size in any other State, there would be an outcry.

There has been an outcry in Alaska.

The land management agencies will not recognize the historical use of such aircraft in areas where they clearly operated prior to the passage of ANILCA or the Wilderness Act.

The Wilderness Act and ANILCA provide that helicopters can land in wilderness areas. Here is what section 4(d)(1) of the Wilderness Act says, "Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable." I don't know about anyone else, but "aircraft" means airplanes and helicopters.

This is crystal clear, but ANILCA reinforced this further when it allowed valid existing access rights to continue. This is a fair and balanced approach in public lands policy because it doesn't take away rights and privileges that were enjoyed long before Congress designated wilderness in my State.

The problem addressed by the Senate provision is that land management agencies will not even recognize the historical use of helicopters—or any other aircraft like hot air balloons—in areas where they clearly operated prior to wilderness designation. For example, the U.S. Forest Service recently concluded a major record of decision in which it completely prohibited helicopter access to all wilderness areas in the national forests in southeast Alaska.

By doing so, it completely ignored the historical record by which helicopters had operated in these areas for over 40 years. Further, it made this decision even though the preferred alternative of an EIS done by the Forest Service specifically allowed for landings in wilderness areas, pursuant to written law. This was a political decision made in Washington and didn't reflect the record of the NEPA process which carefully analyzed the potential wilderness areas.

Let me describe the silliness of the situation. In these areas it is perfectly legal to land a plane on a river sand bar, or a grassy area, or even on a glacier on skis, but in the same area you cannot land a helicopter or hot air balloon.

Think about it—bureaucrats in Washington decided a fixed-wing airplane which needs hundreds of feet to land will have a worse impact than a helicopter or a hot air balloon, which can land on an area less than 15 feet by 15 feet.

In fact, a helicopter has less impact than a fixed-wing aircraft on the environment in many cases.

My colleagues considering the motion to instruct conferees need to evaluate these facts when they vote. But I want them to think of one more thing.

Helicopters now land in the wilderness—but only when it serves the interest of the government or special interests. Let me give some examples. Helicopters are regularly used to assist mountain climbers in trouble on Denali (also called Mt. McKinley). In fact, the Park Service has a special high-altitude helicopter on stand-by to help them. Another example is when the Park Service quickly issued a special permit for the Chairman of FERC to use a helicopter to land in a wilderness area of Glacier Bay National Park to inspect the area for a potential hydro site.

Federal agencies use helicopters in support of wilderness management. This is reasonable, but it has no less impact than the relatively few helicopter landings by non-federal operators.

The message here is—if you're a government official, enjoy helicopters in the wilder-

ness. If you're a taxpayer—forget it. In their minds, people in wilderness areas are bad—unless you're a government employee.

This motion is wrong, unfair, and misguided, and I strongly urge its defeat.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the previous question is ordered.

There was no objection.
The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

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

Mr. SABO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question are postponed.

There was no objection.
The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

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

There was no objection.
MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:
Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4194, be instructed to insist on the House position providing a total of \$17,361,395,998 for the Department of Veterans Affairs medical care account.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, I do not think this will take very long. Let me simply explain what is in this motion to instruct.

During House consideration of this bill a number of weeks ago, an amend-

ment was adopted which reduced non-overhead administrative expenses of the Federal Housing Administration by \$303 million and transferred the funding to the Veterans Medical Care account. During that debate, I do not believe that anyone spoke against providing additional funding for Veterans Medical Care. There were, however, concerns about the source of the funding used as an offset for the increased funds. That concern was that reducing FHA administrative expenses by approximately one-third would cripple its operations with disastrous effects throughout the country.

Since that time, we have now had a ruling by the Office of Management and Budget, and it appear that the reasons for those concerns, because of that ruling, have now gone away. I am not sure what the rationale for their change of heart is, but apparently the general counsels of both OMB and the Department of Housing and Urban Development have determined that at least for fiscal 1999, the FHA does not have to have appropriated funds to pay for its nonoverhead administrative expenses.

If adopted by the House and followed by the conferees, the motion now before us would result in providing \$17.36 billion for Veterans Medical Care in 1999. While this amount is still far below the \$18.8 billion recommended by the veterans service organizations' independent budget, it is a big improvement above the \$17.06 billion in the House-reported bill and higher than the Senate recommendation of \$17.25 billion.

So, Mr. Speaker, my motion is very simple. It simply reaffirms the action of the House, providing an additional \$303 million for Veterans Medical Care, but without the negative impact of virtually shutting down the Federal Housing Administration in order to do so, the concern which existed prior to the OMB ruling.

Since the OMB has now decided that the appropriated funds are not required for the FHA administrative expenses, this is, in essence, a win-win situation. Veterans health care is increased and, unlike the situation when the bill was before the House, it will not have to cripple its operating expenses in FHA in order to pay for it.

Mr. Speaker, I therefore urge all Members on both sides of the aisle to support the motion.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding and I rise to support his motion to instruct.

Mr. Speaker, I was one that voted against the transfer of this money, because I am concerned about housing and the problems that we have had with the ownership and the goals of ownership of housing in the Nation and did not want to take away from the FHA program.

I know it was a tough vote at that time. It makes it a little tougher now to come back and realize that the scoring change is such that it does not damage FHA, but at the time clearly it was the impression and the representation that it did affect the FHA and the loan programs.

I am pleased to join in finding some transfer and ability to express my concern for the veterans health budget. The important work in terms of keeping those commitments to veterans, at the same time we do not depreciate the goals in terms of FHA housing.

Mr. Speaker, I know that my advocacy for housing is something that I take a second seat to no one with regards to that concern. I am pleased to have stood up at that time and spoken out. I sadly think that housing in this chamber, assisted and other types of ownership housing, is not something that appears to be very high in the priority agenda of this House. I wish we could work to gain much better support, but unfortunately today that is not the case and I think we are losing a lot of assisted and public housing which is very important to the constituents of my district.

We have a great housing agency in St. Paul in Minnesota, and, unfortunately, I think we are facing the very real prospect of losing a considerable amount of that assisted and public housing which is expensive and which is very, very much needed today because of the disparities in terms of incomes and the special populations that I represent of Southeast Asians and many others who are attempting to get by in our modern day economy.

As one of my mentors and teachers taught: On the average, things look all right, but nobody lives on the average. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for bringing this motion to the House today and support veterans and hope that in the future we can do better for the important housing programs in this Nation.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman from Minnesota (Mr. VENTO) for his support. I would simply say that with respect to housing in general, this Congress is going to have some severe problems in the coming 2 or 3 years because of some severe shortfalls that are going to occur in that account.

I am happy that OMB and the agency involved have now been able to make certain that we will be able at this juncture to fund the increase in veterans health care without crippling further the operation of the FHA housing account. I think it would be a very useful thing to accomplish and that is why we offer this motion and make clear that that is how everyone in the House feels.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it would be very difficult for the chairman of the sub-

committee to object to this amendment, for essentially the amendment confirms that which was the direction of the House. I must say that I am both a little confused and rather startled at the gentleman from Wisconsin (Mr. OBEY), ranking member of the full committee, essentially carrying an amendment that would in its written form appear to limit the flexibility of the subcommittee that goes to conference with the other body.

While the Office of Management and Budget had told us that we needed to have these monies out of discretionary accounts for administrative purposes, and after we walked the plank taking money that otherwise could have gone to other vital needs in housing areas, essentially forced us in the direction of putting discretionary money into administrative responsibilities, they have now cut off that plank which was the plank that the gentleman from Minnesota (Mr. VENTO) found himself on and they have now had us on that plank and neatly cut it off.

My concern, though, is that there is little doubt that within Veterans Medical Care we have done all that we could to make certain that those accounts were reasonably funded. Indeed, our amount in the bill, before this amendment, was over the President's request. Over the President's request. I think both sides, especially members of the Committee on Appropriations, know that in a nonpartisan way we have been very generous to veterans' accounts. But also the Committee on Appropriations members know how important it is for us to maintain the integrity of our committee as we go to conference with the Senate.

Mr. Speaker, I am very disconcerted by the fact that we have not been able to fund subsidized rental accounts as we might have. The affordable housing accounts that the gentleman from Minnesota referred to could use additional funding. The money we are dealing with here are outlays at very high levels like 90 percent, so it puts very great pressure on the subcommittee in terms of the flexibility we need. Indeed, one might suggest that some of those other very vital accounts that are designed to help poor people might have received some relief if there was more flexibility going to conference with the Senate.

I know that it is not the intent of the ranking member of the Committee on Appropriations to create a circumstance where it is more difficult for us to do our work. But I do scratch my head at the ranking member repeating essentially what was the will of the House when they voted on that amendment.

Mr. Speaker, I want my colleagues to know that this subcommittee chairman, I am not sure about the ranking member, but this subcommittee chairman takes very seriously the direction of the House. And I consider every element of our bill to be the direction of the House as I go to work with the Senate.

I must say that if there is a pattern that could further undermine the entire Committee on Appropriations in its credibility in this body, it is by way of creating this kind of rigid stance on the part of the leadership of the committee itself.

I talked with the ranking member of the subcommittee just after I learned about this proposal, for he and I share our concern about making sure we have great flexibility, especially to deal with housing accounts, and I was astonished to learn that that was the first he had heard of this recommendation when I presented it to him.

□ 1300

So it seems to me that there is a disconnect here. I know that when the ranking member was in the majority on the Committee on Appropriations he would have been pounding the table at this kind of rigid direction. Nonetheless, I see this as an expression of the will of the House, and I do not know why the chairman should object to it.

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

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

I would like to make one comment, if I could have the attention of the gentleman from California. Surely this is not the most startling action that I have ever taken in the gentleman's eyes. The gentleman said he was startled.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I would say to the gentleman that I am certain it is not the most startling.

Mr. OBEY. All right.

Mr. Speaker, let me simply say that I do wish that we could have contacted the ranking minority member of the subcommittee. He was unreachable this morning because he was engaged in other activities. That is the only reason he was not contacted.

I think it is very clear that we are simply offering this motion because the House spoke clearly about its desire to fund the veterans' health care budget as fully as we could. But at the time it spoke, a number of Members were under the impression that that action could not be taken by crippling the FHA housing accounts. Since we now find out that that concern has been corrected by the OMB ruling, we felt this was the logical action to take, and that is why I offered the amendment.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I understand there is also a proposal, as the gentleman is aware, and I am not asking his position on it, that would expand the FHA limits, which has been something very much sought after by

the administration. This particular change would not affect the expansion of those limits, is that correct, that the subject of difference will be within the conference?

Mr. OBEY. Mr. Speaker, reclaiming my time, I would say to the gentleman that, no, this does not have anything to do with that. On that issue, if I could take both HUD and several other parties to the issue and put them in a room and forget about them for 2 years, I would be happy to do that.

Mr. VENTO. Mr. Speaker, if the gentleman will continue to yield, I would join the gentleman in locking that door until agreement is achieved regarding FHA limit increases.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume. I have no additional requests for time, but I would like to close by making a couple of limited comments.

I must say that there is little doubt that within some of these accounts that are housing accounts, like vouchers, like subsidized rental housing, like programs that involve the efforts we have to open the doorway of opportunity to the poorest of the poor in our society, we have not had all the money that we would like to have in those accounts. Indeed, this administrative decision by OMB originally did put great pressure upon those elements of the housing accounts.

To now have them change their mind and not have us have the flexibility to apply them, for example, to a great priority of the Secretary of Housing, vouchers, or some other very, very vital housing program, where we are dealing with the poorest of the poor, and shift it to accounts where we are over the President's request in the bill, before the fact, at least causes me to scratch my head, when the ranking member knows how important it is when we go to conference with the Senate to have as much flexibility as possible. By this action we may very well have harmed many of the very poor people in our country that the ranking member at least tells me constantly he is so concerned about.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question will be postponed.

There was no objection.

The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

SPEED TRAFFICKING LIFE IN PRISON ACT OF 1998

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3898) to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to conform penalties for violations involving certain amounts of methamphetamine to penalties for violations involving similar amounts cocaine base, as amended.

The Clerk read as follows:

H.R. 3898

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 "Speed Trafficking Life In Prison Act of 1998".

SEC. 2. METHAMPHETAMINE TRAFFICKING PENALTY ADJUSTMENTS.

(a) AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.—*The Controlled Substances Act is amended—*

(1) *in section 401(b)(1)(A)(viii) (21 U.S.C. 841(b)(1)(A)(viii)) by—*

(A) *striking "100 grams" and inserting "50 grams"; and*

(B) *striking "1 kilogram" and inserting "500 grams"; and*

(2) *in section 401(b)(1)(B)(viii) (21 U.S.C. 841(b)(1)(B)(viii)) by—*

(A) *striking "10 grams" and inserting "5 grams"; and*

(B) *striking "100 grams" and inserting "50 grams".*

(b) AMENDMENTS TO THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—*The Controlled Substances Import and Export Act is amended—*

(1) *in section 1010(b)(1)(H) (21 U.S.C. 960(b)(1)(H)) by—*

(A) *striking "100 grams" and inserting "50 grams";*

(B) *striking "1 kilogram" and inserting "500 grams"; and*

(C) *striking the period at the end and inserting a semicolon; and*

(2) *in section 1010(b)(2)(H) (21 U.S.C. 960(b)(2)(H)) by—*

(A) *striking "10 grams" and inserting "5 grams";*

(B) *striking "100 grams" and inserting "50 grams"; and*

(C) *striking the period at the end and inserting a semicolon.*

SEC. 3. PREPARATION OF AN IMPACT STATEMENT.

The United States Sentencing Commission shall prepare a statement analyzing the impact of the sentences imposed as a result of the amendments made by this Act and present that analysis to Congress not later than one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 3898, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3898, the Speed Trafficking Life In Prison Act of 1998, increases the penalties for manufacturing, trafficking or importing methamphetamine. It was introduced on May 19, 1998 by the gentleman from Texas (Mr. SESSIONS) and reported favorably by the Committee on the Judiciary on July 21. It represents an important step by this Congress to respond to the methamphetamine epidemic.

As members of the subcommittee well know, methamphetamine is no longer merely a California problem or a southwest problem, it is a national problem. It has spread east, devastating some communities much like crack cocaine did in the 1980s. The testimony received by the House Subcommittee on Crime of the Committee on the Judiciary in recent years paints a grim picture of an emerging epidemic: Emergency room methamphetamine episodes in major metropolitan areas have increased dramatically. Methamphetamine deaths around the country have skyrocketed, and clandestine methamphetamine labs have now been reported in all 50 States.

There are numerous unique problems associated with methamphetamine. The profits involved in the methamphetamine trade are enormous. Methamphetamine causes longer highs than cocaine. Methamphetamine is processed in clandestine labs, often located in remote areas, making them difficult to detect. And the numerous highly toxic chemicals used to manufacture methamphetamine are extremely flammable and destructive to the environment.

Over the last 8 years, sophisticated drug organizations from Mexico have replaced motorcycle gangs as the major methamphetamine producers and traffickers. These organizations have established large clandestine labs throughout the Southwest and have saturated the western U.S. market with high purity methamphetamine, leading to lower prices. The 1994 methamphetamine related murder of DEA agent Richard Fass is a sober reminder of the violence associated with methamphetamine trafficking. In short, methamphetamine represents a dangerous, time-consuming, and expensive investigative challenge to law enforcement.

H.R. 3898 increases the penalties for manufacturing, trafficking or importing methamphetamine so as to make those penalties the same as for crack cocaine. It does so by reducing by one-half the quantity of methamphetamine required to trigger the mandatory minimum sentences established in current law. Under current law, 100 grams of methamphetamine triggers the 10-year mandatory minimum, and 10 grams triggers the 5-year mandatory minimum. In both cases, under current law, an offender with prior felony drug offenses can receive life in prison. So can an offender when the use of the methamphetamine leads to the death or serious bodily injury of another. Under this bill, 50 grams triggers a 10-year mandatory minimum prison sentence, and 5 grams of methamphetamine triggers a 5-year mandatory minimum prison sentence. These sentences are identical to those called for in the administration's 1996 methamphetamine strategy. Furthermore, the House of Representatives passed an identical provision last Congress as a part of H.R. 3852, the Comprehensive Methamphetamine Control Act of 1996. Unfortunately, the Senate version of this same bill did not include this penalty enhancement provision and it did not become law.

I want to close with an observation. Reports released in recent months show that cocaine use nationally continues to decline slightly, while methamphetamine use continues to increase. A little more than a decade ago, Congress responded to the emerging cocaine epidemic by moving bipartisan legislation which provided tough mandatory minimum penalties for those who manufacture and traffic cocaine. I have no doubt that those tough penalties saved lives, in part because they sent a message to younger generations that trafficking cocaine deserves society's strongest condemnation. And while cocaine trafficking and use remain unacceptably high, they are declining.

Today, Congress once again has the opportunity to take action, bipartisan action, regarding an emerging epidemic: The methamphetamine crisis. Let us send a clear message today, as we did then: Methamphetamine trafficking deserves our strongest condemnation.

I join the gentleman from Texas (Mr. SESSIONS), the author of this bill, the administration, and the 386 Members of this body who voted for it in the last Congress in supporting this important bill and urge its passage.

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

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

Mr. Speaker, I rise in opposition to this legislation. But before I proceed with a statement, I do want to acknowledge and commend the bill's sponsor, the gentleman from Texas (Mr. SESSIONS), for his sincere and genuine effort in terms of dealing with this issue. Although he and I disagree, I do want to acknowledge that he has worked cooperatively and hard on this issue, and I know his heart is in the right place. Unfortunately, this is not the right answer. Once again, Congress is taking upon itself the role that it wisely assigned to the sentencing commission to establish appropriate sentences within the sentencing guidelines for a broad range of Federal offenses.

We do have a drug problem in this country, and it is a serious problem. We all recognize that. But serious problems require serious solutions, and this is not the answer. We have absolutely no evidence, no data, and none has been presented, to suggest that cutting by half the amount of methamphetamine it will take to trigger the current 5- and 10-year mandatory minimums will have any measurable effect on the problem. None.

The only thing we can predict with certainty is that lowering the threshold will waste precious resources incarcerating people for relatively minor nonviolent offenses, resources that are needed to lock up offenders. In other words, Mr. Speaker, we will be putting the wrong people in jail.

While it might make sense to impose lengthy sentences on high-level dealers, these mandatory minimums allow for no such distinctions to be made. Whether the offender has 5 grams or 10 grams in his possession does not tell us very much about the situation with which we are dealing, yet these laws allow the judge to consider no other factors in pronouncing sentences and often give no leeway or discretion to the prosecutor in terms of the charging decision. Again, let me suggest that we will be putting the wrong people in jail.

Last year a RAND study of cocaine sentencing policy found that the mandatory minimum sentences are not effective in reducing either drug consumption or drug-related crime. The study concluded that it would be more cost effective, it would make sense, to spend the same money on drug enforcement and drug treatment programs.

Nearly half of the drug offenders sentenced to long mandatory sentences in Massachusetts' state prisons have no record of violent crime. It simply makes no sense to spend \$30,000 to \$40,000 a year to keep these people in jail, often for terms that are far great-

er than the times served for criminals convicted of manslaughter, armed robbery, rape and the whole array of violent crimes.

□ 1315

Violent predators are being released in favor of drug addicts. Yet these anomalous results will continue to occur if Congress insists on intruding into the sentencing process wherever the spirit or the polls inspire us to do so. This simply makes no sense, Mr. Speaker. I urge this House to think about that, to think about our present course.

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

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

I simply want to address the concerns some people have said that the bill does not address the simple possession of methamphetamine. Paragraph (a) in the bill addresses the manufacture, distribution or trafficking of meth and the possession of meth with the intent to manufacture, distribute or traffic. Paragraph (b) addresses the importing and exporting of meth or the possession of meth with the intent to import or export. Therefore, under current law, title 18, section 841 and title XXI, section 990 and under this bill, no one could be prosecuted for a simple possession.

Let us be perfectly clear. This bill increases penalties on those who knowingly import, manufacture and traffic a drug that is as insidious as crack cocaine and more dangerous in certain respects. We do not add any new penalties in this bill. We simply put the penalties of methamphetamine up to a level, the same as crack cocaine. We are not adding anything in the broad sense of the law. To a great extent, methamphetamine is a homegrown operation. That is to say, it is made in kitchens and backyard makeshift labs all around the country. It is a fly-by-the-seat-of-the-pants operation posing numerous dangers. The chemicals used to manufacture meth are enormously destructive to the environment, extremely toxic and pose huge dangers to human life. Furthermore, the labs are increasingly booby-trapped, putting the lives of our law enforcement agents on the line. Methamphetamine-related defendants are overwhelmingly white. The administration supports this bill. These increased penalties were called for in the administration's methamphetamine strategy and sent to Congress by Attorney General Reno and Drug Czar Barry McCaffrey.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SESSIONS), the author of this bill.

Mr. SESSIONS. Mr. Speaker, today we are considering H.R. 3898, the Speed Trafficking Life in Prison Act of 1998. Mr. Speaker, clearly we are in the middle of a crisis in our country. Methamphetamine trafficking in this country is at an all-time high and it seems like that we have got to do something

about it. That is why I drafted H.R. 3898 which will cut in half the amounts of methamphetamine in the Controlled Substances Act necessary to invoke the most severe penalties.

Many of our colleagues know from their work in the war against drugs, also are aware of this, and sometimes they call methamphetamines other things. It is often known as "speed," "ice," or "crank," and it causes severe side effects and can result in death. After prolonged use, methamphetamine leads to bingeing, often causing users to consume the drug continuously for up to 3 days without sleeping. Following the binge is severe depression, followed by worsening paranoia, belligerence, and aggression which is known as "tweaking." Then the user collapses from exhaustion, waking up days later simply to begin the cycle again.

The new ephedrine-based methamphetamine is worse, however. It leads to sleepless binges that can last up to 15 days and end in crashes that are far worse than those with regular methamphetamine. These crashes not only cause the loss of life and the spirit in our children, but they bring about violence and disruptive behaviors that endanger families and everyone in America's communities.

I am unwilling to accept this behavior and have begun my fight so that we will not accept this that is happening to our country. I hope that my colleagues are listening and that Americans are with us as we join in this continued fight against drugs in our country.

On July 21, 1997, I held a congressional hearing in my district, the Fifth Congressional District of Texas, at Mesquite High School, to discuss the problem of illegal drug trafficking and what our national, State and local leaders were doing about it. Testimony from the Drug Enforcement Administration, known as the DEA, clearly demonstrated that the new wave of methamphetamine use was attacking our country and also was coming across our borders. According to the 1996 National Household Survey on Drug Abuse, an estimated 4.9 million people, which is 2.3 percent of the population, have tried methamphetamines at some time in their lives. Data from the 1996 Drug Warning Abuse Network, which collects information on drug-related episodes from hospital emergency departments in 21 metropolitan areas, reported that methamphetamine-related episodes increased 71 percent between the first half of 1996 and the second half of 1996, or, put in numbers, from 4,000 to 6,800.

Too often, I believe we point to foreign countries as the sources of dangerous drugs to our children and Americans. But with methamphetamine, the drug can be manufactured easily within our own borders. It is what I call a "made in America" product. It has catastrophic consequences to our environment and puts first responders, our

men and women in law enforcement and firefighters, in grave danger from fires and explosion.

That is why I drafted H.R. 3898, the Speed Trafficking Life in Prison Act of 1998, to put those who manufacture or distribute methamphetamine in prison for as long as possible. Those who abuse drugs should take responsibility for their actions, but there are also victims. They are victims of drug thugs, the killers who put this stuff on our streets and in our communities. It is those people that we are aiming our legislation at.

I hope and urge all of my colleagues to support this reasonable approach to dealing with drugs that are killing our children.

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

Mr. MCCOLLUM. Mr. Speaker, I yield myself 1 minute. I want to again commend the gentleman from Texas for bringing this resolution to the floor. Methamphetamine is an increasingly dangerous drug. We are going to have a lot of discussions on the floor of the House in the next couple of days about very dangerous drugs, cocaine, heroin and the like. But we must not forget that those are all grown and we have to worry about controlling those and getting those imported into our country from abroad. We have an enormous task ahead on that score. But methamphetamine, sadly, those drugs can be produced in laboratories, in households around the country. This bill is exceedingly important to get our kids and other folks to stop making this stuff, stop using it. It is dangerous. We need to send a message. We need to send the penalty message that is in this bill on methamphetamine. I strongly urge the adoption of this bill today.

Mrs. EMERSON. Mr. Speaker, I rise in strong support of H.R. 3898, the Speed Trafficking Life in Prison Act. I am proud to be an original cosponsor of this legislation and I would like to thank its author, Representative PETE SESSIONS, and the Subcommittee Chairman, Representative BILL MCCOLLUM, for their hard work on this very serious issue.

Like most Americans, and as a parent, I am deeply troubled by the high rates of violent and drug related crime that has such a devastating effect on our neighborhoods. The drug problem strikes at the very core of a community, putting our young people at risk and undermining our safety, our schools, our peace of mind, our way of life.

The dramatic rise in the manufacture and trafficking of methamphetamine is one of the most disturbing trends. Highly addictive and cheap to manufacture, methamphetamine has become one of the most widely trafficked illicit drugs. The problem is particularly severe in my home state of Missouri, which now ranks number one in the country for clandestine methamphetamine lab busts—more than 700 in 1997—and second only to California in methamphetamine production. Furthermore, of the 290 meth labs that were raided and seized last year in a 5-state radius, over 230 of those were in Missouri. This year alone, there have

been more than 88 labs seized in my District in Southern Missouri.

There is much to do to fight the war on drugs, and this legislation is a very important part of that fight. It is a powerful tool to give to prosecutors and also a powerful message to send to drug criminals. It is a clear statement that meth dealers will be met by a swift and severe response, the full force of the law. The new minimum sentencing standards established in the bill will ensure that the thugs putting meth out on our streets will receive a fitting punishment for their crime.

I urge a strong "YES" vote on this important legislation.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3898, the Speed Trafficking Life in Prison Act, and I commend the gentleman from Texas, Mr. SESSIONS, for bringing this important piece of legislation to our attention today.

As Chairman of the International Relations Committee, I have long worked to try and keep drugs from entering the United States and I fully support Mr. SESSIONS's efforts to increase the minimum jail sentence for those individuals who think that they can get away with manufacturing, trafficking or transporting methamphetamines in this country.

This legislation finally equals the field between methamphetamines, or speed, and cocaine. For many years, young people have tried to justify the use of methamphetamines because they do not believe that they are as dangerous as cocaine or crack. This bill sends a clear message to all Americans that methamphetamines are just as dangerous and deadly as crack cocaine and that those people who manufacture, traffic or transport these drugs should be held to the fullest extent of the law.

H.R. 3898 establishes that 50 grams of methamphetamines triggers a 10-year mandatory minimum prison sentence and five grams triggers a five-year mandatory minimum, equal to the penalties for crack cocaine. Voting for this bill will help to dissuade the trafficking of speed in our country and hopefully will cut down on the number of speed related abuse, trafficking, and deaths. Accordingly, I urge my colleagues to fully support this measure to help keep these dangerous drugs off of our streets.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise today to express strong support for H.R. 3898, the Speed Trafficking Life in Prison Act. This important legislation increases the penalties for manufacturing, trafficking, or importing methamphetamines to the same level as corresponding penalties for crack cocaine.

Methamphetamine is a powerful drug that is relatively easy to manufacture. The use of this dangerous drug is escalating rapidly due to its low cost and highly addictive qualities. The methamphetamine problem in Nebraska is clearly growing at a substantive rate. For example, in 1996, multi-jurisdictional drug task forces made 248 methamphetamine arrests in Nebraska. In 1997, there were 714 arrests. Additionally, according to the U.S. Attorney's office in Omaha, last year, Nebraska led the nation in methamphetamine cases prosecuted in Federal courts with 61 cases involving 98 defendants.

This legislation would reduce by half the amount of methamphetamine necessary to trigger the mandatory minimum sentences established by current law. Under H.R. 3898, an

offender possessing 50 grams of methamphetamine would trigger a 10-year mandatory minimum prison sentence. If the offender was convicted of possessing 5 grams of methamphetamine, he or she would receive a 5-year mandatory minimum sentence.

In closing, Mr. Speaker, we must pass this bill in the short time left in this session of Congress. It must also be passed by the Senate with these tough but appropriate sentencing provisions so that it can be sent to the President for signature. The Nation must become serious and effective in combating this very dangerous problem. This bill must become law this year in order to do all we can do to fight the use of this dangerous drug. This Member urges his colleagues to support H.R. 3898.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose the passage of this bill, because I believe we should be moving away from the imposition of mandatory minimum sentences, and also because I want to avoid creating further racial inequalities in our Federal drug policy.

This bill lowers the amount of methamphetamine that a person must possess in order to trigger mandatory minimum sentences required under the Federal Sentencing Guidelines. In effect, it cuts that triggering amount in half, giving methamphetamine a status roughly equal to that of crack cocaine.

I am against restricting the role of the judges in the courtroom. Mandatory minimum sentences, like the sentencing guidelines, take discretion away from impartial Federal judges, and put it in the hands of the prosecutors.

The more we allow mandatory minimums to become a part of everyday courtroom life, the more power we place in the hands of prosecutors who have a vested interest in the outcome of the case.

In committee, I expressed concern that this bill would cause us to walk into essentially the same controversy that we had just a few years ago, when it involved African-Americans and the sentencing disparities between crack and powder cocaine. I am especially concerned because there has been some debate whether this bill would disproportionately impact the Mexican-American community in the United States.

The bill was amended in the Judiciary Committee to provide for a report by the Sentencing Commission one year after enactment of this bill, but by then, a significant amount of damage will already have been inflicted.

I do not want to be a part of a bill, which specifically targets a minority group, and then gives an extreme amount of discretion to the federal authorities charged with pursuing them.

I also oppose this bill because it is unnecessary. There have been reports that in the last few years, that we have seen an actual decrease in the use of methamphetamine. For instance, the Substance Abuse Mental Health Services Administration (SAMHSA) reported that emergency room admissions for methamphetamine-related events has decreased one-third.

I oppose this bill because I think we can do better than this. I believe we can win the war on drugs, by stressing treatment and prevention, and without alienating an important group of citizens from our society.

Mr. MICA. Mr. Speaker, today I rise in support of H.R. 3898, the Speed Trafficking Life In Prison Act. Recently, we have witnessed a

drastic increase in the use of illegal drugs like cocaine, heroin, marijuana and methamphetamines in this country. The crisis continues and, unfortunately, our children are the victims.

Methamphetamine is currently a popular "designer drug" of choice which causes severe side effects and can result in death. A 1996 National Household Survey on Drug Abuse shows that 4.9 million people have tried methamphetamine at some time in their lives. In a report of combined data from 21-metropolitan areas across our nation, the statistics show that methamphetamine related episodes in hospital emergency rooms increased by 71% between the first and second halves of 1996. That is an increase from 4,000 to almost 7,000 reported incidents over a six month period. The situation is alarming and spinning out of control. We must penalize those that are putting this poison on our streets.

H.R. 3898 strengthens the penalties for manufacturing, trafficking or importing methamphetamine—making penalties equal to those for crack cocaine—and imposes life imprisonment sentences for those that manufacture or distribute methamphetamine. This legislation also reduces the quantity of methamphetamine required to trigger the mandatory minimum sentences by one-half and establishes that 50 grams triggers a 10-year mandatory minimum.

It is time to send a clear message to those drug dealers that threaten our communities. Tough penalties must be imposed on those who deal in destruction of lives and death. I ask my colleagues to join with me in support of this measure as we continue to wage a war on drugs to save our children and every American from the plague of methamphetamines now sweeping across our land.

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 3898, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING MARIJUANA

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 117) expressing the sense of Congress that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use, as amended.

The Clerk read as follows:

H.J. RES. 117

Whereas certain drugs are listed on Schedule I of the Controlled Substances Act if they have a high potential for abuse, lack any currently accepted medical use in treatment, and are unsafe, even under medical supervision;

Whereas the consequences of illegal use of Schedule I drugs are well documented, par-

ticularly with regard to physical health, highway safety, and criminal activity;

Whereas pursuant to section 401 of the Controlled Substances Act, it is illegal to manufacture, distribute, or dispense marijuana, heroin, LSD, and more than 100 other Schedule I drugs;

Whereas pursuant to section 505 of the Federal Food, Drug and Cosmetic Act, before any drug can be approved as a medication in the United States, it must meet extensive scientific and medical standards established by the Food and Drug Administration to ensure it is safe and effective;

Whereas marijuana and other Schedule I drugs have not been approved by the Food and Drug Administration to treat any disease or condition;

Whereas the Federal Food, Drug and Cosmetic Act already prohibits the sale of any unapproved drug, including marijuana, that has not been proven safe and effective for medical purposes and grants the Food and Drug Administration the authority to enforce this prohibition through seizure and other civil action, as well as through criminal penalties;

Whereas marijuana use by children in grades 8 through 12 declined steadily from 1980 to 1992, but, from 1992 to 1996, has dramatically increased by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders, and the average age of first-time use of marijuana is now younger than it has ever been;

Whereas according to the 1997 survey by the Center on Addiction and Substance Abuse at Columbia University, 500,000 8th graders began using marijuana in the 6th and 7th grades;

Whereas according to that same 1997 survey, youths between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana, and 60 percent of adolescents who use marijuana before the age of 15 will later use cocaine; and

Whereas the rate of illegal drug use among youth is linked to their perceptions of the health and safety risks of those drugs, and the ambiguous cultural messages about marijuana use are contributing to a growing acceptance of marijuana use among children and teenagers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs and opposes efforts to circumvent this process by legalizing marijuana, and other Schedule I drugs, for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration; and

(2) not later than 90 days after the date of the adoption of this resolution—

(A) the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on—

(i) the total quantity of marijuana eradicated in the United States during the period from 1992 through 1997; and

(ii) the annual number of arrests and prosecutions for Federal marijuana offenses during the period described in clause (i); and

(B) the Commissioner of Foods and Drugs shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the specific efforts underway to enforce sections 304 and 505 of the Federal Food, Drug and Cosmetic Act with respect to marijuana and other Schedule I drugs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Florida (Mr. MCCOLLUM) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution under consideration.

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

There was no objection.

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

Today we are about to consider a medical marijuana bill. It is a bill probably with a misnomer because there is no initiative out there in the country that proposes truly medical marijuana, where a doctor's prescription is required, you have to go to the drugstore and get it, or the Food and Drug Administration has approved the smoking of marijuana as a drug and so forth.

But there is an awful lot of confusion in the public mind out there today. I want to call my colleagues' attention to what this resolution actually calls for after all of the sense of Congress is expressed in it. It resolves that the House and Senate and Congress continue to support the existing Federal legal process for determining the safety and efficacy of drugs and opposes efforts to circumvent this process by legalizing marijuana and other Schedule I drugs for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration.

I would like to point out at the beginning of this discussion that there is a synthetic drug known as Marinol that contains the same powerful medical ingredients found in marijuana for relieving pain and does not cause the addiction or side effects associated with marijuana. Everybody here today in this body is sympathetic with people who suffer from pain in this country and the many Americans who have been told in some cases that the smoking of marijuana will relieve that pain to them. Nobody is unsympathetic to their cause, particularly those who are terminally ill, but the ingredients that they need the medical profession has already laid forth in medicine that is available and approved and is separate and apart from the question of should we in any way provide for the opportunity to smoke marijuana in a smoke form, which is what is in so many resolutions around the country these days and initiatives.

Secondly, the Food and Drug Administration, which must approve all drugs, has never approved marijuana as a prescription or over-the-counter drug.

Third, no doctor's prescription, under the initiatives that I have seen in the States where this has been proposed and is being proposed today in the 50

States, no doctor's prescription would be required to obtain marijuana. The only thing that would be required is for the doctor to say, "It's okay, I think it's a good idea, I'll sign a piece of paper." But you do not have to go to the drugstore to get it. In fact, you could not get it at the drugstore because the Food and Drug Administration has never approved it.

And fourth, there is a very important health problem that is associated with this in terms of the body's immune system. Regularly smoking marijuana weakens the body's immune system and doubles the speed in which the AIDS-causing virus HIV produces AIDS symptoms.

Having made those statements, I want to discuss H.J. Res. 117 in a little bit more detail. Congressional support, as I have said earlier, for the current legal process is what this is all about: the process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs for medicinal use.

I am pleased to say that the joint resolution we have here today is fully supported by General Barry McCaffrey who is the head of our Office of National Drug Control Policy, and he has a letter dated September 9, 1998 that so states that support.

At the outset, I want also to state that we personally do not possess the medical or scientific expertise to pass judgment on whether marijuana is a medicine. But the Food and Drug Administration does and so does the American Medical Association, the National Institute of Drug Abuse, the American Cancer Society and numerous other organizations. Each of them has concluded that marijuana is not a medicine. It seems to me that their collective expert judgment and the long-established FDA approval process should not be lightly set aside. Either on the basis of scientific evidence and testing or whatever other basis you might come to a conclusion on, marijuana is not a medicine. It has got to be determined by a scientific basis. That is all there is to it. So far it has not been. No opinion poll or State initiative in any way can alter that status.

Simply put, this resolution before us today reflects the view that science cannot be based upon opinion polls. This was the position taken before the subcommittee by General McCaffrey and by numerous other witnesses. Until agencies with the authority and expertise, through established scientific testing and review process, find marijuana to have legitimate medical applications, it should not be legalized by States for medicinal purposes.

This resolution takes that position and provides the House of Representatives as an institution the opportunity to weigh in on this debate that is going on nationally. I believe such a statement is important for a couple of reasons. First it is timely. More than 30 States and the District of Columbia

have been targeted for possible medical marijuana initiatives. They have already been passed in California and Arizona.

I might add that the language of this resolution has been crafted in cooperation with the gentleman from California (Mr. COX) and Senator KYL from Arizona.

The resolution is also timely because of the tragic drug crisis engulfing our young people today. The numbers are simply shocking. From 1992 to 1997, drug use among youth from 12 to 17 years of age has more than doubled.

□ 1330

It is up 120 percent. That is an increase of 27 percent in the last year alone. For kids aged 12 to 17, first-time heroin use has increased 875 percent from 1991 to 1996, and from 1992 to 1996 marijuana use increased 253 percent among eighth graders, 151 percent among tenth graders and 84 percent among twelfth graders. Overall among kids aged 12 to 17 marijuana smoking has jumped 125 percent from 1991 to 1997 in that 6 year period. Today in the District of Columbia 96 percent of all youth arrested for crime test positive for marijuana. That is 96 percent of all juvenile arrests.

Marijuana users today are younger than ever before. The most recent survey by the Partnership for Drug-free America found that among children ages 9 to 12 who were surveyed, nearly one-fourth of them were offered drugs during 1996 with marijuana being the most prominent. That is up from 19 percent for the same age group in 1993. The University of Michigan survey for 1996 reports that 23 percent of the seventh grade students said they had tried marijuana, and 33 percent of the eighth grade students had done so. Mr. Speaker, our kids are drowning in a sea of drugs.

The second reason for this resolution is to send a message that cavalier labeling of smoked marijuana as medicine sends an unmistakable message to our youth. How harmful can it be if it is a medicine for any ailment? The polls that have been taken before and after State initiatives clearly demonstrate young people have a more accepting attitude towards marijuana after the passage of those initiatives.

Kids get it. They understand it when civic and cultural institutions and leaders are ambivalent, and I am of the view that future prospects of our young people are too important for such a matter of ambivalence. As a country we need to speak out, and this House needs to speak out.

Third, we need to know much more about marijuana today, and we do no more than we did a few years ago, and the news that we do know is sobering. The potency of marijuana has more than doubled in the last decade through genetic manipulation and cloning. On top of that, the typical marijuana dose is significantly larger than in past years, laced with other

drugs. As a result in recent years there has been a dramatic increase in the number of marijuana related emergency room episodes for 12- to 17-year-olds.

Marijuana's troubling gateway effect is now well understood. According to Columbia University, youth between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana. The research clearly demonstrates smoke marijuana impairs normal brain function and damages the heart lungs reproductive and immune systems. According to the National Institute of Allergies and Infectious Diseases, HIV positive smokers of marijuana progress to full blown AIDS twice as fast as non-smokers and have increased incidences of bacterial pneumonia. In June 1997 the National Institute of Health found that long term use of marijuana produces changes in the brain that are similar to those seen after long term use of other major drugs such as cocaine and heroin. It is with this disturbing back drop that we bring forward the resolution today.

While the substance of the resolution is straightforward, I want to highlight again a couple of points.

The resolution points out that before any drug can be approved as a medication in the United States it must meet extensive scientific standards established by the Food and Drug Administration to ensure its safety and efficacy. The resolution points out that marijuana has been extensively studied, but it has never been approved by the FDA as a medication. In fact because of its high potential for abuse and its lack of any accepted medical use in treatment marijuana is a schedule one drug, which means, of course, it is illegal under federal law to manufacture, distribute or dispense marijuana, heroin, LSD and more than 100 other schedule one drugs.

And let us be perfectly clear. This schedule one rating is not a function of politics, it is a function of the rigorous medical scientific evaluation process of the Food and Drug Administration. The doctors and scientists with the greatest expertise have determined that marijuana is simply not a medicine, however they have approved its active ingredient, THC, in a pill form as medicine.

In light of these facts, the resolution affirms the importance of supporting the existing Federal legal process for determining safety and efficacy of drugs including marijuana and other schedule one drugs. It further states opposition to efforts to circumvent this process by legalizing marijuana and other schedule one drugs for medicinal use without valid scientific evidence and the approval of the FDA, and it calls on the Attorney General and the Food and Drug Administration commissioner to report to Congress on their efforts to enforce the Federal marijuana laws already on the books.

Again, I am as concerned and sympathetic as anyone else about terminally-

ill patients, but the scientific evidence does not support the medicinal marijuana resolutions that are running around the country these days, and they do not require prescriptions by doctors of these of marijuana, there has been no approval at all to smoke marijuana by the Food and Drug Administration as a medicine, and it is a highly dangerous thing to do, and we need to condemn it today.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Massachusetts (Mr. FRANK) for yielding this time to me.

As my colleagues know, this is truly a resolution that can be described as a Alice in Wonderland resolution. Up is down and down is up. Marijuana is dangerous for folks who are suffering, who very well may be dying, but cocaine and morphine are okay. In other words, coke and morphine are less dangerous than marijuana. That just does not make any sense whatsoever.

It seems to me, if we are going to ban the use of marijuana in the face of growing medical evidence of its therapeutic value, in cases resistant to other treatments, then we should ban morphine and cocaine as well.

What are the arguments for treating marijuana differently from these other and arguably far more dangerous drugs? I am sure that if we ask anyone from the law enforcement community, they will tell us that violent behavior is far more endemic to the use and the abuse of cocaine and morphine and related drugs than marijuana.

Well, the first argument is that whatever benefits it may have, marijuana is simply too dangerous for us to send a single signal that it is okay. Yet the same signal is sent by, as I said, allowing therapeutic access to cocaine, and yet we allow it nonetheless. If we adopt a different policy with regard to marijuana, what we will be saying is that we are willing to allow patients to suffer excruciating, debilitating conditions so as not to send a signal to others who might wish to use these drugs recreationally. With all due respect, I do not believe that anyone who has watched an AIDS or cancer patient suffer uncontrollable nausea for hours at a time could make such an argument. That is not the signal that we want to send.

Proponents of the resolution are quick to point out that the scientific community is divided over the medical benefits of marijuana. They are less quick to acknowledge that both the benefits and dangers of this and hundreds of other medicinal substances are subject to scientific dispute also.

It is not our role, I would submit, to prohibit scientists and researchers from continuing to develop sound data regarding the safety and efficacy of

marijuana as they do with any other experimental treatment.

There is also another reason why Congress has no business legislating in this subject. In November of 1996 Californians approved Proposition 215 which legalized the medical use of marijuana. That same year folks from Arizona supported a measure allowing physicians to prescribe the drug. The Californian measure was approved by a 56 percent majority, the Arizona referendum by 65 percent. I am continually surprised and stunned really at the capacity of some of my colleagues to preach the gospel of States rights while doing everything they can to federalize State prerogatives. In this Congress alone we have had legislation to deny juvenile justice funds to States that do not comply with new Federal mandates to preempt State authority with respect to product liability, tort and security litigation, to curtail State court jurisdiction over class action suits, and to override State and local land use decisions through so-called property rights measures, to name only a few of the more notorious examples.

But if we are determined to override State authority, to really bury the concept of evolution, if we are determined to replace sound medical judgment with our own, at least let us not be hypocritical. Let us take morphine and cocaine off the market as well. Let us make it clear to patients who depend on these drugs to control their pain that they will simply have to suffer so that we can send the right signal about drug abuse. I am sure they will understand.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman very much for yielding this time to me.

Mr. Speaker, this resolution is just another effort by the Republican leadership to substitute slogans for substance. Time after time the leadership has ignored the facts and slapped down the work of States and public health experts because it serves the Republican leadership's political interests, as they see it any way.

First, they are going to take a slap tomorrow at the State of Oregon, and they want to ban here at the federal level, any funding or any attempt to Oregon to have a law for assisted suicide. Yet in spite of this ban, the Washington Post reported last April that Oregon's Death with Dignity Act has profoundly improved the end of life care given the terminally-ill patients.

Now the House also taken a swap at States and cities across the country this spring by banning Federal funding of needle exchange. Needle exchange is preventing AIDS and saving lives in dozens of American cities in over 20 States. The Surgeon General, the National Academy of Sciences, the National Institutes for Health, the American Medical Association all concluded

that needle exchanges save lives, prevent AIDS and do not encourage drug use. But do not confuse the Republican leadership with the facts; they are not interested. They want Americans to believe that the government was going to install needle vending machines next to coke machines across the country. They want everybody to know that the greatest wisdom in the country is here in Washington, nowhere else in the Nation. Now the House leadership wants to take a slap at California. The voters of California supported Proposition 215. They support doctors prescribing or recommending marijuana for medical uses. The voters of California have spoken on this issue, and their judgment deserves the respect from this House.

Just as importantly, the National Institutes of Health is calling for more research on medical uses of marijuana, the National Academy of Sciences is due to report on this issue in the next few months, and the AMA, California Nurses Association, California Academy of Family Physicians, the Los Angeles County AIDS Commission all support Proposition 215. But the gentleman from Georgia (Mr. GINGRICH) and the gentleman from Texas (Mr. ARMEY) and the rest of the Republican leadership do not care. They do not want to wait for a report that will give them the facts. They want to deprive seriously ill patients of potential therapies because they have a political agenda. They think we should just say no to sick and dying patients because it looks like we are getting tough on illegal drugs.

Mr. Speaker, this resolution is not about crime, it is not about legalizing drugs, it is not about legalizing marijuana. This is about letting doctors care for dying patients in the best way possible. This is about letting scientific research proceed unhindered by politics.

Mr. Speaker, I urge my colleagues to oppose this resolution, and I want to put into the RECORD a statement from the New England Journal of Medicine. It is an editorial endorsing the physician freedom to determine the medical uses of marijuana.

I urge that we oppose this resolution which is strictly here for political purposes, and it should not be dignified with our votes because it deprives the States and the people from making a decision in the local areas for their own determination.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, as a survivor of cancer twice in my lifetime, let me put to rest this business that marijuana is needed to take care of pain of cancer victims. Marijuana is a dangerous and addictive drug and should not be legalized for medical use or for any other use.

Let me just tell my colleagues as a 20-year Member of this Congress, I fought for States' rights more than any other Member on this floor.

□ 1345

This is not a States' rights issue. The illegality of marijuana is a national law, and State laws do not override national laws. I urge all States' righters to come over here, as I am going to do, and vote "yes" on this legislation.

I find it very disappointing that medical marijuana referenda will appear in five states this November. Nevada, Alaska, Washington, Arizona, and Oregon all have proposals to legalize marijuana as a medicine. This is a sham. The FDA has repeatedly rejected marijuana for medical use because it adversely impacts concentration and memory, the lungs, motor coordination and the immune system.

Why would you give a drug, which has been scientifically proved to weaken the immune system, to a sick person? I think we know the answer to that question and it has nothing to do with compassion!

The simple truth is that the organizations promoting the legalization of this dangerous drug—NORML and the Drug Policy Foundation—are intentionally exploiting the pain and suffering of others as part of their backdoor attempt to legalize drugs.

I agree with Drug czar Barry McCaffrey's recent statement, "This is not the time to use ballot-box ploys to make this drug more readily available. Instead, it is time to pay attention to the science-based information already available about the consequences of marijuana use."

While the people promoting the legalization of drugs would have you believe that this approach is a viable alternative to the war on drugs it is nothing more than a foot in the door to the legalization of all dangerous drugs.

Listen very carefully to what Lee Brown—the former Drug Czar and an African-American himself—said about the effect of legalization on the African-American community.

He said, "When we look at the plight of many of our youth today, especially African-American males, I do not think it is an exaggeration to say that legalizing drugs would be the moral equivalent of genocide."—The moral equivalent of genocide!

He goes on to state, "Making addictive mind altering drugs legal is an invitation to disaster for our communities that are already under siege. Without laws that make drug use illegal, some experts estimate that we could easily have three times as many Americans using illegal drugs. The proponents of legalization would have us believe that crime would go down if drug use was legal, but an honest look at the facts belie this argument."

Mr. Brown went on to state that "statistics tell us that almost half of those arrested for committing a crime test positive for the use of drugs at the time of their arrest. Making drugs more readily available will only propel more individuals into a life of crime and violence.

Contrary to what the legalization proponents say, profit is not the only reason for the high rates of crime and violence that are associated with the drug trade * * *. Drugs are illegal because they are harmful—to both body and mind."

The message is very, very clear. * * * Those who can least afford further hardship in their lives would be much worse off if drugs were legalized.

Crude marijuana contains over 400 different chemicals. Safer and more effective medications are preferred by physicians. We need to

support this resolution and reject those who make empty promises to patients with chronic illnesses.

Mr. MCCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I have listened carefully to the debate and it occurs to me that those who have been speaking against the resolution have not read it. They have been attacking various public policy positions that some people in America might or might not hold, but they have not been mentioning the resolution. The resolution itself is very, very clear, it is very straightforward, and it is indeed entirely consistent with Proposition 215 in California.

The resolution says the following. First, it declares that Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs. That is the law, it is the existing Federal law, and a vote against this resolution, then, is to take the position that Congress no longer supports the existing Federal legal process for determining the safety and efficacy of drugs.

The second thing that the resolution says is that the Attorney General, the Department of Justice, in other words, shall submit to the Congress a report, a report on the efforts of the Clinton administration to enforce existing laws. Now, perhaps the Congress does not want to know whether or not the administration is enforcing existing laws; perhaps the minority does not wish to know that because the administration has a pretty sorry record on that score.

In 1992, President Bush committed \$1.5 billion to drug interdiction. In 1993, President Clinton cut \$200 million out of that effort and rolled back significant other involvement by the Coast Guard, the U.S. Customs, Border Patrol and the National Guard. He then further cut his own Anti-Drug Policy Office from 146 persons down to 25. In 1993 and 1994, out of 2,600 speeches and interviews, President Clinton did not speak more than 2 dozen times on the topic. Under President Clinton's watch, marijuana use among youths has more than doubled, more than doubled during the Clinton administration. President Clinton and Vice President GORE and their FDA have raised a lot of hell about tobacco smoking, and that is important, but the FDA cares only about whether or not there is tobacco in that cigarette. Go ahead and put marijuana in it, and that is a different score.

What we are interested in with this resolution is where is the FDA when we put something besides tobacco in a cigarette? The FDA went out of its way in order to claim jurisdiction which Congress had not explicitly given it over tobacco to determine that a cigarette is a medical device. Now, that strains the lexicon a bit, but nonetheless, they made that determination. A cigarette

is a medical device and, therefore, the FDA has jurisdiction under our FDA statutes over tobacco. Well, surely, then, if a cigarette is a medical device, the FDA has jurisdiction over marijuana when put in a cigarette and smoked. But the FDA has done nothing to determine the safety and efficacy of marijuana for medical uses.

It is already the law that doctors can prescribe marijuana to sick patients, and that is not what we are talking about here. But what we do wish to do is get the FDA to focus as much as they are focused on tobacco on what happens when we put marijuana in those cigarettes.

Mr. Speaker, the last thing that the resolution does is it asks the FDA, the Commissioner of foods and drugs, to submit to the Congress a report on the specific efforts underway to enforce existing law. That is the entirety of what this resolution does, and a vote against this resolution is a vote against either 1 or all 3 of those things, a position which is untenable if one takes as seriously smoking marijuana as one takes smoking a tobacco cigarette.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute to say there is one part of this resolution that specifically affirms the FDA's current rules for determining not just the safety of a drug, but efficacy.

So if one votes for this and if one has told people in their district that they think the FDA has been too restrictive on certain kinds of drugs, if one thinks they have been too much interfering with people's rights to make their own choices without regard to safety, understand that this resolution contradicts it. Because one of the specific things in this resolution is an explicit endorsement of the rules of the FDA, not just regarding safety, but efficacy.

Now, I know Members have written in and said, oh, yeah, the FDA has been too harsh on this drug and too harsh on that drug. I know Members have told people that they think the FDA has been too restrictive. Understand that this resolution is not just about marijuana; this is an explicit endorsement of current FDA procedures for dealing not only with safety, but efficacy, telling people that the FDA will tell them whether or not they can take a certain substance, even if it is not going to do them any harm.

Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in opposition to this questionable election year resolution. I do so as one who chose personally to never experiment with marijuana, either inhaling or not inhaling, and who shares the professed concerns of the supporters of this resolution that we do nothing to glamorize the recreational use of marijuana.

I think that the gentleman from California has just made 2 points that deserve further consideration. One is he suggests that we read the resolu-

tion. I have. Not all of the electioneering in the early "whereas" clauses, but what this resolution actually does. All that it does is to ask the Attorney General for some data which a phone call or one 32-cent stamp would probably produce.

The other thing it does is to place Congress on record in telling the States that they ought not to pass anymore initiatives on this subject. I suggest that is going to be about as meaningful as them getting up and making this list of speeches this afternoon as far as the views of people in the individual States.

The gentleman from California also makes an important comparison between marijuana and tobacco. This House has chosen to do absolutely nothing about a much more addictive drug, that being nicotine, that threatens the lives of thousands of our young people each day. This House has chosen, though there have been many statements to the contrary, including by the Speaker, that we have chosen to avoid an opportunity to deal with the very serious public health problem that addicts 3,000 more young people every day to nicotine; it has chosen to avoid that. The only way it has addressed that issue was the unsuccessful attempt last year to pass a \$50 billion tax break for the tobacco companies.

But on the specific issue of marijuana use for medicinal purposes, it seems to me that the basic difference that we have on this issue is whether to entrust that decision to the scientific community, to the medical community, or repeatedly to turn to Dr. NEWT. I think that if someone has a serious cancer, a serious case of glaucoma, one of the other uses for which medicinal use of marijuana has been recommended, I would like them to determine whether they might be saved some serious pain and suffering that no other kind of medication attempts to relieve, not based on my opinion, not based on Dr. NEWT's opinion, but based on their doctor and their scientific community as to whether this is an appropriate way to reduce the pain and the suffering that that person has.

I note that the New England Journal of Medicine, one of the most respected publications in the medical community in this country, and a number of oncologists in this country seem to believe that this substance has some benefits, and for this Congress to mangle politics into medicine is a mistake. But perhaps it was put best by a Florida woman who successfully uses marijuana to treat glaucoma in her eye who said, "You cannot outlaw compassion, self preservation, or survival." That is what is proposed as we inject here on the eve of the election Dr. NEWT in a medical decision.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). The Chair would point out that Members should not refer to other Members by their first names.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from New

York (Mr. GILMAN), chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I rise today in strong support of House joint resolution 117, the sense of Congress on marijuana, and I commend the sponsor of the resolution, the gentleman from Florida (Mr. MCCOLLUM) for bringing this measure to the floor at this time.

In recent years, promoting so-called medicinal uses for marijuana has taken hold in several States. In 1996, the voters in both California and Arizona passed referendums in defiance of the Federal law permitting the use of marijuana as a medical device primarily for pain relief.

This resolution, a result of several committee hearings and intensive research, expresses the sense of the Congress that marijuana contains no plausible medicinal benefits and that it is, in fact, harmful to the smoker.

Specifically, the resolution restates congressional commitment to keep marijuana on the roster of Schedule 1 of the Controlled Substances Act and requests 2 reports, one from the Attorney General, on the amount of marijuana seized and destroyed, as well as the number of marijuana prosecutions from 1992 through 1997; and secondly, from the Commissioner of the Food and Drug Administration on the efforts to enforce current laws prohibiting the sale and use of Schedule 1 drugs.

Mr. Speaker, the number of adolescents who have used marijuana has doubled since 1993. It has been well established that marijuana is a gateway drug, the use of which often leads to more serious drug consumption such as heroin and cocaine use. These trends need to be reversed.

Moreover, I believe that it is important for Congress to take a firm stand on the issue of medicinal use of marijuana. This is a poor cover for the larger issue of drug legalization. Accordingly, I urge my colleagues to strongly support this worthwhile resolution.

The SPEAKER pro tempore. The Chair would point out that the gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining; the gentleman from Massachusetts (Mr. FRANK) has 7 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL), a real doctor.

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

Mr. PAUL. Mr. Speaker, I am a physician, I am a parent and I am a grandparent, and I am convinced that drugs are a very, very serious problem in this country, not only the illegal ones, but the legal ones as well. Just last year, 106,000 people died from the legal use of drugs. We are drug dependent, on the illegal drugs and on the legal tranquilizers. That is a major problem.

But I have also concluded that the war on drugs is a failed war and that we should be doing something else. I might point out that the argument for the use of marijuana in medicine is not for pain. To say that it has not relieved pain is not what this is about. Marijuana has been used by cancer patients who have been receiving chemotherapy who have intractable nausea. It is the only thing they have found that has allowed them to eat, and so many cancer patients die from malnutrition. The same is true about an AIDS patient. So this is a debate on compassion, as well as legality.

But the way we are going about this is wrong. I am rather surprised in our side of the aisle that champions limited government and States' rights, that they use the FDA's ability to regulate nicotine as an excuse and the legal loophole for the Federal Government to be involved in marijuana. I might remind them that 80 years ago when this country decided that we should not have alcohol, they did not come to the Congress and ask for a law. They asked for a constitutional amendment realizing the Congress had no authority to regulate alcohol. Today we have forgotten about that. Many of my colleagues might not know or remember that the first attack on the medicinal use of marijuana occurred under the hero of the left, F.D.R., in 1937. Prior to 1937, marijuana was used medicinally, and it was used with only local control.

The Federal controls on illicit drugs has not worked and it is not working when it comes to marijuana. Once again, we have States saying, just allow the physician the option to give some of these people some marijuana. Possibly it will help. I think the jury is still out about how useful it is. But for us to close it down and say one cannot, and deny some comfort to a dying patient, I do not think this is very compassionate one way or the other.

The war on drugs has been going on now for several decades. We have spent over \$200 billion. There is no evidence to show that there is less drug usage in this country.

□ 1400

I have a program designed, which I cannot present here, that will change our policy and attack the drugs in a much different way.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, it is hard to believe, at a time when this entire Nation is abuzz about what kind of moral leadership is coming out of Washington, that we even have to consider this resolution.

In my hometown in Fort Wayne and throughout northeast Indiana and throughout this country, kids are dying in the streets, they are dying in automobile wrecks, they are getting shot down as innocent bystanders in drug wars, most of which started in

some kind of combination of cigarettes, alcohol, and marijuana.

We have seen a lowering in attitudes about the positive usage of cigarettes. We need to make more gains on alcohol. But we have seen a reversal in the trends on marijuana, partly because the leaders of our country have not spoken out as strongly.

The last thing we need in this House are Members of Congress using the word simultaneously with medicinal use of marijuana when what they actually mean is a component inside marijuana, THC, and giving the implication that somehow this is a medicine, at a time when young people are becoming more lax in their attitudes and in their usage.

Directly to make this point, in California, it is not for cancer patients. It also can be used for such things as memory recall, writer's cramp, corn callouses. It was a back doorway in California and Arizona and other places where misleading commercials were run, funded predominantly by a man named George Soros and two of his allies who have poured \$15 million over 5 years into this to oppose the war on drugs.

Among his statements in Time Magazine was, "I do want to weaken drug laws. I think they are unnecessarily severe. The injustice of the thing is outrageous."

The director of Soros' Lindesmith Center said, it is nice to think that in another 5 to 10 years the right to possess or consume drugs may be as powerfully and widely understood as other rights of Americans.

We are at a moral crossroads in this country. The question is, where do we in Congress stand? Are we going to work to protect our kids in this country, or are we going to weaken these laws that we have tried to uphold?

I am very concerned about this trend, and I hope the Members of Congress understand the moral responsibilities of this office.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, while I was glad to hear my friend express such indignation at the large amounts of money George Soros is spending in a referendum, that is the first support we have heard from that side for campaign finance reform, at least in principle.

Of course we have people on that side who think spending unlimited amounts of money is a good thing when they agree with the cause. It only becomes bad when they disagree with the cause.

That is where we are with States' rights. The gentleman from New York who spoke on the left said he was for States' rights, and that is true. I can say now that I know this Republican majority very well. They are for the right of any State to do anything they agree with. But let a State diverge, and that State is going to be spanked.

The gentleman from California (Mr. Cox) who spoke is a little embarrassed,

perhaps, because there is a resolution that talks about how dumb his own State is. He said, well, there is nothing in this resolution which criticizes the State.

That is only partially a good description. It is the case, and I will give the majority this, they did recognize that the resolution that they put through committee was a little too explicit in spanking the State.

The Committee on the Judiciary passed a resolution calling the States all kinds of names in effect, and telling the States not to do this, and wagging their finger at the States. They get a little embarrassed about it, but I am going to put it in the RECORD anyway, Mr. Speaker, because I think people ought to know what they were really trying to get at.

So then they cleaned it up some. But they did leave in this telling phrase, "Congress opposes efforts to circumvent this process." They are talking about California's referendum. What effort is that? To circumvent the process. So this resolution does say to the States, "Naughty, naughty. How dare you differ with us?"

The fact is it also goes on to say, and I think this is important for Members to understand, this is not just about marijuana, Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs, all drugs.

I know there have been Members on both sides who have been questioning whether the FDA ought to have the kind of control it has where efficacy is involved. We all believe the FDA should say that is not safe.

Indeed, this Congress passed a bill, I think it was sponsored by the gentleman from Utah and, I know, our former colleague, the gentleman from New Mexico, recently which relaxed FDA control. There were others who wanted to relax FDA control further.

If my colleagues have told constituents that they want to relax some FDA rules on determining efficacy, and if they vote for this resolution, they better write them an apology, because they have just undercut that statement.

The final thing I want to say, in addition to saying that it seems to be that States ought to be able to make some decisions in this matter, and this resolution is clearly an effort to stop the States from deviating from whatever the national orthodoxy is, the gentleman from Texas (Mr. PAUL) who spoke made a very important point. People get up and they talk about how terrible the drug problem is and then talk about the importance of continuing our current policy approach.

There is a great inconsistency here. When we talk about poverty, public housing, welfare, we have a tendency to have people look at the amount of money spent, then look at the fact that the problem has, if anything, gotten worse, and say therefore we must stop. That method of analysis has turned on its head for drugs.

There is a real problem in the way we have fought drugs. Obviously trying to diminish drug use particularly, but not only among young people, ought to be a very high public policy goal. But this current extremely punitive approach, this current approach of not differentiating in this between marijuana use for medical purposes and drugs that are instantly mind altering doesn't work. It undercuts.

One Member complained about the diminution of funds for interdiction. Interdiction seems to me a prime example of money wasted. Given the scope of this country, the size, the commerce, the people who come and go, physically keeping out terribly small amounts of things is fruitless compared to money that could go into law enforcement, that could go into prevention, that could go into education.

So what we have here is the latest, as the previous resolution was, the latest endorsement of more of the same, and a failed policy, a policy that says you can shoot drugs out of existence, you can outlaw them. It did not work for alcohol. It would not work for tobacco. This approach of being exclusively punitive and not allowing any differentiation does not work here.

The document referred to above is as follows:

Referral to the Committee on Commerce extended for a period ending not later than March 18, 1998.

Committee on Commerce discharged; referred to the House Calendar and ordered to be printed.

Resolution expressing the sense of the House of Representatives that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use

Whereas certain drugs are listed on Schedule I of the Controlled Substances Act if they have a high potential for abuse, lack any currently accepted medical use in treatment, and are unsafe, even under medical supervision;

Whereas the consequences of addiction to Schedule I drugs are well documented, particularly with regard to physical health, highway safety, criminal activity, and domestic violence;

Whereas marijuana—which along with crack cocaine, heroin, PCP, and more than 100 other drugs, has long been classified as a Schedule I drug—is both dangerous and addictive, with research clearly demonstrating that smoked marijuana impairs normal brain functions and damages the heart, lungs, reproductive, and immune systems;

Whereas before any drug can be approved as a medication in the United States, it must meet extensive scientific and medical standards established by the Food and Drug Administration, and marijuana has not been approved by the Food and Drug Administration to treat any disease or condition;

Whereas a review by the Annals of Internal Medicine of more than 6,000 articles from the medical literature evaluating the potential medicinal applications of marijuana concluded that marijuana is not a medicine, that its use causes significant toxicity, and that numerous safe and effective medicines are available, which means that the use of crude marijuana for medicinal purposes is unnecessary and inappropriate;

Whereas on the basis of the scientific evidence and the testimony of the American

Medical Association, the American Cancer Society, the National Multiple Sclerosis Association, the American Academy of Ophthalmology, the National Eye Institute, and the National Institute of Drug Abuse, marijuana has not met the necessary standards to be approved as medicine;

Whereas the States of Arizona and California, through State initiatives in 1996, legalized the sale and use of marijuana for 'medicinal' use, while the State of Washington in 1997 rejected an initiative to legalize the sale and use of marijuana for 'medicinal' use;

Whereas after the initiative in Arizona, the legislature of the State of Arizona, with the support of a majority of the citizens of the State, passed legislation to prevent the dispensing of any substance as medicine which had not first been approved as medicine by the Food and Drug Administration, thereby preventing marijuana from being dispensed in the State;

Whereas these States and a majority of States in the United States, as well as the District of Columbia, have been targeted by out-of-State organizations which advocate drug legalization for 'medical' marijuana initiatives in 1998 and 1999, and these organizations have provided the majority of the financial support for these State initiatives;

Whereas some individuals and organizations who support 'medical' marijuana initiatives do oppose drug legalization, prominent pro-legalization organizations have admitted their strategy is to promote drug legalization nationally through State 'medical' marijuana initiatives, and, as such, are seeking to exploit the public's compassion for the terminally ill to advance their agenda;

Whereas marijuana use by 8th, 10th, and 12th graders declined steadily from 1980 to 1992, but, from 1992 to 1996, such use dramatically increased—by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders—and the average age of first-time use of marijuana is now younger than it has ever been;

Whereas according to the 1997 survey by the Center on Addiction and Substance Abuse at Columbia University, 500,000 8th graders began using marijuana in the 6th and 7th graders;

Whereas according to that same 1997 survey, youths between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana and 60 percent of adolescents who use marijuana before the age of 15 will later use cocaine;

Whereas the rate of drug use among youth is linked to their perceptions of the risks which are related to drugs and, in that regard, the glamorization of marijuana and the ambiguous cultural messages about marijuana use are contributing to a growing acceptance of marijuana use among adolescents and teenagers;

Whereas surveys taken in the wake of State 'medical' marijuana initiatives indicate a more approving attitude toward marijuana use among teenagers than prior to the initiatives; and

Whereas the evidence of the last 2 years indicates that the more the public learns about the facts behind the 'medical' marijuana campaign, the more strongly opposed the public become to such initiatives: Now, therefore, be it

Resolved, That—

(1) the United States House of Representatives is unequivocally opposed to legalizing marijuana for medicinal use, and urges the defeat of State initiatives which would seek to legalize marijuana for medicinal use; and

(2) the Attorney General of the United States should submit a report to the Committee on the Judiciary of the House of Rep-

resentatives before the end of the 90-day period beginning on the date of the adoption of this resolution on—

(A) the total quantity of marijuana eradicated in the United States beginning with 1992 through 1997; and

(B) the annual number of arrests and prosecutions for Federal marijuana offenses beginning with 1992 through 1997.

The SPEAKER pro tempore (Mr. SHIMKUS). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

Mr. MCCOLLUM. Mr. Speaker, I yield myself the remaining time that I may have.

Mr. Speaker, THC, the active ingredient for medicinal purposes in marijuana, is available widely as a prescription drug known as Merinol for pain and other purposes, that doctors can prescribe anywhere in the United States today.

Unfortunately, smoke marijuana is dangerous to your health. The American Medical Association believes that, the National Institutes of Health believes that, and numerous other organizations, including the American Cancer Society, believe that.

I do not have the scientific expertise, but I have listened to them. I am convinced it is dangerous; that it means those who are HIV-positive will turn AIDS-symptomatic twice as fast if they smoke marijuana regularly than those who do not.

I do not think that any of us want to see smoke marijuana made legal anywhere in this country for any purpose at all that is going to be detrimental to your health, especially when the Food and Drug Administration has never approved it as a drug and where no doctor in this country can prescribe it in the traditional meaning of the word "prescription" because the FDA never approved it.

That is what prescription means. Every drug in the history of this country today, modern times, has to be approved by the Food and Drug Administration before a doctor is allowed to prescribe it. Marijuana cannot be prescribed without FDA approval. FDA has refused again and again and again to approve it in the smoke form.

I encourage my colleagues to adopt this resolution that says simply that we oppose efforts to circumvent the process by legalizing marijuana and other Schedule I drugs for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration, because to do otherwise is a back doorway of legalizing marijuana. That is all there is to it.

A vote for this resolution today is a vote for the normal process of the Food and Drug Administration approval and doctors' prescriptions being required before any use as medicine. A vote against this resolution is frankly a vote to legalize marijuana for all purposes, because that is what would happen if we were not to use the traditional processes.

Mr. BUYER. Mr. Speaker, Americans take their medicine in pills, shots, sprays, solutions,

drops, creams, and suppositories * * * but no medicine in the United States is smoked.

Proponents of marijuana argue that our compassion for those suffering physical ailments should override our common sense and steadfastness in combating illegal drugs.

With regard to cancer, proponents argue that marijuana will decrease the nausea associated with chemotherapy. The Truth is that marijuana contains cancer-causing substances, many of which are in higher concentrations than in tobacco. The National Cancer Institute reports that new drugs have been shown more effective than marijuana.

With regard to AIDS, proponents argue that smoking marijuana will relieve the physical wasting aspects of the disease. The Truth is smoking, whether tobacco or marijuana or crack cocaine, has been shown to increase the risk of developing bacterial pneumonia in HIV-positive immune-compromised patients.

After 30 years of research, we know that marijuana impairs learning and memory, perception and judgement. It impairs complex motor skills and judgement of speed and time. Among chronic users it decreases drive and ambition.

Finally, marijuana use among our young people is increasing * * * alarmingly so. From 1992 to 1996, marijuana use increased by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders.

We should not let our compassion for the terminally ill and those in chronic pain to deceive us into treating a dangerous drug as medicine. Support the resolution opposing marijuana as medicine.

Mr. NADLER. Mr. Speaker and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, today we are debating a non-binding resolution that would express the sense of the Congress that because marijuana is a Schedule One controlled substance, and therefore an illegal drug, then its use for medicinal purposes should be prohibited. This is absurd. Medical use of marijuana is a public health issue; it is not part of the war on drugs. Marijuana has been proven to relieve the pain and suffering of seriously ill patients. It is unconscionable to deny an effective medication to those in need.

It would seem that the Speaker of the House and the distinguished Chairman of our own Crime Subcommittee once agreed with that position. In 1981, Representative NEWT GINGRICH and Representative BILL MCCOLLUM, co-sponsored H.R. 4498, a bill introduced by the late Congressman Stuart McKinney, that would allow the medicinal use of marijuana. In 1985, Chairman MCCOLLUM again co-sponsored H.R. 2282, a bill reintroduced by Congressman McKinney, which would have allowed the medicinal use of marijuana. I, along with many others, would be very interested to learn why our colleagues changed their minds.

Mr. Speaker, prestigious groups such as the National Academy of Sciences, the American Public Health Association, and the British Medical Association have endorsed the medicinal use of marijuana. I would like to refer my colleagues to an article that was published by the Journal of the American Medical Association (JAMA, June 21, 1995—Vol. 272, No. 23) for more detailed information regarding the legislative and medical history regarding the medicinal use of marijuana.

Most recently, a National Institutes of Health report released in August of 1997 urged the federal government to play an active role in facilitating clinical evaluations of medical marijuana. More than 30 medical groups, including the ones I have previously cited, have endorsed prescriptive access to marijuana, under a physician's supervision. Several medical groups, including the American Medical Association and the American Cancer Society have endorsed a physician's right to recommend or discuss marijuana therapy with their patients.

Several published studies have found that the best established medical use of marijuana is as an anti-nauseant for cancer chemotherapy. In addition, these same studies have found that medicinal use of marijuana has helped in treating patients with glaucoma, chronic muscle pain, multiple sclerosis, epilepsy, spinal cord injury, and paraplegia. Tens of thousands of cancer and AIDS patients use medical marijuana, and they report that it is effective in reducing the nausea and vomiting associated with cancer and AIDS treatment. In a 1990 survey, 44 percent of oncologists said they had suggested that a patient smoke marijuana for relief of the nausea induced by chemotherapy.

Mr. Speaker, I would like to address the question of a state's right to implement policy that the voters of those states have supported. Many states have held, or are planning to hold, state referenda on the use of medical marijuana. Two states, California and Arizona, have successfully passed legislation to allow the prescribed use of marijuana for medicinal purposes. The voters of these states have spoken and in our democratic system they must be respected. Those on the other side of the aisle seem to constantly remind us of the power of big government over the ability of states to make their own policies. Who is championing big government now? Where are all the state's rights supporters on this issue?

Finally, Mr. Speaker, permitting the medical use of marijuana to alleviate the pain and suffering of people with seriously ill conditions does not send the wrong message to children or anyone else. It simply says that we are compassionate and intelligent enough to respect the rights of patients and the medical community to administer what is medically appropriate care. It is time for this Congress to acknowledge that a ban on the medicinal use of marijuana is scientifically, legally, and morally wrong.

Mr. DIXON. Mr. Speaker, I rise to express my opposition to H.J. Res. 117. The voters of California have showed their support for allowing doctors to recommend marijuana for seriously ill patients by voting for the state's Proposition 215 in November 1996. House Joint Resolution 117 attempts to infringe upon the decisions of California citizens by expressing Congress' opposition to the medicinal use of marijuana. While I did not support the California initiative, I oppose this resolution which attempts to nullify their choice.

Ms. PELOSI. Mr. Speaker, I rise in opposition to H.J. Res. 117 because this bill accomplishes nothing in the war on drug abuse other than highlight the misplaced emphasis of the country's anti-drug efforts. The bill seeks to tell voters how to cast their votes, and disregards the votes of over five million people in my state. It focuses on arrests and prosecution rather than education and treatment as the answer to drug abuse. And it seeks to make

criminals of people in pain because of serious illnesses. This is no war on drugs. It is political grandstanding.

H.J. Res. 117 disregards the proven medicinal uses of marijuana, including increasing the appetites of people with AIDS who have wasting syndrome, and reducing nausea and vomiting resulting from chemotherapy.

Opponents of medicinal marijuana argue that there are other ways to ingest the active ingredient in marijuana, including the use of synthetic THC. However we know that the oral drug containing THC does not work for all people. The logic of the authors of this legislation therefore seems to be that a very ill person should be sent to jail because he or she used the smokable form of a drug whose active ingredient is currently licensed for oral use.

Voters in my home state passed an initiative authorizing seriously ill patients to take marijuana upon the recommendation of a licensed physician. Proposition 215 has provided as many as 11,000 Californians who suffer from AIDS and other debilitating diseases with safe and legal access to a drug that makes life a little more bearable. Fifty-six percent of the electorate voted for Prop 215. The voters have spoken, and there is no need for federal intrusion on this matter. Thousands of constituents in my district struggling with AIDS and cancer will tell you that choosing the appropriate medical treatment should be a decision for public health officials, physicians and patients. Congress would do well to stay out of the prescription business.

Mr. Speaker, I look forward to the day when we can pass truly effective measures to address drug abuse in our country. According to the Legal Action Center, over half of federal drug control spending is dedicated to the criminal justice system, and only 18% goes to drug treatment. To effectively fight the war on drug abuse we must get our priorities in order and fund treatment and education. Today's legislation, which encourages making criminals of seriously ill people who seek proven therapy, is not a step towards controlling America's drug problem. I therefore oppose H.J. Res. 117.

The SPEAKER pro tempore. The time of the gentleman from Florida (Mr. MCCOLLUM) has expired.

The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and agree to the joint resolution (H.J. Res. 117), as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2073) to authorize appropriations for the National Center for Missing and Exploited Children, as amended.

The Clerk read as follows:

S. 2073

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Juvenile Crime Control and Delinquency Prevention Act of 1998”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 101. Findings.

Sec. 102. Purpose.

Sec. 103. Definitions.

Sec. 104. Name of office.

Sec. 105. Concentration of Federal effort.

Sec. 106. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 107. Annual report.

Sec. 108. Allocation.

Sec. 109. State plans.

Sec. 110. Juvenile delinquency prevention block grant program.

Sec. 111. Research; evaluation; technical assistance; training.

Sec. 112. Demonstration projects.

Sec. 113. Authorization of appropriations.

Sec. 114. Administrative authority.

Sec. 115. Use of funds.

Sec. 116. Limitation on use of funds.

Sec. 117. Rule of construction.

Sec. 118. Leasing surplus Federal property.

Sec. 119. Issuance of Rules.

Sec. 120. Technical and conforming amendments.

Sec. 121. References.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 201. Findings.

Sec. 202. Authority to make grants for centers and services.

Sec. 203. Eligibility.

Sec. 204. Approval of applications.

Sec. 205. Authority for transitional living grant program.

Sec. 206. Eligibility.

Sec. 207. Authority to make grants for research, evaluation, demonstration, and service projects.

Sec. 208. Temporary demonstration projects to provide services to youth in rural areas.

Sec. 209. Sexual abuse prevention program.

Sec. 210. Assistance to potential grantees.

Sec. 211. Reports.

Sec. 212. Evaluation.

Sec. 213. Authorization of appropriations.

Sec. 214. Consolidated review of applications.

Sec. 215. Definitions.

Sec. 216. Redesignation of sections.

Sec. 217. Technical amendment.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Duties and functions of the Administrator.

Sec. 302. Grants for prevention programs.

Sec. 303. Repeal of definition.

Sec. 304. Authorization of appropriations.

TITLE IV—MISCELLANEOUS AMENDMENTS

Sec. 401. National Resource Center and Clearinghouse for Missing Children.

TITLE V—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

Sec. 501. Delinquency proceedings or criminal prosecutions in

Sec. 502. Custody prior to appearance before judicial officer.

Sec. 503. Technical and conforming amendments to section 503A.

Sec. 504. Detention prior to disposition or sentencing.

Sec. 505. Speedy trial.

Sec. 506. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.

Sec. 507. Juvenile records and fingerprinting.

Sec. 508. Technical amendments of sections 5031 and 5034.

Sec. 509. Clerical amendments to table of sections for chapter 403.

TITLE VI—APPREHENDING ARMED VIOLENT YOUTH

Sec. 601. Armed violent youth apprehension directive.

TITLE VII—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

Sec. 701. Short title.

Sec. 702. Block grant program.

TITLE VIII—SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

Sec. 801. Special priority.

TITLE IX—GRANT REDUCTION

Sec. 901. Parental notification.

TITLE X—GENERAL PROVISIONS

Sec. 1001. Effective date; application of amendments.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974**SEC. 101. FINDINGS.**

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

“FINDINGS

“SEC. 101. (a) The Congress finds the following:

“(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ½ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

“(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

“(A) quality prevention programs that—

“(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

“(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

“(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

“(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the

challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.”.

SEC. 102. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

“PURPOSES

“SEC. 102. The purposes of this title and title II are—

“(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

“(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

“(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.”.

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking “to help prevent juvenile delinquency” and inserting “designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior”;

(2) in paragraph (4) by inserting “title I of” before “the Omnibus” each place it appears,

(3) in paragraph (7) by striking “the Trust Territory of the Pacific Islands,”

(4) in paragraph (9) by striking “justice” and inserting “crime control”;

(5) in paragraph (12)(B) by striking “, of any nonoffender,”

(6) in paragraph (13)(B) by striking “, any non-offender,”

(7) in paragraph (14) by inserting “drug trafficking,” after “assault,”

(8) in paragraph (16)—

(A) in subparagraph (A) by adding “and” at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking “and” at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

“(23) the term ‘boot camp’ means a residential facility (excluding a private residence) at which there are provided—

“(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

“(B) regular, remedial, special, and vocational education; and

“(C) counseling and treatment for substance abuse and other health and mental health problems;

“(24) the term ‘graduated sanctions’ means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their

subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or
 "(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996."

SEC. 104. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(A) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in subsection section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 105. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 106. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 107. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "priorities," and

(B) by striking "and recommendations of the Council",

(2) by striking paragraphs (4) and (5), and inserting the following:

"(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.", and

(3) by redesignating such section as section 206.

SEC. 108. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to \$400,000," and inserting "amount up to \$400,000",

(II) by inserting a comma after "1992" the 1st place it appears,

(III) by striking "the Trust Territory of the Pacific Islands," and

(IV) by striking "amount, up to \$100,000," and inserting "amount up to \$100,000",

(ii) in subparagraph (B)—

(I) by striking "(other than part D)",

(II) by striking "or such greater amount, up to \$600,000" and all that follows through "section 299(a) (1) and (3)",

(III) by striking "the Trust Territory of the Pacific Islands," and

(IV) by striking "amount, up to \$100,000," and inserting "amount up to \$100,000", and

(V) by inserting a comma after "1992",

(B) in paragraph (3) by striking "allot" and inserting "allocate", and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 109. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking "challenge" and all that follows through "part E", and inserting "projects, and activities",

(B) in paragraph (3)—

(i) by striking "which—" and inserting "that—",

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and",

(II) by inserting "in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State",

(III) in clause (i) by striking "or the administration of juvenile justice" and inserting "the administration of juvenile justice, or the reduction of juvenile delinquency",

(IV) in clause (ii) by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and", and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking "justice" and inserting "crime control",

(iv) in subparagraph (D)—

(I) in clause (i) by inserting "and" at the end,

(II) in clause (ii) by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)", and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking "title—" and all that follows through "(ii)" and inserting "title",

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking "other than" and inserting

"reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding" after "section 222", and

"(ii) in subparagraph (C) by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)",

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting "including in rural areas" before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State",

(II) by striking "justice" the second place it appears and inserting "crime control", and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and",

(ii) by amending subparagraph (B) to read as follows:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system"; and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State";

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking "specifically" and inserting "including",

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (B) to read as follows:

"(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior";

(iii) in subparagraph (C) by striking "juvenile justice" and inserting "juvenile crime control",

(iv) by amending subparagraph (D) to read as follows:

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law";

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking "juveniles, provided" and all that follows through "provides; and", and inserting the following:

"juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and",

(vi) by amending subparagraph (F) to read as follows:

“(F) expanding the use of probation officers—

“(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(ii) to ensure that juveniles follow the terms of their probation;”;

(vii) by amending subparagraph (G) to read as follows:

“(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;”;

(viii) in subparagraph (H) by striking “handicapped youth” and inserting “juveniles with disabilities”;

(ix) by amending subparagraph (K) to read as follows:

“(K) boot camps for juvenile offenders;”;

(x) by amending subparagraph (L) to read as follows:

“(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;”;

(xi) by amending subparagraph (M) to read as follows:

“(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;”;

(xii) by amending subparagraph (N) to read as follows:

“(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;”;

(xiii) in subparagraph (O)—

(I) in striking “cultural” and inserting “other”, and

(II) by striking the period at the end and inserting a semicolon, and

(xiv) by adding at the end the following:

“(P) a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that is—

“(i) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

“(ii) submitted to the Federal Bureau of Investigation in the same manner as adult records are so submitted;

“(iii) retained for a period of time that is equal to the period of time records are retained for adults; and

“(iv) available on an expedited basis to law enforcement agencies, the courts, and school officials (and such school officials shall be subject to the same standards and penalties that law enforcement and juvenile justice system employees are subject to under Federal and State law, for handling and disclosing such information);

“(Q) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

“(R) programs designed to prevent and reduce hate crimes committed by juveniles.”;

(I) by amending paragraph (12) to read as follows:

“(12) shall, in accordance with rules issued by the Administrator, provide that—

“(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

“(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

“(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

“(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

“(B) juveniles—

“(i) who are not charged with any offense; and

“(ii) who are—

“(I) aliens; or

“(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;”;

(J) by amending paragraph (13) to read as follows:

“(13) provide that—

“(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

“(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;”;

(K) by amending paragraph (14) to read as follows:

“(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

“(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

“(i) for processing or release;

“(ii) while awaiting transfer to a juvenile facility; or

“(iii) in which period such juveniles make a court appearance;

“(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

“(i) in which—

“(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

“(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

“(ii) that—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget);

“(II) has no existing acceptable alternative placement available;

“(III) is located where conditions of distance to be traveled or the lack of highway,

road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

“(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

“(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

“(i) such jail or lockup—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

“(II) has no existing acceptable alternative placement available;

“(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

“(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile’s position regarding the detention or confinement involved to the court before the court approves such detention or confinement; and

“(iv) detaining or confining such juvenile in accordance with this subparagraph is—

“(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

“(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement; and

“(III) for a period preceding the sentencing (if any) of such juvenile;”;

(L) in paragraph (15)—

(i) by striking “paragraph (12)(A), paragraph (13), and paragraph (14)” and inserting “paragraphs (11), (12), and (13)”, and

(ii) by striking “paragraph (12)(A) and paragraph (13)” and inserting “paragraphs (11) and (12)”,

(M) in paragraph (16) by striking “mentally, emotionally, or physically handicapping conditions” and inserting “disability”;

(N) by amending paragraph (19) to read as follows:

“(19) provide assurances that—

“(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

“(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

“(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;”;

(O) by amending paragraph (23) to read as follows:

“(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;”;

(P) by amending paragraph (24) to read as follows:

“(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

“(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

“(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

“(C) not later than 48 hours during which such juvenile is so held—

“(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

“(ii) such court shall conduct a hearing to determine—

“(I) whether there is reasonable cause to believe that such juvenile violated such order; and

“(II) the appropriate placement of such juvenile pending disposition of the violation alleged;”.

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon,

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(S) by adding at the end the following:

“(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

“(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.”, and

(2) by amending subsection (c) to read as follows:

“(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 1998, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

“(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

“(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.”, and

(3) in subsection (d)—

(A) by striking “allotment” and inserting “allocation”, and

(B) by striking “subsection (a) (12)(A), (13), (14) and (23)” each place it appears and inserting “paragraphs (11), (12), (13), and (22) of subsection (a)”.

SEC. 110. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

“PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

“SEC. 241. AUTHORITY TO MAKE GRANTS.

“The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

“(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

“(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

“(3) educational projects or supportive services for delinquent or other juveniles—

“(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

“(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

“(C) to assist in identifying learning difficulties (including learning disabilities);

“(D) to prevent unwarranted and arbitrary suspensions and expulsions;

“(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

“(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles; or

“(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

“(4) projects which expand the use of probation officers—

“(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(B) to ensure that juveniles follow the terms of their probation;

“(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

“(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

“(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

“(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

“(9) projects which provide for an initial intake screening of each juvenile taken into custody—

“(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

“(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses;

“(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

“(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

“(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

“(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

“(14) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

“(15) family strengthening activities, such as mutual support groups for parents and their children;

“(16) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

“(17) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

“(18) other activities that are likely to prevent juvenile delinquency.

“SEC. 242. ALLOCATION.

“Funds appropriated to carry out this part shall be allocated among eligible States as follows:

“(1) Fifty percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

“(2) Fifty percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

“SEC. 243. ELIGIBILITY OF STATES.

“(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

“(1) An assurance that the State will use—

“(A) not more than 5 percent of such grant, in the aggregate, for—

“(i) the costs incurred by the State to carry out this part; and

“(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

“(B) the remainder of such grant to make grants under section 244.

“(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

“(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

“(4) An assurance that each eligible entity described in section 244(a) that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

“(5) Such other information and assurances as the Administrator may reasonably require by rule.

“(b) APPROVAL OF APPLICATIONS.—

“(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

“(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

“(A)(i) the State submitted a plan under section 223 for such fiscal year; and

“(ii) such plan is approved by the Administrator for such fiscal year; or

“(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

“SEC. 244. GRANTS FOR LOCAL PROJECTS.

“(a) SELECTION FROM AMONG APPLICATIONS.—(1) Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 241.

“(2) For purposes of making such grants, the State shall give special consideration to eligible entities that—

“(A) propose to carry out such projects in geographical areas in which there is—

“(i) a disproportionately high level of serious crime committed by juveniles; or

“(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

“(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

“(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

“(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

“(b) RECEIPT OF APPLICATIONS.—(1) Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

“(A) timely received by such unit from eligible entities; and

“(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

“(2) If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

“SEC. 245. ELIGIBILITY OF ENTITIES.

“(a) ELIGIBILITY.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 244, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), non-profit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

“(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

“(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

“(3) A statement identifying the research (if any) such entity relied on in preparing such application.

“(b) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 244 unless—

“(1) such entity submits to a unit of general local government an application that—

“(A) satisfies the requirements specified in subsection (a); and

“(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

“(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

“(c) LIMITATION.—If an entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.”

“SEC. 111. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611

et seq.) is amended by inserting after part C, as added by section 110, the following:

“PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

“SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

“(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

“(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

“(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

“(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

“(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

“(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

“(iv) successful efforts to prevent recidivism;

“(v) the juvenile justice system;

“(vi) juvenile violence; and

“(vii) other purposes consistent with the purposes of this title and title I.

“(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

“(b) STATISTICAL ANALYSES.—The Administrator may—

“(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

“(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

“(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

“(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

“(e) INFORMATION DISSEMINATION.—The Administrator may—

“(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

“(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and

dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

“(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

“SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

“(a) TRAINING.—The Administrator may—

“(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

“(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

“(b) TECHNICAL ASSISTANCE.—The Administrator may—

“(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

“(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.”.

SEC. 112. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

“PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

“SEC. 261. GRANTS AND PROJECTS.

“(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

“(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

“SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

“The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

“SEC. 263. ELIGIBILITY.

“To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

“SEC. 264. REPORTS.

“Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.”.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and
(2) by striking subsections (a), (b), and (c), and inserting the following:

“(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—

(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 1999, 2000, 2001, and 2002.

“(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

“(A) not more than 5 percent shall be available to carry out part A;

“(B) not less than 80 percent shall be available to carry out part B; and

“(C) not more than 15 percent shall be available to carry out part D.

“(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

“(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.”.

SEC. 114. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking “as are consistent with the purpose of this Act” and inserting “only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance”, and

(2) by adding at the end the following:

“(e) If a State requires by law compliance with the requirements described in paragraphs (1), (2), and (3) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.”.

SEC. 115. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking “may be used for”,
(B) in paragraph (1) by inserting “may be used for” after “(1)”, and

(C) by amending paragraph (2) to read as follows:

“(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.”.

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 116. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110, is amended adding at the end the following:

“SEC. 299F. LIMITATION ON USE OF FUNDS.

“None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.”.

SEC. 117. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 116, is amended adding at the end the following:

“SEC. 299G. RULES OF CONSTRUCTION.

“Nothing in this title or title I shall be construed—

“(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

“(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.”.

SEC. 118. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 117, is amended adding at the end the following:

“SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

“The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.”.

SEC. 119. ISSUANCE OF RULES.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 118, is amended adding at the end the following:

“SEC. 299I. ISSUANCE OF RULES.

“The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.”.

SEC. 120. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking “prescribed for GS-18 of the General Schedule by section 5332” and inserting “payable under section 5376”;

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93-415 (88 Stat. 1132-1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking “Office of Juvenile Justice and Delinquency Prevention” and inserting “Office of Juvenile Crime Control and Delinquency Prevention”.

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E";

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E";

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 121. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 201. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5) by striking "accurate reporting of the problem nationally" and inserting "an accurate national reporting system to report the problem.", and

(2) by amending paragraph (8) to read as follows:

"(8) services for runaway and homeless youth are needed in urban, suburban and rural areas;"

SEC. 202. AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.

Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Such services—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)—

(A) in paragraph (2) by striking "the Trust Territory of the Pacific Islands,"; and

(B) by striking paragraph (4), and

(3) by striking subsections (c) and (d).

SEC. 203. ELIGIBILITY.

Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8) by striking "paragraph (6)" and inserting "paragraph (7)",

(B) in paragraph (10) by striking "and" at the end,

(C) in paragraph (11) by striking the period at the end and inserting "; and", and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project;

in the year for which the report is submitted."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic

life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

SEC. 204. APPROVAL OF APPLICATIONS.

Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"APPROVAL OF APPLICATIONS

"SEC. 313. (a) An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) The Secretary shall, in considering applications for grants under section 311(a), give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than \$200,000.".

SEC. 205. AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.

Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1) is amended—

(1) in the heading by striking "PURPOSE AND",

(2) in subsection (a) by striking "(a)", and

(3) by striking subsection (b).

SEC. 206. ELIGIBILITY.

Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

SEC. 207. AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the heading of such section by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a) by inserting "evaluation," after "research," and

(3) in subsection (b)—

(A) by striking paragraph (2), and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

SEC. 208. TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS.

Section 344 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-24) is repealed.

SEC. 209. SEXUAL ABUSE PREVENTION PROGRAM.

Section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1922) is amended to read as follows:

"SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

"(a) **AUTHORITY FOR PROGRAM.**—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

"(1) by striking the heading for part F,

"(2) by redesignating part E as part F, and

"(3) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse.

"(b) In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to non-profit private agencies that have experience in providing services to runaway and homeless, and street youth."

"(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 389(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 213 of the Juvenile Crime Control and Delinquency Prevention Act of 1998, is amended by adding at the end the following:

"(4) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002."

SEC. 210. ASSISTANCE TO POTENTIAL GRANTEEES.

Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

SEC. 211. REPORTS.

Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"REPORTS

"SEC. 381. (a) Not later than April 1, 1999, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) The Secretary shall include in the report required by subsection (a) summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations."

SEC. 212. EVALUATION.

Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"EVALUATION AND INFORMATION

"SEC. 384. (a) If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 383; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title."

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 389. (a)(1) There are authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

"(2)(A) From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) After reserving the amounts required by paragraph (2), the Secretary shall reserve the remaining amount (if any) to carry out parts C and D.

"(b) No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title."

SEC. 214. CONSOLIDATED REVIEW OF APPLICATIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 384 the following:

"CONSOLIDATED REVIEW OF APPLICATIONS

"SEC. 385. With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process."

SEC. 215. DEFINITIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 385, as added by section 214, the following:

"DEFINITIONS

"SEC. 386. For the purposes of this title:

"(1) The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(III) physical and sexual assault.

"(5) The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

“(ii) indefinitely or intermittently a homeless youth; and

“(B) spends a significant amount of time on the street or in other areas which increase the exposure of such youth to sexual abuse.

“(6) The term ‘transitional living youth project’ means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

“(7) The term ‘youth at risk of separation from the family’ means an individual—

“(A) who is less than 18 years of age; and

“(B)(i) who has a history of running away from the family of such individual;

“(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

“(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.”.

SEC. 216. REDESIGNATION OF SECTIONS.

Sections 371, 372, 381, 382, 383, 384, 385, and 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b-5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

SEC. 217. TECHNICAL AMENDMENT.

Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended in the 1st sentence by striking “With” and all that follows through “the Secretary”, and inserting “The Secretary”.

TITLE III—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102-586, is repealed.

TITLE IV—MISCELLANEOUS AMENDMENTS

SEC. 401. NATIONAL RESOURCE CENTER AND CLEARINGHOUSE FOR MISSING CHILDREN.

(a) ALTERNATIVE AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to The National Center for Missing and Exploited Children, a nonprofit corporation organized under the laws of the District of Columbia, \$5,000,000 for each of the fiscal years 1999, 2000, 2001, and 2002 to operate a national resource center and clearinghouse designed—

(1) to provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

(A) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families, and

(B) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families,

(2) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians,

(3) to disseminate nationally information about innovative and model missing children’s programs, services, and legislation, and

(4) to provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of missing and exploited child cases and in locating and recovering missing children.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the Missing Children’s Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) by striking “, shall”,

(2) in paragraph (1)—

(A) in subparagraph (A) by inserting “shall” after “(A)”, and

(B) in subparagraph (B) by striking “coordinating” and inserting “shall coordinate”,

(3) in paragraph (2) by inserting “for any fiscal year for which no funds are appropriated under section 2 of the Missing and Exploited Children Act of 1997, shall” after “(2)”,

(4) in paragraph (3) by inserting “shall” after “(3)”, and

(5) in paragraph (4) by inserting “shall” after “(4)”.

TITLE V—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 501. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

“§ 5032. Delinquency proceedings or criminal prosecutions in district courts

“(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

“(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

“(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

“(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

“(i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, and

“(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

“(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State.

“(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

“(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

“(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

“(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or at-

tempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

“(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of justice are best served by proceeding against the juvenile as a juvenile.

“(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

“(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

“(3) Such approval shall not be granted, with respect to such a juvenile who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

“(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

“(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

“(B) an offense described in section 844 (d), (k), or (l), or subsection (a)(6), (b), (g), (h), (j), (k), or (l) of section 924;

“(C) a violation of section 922(o) that is an offense under section 924(a)(2);

“(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

“(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

“(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

“(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

“(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

“(f) The Attorney General shall annually report to Congress—

“(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

“(2) the race, ethnicity, and gender of those juveniles;

“(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

“(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

“(g) As used in this section—

“(1) the term ‘State’ includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

“(2) the term ‘serious violent felony’ has the same meaning given that term in section 3559(c)(2)(F)(i).”

SEC. 502. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

“§5033. Custody prior to appearance before judicial officer

“(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile’s rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile’s parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

“(b) The juvenile shall be taken before a judicial officer without unreasonable delay.”

SEC. 503. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking “The” each place it appears at the beginning of a paragraph and inserting “the”;

(2) by striking “If” at the beginning of the 3rd paragraph and inserting “if”;

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

“In a proceeding under section 5032(a)—”

SEC. 504. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

“§5035. Detention prior to disposition or sentencing

“(a)(1) A juvenile who has attained the age of 16 years and who is prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

“(2) A juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility lo-

cated within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

“(3) To the maximum extent feasible, a juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

“(b) A juvenile proceeded against under section 5032 shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

“(c) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.”

SEC. 505. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended by—

(1) striking “If an alleged delinquent” and inserting “If a juvenile proceeded against under section 5032(a)”;

(2) striking “thirty” and inserting “45”; and

(3) striking “the court,” and all that follows through the end of the section and inserting “the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.”

SEC. 506. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

“§5037. Disposition

“(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile’s counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile’s parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

“(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and

3565 are applicable to an order placing a juvenile on probation.

“(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

“(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

“(2) ten years; or

“(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

“(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

“(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile’s attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court’s inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

“(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

“(2) Such list shall—

“(A) be comprehensive in nature and encompass punishments of varying levels of severity;

“(B) include terms of confinement; and

“(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.”

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

“(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).”

SEC. 507. JUVENILE RECORDS AND FINGERPRINTING.

Section 5038 of title 18, United States Code, is amended to read as follows:

“§5038. Juvenile records and fingerprinting

“(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding

under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

“(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

“(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

“(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim’s representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

“(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

“(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

“(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.”

SEC. 508. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) **ELIMINATION OF PRONOUNS.**—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking “his” each place it appears and inserting “the juvenile’s”.

(b) **UPDATING OF REFERENCE.**—Section 5034 of title 18, United States Code, is amended—

(1) in the heading of such section, by striking “**magistrate**” and inserting “**judicial officer**”; and

(2) by striking “magistrate” each place it appears and inserting “judicial officer”.

SEC. 509. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

“CHAPTER 403—JUVENILE DELINQUENCY

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings or criminal prosecutions in district courts.

“5033. Custody prior to appearance before judicial officer.

“5034. Duties of judicial officer.

“5035. Detention prior to disposition or sentencing.

“5036. Speedy trial.

“5037. Disposition.

“5038. Juvenile records and fingerprinting.

“5039. Commitment.

“5040. Support.

“5041. Repealed.

“5042. Revocation of probation.”.

TITLE VI—APPREHENDING ARMED VIOLENT YOUTH

SEC. 601. ARMED VIOLENT YOUTH APPREHENSION DIRECTIVE.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Attorney General of the United States shall establish an armed violent youth apprehension program consistent with the following requirements:

(1) Each United States attorney shall designate at least 1 assistant United States attorney to prosecute, on either a full- or part-time basis, armed violent youth.

(2) Each United States attorney shall establish an armed youth criminal apprehension task force comprised of appropriate law enforcement representatives. The task force shall develop strategies for removing armed violent youth from the streets, taking into consideration—

(A) the importance of severe punishment in deterring armed violent youth crime;

(B) the effectiveness of Federal and State laws pertaining to apprehension and prosecution of armed violent youth;

(C) the resources available to each law enforcement agency participating in the task force;

(D) the nature and extent of the violent youth crime occurring in the district for which the United States attorney is appointed; and

(E) the principle of limited Federal involvement in the prosecution of crimes traditionally prosecuted in State and local jurisdictions.

(3) Not less frequently than bimonthly, the Attorney General shall require each United States attorney to report to the Department of Justice the number of youths charged with, or convicted of, violating section 922(g) or 924 of title 18, United States Code, in the district for which the United States attorney is appointed and the number of youths referred to a State for prosecution for similar offenses.

(4) Not less frequently than twice annually, the Attorney General shall submit to the Congress a compilation of the information received by the Department of Justice pursuant to paragraph (3) and a report on all waivers granted under subsection (b).

(b) **WAIVER AUTHORITY.**—

(1) **REQUEST FOR WAIVER.**—A United States attorney may request the Attorney General to waive the requirements of subsection (a) with respect to the United States attorney.

(2) **PROVISION OF WAIVER.**—The Attorney General may waive the requirements of subsection (a) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

(c) **ARMED VIOLENT YOUTH DEFINED.**—As used in this section, the term “armed violent youth” means a person who has not attained 18 years of age and is accused of violating—

(1) section 922(g)(1) of title 18, United States Code, having been previously convicted of—

(A) a violent crime; or

(B) conduct that would have been a violent crime had the person been an adult; or

(2) section 924 of such title.

(d) **SUNSET.**—This section shall have no force or effect after the 5-year period that begins 180 days after the date of the enactment of this Act.

TITLE VII—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

SEC. 701. SHORT TITLE.

This title may be cited as the “Juvenile Accountability Block Grants Act of 1998”.

SEC. 702. BLOCK GRANT PROGRAM.

(a) **IN GENERAL.**—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

“SEC. 1801. PROGRAM AUTHORIZED.

“(a) **IN GENERAL.**—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to eligible units.

“(b) **AUTHORIZED ACTIVITIES.**—Amounts paid to a State, a unit of local government, or an eligible unit under this part shall be used by the State, unit of local government, or eligible unit for the purpose of promoting greater accountability in the juvenile justice system, which includes—

“(1) building, expanding, renovating, or operating temporary or permanent juvenile correction or detention facilities, including training of correctional personnel;

“(2) developing and administering accountability-based sanctions for juvenile offenders;

“(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

“(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced;

“(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

“(6) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

“(7) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

“(8) the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

“(9) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

“(10) establishing and maintaining inter-agency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts; and

“(11) establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

“SEC. 1802. GRANT ELIGIBILITY.

“(a) **STATE ELIGIBILITY.**—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and

containing such assurances and information as the Attorney General may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or will have in effect not later than 1 year after the date a State submits such application) laws, or has implemented (or will implement not later than 1 year after the date a State submits such application) policies and programs, that—

“(1) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

“(2) impose sanctions on juvenile offenders for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation, including such accountability-based sanctions as—

“(A) restitution;

“(B) community service;

“(C) punishment imposed by community accountability councils comprised of individuals from the offender's and victim's communities;

“(D) fines; and

“(E) short-term confinement;

“(3) establish at a minimum a system of records relating to any adjudication of a juvenile who has a prior delinquency adjudication and who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law; and

“(4) ensure that State law does not prevent a juvenile court judge from issuing a court order against a parent, guardian, or custodian of a juvenile offender regarding the supervision of such an offender and from imposing sanctions for a violation of such an order.

“(b) LOCAL ELIGIBILITY.—

“(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs which—

“(A) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

“(B) impose a sanction for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation; and

“(C) ensure that there is a system of records relating to any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law.

“(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to an eligible unit that receives funds from the Attorney General under section 1803, except that information that would otherwise be submitted to the State shall be submitted to the Attorney General.

“SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

“(a) STATE ALLOCATION.—

“(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part, the Attorney General shall allocate—

“(A) 0.25 percent for each State; and

“(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

“(2) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (1)(A) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1)(A) for such period, then the Attorney General shall reduce payments under paragraph (1)(A) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

“(3) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

“(b) LOCAL DISTRIBUTION.—

“(1) IN GENERAL.—Each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

“(A) the sum of—

“(i) the product of—

“(I) two-thirds; multiplied by

“(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

“(ii) the product of—

“(I) one-third; multiplied by

“(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

“(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

“(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

“(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

“(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

“(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

“(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

“(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN \$5,000.—If under this section a unit of local government is allocated less than \$5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

“(e) DIRECT GRANTS TO ELIGIBLE UNITS.—

“(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to eligible units which meet the requirements for funding under subsection (b).

“(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

“SEC. 1804. REGULATIONS.

“The Attorney General shall issue regulations establishing procedures under which an eligible State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

“SEC. 1805. PAYMENT REQUIREMENTS.

“(a) TIMING OF PAYMENTS.—The Attorney General shall pay each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

“(1) 180 days after the date that the amount is available, or

“(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

“(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

“(1) REPAYMENT REQUIRED.—From amounts appropriated under this part, a State shall repay to the Attorney General, by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

“(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

“(3) DEPOSIT OF AMOUNTS REPAYED.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States.

“(c) ADMINISTRATIVE COSTS.—A State, unit of local government or eligible unit that receives funds under this part may use not more than 10 percent of such funds to pay for administrative costs.

“(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States, units of local government, or eligible units shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

“(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 1801(a)(2).

SEC. 1807. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—A State that receives funds under this part shall—

"(1) establish a trust fund in which the government will deposit all payments received under this part; and

"(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State;

"(3) designate an official of the State to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

"(4) spend the funds only for the purposes under section 1801(b).

"(b) TITLE I PROVISIONS.—The administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

SEC. 1808. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'unit of local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

"(2) The term 'eligible unit' means a unit of local government which may receive funds under section 1803(e).

"(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(4) The term 'juvenile' means an individual who is 17 years of age or younger.

"(5) The term 'law enforcement expenditures' means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

"(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"(7) The term 'serious violent crime' means murder, aggravated sexual assault, and assault with a firearm.

SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

"(1) \$500,000,000 for fiscal year 1999;

"(2) \$500,000,000 for fiscal year 2000; and

"(3) \$500,000,000 for fiscal year 2001.

"(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 1 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 1999 through 2001 shall be

available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

"(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund."

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"Sec. 1801. Program authorized.

"Sec. 1802. Grant eligibility.

"Sec. 1803. Allocation and distribution of funds.

"Sec. 1804. Regulations.

"Sec. 1805. Payment requirements.

"Sec. 1806. Utilization of private sector.

"Sec. 1807. Administrative provisions.

"Sec. 1808. Definitions.

"Sec. 1809. Authorization of appropriations."

TITLE VIII—SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS**SEC. 801. SPECIAL PRIORITY.**

Section 517 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(c) SPECIAL PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or to juveniles who are involved or at risk of involvement in gangs, the Director shall give special priority to a public agency that includes in its application a description of strategies, either in effect or proposed, providing for cooperation between local, State, and Federal law enforcement authorities to disrupt the illegal sale or transfer of firearms to or between juveniles through tracing the sources of crime guns provided to juveniles."

TITLE IX—GRANT REDUCTION**SEC. 901. PARENTAL NOTIFICATION.**

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(g) INFORMATION ACCESS.—

"(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 20 percent and redistributed under paragraph (2) unless the State—

"(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1998, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

"(B) adheres to the requirements described in such plan in each subsequent year as determined by the Attorney General.

"(2) REDISTRIBUTION.—To the extent approved in advance in appropriations Acts, any funds available for redistribution shall be redistributed to participating States that have submitted a plan in accordance with paragraph (1).

"(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1)."

TITLE X—GENERAL PROVISIONS**SEC. 1001. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments

made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri (Mr. CLAY) control the time.

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

There was no objection.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that 10 minutes of the time that I control be controlled by the gentleman from Florida (Mr. MCCOLLUM).

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 2073, which authorizes appropriations for the National Center for Missing and Exploited Children, and I have a substitute which would replace the text of this bill which includes comprehensive reforms to our Nation's programs addressing juvenile crime.

Mr. Speaker, in 1995, juveniles accounted for 32 percent of the arrests for robberies, 23 percent of weapons violations, 15 percent of rapes, 13 percent of aggravated assaults and 9 percent of arrests for murder. These are staggering statistics that should draw our collective attention to the need for meaningful reform over our juvenile justice system.

Last year, the House passed H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act. This is an important bill that not only supports making juveniles accountable for their actions, but also provides funds to States and local communities in designing prevention programs to help young Americans turn their lives around.

The House has also passed H.R. 3, legislation from the Committee on the Judiciary to hold juveniles accountable for their actions. Together, these two bills presented a comprehensive approach to addressing juvenile crime in America today.

The Senate passed legislation amending portions of H.R. 1818, specifically amendments to the Missing Children's Assistance Act and the Runaway and Homeless Youth Act.

It is our intent to amend this legislation, S. 2073, to include the provisions of H.R. 1818 and H.R. 3 and to request a House/Senate conference to work out the differences between the two bills.

Mr. Speaker, over the past 2 years, we have seen a horrendous increase in

school violence in our country. I believe the number of students who have been killed in our Nation's schools by other students has shocked all of us. The well thought out provisions of H.R. 1818 provide support for States and local communities in addressing issues relating to juvenile crime, including school violence.

It places the design of prevention programs where it appropriately belongs, at the local level. Although it outlines a number of ways in which funds can be used, it does not restrict local innovation.

Earlier this year, the Subcommittee on Early Childhood, Youth and Families held a hearing on understanding violent children. This hearing focused on the factors that are likely to contribute to school violence and explored the backgrounds of children who commit the violent acts.

One key issue was discussed by most of the witnesses testifying at the hearing: The need for early identification of students with a potential for violence and then early intervention and prevention activities directed at those students. Schools could conduct these types of activities using funds provided under this act.

Mr. Speaker, we need to make communities and schools safe. Our goal is crime-free environments where children can play and learn. To reach this goal, we must act now to move legislation addressing juvenile crime. The end of the session is drawing near. We cannot afford to wait any longer. Parents, teachers, counselors and law enforcement personnel cannot continue to wait for us to act. Most importantly, our sons and daughters need our support in making playgrounds and neighborhoods safe again.

I believe we must take advantage of this opportunity to produce legislation which not only provides appropriate punishment for juvenile offenders but which provides a variety of intervention and prevention programs to prevent youth involvement in delinquent activities, and I urge the Members' support.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Florida (Mr. MCCOLLUM).

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

There was no objection.

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

Mr. Speaker, I rise in opposition to this Republican ploy to strike the language in S. 2073 and replace it with both H.R. 1818 and H.R. 3.

H.R. 3 is a punitive, controversial measure from the Committee on the Judiciary, which does very little to prevent crime in America's streets. By contrast, H.R. 1818 is a bipartisan measure that includes thoughtful, effective crime prevention measures that will give juveniles real alternatives.

By combining these two House bills, we will virtually obliterate and ensure

the obliteration of H.R. 1818's positive prevention measures. H.R. 1818 enjoyed very strong bipartisan support, which was evidenced by its overwhelming margin of passage, 413 to 14. The bill creates a new, more effective and streamline prevention and treatment program for juveniles. It also maintains a Federal role in juvenile justice research and evaluation, and it provides for the separation of juveniles from adults in correctional settings.

□ 1415

H.R. 1818 was considered under suspension of the rules and was the product of several months of careful negotiation. By contrast, H.R. 3 would result in more juveniles being tried as adults in Federal court because it provides for the mandatory adult prosecution of 14-year-olds charged with serious violent felonies.

This is a far cry from the strong prevention-based philosophy of H.R. 1818. We cannot afford to toss our troubled juveniles into jail and throw away the keys. We must intervene first with the strong and flexible prevention measures that H.R. 1818 provides.

Mr. Speaker, I believe that H.R. 1818's promotion of prevention over punishment, substance over politics, shows what we as elected officials can do to produce fair, bipartisan legislation. Instead of looking to score cheap political points, let us do right by our Nation's troubled children and work to prevent juvenile crime.

Mr. Speaker, the combining of these bills is a Republican ploy to force Members who already opposed H.R. 3 to vote for it now. This amendment is an abuse of the suspension calendar. Members who voted against H.R. 3, or have concerns about the Draconian measures in S. 2073, should vote "no" on this motion.

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

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

Mr. Speaker, this bill, as has been stated previously, contains the elements of two major youth crime bills and an effort to improve our juvenile justice system very dramatically as the work product of two different committees of this House.

Both of these bills in other forms, but very much the same language, have passed this body. H.R. 3, which passed this body some time ago in the last session of this Congress back last year, passed by a vote of 286 to 132. That is what constitutes sections 5 and 6 and 7 of this bill today.

Mr. Speaker, I want my colleagues to fully understand that many, the vast majority, voted for these provisions previously. We have had some difficulty getting the legislation represented by both of these previous bills into law. So, consequently, this is an effort to combine the two and perhaps be able to get something through the other body, as well as ours, and to the President's desk.

First of all, it is extremely important for us to recognize that we have a crisis in juvenile crime today in this Nation. Our juvenile justice system is truly broken because juvenile judges, juvenile prosecutors, juvenile probation officers, are overwhelmed by the caseload that is out there.

We find in the streets of America today young people committing crimes, oftentimes the traditional crimes we think of as going to juvenile court of doing something like spray painting graffiti on a warehouse wall or running over a parking meter, and not even seeing the police officer taking them into the juvenile authorities because the juvenile authorities are so overworked, they have to spend their time on the violent crime that we hear so much about in society today, that they are not focused and cannot take the time to focus on these lesser crimes.

Then when they are taken in, they may or may not receive any punishment at all. We have a lot of reports in some of our major urban areas where they do not receive any punishment, which is the reason why law enforcement hesitates to carry these young people in that commit misdemeanor crimes and wait for the really serious stuff, which may be many, many crimes down the road. Then those who do get some punishment frequently cannot be supervised, because there is no probation officer who has the time to do that and so on down the line.

As a net consequence, what I have learned as chairman of the Subcommittee on Crime in this House over the last 3 or 4 years is that we have a lot of young people who believe that there is no consequence to their juvenile acts when they go out and commit these relatively petty crime. The experts say in that case, since they may commit all kinds of these crimes and never get any punishment, never even be taken into the juvenile authorities, is it any wonder that when they are a little older and rob a 7-Eleven store with a gun that they do not hesitate to pull the trigger because they do not think that there is going to be any consequences.

So, what is in this bill that was in H.R. 3, which is the gist of that bill on juvenile justice reform, is an effort to hold these young people accountable, knowing and recognizing that the vast majority of juvenile justice problems are in the States, not at the Federal level. This is not a Federal bill in that sense. It is, instead, a bill that would provide for some effort to put some accountability in there by a grant program to the States and local communities for the purposes of promoting this accountability.

The funds that would be authorized in this bill are \$500 million a year over 3 years for State and local communities to be able to spend for the purposes of increasing accountability in their juvenile justice systems for anything they want to. More judges, more

probation officers, more prosecutors, more juvenile detention facilities if that is what they need, but within the framework of juvenile justice for anything they want.

There are only a couple of provisions that they have to assure the Attorney General of the United States in order to get the grant money, the first and foremost of which is that the State would have to ensure that there is a sanction, some kind of punishment, for every delinquent or criminal act of a juvenile and that there will be an escalating greater sanction for every subsequent delinquent act that is more serious.

That is very critical. It does not exist today, unfortunately, in most communities and it needs to exist. That is the real reason for this part of the legislation, why H.R. 3 was passed, and why it is in this bill today. It is a grant program to provide those additional resources so that these overworked juvenile justice systems can be given a jump start, knowing that the States will have to pump even more money into the system, but at least saying we are out there to offer a helping hand of \$500 million a year, which is a lot of money, to the States which comply with that.

They also would have to establish a system of records for juveniles adjudicated delinquent for a second offense that would be a felony if committed by an adult, which is a system equivalent to that maintained for adults that commit felonies.

They have to assure that State law does not prevent a juvenile court judge from issuing an order against a parent or guardian of a juvenile offender and from imposing sanctions for violation of that order, which most States already do.

The last one that is often talked about, but that is far milder than has been represented even here today, they have to assure the Attorney General that when juveniles commit an act after attaining the age of 15 years of age that would be a serious violent crime on only one of those four, murder, aggravated, sexual assault, and armed robbery with a firearm if committed by an adult, may be prosecuted as an adult within the discretion of the prosecutor, which is, of course, the law in almost all States today.

The heart of this is that we want money to go to the States to improve their juvenile justice systems. This is a grant program to do that. It is primarily attached to the principal string that they will start punishing and assure us that they are punishing juveniles for their first delinquent acts and then increase that punishment thereafter with the misdemeanor crimes to put consequences back into the law and stop a lot of these kids from committing the violent crimes that they do later. It is a very important bill and I urge its adoption.

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

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ).

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

Mr. MARTINEZ. Mr. Speaker, I rise in opposition to the House substitute to S. 2073. Members on the other side of the aisle are politicizing what could have been a bipartisan debate on juvenile justice by incorporating the controversial H.R. 3 in the substitute.

It is certain that the House had bipartisan options at hand. The Senate version of S. 2073 would have reauthorized the Runaway and Homeless Youth Act and the National Center for Missing and Exploited Children. While I am a strong advocate of both programs and support their extension, I do not support H.R. 3, which is an overreaction.

On the other hand, one of the bills that we are using as a substitute to the Senate legislation is H.R. 1818, the Juvenile Justice Crime Control and Delinquency Prevention Act, which also reauthorizes these important programs and represents a truly bipartisan compromise in addressing juvenile justice.

Over a year ago, H.R. 1818 passed the House with near unanimous support. This legislation shows what we can do as elected officials to produce good public policy on a truly bipartisan basis. H.R. 1818 strengthens the vital provisions of the Juvenile Justice and Delinquency Prevention Act, embodied in the four core mandates, while providing flexibility to deal with the real life difficulties of dealing with juvenile offenders.

In addition, a dramatic positive new step is also taken by the creation of H.R. 1818's Community Prevention Block Grant. These funds will provide the vital tools necessary for our local communities to prevent juvenile crimes.

Unfortunately, legislation that lacks the overwhelming bipartisan mandate afforded to H.R. 1818 will also be incorporated in the House substitute to S. 2073. That legislation, H.R. 3, relies on punitive measures rather than the prevention efforts which are more successful and less costly. H.R. 3 espouses an extremist view of addressing juvenile crime, both by calling for the prosecution of more youths as adults and forcing juveniles to be housed with adult offenders.

This is in direct conflict with the provisions of H.R. 1818 which mandate total sight and sound separation of adults and juveniles in correctional facilities. These protections were first enacted in the JJDPA due to the overwhelming evidence that housing adults with youth together in the same correctional facility was dangerous and even lethal for juveniles.

Mr. Speaker, the facts are the suicide rate for youths in adult jails is eight times higher than that for children in juvenile detention centers. Most suicide attempts actually occur within the first hours of incarceration. In ad-

dition, youth who come in contact with adult inmates are often physically and sexually abused. I can attest that we could only be promoting recidivism by jailing youth offenders with adults, thus condemning these children to a lifetime of crime.

Therefore, despite myself strong support for H.R. 1818 and the Senate version of S. 2073, I must oppose the legislation before us today. I cannot support any measure that takes the irresponsible and hard-hearted approach to juvenile justice set forth in H.R. 3.

Mr. Speaker, I urge my colleagues to join me in voting against the House version of S. 2073.

Mr. MCCOLLUM. Mr. Speaker, may I inquire how much time each side has remaining. I believe I have adopted the time of the gentleman from Pennsylvania (Mr. GOODLING).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. MCCOLLUM) has 10 minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 14 minutes remaining.

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

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. SCOTT) be allowed to manage the balance of my time.

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

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to the motion to suspend the rules and pass the amended version of S. 2073. The original version of S. 2073 was a simple reauthorization of the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act. This new version has added H.R. 3 and the good, effective crime prevention bill, H.R. 1818, but it is the provisions of H.R. 3 that are most egregious.

Mr. Speaker, it has been two Congresses since we started debating on how best to reduce juvenile delinquency in this country and today we still do not have a Federal juvenile justice policy that will assist States and communities in addressing this persistent problem.

Instead, Congress has elected to go the politically popular route and use sound bites to develop bad juvenile crime policy. Even prominent research organizations such as the RAND Institute finds that the popular sound bite, "You do the adult crime, you do the adult time," has been shown to actually increase juvenile crime.

H.R. 3 has not changed much since it was last considered. Unlike H.R. 1818, it still allows children to be housed in adult prisons with adults, where they are five times more likely to be sexual assaulted, twice as likely to be beaten, and 50 percent more likely to be attacked with a weapon than children in a juvenile facility.

H.R. 3 requires States to prosecute children as young as 14 in the adult court system, which significance research shows will increase crime. Those crimes will be committed sooner and be more violent if we adopt this policy. Incredibly for the juveniles affected, the studies show that the adult time will actually be shorter than the juvenile time. That is right, the adult time will be shorter.

To add insult to injury, in most States the juvenile would be entitled to a preliminary hearing, giving the witnesses and the victims two trials to endure rather than one.

H.R. 3 also represents government intrusion at its worst. It would require 37 States to change their juvenile justice, laws including not only my State of Virginia but also California, Pennsylvania, Ohio, Texas and many others.

It is also important to understand that by bringing up S. 2073 in the House under a suspension of the rules as we are doing today the Senate no longer have to debate juvenile justice. They have a bill in the Senate, S. 10, which is similar to H.R. 3, and it has not been able to reach the floor because it cannot pass the "Light of Day Test," because when daylight hits S. 10, no one likes what they see. It has been criticized by the National Governors' Association, the National District Attorneys Association, the Children's Defense Fund, and even the Chief Justice of the Supreme Court.

□ 1430

Mr. Speaker, this is the wrong way to establish a Federal juvenile crime policy. We should let the center continue to deliberate until they can pass a juvenile crime bill that actually reduces youth crime. Meanwhile, the House should defeat the motion to suspend the rules and, instead, pass a simple reauthorization of the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Acts.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I stand in somewhat of an unusual position today. I serve on the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce and have worked with the gentleman from California (Mr. MARTINEZ) and the gentleman from Virginia (Mr. SCOTT) on this bill, both in the last session of Congress and in this session, and on H.R. 1818, which is a part of this bill. And we were able to develop a bipartisan and important consensus that in reaching out to children, in particularly their juvenile period, that we need to try to reach these kids before they get to the level of serious crime and work through that problem; and that they deserve special set-aside counseling, both in prevention and after they have committed a crime.

But this has been merged with another bill, Mr. Speaker, which I also support, which says that for certain actions, such as if a juvenile shoots somebody and kills them, if they rape someone, or if they commit armed robbery with a firearm, and they are 15 years of age, that person is just as dead, just as raped, or had their life just as threatened as if that individual were 18. We have spent too much time worrying about some of these juveniles on the street without thinking about the people, particularly in a lot of our urban centers, who are terrorized by these young people; without thinking of the people working in many fast food places, that are now shutting down in my hometown of Fort Wayne and around this country, where people do not have places to get food, they do not have grocery stores in their area because a few individuals are terrorizing their neighborhoods.

Now, I do not necessarily agree completely with every part of the crime bill section of this, in the sense that I think we need rehabilitation programs. We have had a celebrated case in our State about a young girl who committed a murder. And, clearly, when an individual is 14, 15, 16, 17, they are going through somewhat of a different process. And as has been pointed out, they are going to be released and we need to work with them. But they need to be off the streets and held accountable for their crimes, because for a few people in this society, in many cases, it is questionable, quite frankly, in these rape cases and armed robberies, whether indeed any of the rehab programs are working, and many of these people are not coming off the street.

I am not arguing against prevention. I supported that bill; I helped develop that bill. I believe we have an excellent effort to try to reach more of these young people before they get to that step. But we are getting into a posture, it seems like in this government, where if someone apologizes, if they say they are sorry, if somehow somebody gives them a slap on the wrist or maybe gives them a sensor, that they are not held accountable for their actions in this country anymore. There should be a price to pay if someone shoots somebody, if they rape somebody, or if they use a gun in an armed robbery. They should be held accountable for that crime, and we are not doing it at this time.

Forty percent of people in the juvenile period of 15 until they reach adulthood are not serving sentences, and they are back out on the streets terrorizing the senior citizens in their neighborhood and the other kids. We had a little boy that was gunned down in Fort Wayne, and one a little bit older, as a gang was going through in a random shooting of a house trying to find another drug dealer. Can anybody get that little boy's life back?

I believe the person who pulls that trigger or who threatens to pull the trigger should be held accountable.

Then, I also believe while they are in prison, we need to work with them and be sensitive to these young people being raped in prison and how we should separate them. But they should go to jail, they should do the time, and they should be held accountable. Because when they take another life or rape someone or assault someone, they need to be held accountable.

Mr. SCOTT. Mr. Speaker, I yield myself 30 seconds, prior to yielding to the gentleman from Rhode Island, to point out that when the gentleman talks about rape, robbery, and shooting, we need to point out that two-thirds of the juveniles treated as adults today are treated as adults for nonviolent offenses. We are already that far down the list.

There is no State that needs any direction from Congress to decide what to do about people who are shooting, raping and robbing with a firearm. In fact, for those affected by this bill, they will serve less time. And that is, obviously, not the accountability that we want to be talking about.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time, and I want to salute the gentleman from Virginia for all the good work that he does to preserve sound policy with respect to juvenile crime.

My colleagues, what we are doing today is wrong. We are taking a bill that is supposed to help missing and exploited children and runaway and homeless youth, we are taking this program and we are saddling it with a political agenda. We are taking these most vulnerable children in our society, the exploited children of this society, and we are exploiting them for political gain, and this time it is by the United States Congress that wants to beat its chest and say how tough they are on crime.

Every single knowledgeable person in this country who works in the area of juvenile crime will tell us that the kind of policy that the Republicans are trying to foist on this Congress is policy that simply does not work. How do we know this? The United States Senate will not even take up this draconian bill, a bill that would put 14-year-old children in the same prison as an adult criminal. They are not taking up this bill because they know it is barbaric.

So what are we doing today? We are trying to circumvent the proper process, to allow this Congress an opportunity to debate and fully understand this bill, by putting it on the suspension calendar and hoping no one will know that this Congress is taking missing and exploited children and using their political agenda to attach H.R. 3 onto this bill.

This bill is not about missing and exploited children any longer, it is about

a Republican agenda to make themselves look tough on crime when in actuality they are victimizing these poor children once again.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of S. 2073, the reauthorization of the Missing and Exploited Children and the Runaway and Homeless Youth Acts. This substitute includes H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act, which passed the House Committee on Education and the Workforce on which I serve.

This bill also contains and incorporates a very important provision that I sponsored that provides the National Center for Missing and Exploited Children with funds to serve as the Nation's primary resource center for child protection.

For more than 13 years, the National Center, a private nonprofit organization established by Congress in 1984, has been instrumental in locating and recovering missing children and preventing child abductions, molestations and sexual exploitations. The National Center is a vital resource for families and the approximately 17,000 law enforcement agencies in the United States in the search for missing children and the quest for child protection.

The Center has worked for clearinghouses in all 50 States in locating over 35,000 children and preventing child abductions, molestations and sexual exploitations. One of the National Center's success stories hit very close to my home. Last year it assisted local authorities in the recovery of two missing Delawarians who were located in Florida.

This bipartisan legislation also provides us with a balanced approach to addressing juvenile crime and endorses a concept of holding juveniles accountable for their crimes while also providing for prevention programs that can help young people turn their lives around.

Mr. Speaker, by adequately funding the National Center for Missing and Exploited Children, we can solidify our resources, hone our message, and assure every family and every law enforcement agency that we are committed to long-term child protection. I urge my colleagues to support passage of this legislation so we can move it to conference with the Senate soon.

Mr. SCOTT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. MCCARTHY.)

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my colleague for yielding me this time. I rise in opposition to the motion to suspend the rules and pass S. 2073 as amended.

My work to end violence in this country has shown me that attacking violence requires a wide range of measures, including getting guns out of the hands of our young people. If we want

to reduce juvenile crime, we must address guns and how kids get ahold of them. Since the House passed H.R. 3 and H.R. 1818 last year, unfortunately, there have been several tragic incidents of violence in our schools.

Last June, I introduced the Children's Gun Violence Prevention Act, common sense legislation to keep guns out of the hands of children. It has received broad support from both sides of the aisle and would take a major step towards reducing juvenile crime. Sadly, the process we are using today will give either chamber the chance to address my legislation or any steps we must take towards reducing gun violence. That is just not right.

Today may be our last chance to debate the issue of juvenile crime this year. If we fail to address gun violence as part of this effort, we will not be doing our job. If we are serious about reducing gun violence among our youth, and violence in general, then we have to do something about keeping our schools safe. We should defeat this motion, Mr. Speaker.

We want to do the right thing in this chamber, and sometimes, unfortunately, when we rush through things, we are not doing the right thing. I ask my colleagues to defeat this, to go back, and let us really do the right thing for our young people in this country.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, it was interesting today to listen to the gentleman from Indiana talk about accountability and referring to some specific incidents. I daresay that if we took the time in this debate and asked the gentleman if those juveniles who committed those crimes were incarcerated, the answer would be in the affirmative. That is because there is some good news out there.

We have certainly not achieved utopia. We have not arrived at the promised land. But as the gentleman from Florida, the chairman of the Subcommittee on Crime of the Committee on the Judiciary is fully apprised of, juvenile crime is down in this Nation. The States are doing some things that work, and it is important to understand that.

In fact, violent crime, which is committed generally by young males between the ages of 15 and 25, is dramatically down all over the country. But if this bill should pass, as amended, 40 States in this Nation are going to have to change their juvenile justice laws so that they can qualify for the hundreds of millions of dollars that would be forthcoming from H.R. 3, which is now part of this bill. They would have to change their juvenile justice laws even if they are working. And let me say that just simply makes no sense whatsoever.

For example, in the Commonwealth of Massachusetts, my home State, in the city of Boston, the capital city of

Massachusetts, there has been an incredible drop in terms of juvenile crimes, and Boston is frequently cited as a model for the rest of the Nation. When I first became the district attorney for the metropolitan Boston area back in 1975, within the city of Boston itself there were 140 homicides. In this year it is projected that there will be less than 30 homicides.

So there are some good things happening. Yet, if we pass this particular bill, the Commonwealth of Massachusetts and some 40 other States would have to change their juvenile justice laws that are working to simply qualify for the Federal monies. That is wrong and it makes no sense.

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Let me suggest that we vote "no" on this bill and demand a simple reauthorization of the National Center for Missing and Exploited Children as provided for in the original Senate bill.

Mr. SCOTT. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) who is a former judge, and I want to thank, as she is approaching the podium, the gentleman from Massachusetts (Mr. DELAHUNT), a former prosecutor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia for his leadership, and I frankly thank the gentleman from Florida (Mr. MCCOLLUM) for the many times that we have debated this issue.

As he well knows, I was able to join him in the early part of my first coming to this Congress to hear from different communities on the concerns of juvenile delinquency or juvenile issues. I would simply say to the gentleman from Florida (Mr. MCCOLLUM), I would hope that we will have a further opportunity to address his concerns and as well really answer the devastation of juveniles who are facing difficult lives, and by that juveniles who come from dysfunctional families and juveniles who need more than being locked up and incarcerated.

Frankly, let me say to the gentleman from Virginia, knowing his hard work, I am prepared and think we all are prepared to support the original reauthorization of the Missing and Exploited Children and the Runaway and Homeless Youth Acts. In fact, H.R. 1818 that deals with prevention has the legislation in the right direction. It includes the support of the missing and exploited children which is so important to the survival of runaway children, children who are exploited and does a very fine job, but yet it also matches our concerns as so many Members have risen to the floor of the House to talk about the high numbers of juvenile crime. But what they have not done is recognize that H.R. 3, which is now incorrectly attached to the missing and exploited children's reauthorization, is not the answer but in fact experts will tell us that when we incarcerate children with adults, when we provide no

prevention, when we provide no treatment, when we have no support systems for their families, we do not have rehabilitation.

This country is too good, it is too good, and children are too good for us to throw them away. The leading headline of *Emerge Magazine* said, "Teenagers are not as bad as we paint them." What they need is support systems like Girls and Boys Clubs. They need the Boy Scouts and Girl Scouts of America. They need the foster parent program. They need systems in Houston such as that authorized by Mayor Lee Brown, the after-school programs. They need parks opened.

H.R. 3 does not answer the question, what do we do about prevention? What do we do about a youngster who has been caught up in the web of crime but yet has the ability through treatment to be corrected?

This bill would house youthful offenders in the Federal system in close proximity to adult offenders and will place rigid mandates on the States that will preclude the majority of States from receiving Federal dollars.

One study has shown that juveniles who are waived to adult court recidivate sooner than those juveniles who are retained in juvenile court and are treated.

Let me just say, Mr. Speaker, in conclusion, I want to work with the Republicans. I want to work to bring down juvenile crime. This is a bad bill. We need to support H.R. 1818 for prevention and support the missing and exploited children's reauthorization separate from H.R. 3.

Mr. Speaker, thank you for the time to speak on this suspension bill today. I strongly support the original Reauthorization of Missing and Exploited Children and the Runaway and Homeless Youth Acts. The original Senate bill S. 2073 would provide important assistance to vulnerable children and Families.

However, Republicans are attempting to jeopardize this important reauthorization by attaching the provisions of H.R. 3, the controversial Violent and Juvenile Offender Act. By attaching these provisions, Republicans are attempting to add in conference S. 10, the controversial Violent and Repeat Juvenile Offender Act, that failed to receive Senate approval. This bill would house youthful offenders in the federal system in close proximity to adult offenders and will place rigid mandates on states that would preclude the majority of states from receiving federal dollars for juvenile justice programs.

I opposed this bill in the House once and I will oppose it here again today in this form. I oppose automatically trying any juvenile as an adult, and I believe that a juvenile court judge, not the legislature should make these decisions in a case by case basis. Furthermore, available studies show that transferring juveniles to adult court actually increases crime. One study has shown that juveniles who are waived to adult court recidivate sooner and more severely than juveniles who are retained in juvenile court who were comparable in terms of most serious offense for which the transfer was made, number of prior referrals to the juvenile justice system, most serious prior offense, age, gender and race.

For these reasons, I oppose the Republican's efforts to attach these dangerous provisions to the Senate Bill 2073. Adding H.R. 3 provisions to S. 2073 will only serve to doom the passage of S. 2073 and subvert the regular legislative process for consideration of S. 10. I urge all my colleagues to oppose the substitute version of S. 2073 on the Suspension Calendar today.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Virginia (Mr. SCOTT) is recognized for 1 minute.

Mr. SCOTT. Mr. Speaker, in closing I would just like to recommend that we review the bill and would notice that the bill started off with a simple reauthorization of the National Center for Missing and Exploited Children and Runaway and Homeless Youth Act. We also had passed here legislation, H.R. 1818, a prevention bill which will protect children and also reduce crime which included the National Center and the Runaway and Homeless Youth Act. We should pass those. But unfortunately we have in this bill the addition of H.R. 3 which has the incredible result of giving children less time and increasing the crime rate with a study showing those increased crimes will be committed sooner and be more violent.

We need to vote "no" on this motion to suspend the rules and then pass the reauthorization of the National Center and the Runaway and Homeless Youth Act and then pass H.R. 1818 and forget about H.R. 3.

Mr. McCOLLUM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to make a clarification of some things that I think people have perhaps misunderstood about this legislation. It is a combined bill. It is two bills that have already passed the House. One of them is prevention, very heavy, very good, Office of Juvenile Justice, delinquency prevention is reauthorized and a lot of good things have come out of the committee that has jurisdiction over that.

Our committee that has jurisdiction over H.R. 3 is a juvenile justice bill dealing with helping the States to improve their juvenile justice systems that I believe are broken. There is nothing in this bill, nothing whatsoever, that would require or permit the commingling of juveniles who are incarcerated with adult prisoners. That has been a debate in the past, but I want to assure the Members there is nothing in here that does that. In fact, H.R. 1818 which is part of this bill actually has provisions that would prohibit it; and H.R. 3 which is incorporated is silent on that issue because it does not deal with that subject. But there is nothing in here to commingle.

Secondly, we already have passed a bill in the past Congress but it was not all the way through, we passed it in the House and now there is an appropriations that went through last year for \$230 million under H.R. 3's auspices, the same basic qualifying language, or

very close to it, and every State is qualified. So to say, as I think some seem to believe, that States would not qualify under this bill for the grant program, I think, is mistaken.

Thirdly, this is not a bill to lock people up for a long period of time who are juveniles, though there is a problem with that. This is a bill designed precisely for another reason. The H.R. 3 portion of this, juvenile justice, is to help repair the broken juvenile justice system by making sure the misdemeanor crimes, the spray painting, graffiti, the writing on a wall, the running over of a parking meter, the throwing of a rock through a window, that that type of offense gets the attention that it is not getting today; that kids get consequences back into their system again so that they know when they commit these minor crimes early on that they do not go on to commit greater crimes which is unfortunately the problem now because the juvenile justice systems are overworked.

But the reality is that the result of the system being overworked is that we have more juvenile offenders who are committing violent crimes than ever before. Only 10 percent of violent juvenile offenders, those who commit murder, rape, arson and assault, receive any sort of secure confinement today. Rates of secure confinement for violent juveniles are the same as they were in 1985 and actually decreased last year. Many juveniles receive no punishment at all. Nearly 40 percent of juvenile violent offenders who came into contact with the system the last time we saw the study have had their cases dismissed and the average length of institutionalization for a juvenile who has committed a violent crime is only 353 days. To me that says the system is truly broken in the sense that we are not dealing with the violent ones properly, and we are also not dealing with the ones who are not violent which is the basic thrust of this bill.

The reality, too, is because we are not dealing with the misdemeanor miscreants in this country properly, we get older teenagers, ages 17 to 19, who are the most violent age group of all. There is more murder and robbery committed in that 18-year-old age group than any other group, and teenagers generally account for the largest portion of all violent crime in America. Throughout the next decade, the experts all tell us there is going to be a tremendous upsurge in juvenile crime if we do not do something about it because the demographics show we are going to have a lot more teenagers.

This bill is a good bill. It is a balanced bill between prevention and juvenile justice and it is an effort to put consequences back into the juvenile justice system and help the States repair it. Essentially the H.R. 3 portion of this bill is a grant program already in part implemented by the appropriators last Congress that would go on for the next three years of \$500 million a year to the States to do as they see

fit with that money to improve their juvenile justice systems, to hire more judges, more prosecutors, have more detention space, more probation officers, whatever they want to do, whatever they need to do, it is their choice. All they have to do to qualify essentially is to provide assurances to the Attorney General that they are punishing those early misdemeanor crimes.

I urge the adoption of this bill. It needs to be passed. It needs to be passed now.

Mr. GREENWOOD. Mr. Speaker, I rise today to support S. 2073, as amended. More than a year ago this House overwhelmingly passed H.R. 3 and H.R. 1818. H.R. 3, the Juvenile Crime Control Act of 1997, sponsored by Congressman BILL MCCOLLUM, focused on the punishment of juvenile offenders. H.R. 1818, The Juvenile Crime Control and Delinquency Prevention Act, provided a balance to punishment by focusing on prevention of juvenile delinquency. H.R. 1818 was designed to assist States and local communities to develop strategies to combat juvenile crime through a wide range of prevention and intervention programs. The Senate has yet to pass companion legislation and we have a limited number of days remaining in this session. I support the procedure we are using today to allow us to get to Conference with the Senate to produce legislation that provides both appropriate punishment for juvenile offenders and the development of intervention and prevention programs to prevent our children from becoming involved in delinquent activities.

H.R. 1818 is a bipartisan bill—it was the result of many hours of discussions between Congressmen RIGGS, MARTINEZ, SCOTT, and myself. The bill represents good policy. In developing this bill we attempted to strike a balance in dealing with children, young people who grow up and come before the juvenile justice system, and tried to recognize that some of these children, at ages 16 and 17, are already very vicious and dangerous criminals. Other children who come before the juvenile justice system are harmless and scared and running away from abuse at home. It is an extraordinarily difficult task to create a juvenile justice system in each of the states and in each of the counties that can respond to these very, very different young people caught up in the law.

We recognized that we needed to build some flexibility into the system, enough flexibility to allow the local officials to use their own good judgement based on the realities of each situation, and yet not give them so much flexibility that harm could be done to the child. We dealt with very sensitive issues like the deinstitutionalization of status offenders, how to address the over representation of minorities in the juvenile justice system, and determining the correct balance between block granting funds to the states and keeping some strings attached.

I believe we found that balance. We have found a way to provide the additional flexibility that our local officials need, still protect society from dangerous teenagers, while protecting scared kids from overly harsh treatment in our juvenile justice system.

A few months ago I chaired a Subcommittee on Early Childhood, Youth and Families hearing on "Understanding Violent Children" for Chairman RIGGS. Most witnesses testified to

the need for early intervention and prevention programs directed at students with a potential for violence. This legislation will allow for those activities.

I urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2073, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2073.

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

There was no objection.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT OF 1998

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4382) to amend the Public Health Service Act to revise and extend the program for mammography quality standards, as amended.

The Clerk read as follows:

H.R. 4382

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 "Mammography Quality Standards Reauthorization Act of 1998".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) *IN GENERAL.*—Section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2)) is amended in each of subparagraphs (A) and (B) by striking "1997" and inserting "2002".

(b) *TECHNICAL AMENDMENTS.*—Section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2)) is amended in subparagraph (A) by striking "subsection (q)" and inserting "subsection (p)", and in subparagraph (B) by striking "fiscal year" and inserting "fiscal years".

SEC. 3. APPLICATION OF CURRENT VERSION OF APPEAL REGULATIONS.

Section 354(d)(2)(B) of the Public Health Service Act (42 U.S.C. 263b(d)(2)(B)) is amended by striking "42 C.F.R. 498 and in effect on the date of the enactment of this section" and inserting "part 498 of title 42, Code of Federal Regulations".

SEC. 4. ACCREDITATION STANDARDS.

(a) *IN GENERAL.*—Section 354(e)(1)(B) of the Public Health Service Act (42 U.S.C. 263b(e)(1)(B)) is amended—

(i) in clause (i), by striking "practicing physicians" each place such term appears and inserting "review physicians"; and

(2) in clause (ii), by striking "financial relationship" and inserting "relationship".

(b) *DEFINITION.*—Section 354(a) of the Public Health Service Act (42 U.S.C. 263b(a)) is amended by adding at the end the following:

"(8) *REVIEW PHYSICIAN.*—The term 'review physician' means a physician as prescribed by the Secretary under subsection (f)(1)(D) who meets such additional requirements as may be established by an accreditation body under subsection (e) and approved by the Secretary to review clinical images under subsection (e)(1)(B)(i) on behalf of the accreditation body."

SEC. 5. CLARIFICATION OF FACILITIES' RESPONSIBILITY TO RETAIN MAMMOGRAM RECORDS.

Section 354(f)(1)(G) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)) is amended by striking clause (i) and inserting the following:

"(i) a facility that performs any mammogram—

(I) except as provided in subclause (II), maintain the mammogram in the permanent medical records of the patient for a period of not less than 5 years, or not less than 10 years if no subsequent mammograms of such patient are performed at the facility, or longer if mandated by State law; and

(II) upon the request of or on behalf of the patient, transfer the mammogram to a medical institution, to a physician of the patient, or to the patient directly; and".

SEC. 6. DIRECT REPORTS TO PATIENTS.

Section 354(f)(1)(G)(ii) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)(ii)) is amended by striking subclause (IV) and inserting the following:

"(IV) whether or not such a physician is available or there is no such physician, a summary of the written report shall be sent directly to the patient in terms easily understood by a lay person; and".

SEC. 7. SCOPE OF INSPECTIONS.

Section 354(g)(1)(A) of the Public Health Service Act (42 U.S.C. 263b(g)(1)(A)) is amended in the first sentence—

(1) by striking "certified"; and

(2) by inserting "the certification requirements under subsection (b) and" after "compliance with".

SEC. 8. DEMONSTRATION PROGRAM REGARDING FREQUENCY OF INSPECTIONS.

Section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)) is amended—

(1) in paragraph (1)(E), by inserting "; subject to paragraph (6)" before the period; and

(2) by adding at the end the following paragraph:

"(6) *DEMONSTRATION PROGRAM.*—

"(A) *IN GENERAL.*—The Secretary may establish a demonstration program under which inspections under paragraph (1) of selected facilities are conducted less frequently by the Secretary (or as applicable, by State or local agencies acting on behalf of the Secretary) than the interval specified in subparagraph (E) of such paragraph.

"(B) *REQUIREMENTS.*—Any demonstration program under subparagraph (A) shall be carried out in accordance with the following:

"(i) The program may not be implemented before April 1, 2001. Preparations for the program may be carried out prior to such date.

"(ii) In carrying out the program, the Secretary may not select a facility for inclusion in the program unless the facility is substantially free of incidents of noncompliance with the standards under subsection (f). The Secretary may at any time provide that a facility will no longer be included in the program.

"(iii) The number of facilities selected for inclusion in the program shall be sufficient to provide a statistically significant sample, subject to compliance with clause (ii).

"(iv) Facilities that are selected for inclusion in the program shall be inspected at such intervals as the Secretary determines will reasonably ensure that the facilities are maintaining compliance with such standards."

SEC. 9. CLARIFICATION OF AUTHORITY TO DELEGATE INSPECTION RESPONSIBILITY TO LOCAL GOVERNMENT AGENCIES.

Section 354 of the Public Health Service Act (42 U.S.C. 263b) is amended—

(1) in subsections (a)(4), (g)(1), (g)(3), and (g)(4), by inserting "or local" after "State" each place such term appears;

(2) in the heading of subsection (g)(3), by inserting "OR LOCAL" after "STATE"; and

(3) in subsection (i)(1)(D)—

(A) by inserting "or local" after "State" the first place such term appears; and

(B) by inserting "or local agency" after "State" the second place such term appears.

SEC. 10. PATIENT NOTIFICATION CONCERNING HEALTH RISKS.

(a) **REQUIREMENT.**—Section 354(h) of the Public Health Service Act (42 U.S.C. 263b(h)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) **PATIENT INFORMATION.**—If the Secretary determines that the quality of mammography performed by a facility (whether or not certified pursuant to subsection (c)) was so inconsistent with the quality standards established pursuant to subsection (f) as to present a significant risk to individual or public health, the Secretary may require such facility to notify patients who received mammograms at such facility, and their referring physicians, of the deficiencies presenting such risk, the potential harm resulting, appropriate remedial measures, and such other relevant information as the Secretary may require."

(b) **CIVIL MONEY PENALTY.**—Section 354(h)(3) of the Public Health Service Act (42 U.S.C. 263b(h)(3)), as redesignated by subsection (a)(1), is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) each failure to notify a patient of risk as required by the Secretary pursuant to paragraph (2), and"

(c) **CONFORMING AMENDMENT.**—Section 354(h)(4) of the Public Health Service Act (42 U.S.C. 263b(h)(4)), as redesignated by subsection (a)(1), is amended by striking "paragraphs (1) and (2)" and inserting "paragraphs (1) through (3)".

SEC. 11. REQUIREMENT TO COMPLY WITH INFORMATION REQUESTS.

Section 354(i)(1)(C) of the Public Health Service Act (42 U.S.C. 263b(i)(1)(C)) is amended—

(1) by inserting after "Secretary" the first place such term appears the following: "(or of an accreditation body approved pursuant to subsection (e))"; and

(2) by inserting after "Secretary" the second place such term appears the following: "(or such accreditation body or State carrying out certification program requirements pursuant to subsection (q))".

SEC. 12. ADJUSTMENT TO SEVERITY OF SANCTIONS.

Section 354(i)(2)(A) of the Public Health Service Act (42 U.S.C. 263b(i)(2)(A)) is amended by striking "makes the finding" and all that follows and inserting the following: "has reason to believe that the circumstance of the case will support one or more of the findings described in paragraph (1) and that—

"(i) the failure or violation was intentional;

or

"(ii) the failure or violation presents a serious risk to human health."

SEC. 13. TECHNICAL AMENDMENT.

Section 354(q)(4)(B) of the Public Health Service Act (42 U.S.C. 263b(q)(4)(B)) is amended by striking "accredited" and inserting "certified".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

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

Mr. Speaker, without question the Mammography Quality Standards Act of 1992 has been an overwhelming success. In May my Subcommittee on Health and Environment heard extensive testimony regarding the Act from program experts and patient groups. Officials from the General Accounting Office reported that the Act has increased mammography facilities' adherence to acceptable quality assurance standards, thus improving mammography services. Before it took effect, 11 percent of facilities tested were unable to pass image quality tests, and now the nationwide figure is 2 percent.

Screening mammography is currently the most effective technique for early detection of breast cancer. This procedure can identify small tumors and breast abnormalities up to two years before they can be detected by touch. More than 90 percent of these early stage cancers can be cured, according to the Food and Drug Administration.

Today, the House is considering legislation to reauthorize this most important act. Last November, the Senate passed its own reauthorization bill by unanimous consent, without discussion or amendment. During the course of my subcommittee's hearing in May, however, we learned that some important issues were not addressed in the Senate bill.

The measure before us, the Mammography Quality Standards Reauthorization Act of 1998, includes language approved by the full Committee on Commerce to address these concerns.

H.R. 4382 differs in two major respects from the Senate-passed bill. First, it provides for direct patient notification of all mammography examinations, in language that is easy for patients to understand. Second, it permits the Food and Drug Administration to conduct a demonstration project to address the feasibility of inspecting high quality mammography facilities at less than annual intervals.

The need, Mr. Speaker, for this legislation is clear. Breast cancer is the most commonly diagnosed nonskin cancer and the second leading cause of cancer deaths among women. Tragically, experts predict that during this

decade alone, as many as 1.8 million women will be diagnosed with breast cancer, and 500,000 will die from it.

There is a ray of hope, however, in the use of mammography for early detection of breast cancer. The probability of survival and the avoidance of mastectomy increases significantly when the disease is discovered in its early stages.

Today, the House, Mr. Speaker, can continue to ensure safe and accurate mammography services for women by approving this important bipartisan legislation. I join the gentleman from Virginia (Mr. BLILEY) full committee chairman, the gentleman from Michigan (Mr. DINGELL) ranking member, and the gentleman from Ohio (Mr. BROWN) ranking member of the subcommittee in urging Members' support for passage of the Mammography Quality Standards Reauthorization Act.

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

□ 1500

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4382, the Mammography Quality Standards Reauthorization Act of 1998. Breast cancer is the second leading cause of cancer deaths in American women. According to the Department of Health and Human Services the incidence of breast cancer has increased by approximately 1 percent per year since the early 1970's. HHS estimates that 44,000 women died from breast cancer last year, more than 180,000 new cases of breast cancer were diagnosed. According to the same HHS report nearly half a million women will die from breast cancer in the 1990's, more than a million and a half new cases will be diagnosed during this same period of time. They are our mothers, our spouses, our sisters, our daughters and our friends.

In 1994 I founded in response to breast cancer rates and incidence being much higher in northeast Ohio than in many other parts of the Nation, I founded the Northeast Ohio Breast Cancer Task Force to increase awareness of the value of early detection of breast cancer. Over and over the task force members have stressed the value of mammographies in this process.

Mammography is considered to be the most effective method for early detection of breast cancer. In women over 50 the detection rate can exceed 90 percent resulting in a decrease in breast cancer deaths among women as much as 30 percent. The Mammography Quality Standards Act was first enacted 6 years ago to ensure that the mammographies performed at approximately 10,000 facilities throughout the United States are safe and reliable.

The GAO stated that the MQSA increased the quality of mammography services while not decreasing access to them. The key to MQSA is its system of annual inspections of mammography

facilities by FDA-approved accreditation bodies. These comprehensive examinations and mammography facility equipment and personnel assure the mammographies are of the highest quality. These inspections are funded by using a user fee, so our action is both timely and necessary to the smooth continuation of this important and successful program.

The bill before us today makes some changes and, I believe, improvements in the existing statute.

First, H.R. 4382 contains a provision requiring direct patient notification of the results of mammography test results. Under the current program patients who are self-referred, meaning they were not referred to the mammography facility by a physician, are already notified of the test results directly by the facility. Our hearing earlier this year in the subcommittee of the gentleman from Florida (Mr. BILIRAKIS) showed that some facilities voluntarily directly notify their patients in addition to notifying the referring physician to ensure the patient receives the test results in a timely manner.

This bill is a common sense extension of direct patient notification to all mammography facility patients, self-referred and physician-referred. Good practice guidelines published by the Agency for Health Care Policy and Research spell out in detail the manner for providing direct patient notification. This is a good addition to the MQSA and one which is supported by all breast cancer patient advocacy organizations.

Second, H.R. 4382 authorizes a limit on demonstration project to determine whether inspections may be required less than annually for those facilities with excellent records. Currently violations of standards are ranked into three levels according to their severity with Level One being the most serious, Level Three being the least serious. It is intended that only facilities with minor violations or clean records may qualify for the demonstration program.

Also the authorization is timed such that facilities must compile an excellent record under HHS final rules, not the less rigorous interim rules currently in place. This is an authorization, not a requirement. It is intended that HHS not approve any demonstration program unless it is satisfied that patient safety will not be compromised.

Mr. Speaker, I congratulate my colleagues who have worked hard to make this day happen. I particularly want to thank the chairman of the Subcommittee on Health and the Environment, the gentleman from Florida (Mr. BILIRAKIS) thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL), the full committee chair and ranking member, the gentlewoman from Colorado (Ms. DEGETTE) who is sitting here today for her good work in this, and I also want to thank the majority counsel, Mark

Wheat, and the democratic staff, John Ford in particular, and Kevin Brennan from my office for their tireless work.

I urge my colleagues' support of this legislation.

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

Mr. BILBRAY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BLILEY) the chairman of the full Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased that the House will pass H.R. 4382, the Mammography Quality Standards Reauthorization Act of 1998 today. The bill will assure the safety, accuracy and overall quality in mammography services for the early detection of breast cancer. I want to thank the ever diligent chairman of the Subcommittee on Health and Environment, the gentleman from Florida (Mr. BILIRAKIS) the ranking minority member of the full committee, the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the subcommittee, the gentleman from Ohio (Mr. BROWN) for their hard work and close cooperation to make this bill a reality today.

Mr. Speaker, breast cancer is the most common cancer among women. Experts tell us each year that 46,000 women die of this disease. We must remember that these women are not mere numbers; they are mothers, daughters, friends and colleagues, and even my own wife. The fact that 1 in 9 women will develop breast cancer at some point in their lives compels us to action. We must act now.

Mr. Speaker, the front line against breast cancer is early detection through mammography, a procedure which can identify small tumors and breast abnormalities up to 2 years before they can be detected by touch. The FDA, the GAO, the College of Radiology and breast cancer patients themselves all agree that mammography provides the best source of detection for the diagnosis and treatment of this deadly disease.

Women who seek mammograms, however, must be assured that their results will be accurate and not misleading. The bill will help to prevent mammograms of poor quality which instill false sense of security in the patient who may be in the early stages of breast cancer.

H.R. 4382 improves current law in two key ways. First, H.R. 4382 provides for direct patient notification, in layman's terms, of all mammography examinations so that women are fully informed of their results. As the August 4 joint letter of endorsement from the American Cancer Society the National Alliance of Breast Cancer Organizations and the Susan G. Coleman Breast Cancer Foundation states, quote:

Studies have shown that women believe their mammography results are normal if they are not contacted after their examination. An increasing num-

ber of mammography facilities have begun to report both normal and abnormal findings directly to women as well as her referring physician without disrupting the relationships with her referring provider.

Second, 4382 authorizes the Food and Drug Administration to conduct a demonstration project to determine the merits of inspecting mammography centers of excellence less frequently than once a year so that inspection resources can be freed up to monitor other mammography facilities through it that need greater attention.

Passage of this bipartisan legislation is a critical step in the war on breast cancer. We have already witnessed the success of the Mammography Quality Standards Act of 1992, and I am hopeful that today we will be able to reauthorize the act and continue to improve our efforts to save the lives of many women.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to thank him and the Chair of the subcommittee for their hard work on this very important bill, a bill that had the very special concern of the Congressional Women's Caucus as well.

Mr. Speaker, there was a time when talk of mammograms was for the "cognizentti" the most conscious of women. Today mammography has become the primary engine for a virtual revolution in the battle against breast cancer. Women of all backgrounds and income groups are coming forward in large numbers to take advantage of mammography.

Why has mammography become so important and so widely used? Part of the reason is that women are now convinced that the machinery is safe and reliable and that the people who in fact implement that procedure know what they are doing. The Mammography Quality Standards Act is at the center of this confidence of women and their families.

The bill before us would reauthorize the act to 2002. It is important to have it reauthorized every few years because of changes in science. We who are in the Women's Congressional Caucus, virtually all the women in Congress, are particularly grateful for this bill because we choose this bill among seven as our priority must-pass bills. Already this body has passed four of the seven must-pass bills, provisions of the Violence Against Women Act, the bill that allows Federal employees choices in contraception; a bill that will set up a commission on women and minorities in science and technology, and this most important mammography standards act.

The act is critical because untrained and unqualified physicians and technicians may be people who misread mammograms, may cause more problems

than they solve. It is bad enough to suspect having this disease, but false positives are quite intolerable. The bill assures us that equipment and personnel will be FDA approved.

Mr. Speaker, the Women's Caucus had its own hearings this year on tamoxifen, this great new discovery that looks as if it can prevent and cure cancer, but no miracle drugs can be effective without reliable detection. Today's legislation will save lives, it fulfills an important obligation of the 105th Congress. On behalf of the Congressional Women's Caucus, I want to extend my appreciation for those who have worked so hard to bring this bill forward.

Mr. BILBRAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in very strong support of H.R. 4382, the Mammography Quality Standards Reauthorization Act. My special thanks to the gentleman from Florida (Mr. BLILEY), to the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS) and for the ranking members of the full committee, the gentleman from Michigan (Mr. DINGELL) and the subcommittee, the gentleman from Ohio (Mr. BROWN). I also want to commend the gentlewoman from Connecticut (Mrs. JOHNSON). She has worked so hard to ensure passage of this very important legislation, and I want to reiterate the fact that this bill has been one of the list of legislative priorities for the Congressional Caucus for Women's Issues co-chaired by the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentlewoman from the District of Columbia (Ms. NORTON). I am proud to be a co sponsor of this bill which enjoys strong bipartisan support in the Women's Caucus and, as I am certain in, the Congress as a whole.

As my colleagues know, a recent GAO report indicates that facility compliance has expanded significantly under the current mammography facility inspection program. During the first year inspections in more than one quarter of the facilities had significant violations. However during the second year inspection, the number of such violations had dropped to about 10 percent. At the same time, however, GAO found inconsistencies in the way the inspections had been conducted and a lack of procedures to ensure that the expeditious reporting and correction of violations.

Now H.R. 4382 expands the protections in the current law, and it will help us to address some of these concerns.

We have come a long way over the past decade as mammography screening technologies have steadily improved. Indeed exciting progress is being made through the transfer have imaging technology from the defense, space, intelligence and computer graphics fields to improving the early detection of breast cancer. We in Congress must do everything possible to

encourage the current partnership among HHS, the Department of Defense, the CIA, Department of Commerce, NASA and other Federal agencies. We must also ensure the collaborations between government and industry are encouraged for the development of new imaging technologies. As we make these strides in screening technologies, it is imperative that facilities and personnel performing these procedures provide high quality services.

This reauthorization bill is also very timely as Medicare coverage of mammography screening has been expanded from every 2 years to annual coverage as a result of last year's Balanced Budget Act, and we all deserve a pat on the back for that. It is incumbent upon us to ensure that high quality screening is available to all women regardless of where they live, their age and their economic circumstances.

□ 1515

This legislation will further this goal by providing additional protections beyond the current law.

Mr. Speaker, I urge my colleagues to vote for this critical legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in strong support of H.R. 4382, the Mammography Quality Standards Reauthorization Act.

I want to take a moment to thank the chairman and ranking member of the Subcommittee on Health and Environment for their steadfast commitment to reauthorizing and improving this act in such an expeditious and thoughtful manner. I am particularly grateful to the subcommittee chairman the gentleman from Florida (Mr. BILIRAKIS) for hearing a request from the gentleman from Ohio (Mr. BROWN) and me in July to ensure that the MQSA included the provision we cared so much about on direct patient notification.

Mr. Speaker, few public health initiatives that we have undertaken in this Congress are as vital to American women as the MQSA. Before this test, there were no Federal standards for labs, technicians, physicians and quality controls. Women were subject to inconsistent and nonuniform regulations, depending on what State they lived in. Women were literally putting their health and their lives at risk when they obtained mammograms from unregulated or poorly regulated facilities.

Reauthorizing and strengthening the MQSA has added importance in 1998. Breast cancer today remains the second leading cause of cancer deaths among women. Mr. Speaker, 44,000 women died from breast cancer in 1997, and 180,000 new cases of the disease were reported. In this decade alone, 1.8 million women will be diagnosed with breast cancer, and 500,000 of them will die from it. Congress must continue to help American women attack this devastating disease in its early stages.

We know that surviving breast cancer and avoiding mastectomy depends on early discovery of the disease. But of course, mammography as a tool is only as good as the equipment used to detect the cancer. Therefore, it is absolutely critical that we improve our ability to detect breast cancer by improving the safety, accuracy and overall quality of mammography services.

Strict and frequent certification of mammography facilities is essential to this program's success. I believe that the demonstration project in the bill which examines the feasibility of inspecting high-performing mammography facilities on a less than annual basis is thoughtfully designed and sufficiently limited to protect the best interests of patients. Nevertheless, I want to urge my colleagues to be cautious about expanding this demonstration project until we have more information. MQSA itself has only been fully operational for 3 years, and we want to make sure whatever changes we make still protect the lives and health of women.

As I said earlier, I am very pleased that the chairman and ranking member worked cooperatively to include a provision on direct patient notification. I personally have met too many women who have had mammograms and never received the results. Whether it be physician failure, whether it be clinic failure, they never got a copy of the results. Unfortunately and too often, tragically, women who do not hear anything assume no news is good news. We are making an extremely valuable and potentially life-threatening improvement to MQSA today by including written notification to patients.

Mr. Speaker, I am proud of the Committee on Commerce's hard work on this bill and its commitment to reach a consensus on this vital piece of legislation. I believe while relatively simple, this bill is one of our most important achievements of this Congress, and it will save millions of lives and the health of millions of women.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who has already been recognized as being one of the real motivators behind this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in support of this legislation to reauthorize the Mammogram Quality Standards Act. I want to thank the gentleman from Florida (Mr. BILIRAKIS) and his subcommittee for their thoughtful work on this legislation and for significant improvements in this bill over current law.

This has been a priority of the Congresswomen's Caucus, and we appreciate the commitment of the gentleman from Florida (Mr. BILIRAKIS) for reauthorization and his commitment to improving current law.

The Mammogram Quality Standards Act has given women and their health care providers the assurance that they

will receive high quality mammogram services, services meeting the standards set by the National Cancer Institute mammography screening guidelines. Early detection is still our best hope in the war against cancer, and high quality mammograms are still our best tool for early detection of breast cancer.

Prior to the implementation of the Mammogram Quality Standards Act, there was a long history of public and professional concern over the safety and quality of mammogram services. The American Cancer Society and the General Accounting Office found a wide range of image, quality and patient radiation doses from dedicated mammography equipment. In addition, FDA surveys found wide variations in image quality and radiation dosages from site-to-site, and even day-to-day. These studies and surveys confirm the need for national compliance standards.

The MQSA established the first comprehensive quality standards for mammography. Before these standards, the burden was on a woman and the health care providers to determine what health and safety standards applied in their State or geographic area. Only 11 States had comprehensive quality standards, so most women could not be assured that their mammograms were administered safely or interpreted correctly. Facing those facts, it is no wonder that mammograms were not effectively promoted to women who could benefit from early detection.

The Mammogram Quality Safety Act has changed this rather sobering picture. Over the past 3 years, the quality of mammography has improved dramatically. According to a GAO report issued last October, the Mammogram Quality Standards Act has increased mammography facilities' adherence to accepted quality standards which has, in turn, had a positive effect on mammography services. Because of the Mammogram Quality Standards Act, almost all of the Nation's 10,000 facilities have been inspected and accredited. This process has a direct impact on the quality of mammography, as evidenced by the fact that nearly all of the facilities are now passing image quality tests as part of the inspection process.

The Committee on Commerce's bill, under the leadership of the gentleman from Florida (Mr. BILIRAKIS), represents an advance over current law. It gives women an additional protection: the assurance that they will receive direct notification of their mammogram results. This protection is critical to ensure that women do not miss the opportunity for an early diagnosis by assuming that no news is good news, when no news could be bad news.

Mr. Speaker, this addition builds on the guarantee in H.R. 4832 based on a provision in my legislation that women can access an original copy of their mammogram and are notified if a facility has failed its Mammogram Quality Standards Act inspection. I now hope

that the Senate acts quickly on the amended House legislation, so that we can reauthorize this legislation before Congress adjourns. We must send the message to women that Congress is taking action to protect the quality of their health care, and that, in fact, we are modernizing current law to keep abreast of our improved knowledge of how to prevent cancer, how to identify it early, and how to assure that women have access to high quality health care services in our Nation.

Mr. BROWN of Ohio. Mr. Speaker, I would inquire of the gentleman from Florida if he has any more speakers.

Mr. BILIRAKIS. Mr. Speaker, I too do not have any further requests for time.

At this point I yield myself such time as I may consume to again express what can be accomplished when people are willing to sit down around a table and give and take, if you will, and to work together. I want to add to the gentleman's previous comments regarding gratitude to the chairman of the full committee and the ranking member of the full committee, as well as the members of the staff, and the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentlewoman from Colorado (Ms. DEGETTE), who was really quite a significant player in the workup of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume to echo the words of the gentleman from Florida, and I ask for support of the bill.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4382, the Mammography Quality Standards Reauthorization Act of 1998. I am proud to have been one of the authors of the Mammography Quality Standards Act (MQSA). Breast cancer remains one of the leading causes of death in women, and its victims are our mothers, sisters, spouses, daughters, or friends. I hope that we will quickly reauthorize the MQSA so that it will continue to provide the incalculable benefit of early detection, with the hope of successful treatment.

Those who administer the MQSA, the Food and Drug Administration's Center of Devices and Radiological Health, and those who benefit from it, patients represented by organizations such as the National Breast Cancer Coalition, the National Alliance of Breast Cancer Organizations, and the American Cancer Society, have judged the MQSA a success and support its reauthorization.

GAO recently reported that the MQSA "has had a positive impact on the quality of mammography services and no effect on access to them." There has been a dramatic decline in facilities that failed to meet the interim regulations. FDA has estimated that the MQSA's benefits have greatly exceeded its costs. Of course, the benefits of early diagnosis and treatment are priceless to patients and their family and friends.

The bill before us contains two important new provisions: First, there is direct patient notification for all mammography patients. Second, it authorizes a demonstration program for less than annual inspections for facilities with excellent compliance records.

Direct patient notification is already provided for self-referred patients, as well as voluntarily by a growing number of facilities in response to widespread patient support. Direct patient notification is in addition to, and not in lieu of, the notification a mammography facility provides to the referring physician. This is an important safeguard. It ensures that patients have the information they need in a timely fashion so that they can take any additional steps warranted by the test. Guidelines promulgated by the Agency for Health Care Policy and Research contain sample communications to patients and other safeguards to assure that direct patient notification is done in a timely, accurate, and sensitive manner. As I noted, direct patient notification is provided today for self-referred patients and for many, many others. The provision in the bill simply extends this to all patients of mammography services facilities.

The bill's authorization of a carefully limited demonstration program for less than annual inspections of facilities with excellent compliance records is intended to be carried out at the discretion of the Secretary of HHS under criteria that assure no compromise in patient safety. The demonstration must occur after facilities have compiled a compliance record under the final regulations which have yet to go into effect, not the interim standards in force today.

Mr. Speaker, the Senate has already passed a MQSA reauthorization bill that is somewhat different than the bill before us today. I would like to think that we took that body's product and improved upon it. The bill before us today is endorsed by the major breast cancer patient groups. I fervently hope that we will reauthorize this law this year so that the excellent progress of the MQSA can continue.

Finally, Mr. Speaker, I wish to congratulate my colleagues whose work made this day possible. I especially want to note the efforts of the distinguished Chairman of the Subcommittee on Health and Environment, Mr. BILIRAKIS, as well as the Ranking Member of that Subcommittee, Mr. BROWN. Many other members with passionate and longstanding interests in the MQSA and related issues have also worked hard and I note particularly the bipartisan efforts of my colleagues Representatives NORTON and NANCY JOHNSON.

Ms. DELAURO. Mr. Speaker, as a cancer survivor, I am proud to join my colleagues in expressing my support for the Mammography Quality Standards Reauthorization Act.

This bill improves the high national standards for mammography. It requires breast cancer screening centers to use only radiology technologists and equipment designed for mammography, and to hire only qualified physicians to analyze mammograms. It also requires facility inspections by qualified inspectors to ensure that Health and Human Service mammography standards are adhered to.

The women who will benefit from this legislation are our neighbors, our colleagues, our kids' teachers, the women we stand in line with at the store. Early detection truly gives women a fighting chance against cancer. That's why enforcing the quality standards for a mammogram is essential to winning the battle.

I would also like to take this opportunity to honor the women who are bravely fighting this deadly disease right now, to remember those

we loved who have lost that fight, and to renew our commitment to funding a cure. Many of us have already won the fight of our lives. With the help of early detection we beat a cancer diagnosis. Now we have an obligation to help breast cancer patients win their fights.

Thank you again for the opportunity to speak on this important issue that touches the lives of so many American women and their families.

Mr. RILEY. Mr. Speaker, I rise today in support of H.R. 4382, the Mammography Quality Standards Reauthorization Act, which establishes national, uniform standards for mammography. Mammograms are universally recognized as the best chance of discovering the presence of breast cancer at its earliest, most treatable stages. In fact, mammograms can detect breast cancer up to two years before it can be found through self-examination. When breast cancer is found and treated early, a woman has more treatment options and a good chance of complete recovery. Thus, it is important to detect breast cancer as early as possible.

According to the American Cancer Society, it is estimated this year, that 178,700 women will be diagnosed with breast cancer, and 43,500 women will die because of this terrible disease. These women are mothers, wives, daughters, sisters, friends, and neighbors.

We do not know what causes breast cancer, nor can we cure the disease at this time. We do know, however, that early detection and prompt treatment, including mammography screening, represent a woman's best chance of discovering the presence at its earliest, most treatable stages. I urge my colleagues to support H.R. 4382.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 4382, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GLACIER BAY NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3903) to provide for an exchange of lands near Gustavus, Alaska, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3903

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 "Glacier Bay National Park Boundary Adjustment Act of 1998".

SEC. 2. LAND EXCHANGE AND WILDERNESS DESIGNATION.

(a) IN GENERAL.—(1) Subject to conditions set forth in subsection (c), if the State of

Alaska, in a manner consistent with this Act, offers to transfer to the United States the lands identified in paragraph (4) in exchange for the lands identified in paragraph (3), selected from the area described in section 3(b)(1), the Secretary of the Interior (in this Act referred to as the "Secretary") shall complete such exchange no later than 6 months after the issuance of a license to Gustavus Electric Company by the Federal Energy Regulatory Commission (in this Act referred to as "FERC"), in accordance with this Act. This land exchange shall be subject to the laws applicable to exchanges involving lands managed by the Secretary as part of the National Park System in Alaska and the appropriate process for the exchange of State lands required by State law.

(2) The lands to be conveyed to the United States by the State of Alaska shall be determined by mutual agreement of the Secretary and the State of Alaska. Lands that will be considered for conveyance to the United States pursuant to the process required by State law are lands owned by the State of Alaska in the Long Lake area within Wrangell-St. Elias National Park and Preserve, or other lands owned by the State of Alaska.

(3) If the Secretary and the State of Alaska have not agreed on which lands the State of Alaska will convey by a date not later than 6 months after a license is issued pursuant to this Act, the United States shall accept, within 1 year after a license is issued, title to land having a sufficiently equal value to satisfy State and Federal law, subject to clear title and valid existing rights, and absence of environmental contamination, and as provided by the laws applicable to exchanges involving lands managed by the Secretary as part of the National Park System in Alaska and the appropriate process for the exchange of State lands required by State law. Such land shall be accepted by the United States, subject to the other provisions of this Act, from among the following State lands in the priority listed:

COPPER RIVER MERIDIAN

(A) T.6 S., R. 12 E., partially surveyed, Sec. 5, lots 1, 2, and 3, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$. Containing 617.68 acres, as shown on the plat of survey accepted June 9, 1922.

(B) T.6 S., R. 11 E., partially surveyed, Sec. 11, lots 1 and 2, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 12; Sec. 14, lots 1 and 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$. Containing 838.66 acres, as shown on the plat of survey accepted June 9, 1922.

(C) T.6 S., R. 11 E., partially surveyed, Sec. 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$. Containing 200.00 acres, as shown on the plat of survey accepted June 9, 1922.

(D) T.6 S., R. 12 E., partially surveyed, Sec. 6, lots 1 through 10, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$. Containing approximately 529.94 acres, as shown on the plat of survey accepted June 9, 1922.

(4) The lands to be conveyed to the State of Alaska by the United States under paragraph (1) are lands to be designated by the Secretary and the State of Alaska, consistent with sound land management principles, based on those lands determined by FERC with the concurrence of the Secretary and the State of Alaska, in accordance with section 3(b), to be the minimum amount of land necessary for the construction and operation of a hydroelectric project.

(5) The time periods set forth for the completion of the land exchanges described in this Act may be extended as necessary by the Secretary should the processes of State law or Federal law delay completion of an exchange.

(6) For purposes of this Act, the term "land" means lands, waters, and interests therein.

(b) WILDERNESS.—(1) To ensure that this transaction maintains, within the National

Wilderness Preservation System, approximately the same amount of area of designated wilderness as currently exists, the following lands in Alaska shall be designated as wilderness in the priority listed, upon consummation of the land exchange authorized by this Act and shall be administered according to the laws governing national wilderness areas in Alaska:

(A) An unnamed island in Glacier Bay National Park lying southeasterly of Blue Mouse Cove in sections 5, 6, 7, and 8, T. 36 S., R. 54 E., CRM, and shown on United States Geological Survey quadrangle Mt. Fairweather (D-2), Alaska, containing approximately 789 acres.

(B) Cenotaph Island of Glacier Bay National Park lying within Lituya Bay in sections 23, 24, 25, and 26, T. 37 S., R. 47 E., CRM, and shown on United States Geological Survey quadrangle Mt. Fairweather (C-5), Alaska, containing approximately 280 acres.

(C) An area of Glacier Bay National Park lying in T. 31. S., R. 43 E and T. 32 S., R. 43 E., CRM, that is not currently designated wilderness, containing approximately 2,270 acres.

(2) The specific boundaries and acreage of these wilderness designations may be reasonably adjusted by the Secretary, consistent with sound land management principles, to approximately equal, in sum, the total wilderness acreage deleted from Glacier Bay National Park and Preserve pursuant to the land exchange authorized by this Act.

(c) CONDITIONS.—Any exchange of lands under this Act may occur only if—

(1) following the submission of a complete license application, FERC has conducted economic and environmental analyses under the Federal Power Act (16 U.S.C. 791-828) (notwithstanding provisions of that Act and the Federal regulations that otherwise exempt this project from economic analyses), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370), and the Fish and Wildlife Coordination Act (16 U.S.C. 661-666), that conclude, with the concurrence of the Secretary of the Interior with respect to subparagraphs (A) and (B), that the construction and operation of a hydroelectric power project on the lands described in section 3(b)—

(A) will not adversely impact the purposes and values of Glacier Bay National Park and Preserve (as constituted after the consummation of the land exchange authorized by this section);

(B) will comply with the requirements of the National Historic Preservation Act (16 U.S.C. 470-470w); and

(C) can be accomplished in an economically feasible manner;

(2) FERC held at least one public meeting in Gustavus, Alaska, allowing the citizens of Gustavus to express their views on the proposed project;

(3) FERC has determined, with the concurrence of the Secretary and the State of Alaska, the minimum amount of land necessary to construct and operate this hydroelectric power project; and

(4) Gustavus Electric Company has been granted a license by FERC that requires Gustavus Electric Company to submit an acceptable financing plan to FERC before project construction may commence, and the FERC has approved such plan.

SEC. 3. ROLE OF FERC.

(a) LICENSE APPLICATION.—(1) The FERC licensing process shall apply to any application submitted by Gustavus Electric Company to the FERC for the right to construct and operate a hydropower project on the lands described in subsection (b).

(2) FERC is authorized to accept and consider an application filed by Gustavus Electric Company for the construction and operation of a hydropower plant to be located on lands within the area described in subsection (b), notwithstanding section 3(2) of the Federal Power Act (16 U.S.C. 796(2)). Such application must be submitted within 3 years after the date of the enactment of this Act.

(3) FERC will retain jurisdiction over any hydropower project constructed on this site.

(b) ANALYSES.—(1) The lands referred to in subsection (a) of this section are lands in the State of Alaska described as follows:

COPPER RIVER MERIDIAN

Township 39 South, Range 59 East, partially surveyed, Section 36 (unsurveyed), SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$. Containing approximately 130 acres.

Township 40 South, Range 59 East, partially surveyed, Section 1 (unsurveyed), NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, excluding U.S. Survey 944 and Native allotment A-442; Section 2 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944 and U.S. Survey 945; Section 11 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944; Section 12 (unsurveyed), fractional, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and those portions of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944 and Native allotment A-442. Containing approximately 1,015 acres.

(2) Additional lands and acreage will be included as needed in the study area described in paragraph (1) to account for accretion to these lands from natural forces.

(3) With the concurrence of the Secretary and the State of Alaska, the FERC shall determine the minimum amount of lands necessary for construction and operation of such project.

(4) The National Park Service shall participate as a joint lead agency in the development of any environmental document under the National Environmental Policy Act of 1969 in the licensing of such project. Such environmental document shall consider both the impacts resulting from licensing and any land exchange necessary to authorize such project.

(c) ISSUANCE OF LICENSE.—(1) A condition of the license to construct and operate any portion of the hydroelectric power project shall be FERC's approval, prior to any commencement of construction, of a finance plan submitted by Gustavus Electric Company.

(2) The National Park Service, as the existing supervisor of potential project lands ultimately to be deleted from the Federal reservation in accordance with this Act, waives its right to impose mandatory conditions on such project lands pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 797(e)).

(3) FERC shall not license or relicense the project, or amend the project license unless it determines, with the Secretary's concurrence, that the project will not adversely impact the purposes and values of Glacier Bay National Park and Preserve (as constituted after the consummation of the land exchange authorized by this Act). Additionally, a condition of the license, or any succeeding license, to construct and operate any portion of the hydroelectric power project shall require the licensee to mitigate any adverse effects of the project on the purposes and values of Glacier Bay National Park and Preserve identified by the Secretary after the initial licensing.

(4) A condition of the license to construct and operate any portion of the hydroelectric power project shall be the completion, prior

to any commencement of construction, of the land exchange described in this Act.

SEC. 4. ROLE OF SECRETARY OF THE INTERIOR.

(a) SPECIAL USE PERMIT.—Notwithstanding the provisions of the Wilderness Act (16 U.S.C. 1133-1136), the Secretary shall issue a special use permit to Gustavus Electric Company to allow the completion of the analyses referred to in section 3. The Secretary shall impose conditions in the permit as needed to protect the purposes and values of Glacier Bay National Park and Preserve.

(b) PARK SYSTEM.—The lands acquired from the State of Alaska under this Act shall be added to and administered as part of the National Park System, subject to valid existing rights. Upon completion of the exchange of lands under this Act, the Secretary shall adjust, as necessary, the boundaries of the affected National Park System units to include the lands acquired from the State of Alaska; and adjust the boundary of Glacier Bay National Park and Preserve to exclude the lands transferred to the State of Alaska under this Act. Any such adjustment to the boundaries of National Park System units shall not be considered in applying any acreage limitations under section 103(b) of Public Law 96-487.

(c) WILDERNESS AREA BOUNDARIES.—The Secretary shall make any necessary modifications or adjustments of boundaries of wilderness areas as a result of the additions and deletions caused by the land exchange referenced in section 2. Any such adjustment to the boundaries of National Park System units shall not be considered in applying any acreage limitations under section 103(b) of Public Law 96-487.

(d) CONCURRENCE OF THE SECRETARY.—Whenever in this Act the concurrence of the Secretary is required, it shall not be unlawfully withheld or unreasonably delayed.

SEC. 5. APPLICABLE LAW.

The authorities and jurisdiction provided in this Act shall continue in effect until such time as this Act is expressly modified or repealed by Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 3903 authorizes a conditional land exchange between the State of Alaska and the United States.

The purpose of the exchange is to enable the construction and operation of a small, 800 kilowatt hydroelectric project for the community of Gustavus, which is located in Southeast Alaska on the edge of Glacier Bay National Park. If feasible, the project would also provide low-cost, clean power to the National Park Service.

The committee held a hearing on H.R. 3903 on June 10, 1998. By a voice vote, the bill was ordered reported, with an amendment, on July 22.

This legislation completes several years of negotiation with the Gustavus Electric Company, the State of Alaska, the National Park Service, and local environmental groups. I would like to thank the gentleman from Virginia (Mr. BLILEY) and the work of the Com-

mittee on Commerce in expediting House consideration of H.R. 3903.

The need from the bill arises from Gustavus's reliance on diesel generation for its power, which presents air emission considerations, high energy costs, and risks of fuel spills during shipment. To avoid the drawbacks of using diesel fuel, Gustavus Electric Company studied alternative power sources. Hydroelectricity generating at a nearby area called Falls Creek was identified as the city's best option. I believe it also make sense for the National Park Service, too, because the agency relies on a separate set of diesel generations there.

The problem with constructing a hydro-facility is that Falls Creek, the proposed site, is currently located inside the boundary of designated wilderness of Glacier Bay National Park, where such a project is not allowed. To solve this problem, H.R. 3903 authorizes a land exchange that will put the site in State ownership, redraw the park and wilderness boundary, and enable the United States to acquire lands of equal value in Alaska.

When this land exchange was originally proposed, there was concern expressed by the administration and some Alaskans over the potential environmental impact of a hydro project in Glacier Bay National Park. I have never understood why anyone would object to hydropower when the alternative is to continue burning diesel fuel at a national park. Regardless, these concerns have been put to rest.

In the interest of moving forward, I agreed to make the land exchange conditional on a determination by the Federal Energy Regulatory Commission that a hydro facility will have no adverse impact on the Park. In other words, there will be no land exchange, and therefore, no project, if FERC finds there will be any harm.

The bill under consideration today has a minor amendment to the reported bill. The amendment strikes section 4(d) of the reported bill. This action is technical in nature only.

Mr. Speaker, at this time I include for the RECORD correspondence relative to this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 8, 1998.

Hon. DON YOUNG,
Chairman, House Committee on Resources,
Washington, DC.

DEAR DON: On July 22, 1998 the Committee on Resources ordered reported H.R. 3903, the Glacier Bay National Park Boundary Adjustment Act of 1998. H.R. 3903, as ordered reported by the Committee on Resources, details the role of the Federal Energy Regulatory Commission ("FERC") and Gustavus Electric Company in a land exchange between the United States and the State of Alaska. As you know, the Committee on Commerce was granted an additional referral upon its introduction pursuant to the Committee's jurisdiction over the generation and marketing of power under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner. I also understand that you have agreed

to address this Committee's concern over section 4(d) of the bill as ordered reported in a manager's amendment to be offered on the Floor. Therefore, with that understanding, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 3903. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I would seek your commitment to support any request by the Commerce Committee for conferees on H.R. 3903 or related legislation.

I would appreciate your including this letter as a part of the Committee's report on H.R. 3903 and as part of the record during consideration of this bill by the House.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 9, 1998.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3903, the Glacier Bay National Park Boundary Adjustment Act of 1998, a land exchange bill I introduced to help Gustavus, Alaska, construct a small hydroelectric project to provide clean, lower-cost power for the community and for the operation of Glacier Bay National Park.

I appreciate you waiving your additional referral of this bill to allow it to be considered before the House of Representatives adjourns for the year. As your letter states, I plan to offer a manager's amendment which addresses the concerns you raised regarding subsection 4(d) of the bill as reported by striking that subsection. In addition, I will include your letter in the report on the bill and in the Congressional Record during consideration of H.R. 3903 on the Floor. Finally, I will support your request to be represented on any conference on H.R. 3903 in the unlikely event that one becomes necessary.

Thank you again for your cooperation and that of Hugh Halpern of your staff. I look forward to seeing H.R. 3903 enacted into law soon.

Sincerely,

DON YOUNG,
Chairman.

□ 1530

Crafting this bill has taken some time, but the final project advances a sensible local solution to a serious local problem and should be enacted into law without further delay.

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

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

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

Mr. Speaker, I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources for bringing this piece of legislation for consideration by this body.

Mr. Speaker, I rise in strong support of this legislation as it was sponsored and authored by the gentleman from Alaska, also chairman of the Committee on Resources.

It may strike some as unusual for a bill that can lead to a hydro project in what is now a national park wilderness to be acceptable to the National Park Service. But this is a unique case, Mr. Speaker. Both the community of Gustavus, Alaska and the Park Service facilities at Glacier Bay National Park are dependent upon diesel generation facilities for their electrical power. Barging oil poses a threat of spills in park waters. Diesel power generates emissions and is expensive.

Mr. Speaker, the basic purpose of this bill is to authorize a review of whether there are more economical and environmentally benign alternative sources of power for the community of Gustavus. We are not endorsing any specific project in this legislation. Rather, we are empowering the Park Service, as partners with the Federal Energy Regulatory Commission, to study this matter in depth prior to making any decision of whether a small hydroelectric project is either economically feasible or environmentally desirable.

Mr. Speaker, as an additional safeguard for the best interest of the park's resources, we have extended what in effect is veto power for the National Park Service, making any land exchange and FERC license subject to their consent. Many questions remain to be addressed in this process, including concerns raised by the environmental witnesses in hearing testimony before the committee.

But on the balance, Mr. Speaker, I think it is worth determining in a comprehensive public process whether there is a better way to produce power for the community of Gustavus. In this regard, I would note for the record a comment made by the Governor of Alaska, Tony Knowles in a letter to the chairman of the committee, quote, "The State has worked closely with your staff, the National Park Service staff, and the Gustavus Electric Company in the development of this bill; and we believe it is in the public interest to enact such legislation. Most notably, this land exchange would facilitate the development of the Fall Creek hydroelectric project near Gustavus. This project, as you know, has the potential to provide long-term affordable electricity to the people of Gustavus and to the National Park Service facilities. It will reduce State subsidies and replace diesel fuel with a clean, local, and renewable energy source."

Mr. Speaker, a small-scale hydro project and land exchange as contemplated in this legislation may well be in the public interest. However, that will be determined only after a joint environmental Impact Statement conducted by the Park Service and FERC and only if a license is issued by FERC with the consent of the Park Service.

In light of these safeguards, Mr. Speaker, I submit this to my colleagues in the House, and I ask them for their support. Support this legislation.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise in support of H.R. 3903, the "Glacier Bay National Park Boundary Adjustment Act of 1998." This bill provides for a land exchange in Alaska in anticipation of future development of a hydroelectric project in a remote area of the State. Development of this project will sharply lower the cost of electricity paid by customers in this rural area, which currently relies on high-cost diesel generation.

H.R. 3903 provides a role for the Federal Energy Regulatory Commission in the land exchange. Under the bill, the Commission determines the minimum amount of land necessary for the construction and operation of a hydroelectric project. In addition, the land exchange may occur only if the Commission has conducted economic and environmental analyses that conclude the construction and operation of a hydroelectric project on the exchanged land will not adversely impact the Glacier Bay National Park and Preserve, will comply with the National Historic Preservation Act, and can be accomplished in an economically feasible manner.

Significantly, the bill does not circumscribe the Commission's hydroelectric licensing process. Any hydroelectric project on the exchanged lands must be licensed by the Commission, and the Commission retains jurisdiction over the operation of any such facility. H.R. 3903 does not limit the application of the Federal Power act to the licensing of a hydroelectric project on the exchanged lands. The bill does impose additional conditions beyond those in the Act. For example, the Commission is directed to determine the minimum amount of lands necessary for construction and operation of a hydroelectric project. H.R. 3903 also conditions the license on Commission approval of a finance plan submitted by the applicant, the Gustavus Electric Company. In addition, the bill bars the Commission from licensing or relicensing the hydroelectric project unless it determines the project will not adversely impact the purposes and values of Glacier Bay National Park and Preserve. Finally, H.R. 3903 requires that the licensee mitigate any adverse effects of the project on the purposes and values of Glacier Bay National Park and Preserve as a condition of the license.

The Committee on Commerce has jurisdiction over all functions of the Federal Energy Regulatory Commission, including its hydroelectric licensing process. The Committee was pleased to work with the Committee on Resources on this legislation. As indicated in the exchange of correspondence in the report filed by the Committee on Resources, the Committee on Commerce waived referral of H.R. 3903 in order to expedite floor consideration. However, that does not constitute a waiver of jurisdiction.

As reflected in the exchange of letters between the Committee on Commerce and the Committee on Resources, the Committee on Resources has agreed to an amendment to strike section 4(d) from the bill. This amendment clarifies that the licensee must pay all Federal land use fees required under section 10(e) of the Federal Power Act. This exchange of letters also commemorates that the Committee on Resources would support a request by the Committee on Commerce in the event there is a conference on H.R. 3903.

I urge support for the legislation.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any additional speakers as well, and I yield back the balance of time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3903, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3903, the bill just passed.

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

There was no objection.

OCEANS ACT OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3445) to establish the Commission on Ocean Policy, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3445

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 "Oceans Act of 1998".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) COMMISSION.—The term "Commission" means the Commission on Ocean Policy established under section 4.

(2) COASTAL STATE.—The term "coastal State" means a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes.

(3) MARINE ENVIRONMENT.—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters and nearshore saltwater estuaries;

(B) the continental shelf; and

(C) the Great Lakes.

(4) OCEAN AND COASTAL ACTIVITIES.—The term "ocean and coastal activities" includes activities consisting of, affecting, or otherwise related to oceanography, fisheries, or the management or use of any ocean and coastal resource. The term does not include military operations and training.

(5) OCEAN AND COASTAL RESOURCE.—The term "ocean and coastal resource" means any living or nonliving natural, historic, or cultural resource or mineral found in the marine environment.

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto

Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 3. EXECUTIVE RESPONSIBILITIES.

(a) NATIONAL OCEAN AND COASTAL POLICY.—The Congress and the President, after receiving and considering the report of the Commission under section 4, shall develop and propose a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States, including a plan to meet the resource monitoring and assessment facilities and equipment requirements of Federal ocean and coastal programs.

(b) BIENNIAL REPORT.—Beginning in January 1999, the President shall transmit to the Congress biennially a report that shall include a detailed listing of all existing Federal programs relating to ocean and coastal activities, including a description of each program, the current funding for the program, and a projection of the funding level for the program for each of the following 5 fiscal years.

(c) BUDGET COORDINATION.—Each agency or department involved in ocean and coastal activities shall include with its annual request for appropriations a report that identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities.

(d) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President—

(1) may use such staff, interagency, and advisory arrangements as the President finds necessary and appropriate; and

(2) shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 4. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established the Commission on Ocean Policy.

(2) MEMBERSHIP.—(A) The Commission shall be composed of 16 members appointed by the President from among individuals who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(B) Of the members of the Commission appointed under this paragraph—

(i) 4 shall be appointed from a list of 8 individuals who shall be recommended by the majority leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation;

(ii) 4 shall be appointed from a list of 8 individuals who shall be recommended by the Speaker of the House of Representatives in consultation with the Chairmen of the Committees on Resources, Transportation and Infrastructure, and Science;

(iii) 2 shall be appointed from a list of 4 individuals who shall be recommended by the minority leader of the Senate in consultation with the ranking member of the Senate Committee on Commerce, Science, and Transportation; and

(iv) 2 shall be appointed from a list of 4 individuals who shall be recommended by the minority leader of the House of Representatives in consultation with the ranking members of the Committees on Re-

sources, Transportation and Infrastructure, and Science.

(C) The members of the Commission shall be appointed for the life of the Commission by not later than 90 days after the date of the enactment of this Act.

(3) FIRST MEETING.—The Commission shall hold its first meeting within 30 days after it is established.

(4) CHAIRMAN.—The Commission shall elect one of its members as Chair.

(b) REPORT.—

(1) IN GENERAL.—The Commission shall submit to the Congress and the President, by not later than 18 months after the date of the establishment of the Commission, a final report of its findings and recommendations regarding United States ocean policy.

(2) PUBLIC AND STATE REVIEW.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that the draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(3) FINAL REPORT CONTENTS, GENERALLY.—Subject to paragraph (4), the final report of the Commission shall include recommendations for the responsible use and stewardship of ocean and coastal resources, including the following:

(A) Recommendations for any modifications to United States laws and regulations, and the administrative structure of the Executive agencies, that are necessary to improve the understanding, management, and conservation and use of, and access to, ocean and coastal resources.

(B) An assessment of the condition and adequacy of existing and planned facilities associated with ocean and coastal activities, including human resources, vessels, computers, satellites, and other appropriate platforms and technologies, and recommendations for investments and improvements in those facilities.

(C) A review of existing and planned ocean and coastal activities of Federal entities, and recommendations for changes in such activities necessary to reduce duplication of Federal efforts.

(D) A review of the cumulative effect of Federal laws and regulations on United States ocean policy, an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect the conduct of ocean and coastal activities, and recommendations for resolving any such inconsistencies. In particular, this portion of the report shall include an examination of the relationship between the fisheries development and fisheries conservation responsibilities of the National Marine Fisheries Service.

(E) A review of the known and anticipated supply of and demand for ocean and coastal resources of the United States.

(F) A review of the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities, and recommendations for enhancing the role of State and local governments.

(G) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(H) A review of previous and ongoing State efforts and Federal efforts to enhance the effectiveness and integration of ocean activities, including those occurring offshore and in nearshore saltwater estuaries.

(4) STATE COMMENTS.—The Commission shall include in the final report comments received from the Governor of any coastal State regarding recommendations in the draft report that apply to areas within the boundaries of that coastal State.

(5) CONSIDERATION OF FACTORS.—In making its assessments and reviews and developing its recommendations, the Commission shall give full and balanced consideration to environmental, technical, economic, and other relevant factors, with an equal opportunity for all parties to present a fair and reasonable case for unbiased consideration by the Commission. All recommendations should consider effects on private property. To the greatest extent possible, no recommendations shall have a negative impact on local economies that are dependent on ocean and coastal resources. Any data used by the Commission in making its recommendations for regulations shall be peer reviewed.

(6) LIMITATION ON RECOMMENDATIONS.—The Commission shall not make any specific recommendations with respect to lands and waters within the boundary of any State located north of 51 degrees North latitude, or with respect to lands and waters within the State of Idaho.

(c) DUTIES OF THE CHAIR.—In carrying out the provisions of this section, the Chair of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION.—Members of the Commission shall, subject to the availability of appropriations, when engaged in the actual performance of duties of the Commission, receive reimbursement of travel expenses, including per diem in lieu of subsistence as authorized for persons employed intermittently in the Government service under section 3109 of title 5, United States Code.

(e) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chair of the Commission may, with the consent of the Commission and without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The executive director shall, subject to the availability of appropriations, be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for GS-15, step 7, of the General Schedule under section 5332 of such title.

(3) DETAILEES.—Upon a request of the Chair of the Commission made after consulting with the head of any Federal agencies responsible for managing ocean and coastal resources, the head of any such Federal agency may detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) EXPERTS AND CONSULTANTS.—To the extent that funds are available, and subject to

such rules as may be prescribed by the Commission, the executive director of the Commission may procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS-15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) MEETINGS.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present written statements or oral statements at the discretion of the Commission on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) NOTICE OF MEETINGS.—All open meetings of the Commission shall be preceded by timely public notice, including notice in the Federal Register, of the time, place, and subject of the meeting.

(3) MINUTES AND OTHER RECORDS.—(A) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to restrictions set forth in section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(B) The Commission shall have at least one meeting in each of the following 6 geographic regions of the United States:

(i) The Northeast.

(ii) The Southeast.

(iii) The Southwest.

(iv) The Northwest.

(v) The Great Lakes States.

(vi) The Gulf of Mexico States.

(g) COOPERATION WITH OTHER FEDERAL ENTITIES.—

(1) OTHER FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may secure directly from any Federal agency or department any information it considers necessary to carry out its functions under this Act. Each such agency or department may cooperate with the Commission and, to the extent permitted by law, furnish such information to the Commission, upon the request of the Chair of the Commission.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(3) ACQUISITIONS.—The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission \$2,000,000 for fiscal year 1999 and \$1,000,000 for

fiscal year 2000. Any sums appropriated may remain available without fiscal year limitation until the Commission ceases to exist.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, today the House is considering H.R. 3445, a bill to establish a National Ocean Commission. Considerable effort has gone into producing the bill that is agreeable to a wide variety of parties that are interested in the conservation, management, and use of our natural, our rich and varied ocean and coastal resources.

The bill reflects an agreement reached before the full committee markup by the gentleman from Alaska (Mr. YOUNG), and the gentleman from California (Mr. FARR) and other Members, and further amendments were included to satisfy the concerns of gulf State Members.

It also reflects the willingness of the Committee on Science and the Committee on Transportation and Infrastructure to allow us to move forward in a prompt manner and act on the measure this year, the International Year of the Ocean.

Mr. Speaker, I would like to express my sincere appreciation to the Members of the Committee on Science and the Committee on Transportation and Infrastructure for their consideration.

H.R. 3445 builds upon the foundation established more than 30 years ago with the enactment of the Marine Resources, Engineering and Development Act in the early 1960s. That historic legislation established a Commission on Marine Sciences, Engineering and Resources commonly referred to as the Stratton Commission, which encouraged development of a comprehensive national ocean policy.

As a direct result of the Stratton Commission and their report, the National Oceanic and Atmospheric Administration was formed and created, and the Coastal Zone Management Act was passed by the Congress and established.

By the year 2010, it has been estimated that 127 million people or 60 percent of the American population will live along our coasts. As someone who is proud to represent a coastal district, I have dedicated myself to the health and vitality of our ocean ecosystems.

H.R. 3445 will help assure that health and vitality through the work of the new ocean policy commission. This commission will inform Congress of our current ocean programs and whether or not they are on track, whether or not they need to be changed, and will presumably recommend some improvements.

As a maritime nation, we have always been aware of how crucial oceans are to both our economic well-being and to the well-being of our environment. For instance, the commercial fishing industry alone contributes \$111 billion per year to our national GDP. There is always a need to further invigorate our ocean and coastal programs.

During the past 4 years, the Subcommittee on Fisheries Conservation, Wildlife and Oceans, which I chair, has invested a great deal of effort trying to improve U.S. coastal and ocean programs and dealing with persistent management problems facing our fishery resources.

A formal review of all these policies by a group of independent nongovernmental experts will give us a fresh look at these problems, the problems our oceans face, and suggest the potential solutions for the 21st Century.

The bill before us today establishes the National Ocean Commission consisting of 16 Members. Eight will be appointed from Republican nominations and eight from Democratic nominations, making it a true bipartisan commission.

The bill requires extensive public input, including regional public hearings, public review of the draft report, and review of the draft report by the governors of coastal states.

The bill also requires the commission to consider the effects of its recommendations on private property and local economies.

H.R. 3445 is the product of hundreds of hours of deliberation by both Members and our fine staffs. It is an appropriate congressional initiative during 1998, the International Year of the Ocean, and I obviously hope that this bill will pass by a unanimous vote.

Mr. Speaker, I would like to make a special note of the fine efforts of the gentleman from California (Mr. FARR), who together with several other Members have partnered to create a bill and an initiative which I believe is of great significance, and has gone through, frankly, a long and difficult process.

So these bills that come about as a result of a long period of consideration and conversation and dialogue and debate oftentimes produce a very, very good product. I believe that that is the case with regard to this bill, and I would like to thank the gentleman from California (Mr. FARR) for the very important and forward looking role that he played.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. FARR) be permitted to manage the legislation on this side of the aisle.

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

There was no objection.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate very much the role and leadership that the gentleman from New Jersey (Mr. SAXTON) has played in this. We are a Congress that oftentimes emphasizes our partisan differences, and I think on this bill we are emphasizing our bipartisan strengths on a common issue, which is the oceans.

This is the International Year of the Ocean, and it is interesting how that international year has played out. I am joking but I think that we have to realize that in the International Year of the Ocean who knew that the Academy Awards would honor the oceans by granting the Oscar to the movie *Titanic*? Who would have known, when we began this year, that the New York Times bestseller's nonfiction list would be for a break in the all time record of a nonfiction book about weather, called *The Perfect Storm*? Who knew, when we began this year, that we were going to have on Larry King Live two talk shows about weather, the El Nino?

So we are finishing this year with Congress responding to all of these issues by enacting a bill that really takes all of those issues into consideration, and that is a bill that puts together a commission that is to look at these Federal programs not as a single sector oriented, which is what we found in our committee discussions. Too much of what we do in the Federal Government over time ends up just trying to solve a single problem. We create a government to administer that problem. We fund the government to deal with that problem and as we grow more complex and more complicated in an area dealing with a body of water that really knows no political boundary, no State political boundary, local boundary, international boundary, these are issues where we have to take a holistic approach to dealing with the problems and that is what this commission is called upon to do. It is called upon to bring back to Congress the conflicts that are out there, the conflicts in our own law, the conflicts between State and local and Federal governments.

So I think that Congress is really putting its best foot forward in enacting this legislation because it is doing something that everybody on each side of the aisle wants to do and that is do a better job with limited resources.

So I really appreciate the bipartisan effort in this creation of this bill. I want to also thank the staff of the Committee on Resources and particularly the subcommittee of the gentleman from New Jersey (Mr. SAXTON), because we have worked together and everybody shared all the information. It has not always been easy because there are some interests here that are very sensitive.

So we are here on the floor with, I think, a good bill that everybody can be proud of.

I just want to point out also that it has been an effort. I represent the coast of California and I have a special

interest in it. We have a lot of marine institutions around the bay, 16 to 17 different institutions that relate to the ocean. We call ourselves the Kennedy Space Center of the ocean. A lot of other areas like to claim that title, too, whether it is Woods Hole, Massachusetts, or the San Diego area with Scripps, but we held in the Monterey Bay region the first-ever Presidential Conference on the Oceans. It was attended by Members of both sides of the aisle and they got to speak and participate.

I think we are really on a national realization that if we do not deal with the problems of the ocean, we are going to have a lot of detrimental effects for those of us who want to live on this planet. As far as economic security, national security, environmental security, food security and issues like that, this commission will bring us all together with some comprehensive recommendations to Congress of how we might move forward.

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

□ 1545

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, 1998 is the Year of the Ocean. We have heard that mentioned several times. So, it is only fitting and proper that we focus on the ocean this year. And in doing so, I would like to commend the gentleman from New Jersey (Chairman SAXTON) for the outstanding leadership he has provided. He is there every step of the way. It is his inspiration, his innovation that has gotten us to this juncture today.

But, Mr. Speaker, he has not done it alone. The gentleman from California (Mr. FARR), the gentleman from Maryland (Mr. GILCHREST) and the gentleman from California (Mr. BILBRAY) have all been very active participants in this process.

I think this is very important legislation. We sometimes think that if it is not a major bill providing trillions of dollars of expenditures and a lot of controversy, it is not all that important. Let me suggest that this is very important.

Two-thirds of the world's surface is covered by water, and we have to deal with that water. I was glad to hear the gentleman from California (Mr. FARR), give that recitation of all those things that people did not know about this year; that in 1998, nobody knew that *Titanic* would get the Oscar. I think that people are properly focusing on the ocean and I think a commission to study the issue and make recommendations to all of us for further action is something that is very right and very proper.

Mr. Speaker, I am here as a colleague who was watching this debate, colloquy

more than a debate, in my office and said what they are doing over there is very important and I want to say that to them. I want to express to the gentleman from New Jersey (Chairman SAXTON) and to the gentleman from California (Mr. FARR) and the others who have been involved, "Thank you for what you are doing. I am proud of you."

Mr. Speaker, this is the type of work that day in and day out the House of Representatives is very actively engaged in. It is very important, not just for now but for future generations.

Mr. FARR of California. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA) whose district is surrounded by water.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 3445, a bill to establish a commission on ocean policy. Mr. Speaker, we all know that approximately two-thirds of the world's surface is covered by water. Our oceans should be our greatest resource, but for many years for many a number of reasons, oftentimes it has been nothing more than our greatest dumping ground.

Decades ago, the United States and other progressive nations realized that to continue our then current policy would only lead to the destruction of a vital resource. In response, we began the process of establishing a more coherent policy on management of this resource. It was obvious to all those who were involved that the United States alone could not adequately address the problem and through the efforts of the United Nations and many other concerned countries, more aggressive actions were taken worldwide.

Mr. Speaker, over the past 30 years, much progress has been made in the management and use of our oceans. International protocols continue to be developed to the benefit of all nations. This process has not gone smoothly, however, and there have been and continue to be nations which overfish dwindling stocks of fish or hunt species of whale to near extinction. But today the tides have changed, so to speak. A vast majority of the world opposes actions of this nature.

The United States continues to address the problem of overfishing of local stocks off the coast of the eastern United States. This has been a particularly difficult issue because of the long history of fishing in communities which have relied on local stocks for generations. As the yields in these stocks have dwindled over the last decade, increased concern has risen to a sense of despair. This is an ongoing problem which needs continued attention and additional resources.

Mr. Speaker, off the coast of the western United States, the issue of fishing for tuna and the associated killing of dolphins has been discussed for

years. I have spoken on this topic at length in the past and do not have the time to go into detail today, but suffice it to say that we recently entered into a new international agreement in an effort to enlist the support of our neighbors to the south to protect dolphins, yet assist them in their economic development by permitting tuna caught in compliance with this international accord to enter the United States for commercial sale. The environmental community and the domestic fishing industry was split on this new law and we will not know for years how well this new arrangement will work. This is another area which could use additional study and resources and even more the reason why we should have a national commission on oceans.

Mr. Speaker, I am most familiar with U.S. interests in the Pacific region. As the largest body of water in the world, the Pacific covers 70 million square miles of the earth's surface and borders or surrounds many countries. It is the source of food for much of the world's population and a significant portion of the world's commerce is transported across its surface.

The United States has considerable interest in this region. Our territory includes the State of Hawaii, the Territories of American Samoa, Guam, and the Northern Mariana Islands. Although now independent, we have continued close relationships with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. We also administer approximately a dozen other islands in the Pacific. While the total land area is relatively small, the area included in our Nation's Exclusive Economic Zone is hundreds of thousands of square miles in the Pacific Ocean.

Mr. Speaker, our Nation alone controls some 2.3 million square nautical miles of Exclusive Economic Zones. Coming from a group of islands who have lived off this natural resource for thousands of years, I welcome this piece of legislation. It is in our national interest to devote additional resources to study of ocean policy.

Mr. Speaker, I urge my colleagues to support this great legislation. I want to commend, again, the leadership and the service of the gentleman from New Jersey (Mr. SAXTON) the chairman of the Subcommittee on Fisheries, Conservation, Wildlife and Oceans for his outstanding performance, not only for the management of this legislation, but certainly as a great friend.

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

Mr. FARR of California. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. FARR) has 11½ minutes remaining.

Mr. FARR of California. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from California

(Mr. FARR) for yielding me this time, and I certainly would like to begin by congratulating my colleague, the author of H.R. 3445, for his diligent work in bringing this important piece of legislation to fruition. Also, I would like to thank the gentleman from New Jersey (Mr. SAXTON) of New Jersey, the distinguished chairman, for all of his efforts.

Mr. Speaker, one would find themselves hard-pressed to refute the role that the oceans contribute to our daily lives. As has been stated here already, and in other legislative bodies, at conferences and seminars and symposiums, we depend on the oceans for our livelihood. Not just in an economic sense, but also for recreational purposes for tourism and even spiritual as well.

Coastal cities and towns rely on the waters of the sea. Some use it for tourism, others for the transshipment of goods, while other retain a long history perhaps as fishing villages.

As the delegate from the Island of Guam, an island community, our people and our leaders use the surrounding ocean for all these reasons and more. The ocean represents our historical ties with our ancestors and also provides us with an opportunity for future growth and maintaining and sustaining our way of life in the present.

In all the attention that has been drawn to oceans this year, people have been fond of saying that over half of the country's population lives within 50 miles of the water. Mr. Speaker, I am proud to say that I come from a community where 100 percent of our people live within 4 miles of the ocean. And so we fully recognize the impact and the importance of the ocean in our lives.

Often we overlook what benefits the oceans bring to our communities when we spend most of our time on land. I know, as the gentleman from American Samoa (Mr. FALEOMAVAEGA), my esteemed colleague here, and I go and crisscross the ocean and we see the great expanse of ocean, we also see the opportunities. We imagine the history of our own islands' peoples, but we also see the economic opportunities and the necessity to protect the resources and the opportunities that the Pacific provides this country and to the world.

The Stratton Commission convened in the 1960s to assess the Nation's marine resources was a good beginning, because it helped bring about a policy that created the National Oceanic and Atmospheric Administration. It provided our country a method to use the ocean and its resources for our gain. However, in our pursuit to travel faster on ocean routes and establish economic advantages and to feed our Nation and the world, I think we have neglected a sound international policy to preserve and sustain the valued resources that the ocean provides.

The formulation of this commission on ocean policy, patterned somewhat after the Stratton Commission, is an opportunity to step forward in the

right direction. It helps to establish a new ocean policy focused around properly managing the oceans to produce a healthy, abundant ecosystem. It is a serious approach to create a plan that will ensure the survival of a viable and abundant ocean in the 21st century.

Mr. Speaker, I would also like to take this opportunity to express my support for ratification of the Convention of the Law of the Sea Treaty. This international arrangement, and collaboration with other developed nations that this treaty represents, goes hand in hand with the national policy we are seeking to create. It is possible to have one without the other, but to only develop a national policy and not address the need for international cooperation in our new global village is not quite responsible. The Law of the Sea helps to ensure economic prosperity and military security while preserving and sustaining ocean resources with the cooperation of other countries.

As leaders for the Nation, we carry the burden providing for the present and planning for the future. H.R. 3445, the Oceans Act of 1998, ensures that this responsibility is met. I encourage all of my colleagues to support this measure.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that it is important to point out that there is some major overhaul of Federal law in this bill. This commission, which the President shall appoint with recommendations from Congress, is going to do some things that I think are absolutely essential to us positioning ourselves for the 21st century.

The bill says, and I quote, "A review of all existing or planned ocean or coastal activities of Federal entities and recommendations for changes in such activities necessary to reduce duplication of Federal efforts."

The bill also calls for, "a review of the cumulative effect of Federal laws and regulations on the United States ocean policy and examination of those laws and regulations for inconsistencies and contradictions that might adversely affect the conduct of ocean and coastal activities, and recommendations for resolving the inconsistencies."

This is a good way of setting some Federal policy that gets us away from just trying to administer item by item, as we have historically.

Then, "a review of all known and anticipated supply of and demand for ocean and coastal resources in the United States, and a review of the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal policy recommendations."

Probably even the most controversial area of all is to examine the relationship between the fisheries development and fisheries conservation responsibilities of the National Marine Fisheries

so that we do not really just legislate in crisis. We can legislate sound management practices. All of these recommendations will come back to Congress for enactment in the future.

Mr. Speaker, I want to also say that a person on my staff who was here as a Sea Grant Fellow and had to go back to school, but I wanted to point out that but for her work we would not be this far long: Jennifer Newton. Chris Mann on our committee staff, and also the minority staff of John Rayfield, Harry Burroughs, and Sharon McKenna all made this bill possible, and I want to thank them for their effort.

Lastly, wholeheartedly my thanks and appreciation and professional respect goes out to the gentleman from New Jersey (Chairman SAXTON). We have had a wonderful time working together on this bill because we mutually had a vision of where we ought to be going and we stuck with that vision and did whatever was necessary to try to bring it to fruition.

□ 1600

So I have a great deal of appreciation for the gentleman's leadership and he serves his district well.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself the balance of my time and would like to thank the gentleman for his kind remarks.

Mr. ORTIZ. Mr. Speaker, I appreciate the many efforts to bring an oceans policy bill before the House of Representatives today. This is certainly an issue which is extremely important to the future of the United States and deserves our attention.

As H.R. 3445, the Oceans Act of 1998, comes to the floor of the House of Representatives, I am concerned there has not been adequate debate on provisions rejected for inclusion in this legislation which would protect the objective and fair consideration of all interests in offshore resources. It is my desire that we would continue to work to bring a compromise bill on ocean policy to the floor of the House. This is an extremely important issue with far ranging effects which Congress should address thoroughly.

Since we initially considered this issue in the Committee on Resources, I have not heard anyone say that we should not protect our oceans. We all are aware of the inimitable role our oceans play in our future and know we must insure the sustainability of oceanic resources. At the same time, these resources contribute daily to the economies of our communities and support a large segment of our population, both directly and indirectly. While we work to protect the future of these resources, we must insure we adequately protect the diverse interests we have in our oceans.

Mr. SHUSTER. Mr. Speaker, H.R. 3445, the Oceans Act of 1998, establishes a commission to help develop a national ocean policy.

Through its jurisdiction over law and programs regarding the ocean, the Committee on Transportation and Infrastructure has a strong interest in this legislative proposal.

In order to allow this legislation to be brought to the floor today, the Committee on

Transportation and Infrastructure agreed to a sequential referral of very limited duration.

However, this action should in no way be considered a waiver of the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3445.

If this legislation goes to a House-Senate conference, the Committee on Transportation and Infrastructure reserves the right to request to be included as conferees.

In addition, the chairman of the Resources Committee has assured me that he is willing to work with our committee on any differences the Committee on Transportation and Infrastructure may have with this bill in such a conference, or in the event that there is no formal House-Senate conference on this bill.

I would like to thank the leadership of the Resources Committee for these assurances and for their cooperation throughout the process.

Mr. MILLER of California. Mr. Speaker, I rise in support of the substitute amendment for H.R. 3445. The amendment is, with minor changes, essentially the bill that was reported from the Resources Committee.

It establishes a commission on ocean policy to assess the status of ocean and coastal resources and make recommendations on how we, as a nation, can make the best use of these resources while ensuring their availability to future generations. It calls for the President and Congress, after reviewing the commission's report, to develop a national policy to guide our ocean and coastal activities to those ends.

While I support the bill before the House today, I remain concerned that restrictions placed on the scope of the commission's review may fetter the commission in making a comprehensive assessment of marine resources and the activities that affect them. If this is the result, then the ocean policy to be developed from the commission's recommendations will be the poorer for it. After all, the commission established by this bill will only make recommendations which Congress and the Administration are free to ignore.

Yet up until the last minute there were attempts to further restrict the scope of review, thus restricting the intellectual freedom of the commissioners appointed, because of their expertise, to study our ocean and coastal resources. Particularly disturbing was an attempt to revisit issues dealt with unambiguously and decisively in Committee. Clearly there are those that would prefer that this bill not become law. Afraid to oppose it outright, they have tried to inflict the death of a thousand cuts.

But as a result of the perseverance of Mr. FARR and the gentleman from New Jersey, Mr. SAXTON, those attempts have so far failed. The compromise before the House today preserves the fundamental principles of the bill that was introduced, while going the extra mile to address the concerns of some members about the breadth of the commission's authority.

1998 is the Year of the Ocean and this is bipartisan legislation to promote responsible use and stewardship of these resources. It's been 30 years since the United States had a thorough review of the oceans and Congress should take the lead in establishing an oceans policy for the 21st century.

Again, I commend Mr. FARR and Mr. SAXTON for all their hard work trying to keep this bill on track against long odds.

This is good legislation and I urge the House to support it.

Mr. PALLONE. Mr. Speaker, I join my colleagues today in supporting the passage of H.R. 3445, the Oceans Act. As the world celebrates the International Year of the Ocean, we have an excellent opportunity to initiate a major review of ocean policies in this Nation and to take actions to improve our understanding of ocean systems and the ocean environment as a whole.

As a coastal member and co-chair of the Coastal Caucus, I've always been supportive of protecting our oceans and coasts and realize the tremendous benefits they offer all Americans. Our oceans provide us with jobs, food, recreational as well as education opportunities, medicine, and transportation. Each year an estimated 180 million Americans visit the coast and nearly one third of our nation's Gross National Product is produced in coastal areas. Our oceans also play an important role in determining climate.

But all is not well with our oceans. Today, more than half of all 265 million Americans live within 50 miles of our shores. This has put tremendous pressure on our estuaries, coastal zone, and near and offshore areas. In 1996, nearly 2,200 health advisories were issued against the consumption of contaminated fish. In 1997, over 4,000 beach closings or warnings were issued due to pollution. Harmful algal blooms, like red tides and pfiesteria, have been responsible for over \$1 billion in economic damages over the last decade. A 1997 National Marine Fisheries Service report to Congress stated that of the federally managed species for which sufficient data was available, 31% are "overfished." The list goes on and on.

H.R. 3445 attempts to rectify some of these problems by establishing a Commission on Ocean Policy. This Commission, which is similar to the original Stratton Commission of the late 1960's, will report to Congress and the President policy recommendations for how to do better with respect to our oceans, ultimately resulting in a coordinated National Ocean Policy.

While I support H.R. 3445, I am deeply disappointed that the bill before us today is much weaker than what was passed unanimously by the Fisheries Conservation, Wildlife and Oceans subcommittee. Nevertheless, I applaud the efforts of Mr. FARR, Mr. SAXTON, and others for working so hard to bring this bill to the floor today.

In closing, Mr. Speaker, I urge all Members to vote in favor of this legislation so that we can go to conference and have it signed into law before the end of the session. Cast a vote for the oceans! Vote yes on the Oceans Act!

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3445, the Oceans Act of 1998. In my capacity as chairman of the National Security R&D subcommittee, I have spent the last several years working to promote ocean protection. I have continued to address the issue of the protection of our seas at the international level through my work as the Chairman of the Global Legislators for a Balanced Environment (GLOBE) Task Force on Oceans, and as the U.S. Vice President for the Advisory Committee on Protection of the Seas.

1998 has been declared the International Year of the Ocean in recognition of the importance of our ocean resources—the ocean's

fundamental importance to our economic well being, safety, health, and quality of life. We must continue to work to discover and to learn more about our oceans in order to achieve the long-term goals of fostering an increased awareness of the criticality of the ocean environment and assuring the sustainable use of the ocean for our continued national vitality.

It is clear that we need to get smarter about the ocean. For more than half of the American population, it is truly in our back yards. For the military, it is the primary platform for defense. For the economy, it produces one out of every three dollars of the Gross National Product. We can track the spread of cholera by understanding ocean circulation and we may find a cure for cancer in the biology of the sea. The seabed may be the next place for large-scale mining of precious ores.

We are surrounded by a medium about which we know less than we know about the moon! It is time to change this, and to enlarge our view of the ocean. We have mapped the entire sphere of the moon at resolutions sufficient to reveal geographic characteristics the size of a football field, as well as objects the size of bicycles within those fields. Yet, we have mapped less than seven percent of the ocean floor. Such mapping has been done at resolutions as much as ten thousand times poorer than the precision used for the Moon and Mars. We have yet to image at any resolution vast mountain chains, earthquake faults, shipwrecks, and a multitude of other features that would help us understand major features of the 197 million square miles of planet on which we live.

Clearly, the ocean is more than a beautiful vista for recreation. I urge my colleagues to join me in supporting H.R. 3445 to establish a Commission on Ocean Policy. In this way, we can be more committed to better understanding and protecting our interests in this incredible resource.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 3445, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3445, the bill just passed.

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

There was no objection.

COLLECTION OF FEES FOR MAKING OF MOTION PICTURES, TELEVISION PRODUCTIONS, AND SOUND TRACKS IN NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEM

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2993) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in the National Park System and National Wildlife Refuge System units, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2993

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

SECTION 1. FEE AUTHORITY AND REPEAL OF PROHIBITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior (in this section referred to as the "Secretary") may permit, under terms and conditions considered necessary by the Secretary, the use of lands and facilities administered by the Secretary for the making of any motion picture, television production, soundtrack, or similar project, if the Secretary determines that such use is appropriate and will not impair the values and resources of the lands and facilities.

(2) FEES.—(A) Any permit under this section shall require the payment of fees to the Secretary in an amount determined to be appropriate by the Secretary sufficient to provide a fair return to the government in accordance with subparagraph (B), except as provided in subparagraph (C). The amount of the fee shall be not less than the direct and indirect costs to the Government for processing the application for the permit and the use of lands and facilities under the permit, including any necessary costs of cleanup and restoration, except as provided in subparagraph (C).

(B) The authority of the Secretary to establish fees under this paragraph shall include, but not be limited to, authority to issue regulations that establish a schedule of rates for fees under this paragraph based on such factors as—

(i) the number of people on site under a permit;

(ii) the duration of activities under a permit;

(iii) the conduct of activities under a permit in areas designated by statute or regulations as special use areas, including wilderness and research natural areas; and

(iv) surface disturbances authorized under a permit.

(C) The Secretary may, under the terms of the regulations promulgated under paragraph (4), charge a fee below the amount referred to in subparagraph (A) if the activity for which the fee is charged provides clear educational or interpretive benefits for the Department of the Interior.

(3) BONDING AND INSURANCE.—The Secretary may require a bond, insurance, or such other means as may be necessary to protect the interests of the United States in activities arising under such a permit.

(4) REGULATIONS.—(A) The Secretary shall issue regulations implementing this subsection by not later than 180 days after the date of the enactment of this Act.

(B) Within 3 years after the date of enactment of this Act, the Secretary shall review and, as appropriate, revise regulations issued under this paragraph. After that time, the

Secretary shall periodically review the regulations and make necessary changes.

(b) COLLECTION OF FEES.—Fees shall be collected under subsection (a) whenever the proposed filming, videotaping, sound recording, or still photography involves product or service advertisements, or the use of models, actors, sets, or props, or when such filming, videotaping, sound recording, or still photography could result in damage to resources or significant disruption of normal visitor uses. Filming, videotaping, sound recording or still photography, including bona fide newsreel or news television film gathering, which does not involve the activities or impacts identified herein, shall be permitted without fee.

(c) EXISTING REGULATIONS.—The prohibition on fees set forth in paragraph (l) of section 5.1(b) of title 43, Code of Federal Regulations, shall cease to apply upon the effective date of regulations under subsection (a). Nothing in this section shall be construed to affect the regulations set forth in part 5 of such title, other than paragraph (l) thereof.

(d) PROCEEDS.—Amounts collected as fees under this section shall be available for expenditure without further appropriation and shall be distributed and used, without fiscal year limitation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program under section 315 of Public Law 104-134.

(e) PENALTY.—A person convicted of violating any regulation issued under subsection (a) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 6 months, or both, and shall be ordered to pay all costs of the proceedings.

(f) EFFECTIVE DATE.—This section and the regulations issued under this section shall become effective 180 days after the date of the enactment of this Act, except that this subsection and the authority of the Secretary to issue regulations under this section shall be effective on the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 2993 is a bill introduced by my colleague, the gentleman from Colorado (Mr. JOEL HEFLEY). The gentleman from Colorado deserves credit for the work he has put in to develop a bill that provides a new way for the National Park Service and other Federal agencies to collect fees from the motion picture industry who use Park Service and other Federal lands in the making of their movies.

H.R. 2993 repeals the existing Department of the Interior regulatory prohibition on collecting fees at units of the National Park System and the National Wildlife Refuge System for the use of these areas for commercial film productions. H.R. 2993 authorizes the Secretary to establish a fee schedule using a number of relevant factors, such as the number of people on site and the duration of the filming activities. However, this bill would not affect newsreel or television news activities. Proceeds from these location fees would remain in the unit where the

filming occurs, as per the Recreational Fee Demonstration Program established in the 1997 Interior Appropriation Act.

Mr. Speaker, American public lands, especially National Parks, have been serving as the backdrop for many of Hollywood's most famous and profitable productions, including such films as "Indiana Jones and the Last Crusade," "Forrest Gump," "Star Wars" and "Butch Cassidy and the Sundance Kid." Neither the National Park Service nor the Fish and Wildlife Service collected a dime from any of these movies because they are prohibited from establishing fair and reasonable fees from commercial film companies for the use of these lands. H.R. 2993 would remedy this problem while also making the commercial filming fee available directly to the unit involved in the film production.

Mr. Speaker, this is a much needed bill which returns a fair profit to the Federal Government for the use of many of our national treasures. I strongly urge my colleagues to support H.R. 2993.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Utah, the chairman of our Subcommittee on National Parks and Public Lands of the Committee on Resources for his management of this legislation, and in particular I want to commend the gentleman from Colorado (Mr. HEFLEY) for his sponsorship of this legislation.

Mr. Speaker, this legislation provides for the collection of fees for the making of motion pictures, television productions and sound tracks in the National Park System and the National Wildlife Refuge System. We should be charging appropriate commercial fees for the use of national parks and refuges, especially when such fees have a long established use on public lands and national forests. The regulation prohibiting movie and television fees for parks and refuges appears to have long outlived any usefulness it may have ever had.

Subsequent to our hearing, several meetings and discussions have been held among our staffs, the representatives of the Department of the Interior, the film industry, and other interested parties. I believe these talks were very fruitful and productive.

As a result of these discussions, Mr. Speaker, the Committee on Resources approved the amendment in the nature of a substitute to 2993 and made several significant changes in this legislation. I believe those changes improve the bill, and I will also note that the bill we are sending to the floor today includes one additional change requested by the administration that is consist-

ent with what we are trying to achieve by the provisions of this bill.

Mr. Speaker, everyone agrees that there should be fair and reasonable fees for the use of public resources for filming. I am greatly encouraged by the bipartisan manner in which legislative agreement was reached on this important issue. I support this bill and I urge my colleagues to do the same.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HEFLEY), the author of the bill, who has done great work on this particular legislation.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would suspect that most Americans got their first taste of the West through the classic westerns of John Ford, and most of those films were made on public land. Mr. Ford paid a standard fee for the use of those lands, but for the past 50 years, for reasons that no one can really explain, the Park Service and the Fish and Wildlife Service have been forbidden from collecting fees for commercial filming. The bill before us attempts to correct this inequity.

H.R. 2993 directs the Secretary of the Interior to develop a uniform policy to collect fees for most commercial filming on lands administered by the Interior Department agencies.

The bill directs that the Secretary require that these fees provide a fair return to the government, and that said fees shall not be less than the direct and indirect costs to the government for processing fee applications and for the use of the land and facilities.

The bill also directs development of a fee schedule to be based on such factors as the number of people on the site, duration of their stay, surface disturbances and the use of special areas.

The policy exempts from fees bona fide newsreel or news television productions, and most still photographers, save for those who use models and actors and sets and props, and those that would result in either damage to resources or a significant disruption to normal visitor uses.

The language before us addresses concerns raised by the Justice Department and has been cleared with the minority.

Finally, the bill directs the revenues from this policy to be used in accordance with the existing fee demo program.

This bill is the product of a great deal of cooperation between both sides of the aisle on the Committee on Resources. In fact, I think it is an example of how most of the bills that we have in the Committee on Resources should come out. We worked very hard to make this bipartisan. We worked with the Department of the Interior and we worked with the motion picture industry.

We tried to balance the film industry's need for certainty with the Interior's need for flexibility, and I think we have struck that balance. The film industry wants a certainty. They do not want an arbitrary kind of thing where they never know. And, in fact, if there is an arbitrary approach to it, more and more they will go offshore somewhere. They will go to Australia. They will go other places. There are other pretty places in the world they can go to film movies. They will go somewhere else to do it if they do not have a degree of certainty.

I will not pretend this bill is a cure-all for all of our public land needs but it is a start. It will help. It is an equity thing. Even the film industry thinks that it should pay a reasonable fee for using the public lands.

So this is one of those rare bills where I think everyone has the chance to come out a winner and, therefore, I urge its adoption. I do not believe there is any objection to this. I think we have worked out the kinks and I think it will work very well for us. Again, I would repeat, Mr. Speaker, I urge its adoption.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2993, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2933, the bill just passed.

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

There was no objection.

SALE, LEASE OR EXCHANGE OF IDAHO SCHOOL LAND

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4166) to amend the Idaho Admission Act regarding the sale or lease of school land.

The Clerk read as follows:

H.R. 4166

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

SECTION 1. SALE, LEASE, OR EXCHANGE OF IDAHO SCHOOL LAND.

The Act of July 3, 1890 (commonly known as the "Idaho Admission Act") (26 Stat. 215,

chapter 656), is amended by striking section 5 and inserting the following:

"SEC. 5. SALE, LEASE, OR EXCHANGE OF SCHOOL LAND.

"(a) SALE.—

"(1) IN GENERAL.—Except as provided in subsection (c), all land granted under this Act for educational purposes shall be sold only at public sale.

"(2) USE OF PROCEEDS.—

"(A) IN GENERAL.—Proceeds of the sale of school land—

"(i) except as provided in clause (ii), shall be deposited in the public school permanent endowment fund and expended only for the support of public schools; and

"(ii) (I) may be deposited in a land bank fund to be used to acquire, in accordance with State law, other land in the State for the benefit of the beneficiaries of the public school permanent endowment fund; or

"(II) if the proceeds are not used to acquire other land in the State within a period specified by State law, shall be transferred to the public school permanent endowment fund.

"(B) EARNINGS RESERVE FUND.—Earnings on amounts in the public school permanent endowment fund shall be deposited in an earnings reserve fund to be used for the support of public schools of the State in accordance with State law.

"(b) LEASE.—Land granted under this Act for educational purposes may be leased in accordance with State law.

"(c) EXCHANGE.—

"(1) IN GENERAL.—Land granted for educational purposes under this Act may be exchanged for other public or private land.

"(2) VALUATION.—The values of exchanged lands shall be approximately equal, or, if the values are not approximately equal, the values shall be equalized by the payment of funds by the appropriate party.

"(3) EXCHANGES WITH THE UNITED STATES.—

"(A) IN GENERAL.—A land exchange with the United States shall be limited to Federal land within the State that is subject to exchange under the law governing the administration of the Federal land.

"(B) PREVIOUS EXCHANGES.—All land exchanges made with the United States before the date of enactment of this paragraph are approved.

"(d) RESERVATION FOR SCHOOL PURPOSES.—Land granted for educational purposes, whether surveyed or unsurveyed, shall not be subject to preemption, homestead entry, or any other form of entry under the land laws of the United States, but shall be reserved for school purposes only."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, I rise today in support of legislation that is very important to the State of Idaho. H.R. 4166, introduced by my distinguished colleague, the gentleman from Idaho (Mr. CRAPO), would amend the Idaho Admissions Act regarding the sale or lease of school land.

Mr. Speaker, when Idaho was granted statehood back in 1890, the U.S. Government designated millions of acres of land within the State as an endowment to Idaho's schoolchildren. This was a common practice at the time, and

many other western States, including my own State of Utah, has similar provisions in their statehood act.

These State school lands are, by law, to be managed to provide revenue for the schools. When the lands are sold or leased or whatever, the money goes into a trust fund that produces a stream of income for the schools. This money is very important to the schoolchildren of Idaho.

The people of the State of Idaho have been working on ways to get more revenue from these lands and have found ways to ensure that their trust funds provide a better stream of income. Some of these reforms have been implemented. However, some cannot be implemented until we amend the Idaho Admissions Act to give them the authority to make these changes.

Mr. Speaker, H.R. 4166 would amend the Idaho Admissions Act to give the State of Idaho the flexibility they need to make these changes. The legislation is in everyone's best interest and is in particularly the best interest of Idaho's schoolchildren. I urge my colleagues to support it.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Utah, the chairman of our Subcommittee on National Parks and Public Lands of the Committee on Resources, for his management of this legislation, and certainly the gentleman from Idaho (Mr. CRAPO) for his sponsorship of this bill.

Mr. Speaker, this bill, as introduced by the gentleman from Idaho, would amend the Idaho Admissions Act to make certain changes regarding the sale and exchange or lease of lands granted to the State of Idaho for the benefit of schools.

The purpose of the exchanges, as I understand them, is to generate additional income for Idaho's permanent endowment fund. The State of Idaho has already modified State law in order to implement these changes; however, the Idaho Admissions Act must also be amended in order to conform to these changes.

Simple as that, Mr. Speaker. I urge my colleagues to support this legislation.

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

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. CRAPO), the author of the bill.

Mr. CRAPO. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, this is a very important bill for Idaho, as has already been said, but it is an interesting opportunity. This is an opportunity for us to generate increased revenues for Idaho public schools, with no tax increase and

with simply a reformed management of our public lands.

Before I go further, I want to give my sincere thanks to my colleague, the gentlewoman from Idaho (Mrs. HELEN CHENOWETH) for her strong support and advocacy not only for this legislation but for the young people of Idaho, as we have fought here to make sure our policies in Washington give us the best opportunity for our children in Idaho.

H.R. 4166 is going to provide the State of Idaho the ability to increase funding for public education by at least \$20 million, if not much more, annually, by restructuring the management of our endowment lands.

In 1890, when Idaho was made a State, about 3½ million acres of land as a permanent endowment were given to the State to help the children throughout this century and beyond. Today, that endowment has a value of about \$2.7 billion, with an accompanying endowment fund worth about another \$700 million, a total value of about \$3.4 billion. And yet, after evaluation, our Governor found its return was only about 3.3 percent, just barely keeping up with the rate of inflation. If that rate of performance could be increased by just 1 percent, it could generate as much as \$30 million of extra dollars for Idaho schoolchildren.

Because of that, Idaho's Governor Phil Batt appointed a Governor's Committee on Endowment Fund Investment Reform to look into what could be done. And that committee, chaired by Doug Dorn, reviewed the current structure of our endowment lands and evaluated what simple commonsense approaches we could find to improve the performance for our school children without raising taxes.

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H.R. 4166 is one of the reforms that this committee has suggested. I again have to give credit to Governor Batt, to the gentlewoman from Idaho (Mrs. CHENOWETH) and to the others who have worked so hard to make this legislation a reality today. The changes that are proposed allow Idaho to manage its resources in a more effective way that will benefit the school children of Idaho and give us the ability to more clearly strengthen our future.

Mr. Speaker, it is a privilege to be the sponsor of this legislation. I encourage all of my colleagues here in the House to support this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Idaho (Mrs. CHENOWETH).

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, I want to thank the gentleman from Utah for yielding time, and I want to thank my colleague from Idaho for his outstanding leadership on this issue that is very, very important to our

State. As my colleague from Idaho moves to other endeavors this next year, we will miss his leadership in this body.

I rise right now in wholehearted support for H.R. 4166, a bill to amend the Idaho Admission Act. The most important commodity that we have, Mr. Speaker, is our Nation's children. By providing our children with the best possible education, we provide our Nation with a future that will allow it to continue to be a leader, the leader of the free world. But that future rests on our children and the kind of work that we can do for them today. H.R. 4166 takes a positive step in that direction in our State.

H.R. 4166 amends the 1890 Idaho Admission Act so that Idaho can better invest the funds gained from the leasing of the State's 2.5 million acres of endowment lands. This change could provide as much as \$30 million more for Idaho schools, for construction, for hiring new teachers or wiring classrooms for the Internet without raising new taxes.

As my colleague from Idaho has previously stated, this proposal has been thoroughly debated by all parties and passed nearly unanimously in the Idaho legislature. This bipartisan effort will give education in Idaho a boost without raising taxes. Clearly Idaho's children are the winners here.

I wish to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from Alaska (Mr. YOUNG) as well as the gentleman from California (Mr. MILLER), the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Oregon (Mr. DEFAZIO) for agreeing to allow this bill to come to the floor in an expedited manner. Most importantly I would like to thank Governor Batt for his diligent efforts on behalf of Idaho's children. Without his vision on how to gain more money for Idaho's schools and without raising taxes on the State's taxpayers, we would not be here.

I urge all of my colleagues to support this very valuable piece of legislation, valuable to our State.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4166.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the legislation just passed.

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

There was no objection.

MEMORIAL TO HONOR MAHATMA GANDHI

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4284) to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

The Clerk read as follows:

H.R. 4284

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

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Government of India may establish a memorial to honor Mahatma Gandhi on the Federal land in the District of Columbia.

(b) COOPERATIVE AGREEMENTS.—The Secretary of the Interior or any other head of a Federal agency may enter into cooperative agreements with the Government of India to maintain features associated with the memorial.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.), except that sections 2(c) and 6(b) of that Act shall not apply with respect to the memorial.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The Government of the United States shall not pay any expense of the establishment of the memorial or its maintenance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. H.R. 4284 is a bill introduced by the gentleman from Florida (Mr. MCCOLLUM). The gentleman from Florida is to be commended for working very hard to craft a bill that will recognize and memorialize one of the great world leaders of our time. H.R. 4284 would authorize the Government of India to establish a memorial to honor Mahatma Gandhi on Federal property in the District of Columbia and would be in basic accordance with the Commemorative Works Act. The memorial is to be a gift to the people of the United States as a part of the celebration of India's 50 years of freedom.

Mahatma Gandhi was born in India in 1869. He was best known for his civil disobedience that took shape in non-violence and passive resistance and was instrumental in helping India achieve its independence from England. He is revered by millions throughout the world for his unending fight for personal freedom and human rights. H.R. 4284 would allow the country of India to create the Mahatma's memorial within the District of Columbia to

honor this great man. Furthermore, this bill will also authorize the Secretary of the Interior to enter into cooperative agreements with the Government of India in order to maintain features associated with the memorial. Of note, the Federal Government shall not pay any expenses for the establishment or maintenance of this memorial.

Mr. Speaker, H.R. 4284 is a worthy bill which will recognize an important and great world leader within the boundaries of Washington, D.C.

I urge my colleagues to support H.R. 4284.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, H.R. 4284 is a companion measure to H.R. 1390 as it was introduced by my colleague the gentleman from New Jersey (Mr. PALLONE). I also want to thank the gentleman from Florida (Mr. MCCOLLUM) in providing for this joint measure.

The legislation authorizes the Government of India to establish a memorial to honor Mahatma Gandhi on Federal lands across the street from the embassy of India here in Washington, D.C.

Mr. Speaker, Mahatma Gandhi, as everyone knows, is internationally renowned as a great leader and for his teachings of passive resistance and noncooperation in his native India. Perhaps this may be noted as one of the dark pages of the British colonial rule at the time, the fact that they were very reluctant to grant independence and freedom to the people of India. As some of my colleagues and perhaps even the American public may have seen, one of the great movies ever done on the history of this great man, Mahatma Gandhi, a graduate of Oxford University, started his early practice in South Africa, and an attorney by profession turned, the fact that here was this man who paid a first-class ticket on a train and with this British officer noted that here was an Indian sitting in a first-class cabin was insulting to this British officer. The rest is history, Mr. Speaker, given the fact that Mahatma Gandhi was not only beaten by these British officers, but it changed his entire life and seeing that his people were certainly under suppression by British colonial rule.

This movement of nonviolence, Mr. Speaker, as noted also by my colleagues, had tremendous influence even on the civil rights movement here in America. The fact that the great American Martin Luther King, Jr. was tremendously influenced not only by the teaching but by the example that Mahatma Gandhi had lived for in his life in trying to set the people of India free from British colonial rule.

Mr. Speaker, it was my privilege months ago with the chairman of the

Committee on International Relations when we visited New Delhi, India to commemorate the 50th anniversary of the independence of India and to again not only remind the Indian people among the leaders but to see the tremendous contributions that this Indian leader had given not only to his own country but certainly to the world. And the fact that as a result of what Mahatma Gandhi has done, Mr. Speaker, we have 980 million people living in India, the largest or the most populous democracy in the world, is a demonstration of not only the commitment of Mr. Gandhi to see that his people be let free from British colonial rule is an example; and even more so in the fact that our own country was tremendously influenced not only by this man who happens to be an Indian but the fact that Martin Luther King, Jr.'s own writings, own example in the civil rights movement was greatly influenced by this.

Mr. Speaker, I think this legislation is most proper and appropriate and we see that there should be a memorial built here, in the premises here in Washington, D.C.

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

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), the sponsor of this legislation.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding time. I really appreciate very much the chairman of this subcommittee who has brought this bill to the floor through the urging of several of us and done it in a fine form and fashion.

I rise today specifically to express my support for the passage of H.R. 4284, a bill, as I think all of us know, to allow India to establish a memorial to honor Mahatma Gandhi here in Washington, D.C.

I am joined also in this effort by my good friend and colleague the gentleman from New Jersey (Mr. PALLONE). The gentleman from New Jersey and I cochair the India Congressional Caucus, a bipartisan group that is designed to promote understanding between the United States and India.

As all of us know, India is the world's largest democracy. It has shared our commitment to freedom of speech, democratic values and the rule of law since its inception in 1947. This memorial is a positive reminder of the growing relationship between the world's oldest democracy and the world's largest democracy. The memorial is a gift to the people of the United States from the people of India in celebration of India's 50 years of freedom. It will symbolize not only the strong friendship between the U.S. and India but also the impact that Gandhi had in the United States and in particular on the civil rights movement.

Mahatma Gandhi was known for his acts of civil disobedience which took the form of nonviolence and passive resistance. His efforts were key in help-

ing India to achieve its independence from England and inspired leaders in the United States and throughout the world. His actions prevented unnecessary bloodshed and served as the foundation for peaceful resolution of conflict.

It is fitting that we take on this bill which commemorates the father of the nation of India during the anniversary of India's independence. We have had a growing and strong relationship with India in recent years. In the coming years it appears to me that the need for our alliance will be even greater. We are confronted with so many troubling matters in the world today, including terrorism, including the possibility of threats of chemical, nuclear and biological proliferation, and while we have some disputes with India always, and that will inevitably be the case, for the most part we are on exactly the same track. As a strong ally in the future, India will be a partner of the United States in so many ways in foreign policy that I see. In addition to that, India is an increasingly extremely important trading partner for economic interests with this country and their country. Indian Americans are very strong citizens of the United States who believe deeply in democratic values, values that are shared both in their native country and in their adopted country of the United States.

This particular legislation with this particular memorial that we are setting forth today gives us a way of saying to each other, as nations and as peoples, we have shared values and commitments. We know there are times when we will have disagreements, but those are comparatively very minor to the major agreements that we have and the shared values that we have. It is terribly important that we go forward with this bill and with our continued building of a strong relationship between India and the United States.

The government of India strongly supports the legislation. The memorial will not cost, as has been said, the taxpayers a cent. I do not know of any objections to its construction whatsoever.

Mr. Speaker, for all of the above reasons aforesaid, I urge the adoption of this bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding time. I also want to commend and to congratulate the gentleman from New Jersey (Mr. PALLONE) who is chairman of the India Caucus for his sponsorship of this legislation as well as for the effort that he puts to increase the relationship between the United States and India.

A memorial to Mahatma Gandhi is very easy to support. As a matter of fact, as has already been indicated, he led the greatest resistance movement

in a nonviolent way that the world had ever seen at that moment. And then, of course, as has already been indicated, he was an inspiration to Dr. Martin Luther King who in our modern era led the most effective nonviolent resistance movement that we have ever seen during contemporary times.

Most importantly, though, this memorial will signal even greater relationships between the two countries, the two democracies, the largest, I believe, as someone said, and the oldest. I think that that in and of itself is a tribute to all of us. And so I very greatly endorse and support this legislation and again commend the sponsor for its initiation.

□ 1630

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me. I am just so very pleased to rise in full support for this resolution H.R. 4284 that is going to allow the country of India to create the Gandhi memorial within the District of Columbia to honor this very great person.

It is true we celebrated the 50th anniversary of India. It is true, as has been stated, that it is one of the greatest democracies along with the United States. It is true that its constitution begins with "we the people," just as our Constitution does. It is true that we have a very active Indian-American caucus here, and I can see the chairman of the caucus is over there.

I want to thank the gentleman from Alaska (Mr. YOUNG) of the full committee, the chairman, for this legislation as well as the gentleman from California (Mr. MILLER), the ranking member; indeed the gentleman from Utah (Mr. HANSEN), who is the chairman of the subcommittee, and the gentleman from American Samoa, (Mr. FALEOMAVAEGA) for this.

As my colleagues know, I used to teach English and American literature, and it was Henry David Thoreau who wrote *Walden* and also wrote *On Civil Disobedience*. And in writing *Walden*, he talked about the mystical waters of India, of the Ganges, and what the spiritualism implied and what it meant. And in *Civil Disobedience*, where he spent that night in jail because he resisted peacefully something that he believed was wrong, he indicated that he attributed that this was something that was a way that we should resolve conflict.

Mr. Speaker, we know that Mahatma Gandhi looked to Henry David Thoreau when he was involved in civil disobedience in terms of peaceful resistance to what was wrong. We then know that it was Martin Luther King, Jr., who then looked to Gandhi for that continuation of that. So it all comes together in terms of the importance of Mahatma Gandhi in terms of our relationship and friendship with India, in terms of what we believe in in America

and what our Indian Americans adhere to as a part of this great country.

So I commend all of the people who have been involved, I thank them very much for this resolution coming out today, and I urge the entire House to support it.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for her fine comments, and certainly very appropriate on the occasion of deliberating on this piece of legislation.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE), not only the chairman of the India Caucus, but certainly a great leader on this issue.

Mr. PALLONE. Mr. Speaker, I want to thank the chairman of the subcommittee and, as the gentlewoman from Maryland (Mrs. MORELLA) mentioned, the other members of the Committee on Resources for pushing this bill so we could bring it to the floor this day and get it passed and sent over to the Senate.

As my colleagues know, the sponsor of the bill, the gentleman from Florida (Mr. MCCOLLUM) co-chairs the India Caucus with me, and this is a bipartisan effort. We have over a hundred Members in our India Caucus, and this is one of the bills that we have been trying to push on a bipartisan basis throughout most of this year. We are very pleased that it is coming to the floor today.

There is a companion bill offered by Senator MOYNIHAN, who is a former U.S. Ambassador to India, that is being sponsored in the Senate, again on a bipartisan basis, so if we can get it over to the Senate, we will undoubtedly get it signed by the President before the end of this year.

As was mentioned last month, India celebrated actually the 51st anniversary of her independence, and of course the individual most closely identified with the historic and successful effort by the people of India to secure the independence from British colonialism and establish a democracy was Mahatma Gandhi. Gandhi's contributions to the causes of democracy, freedom, and human rights are felt to this day not only in India but throughout the world, including here in the United States. And that is why I think it is particularly important that we have a memorial or a monument to him here in Washington, D.C., which of course is our capital and the place where we celebrate democracy and the freedoms that we enjoy as the leader of the free world.

I just wanted to say very briefly, Mr. Speaker, when I was in India a couple times, I had the opportunity to go to the Gandhi ashram in Ahmadabad and also to a place where Gandhi spent a number of years in Bombay, and I was incredibly impressed with the way he organized this movement in India. There is really nothing quite like it in terms of the way he took an intellectual idea and was able to expand it to

the masses of the people in India and have success in throwing off the yoke of colonialism.

From a practical standpoint, though, I wanted to say that this memorial will be entirely not only an appropriate addition to this city, but it will not cost the Federal Government anything. The legislation specifies that American taxpayers will not have to bear the cost of construction and maintenance. The Embassy of India will bear all costs. The National Capital Memorial Commission and the National Park Service will both have very active consultative roles, ensuring that it will add to the beauty of our capital and blend in well with the surrounding area.

The location of the tract of land where the memorial will be erected is close to the Embassy of India. It has been selected because the location would be in keeping with the Commemorative Works Act for location of commemorative works as subjects of lasting historical significance to the American people, and I wanted to point out that the proposed monument was approved last June by the National Capital Memorial Commission.

So, Mr. Speaker, this city is a city of great monuments and memorials, and we are just very happy on behalf of the India Caucus to have this addition added to those commemorative monuments.

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

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

Mr. Speaker, I just wanted to make another note of the fact that in our Nation we have over 1 million Indian Americans living in our country that make tremendous contributions to their local communities and to the several States, and the fact that the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from New Jersey (Mr. PALLONE) are both co-chairs of the India Caucus. I think it is a tribute to the over 1 million Indian Americans that live in our own Nation that show such diversity that we provide to our community and the citizens here.

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of H.R. 4284, a bill to authorize the establishment of a memorial to Mahatma Gandhi here in the nation's capital.

Born October 2, 1869 in Probandar, western India, Mahatma Gandhi was the preeminent leader of Indian nationalism and advocate of nonviolence in the 20th century. Appealing to reason, justice, and tolerance, Gandhi served as a powerful and effective force in bringing about Indian independence through his teaching of nonviolent civil disobedience.

In many ways, India's independence and strength today owes much to the conviction and courage of Mahatma Gandhi. Gandhi's leadership in promoting peaceful social and political change has inspired many around the world and sustained efforts for the improvement of civil and human rights worldwide. He has won the affection of so many, including

revered American leaders like civil rights advocate Martin Luther King, for his tireless efforts to improve social equality. In addition to playing a pivotal role in creating modern India, Gandhi's work provides a model for generations to come.

Today's measure builds on earlier Congressional efforts to honor Gandhi. In 1994, on the occasion of the 125th anniversary of Gandhi's birth, I authored a resolution to honor Gandhi's unwavering dedication to India's people and a man whose name has come to symbolize freedom and justice around the world.

On the occasion of the 50th anniversary of its India's independence, it is both fitting and appropriate that we honor Gandhi's legacy with the establishment of a memorial in the nation's capital, where people from all around the world can gather to commemorate and reflect on Gandhi's life and vision. I am proud to join my colleagues in voting for this important measure.

Mr. FALCOMA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4284.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material on H.R. 4284.

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

There was no objection.

IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2795) to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir, as amended.

The Clerk read as follows:

H.R. 2795

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 "Irrigation Project Contract Extension Act of 1998".

SEC. 2. EXTENSION OF CONTRACTS.

(a) IN GENERAL.—The Secretary of the Interior shall extend each of the water service or repayment contracts for the Glendo Unit of the Missouri River Basin Project identified in subsection (c) until December 31, 2000.

(b) EXTENSIONS COTERMINOUS WITH COOPERATIVE AGREEMENT.—If the cooperative agreement entitled "Cooperative Agreement for Platte River Research and other Efforts Relating to Endangered Species Habitats Along

the Central Platte River, Nebraska", entered into by the Governors of the States of Wyoming, Nebraska, and Colorado and the Secretary of the Interior, is extended for a term beyond December 31, 2000, the contracts identified in subsection (c) shall be extended for the same term, but not to go beyond December 31, 2001. If the cooperative agreement terminates prior to December 31, 2000, the contracts identified in subsection (c) shall be subject to renewal on the date that the cooperative agreement terminates.

(c) CONTRACTS.—The contracts identified in this subsection are—

(1) the contract between the United States and the New Grattan Ditch Company for water service from Glendo Reservoir (Contract No. 14-06-700-7591), dated March 7, 1974;

(2) the contract between the United States and Burbank Ditch for water service from Glendo Reservoir (Contract No. 14-06-700-6614), dated May 23, 1969;

(3) the contract between the United States and the Torrington Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-1771), dated July 14, 1958;

(4) the contract between the United States and the Lucerne Canal and Power Company for water service from Glendo Reservoir (Contract No. 14-06-700-1740, as amended), dated June 12, 1958, and amended June 10, 1960;

(5) the contract between the United States and the Wright and Murphy Ditch Company for water service from Glendo Reservoir (Contract No. 14-06-700-1741), dated June 12, 1958;

(6) the contract between the United States and the Bridgeport Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-8376, renumbered 6-07-70-W0126), dated July 9, 1976;

(7) the contract between the United States and the Enterprises Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-1742), dated June 12, 1958;

(8)(A) the contract between the United States and the Mitchell Irrigation District for an increase in carryover storage capacity in Glendo Reservoir (Contract No. 14-06-700-1743, renumbered 8-07-70-W0056 Amendment No. 1), dated March 22, 1985; and

(B) the contract between the United States and the Mitchell Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-1743, renumbered 8-07-70-W0056) dated June 12, 1958; and

(9) the contract between the United States and the Central Nebraska Public Power and Irrigation District for repayment of allocated irrigation costs of Glendo Reservoir (Contract No. 5-07-70-W0734), dated December 31, 1984.

(d) STATUTORY CONSTRUCTION.—Nothing in this section precludes the Secretary of the Interior from making an extension under subsection (a) or (b) in the form of annual extensions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, H.R. 2795 provides for the extension of certain contracts between the Bureau of Reclamation and irrigation water contractors in Nebraska and Wyoming that receive water from Glendo Reservoir.

Mr. Speaker, I yield such time as he may consume to the gentleman from

Nebraska (Mr. BARRETT) who is the author of the bill.

Mr. BARRETT of Nebraska. I thank the gentleman for yielding this time to me, and, Mr. Speaker, I rise today in full support of H.R. 2795, the Irrigation Project Contract and Extension Act. The bill is vitally important to many, including several irrigation projects in my district.

Let me first thank the subcommittee chairman, the gentleman from California (Mr. DOOLITTLE), for his work and the work of his staff in bringing the bill to the floor today; also to the gentlewoman from Wyoming (Mrs. CUBIN) and to her staff as well for their diligence and hard work in this matter. Representative CUBIN and I introduced this bill last November, and there have been many days since that we struggled with whether or not the bill would come to the floor. I again thank the gentleman from California (Mr. DOOLITTLE) and others for their work, and that is why I am so especially pleased to encourage my colleagues to support the bill today.

The Irrigation Project Contract Extension Act would extend for 2 years the contracts between the Bureau of Reclamation and several different kinds of water users in Nebraska and Wyoming, and earlier this year a memorandum of agreement was signed by Nebraska, Colorado, Wyoming and the U.S. Fish and Wildlife Service. The MOA requires a study of endangered species' habitats along the Platte River. The water users, including four irrigation districts in Nebraska, will be a part of this study, but the study will not be completed until the year 2000, and during that time the water contracts of course will have expired. Well, this bill provides additional time so that the water users would not have to conduct a separate and superfluous ESA study before the end of the year.

So again I thank the subcommittee chairman, the gentleman from California (Mr. DOOLITTLE) and I urge my colleagues to support H.R. 2795.

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

Mr. Speaker, I rise in support of H.R. 2795. In addition to providing for continued water deliveries to irrigators, this legislation will allow work to continue on the environmental impact statement, our plan to improve wildlife habitat in the central Platte region in Nebraska. Endangered Species Act compliance will also continue during the term of the contracted extension. The committee agreed to the amendments suggested by the administration which ensure that the water contracts are not extended indefinitely. It is my understanding the administration has no objection to the enactment of the bill as reported by the Committee on Resources. I thank the chairman of the Subcommittee on Water Power for his cooperation, and I urge my colleagues to support H.R. 2795.

Mrs. CUBIN. Mr. Speaker, I am pleased that the House is considering this legislation today

under suspension of the rules. It is vital that both the House and the Senate act on it and send it to the President in order to ensure that water contracts for the Glendo Unit of the Pick Sloan Missouri River Basin program don't expire.

This legislation is supported by the Administration and by extending the water contracts, H.R. 2795 will improve the Interior Department's ability to complete the environmental impact statement on a plan to provide additional river flow and improve the habitat for the benefit of the whooping crane, interior least tern, piping plover and the pallid sturgeon in the Central Platte Region in Nebraska. In addition, contract extension will enable appropriate consultation to take place consistent with the Endangered Species Act.

I'd like to thank Representative BARRETT for all his efforts on this legislation. He and his staff have worked very hard to get this bill enacted. Thanks also to Representative DOOLITTLE for moving the bill out of his Subcommittee and through the Resources Committee. This is an important initiative and one which merits the support of everyone in this chamber.

Mr. DEFAZIO. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 2795, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2795, the bill just passed.

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

There was no objection.

AUTHORIZING THE CONSTRUCTION OF TEMPERATURE CONTROL DEVICES AT FOLSOM DAM

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4079) to authorize the construction of temperature control devices at Folsom Dam in California, as amended.

The Clerk read as follows:

H.R. 4079

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

SECTION 1. AUTHORIZATION TO CONSTRUCT TEMPERATURE CONTROL DEVICES.

(a) FOLSOM DAM.—The Secretary of the Interior is hereby authorized to construct in accordance with the draft environmental im-

pact statement/environmental impact report for the Central Valley Supply contracts under Public Law 101-514 (section 206) and the report entitled "Assessment of the Beneficial and Adverse Impacts of Operating a Temperature Control Device (TCD) at the Water Supply Intakes of Folsom Dam", a temperature control device on Folsom Dam and necessary associated temperature monitoring facilities. The temperature control device and said associated temperature monitoring facilities shall be operated as an integral part of the Central Valley Project for the benefit and propagation of fall-run chinook salmon and steelhead trout in the American River, California.

(b) DEVICE ON NON-CVP FACILITIES.—The Secretary of the Interior is hereby authorized to construct or assist in the construction of 1 or more temperature control devices on existing non-Federal facilities delivering Central Valley Project water supplies from Folsom Reservoir and necessary associated temperature monitoring facilities. These costs of construction of temperature control device and associated temperature monitoring facilities shall be nonreimbursable and operated by the non-Federal facility owner at its expense, in coordination with the Central Valley Project for the benefit and propagation of chinook salmon and steelhead trout in the American River, California.

(c) AUTHORIZATION.—There is hereby authorized to be appropriated for the construction of a temperature control device on Folsom Dam and necessary associated temperature monitoring facilities the sum of \$5,000,000 (adjusted for inflation based on October 1997 prices). There is also authorized to be appropriated for the construction of a temperature control device on existing non-Federal facilities and necessary associated temperature monitoring facilities the sum of \$1,000,000 (October 1997 prices). There is also authorized to be appropriated, in addition thereto, such amounts as are required for operation, maintenance, and replacement of the temperature control devices on Folsom Dam and associated temperature monitoring facilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, the primary purpose of H.R. 4079 is to authorize the construction of a temperature control device on Folsom Dam. The dam is located about 20 miles upstream from the city of Sacramento, California on the American River. A temperature control device is needed to allow the diversion of municipal water supplies from a point higher in the water column in the Folsom Reservoir than is now possible with the existing municipal water intakes. By diverting the water high on the water column, cold water can be released into the lower American River for steelhead and fall-run chinook salmon during the critical July through October period of the year when water temperatures tend to reach their annual highs. I would urge an aye vote on this bill.

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

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

Mr. Speaker, I rise in support of H.R. 4079 which will authorize Federal and non-Federal projects at the Bureau of Reclamation's Folsom Dam Reservoir. These projects are intended to help and control and monitor the temperature of water released from Folsom Dam so the fish may benefit from the releases of cooler water. The amount authorized by H.R. 4079 for the temperature control devices at Folsom Dam is \$5 million, although no specific requirements for reimbursing of these costs are set forth in the bill. It is my understanding the Bureau of Reclamation will consider these costs as capital improvements to the CVP project and will allocate the costs among CVP water and power customers in accordance with current CVP cost allocation procedures.

The cost estimate report prepared by the Congressional Budget Office on H.R. 4079 clearly states that, quote, about 4 million, end quote, of the cost of constructing temperature control devices and monitoring apparatus at Folsom Dam would be repaid by the water and power users. With this understanding regarding the reimbursement of costs, the administration has advised us they do not object to this legislation. The control of water temperatures released from dams is a proven and cost-effective method of improving survival of fish.

□ 1645

I thank the chairman of the Subcommittee on Water and Power for his commitment to this legislation, and I urge my colleagues to support H.R. 4079.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 4079, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4079, the bill just passed.

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

There was no objection.

CONGRATULATING MARK MCGWIRE FOR BREAKING THE MAJOR LEAGUE BASEBALL SINGLE-SEASON HOME RUN RECORD

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the resolution (H. Res. 520) congratulating Mark McGwire of the St. Louis Cardinals for breaking the Major League Baseball single-season home run record, and ask for its immediate consideration in the House.

Mr. Speaker, I further ask unanimous consent that the debate on the resolution be confined to 40 minutes, equally divided between myself and the gentleman from Maryland, (Mr. CUMMINGS).

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 520

Whereas the game of baseball is America's national pastime;

Whereas one of the grandest records in baseball, and indeed in all sport, is the record for the most home runs hit in a single Major League Baseball season;

Whereas during the 1998 Major League Baseball season, Mark McGwire of the St. Louis Cardinals and other fine players have challenged the Major League Baseball single-season home run record, bringing great excitement to the 1998 Major League Baseball season and capturing the imagination of the people of the United States and baseball fans around the world;

Whereas Mark McGwire of the St. Louis Cardinals has been subjected to intense pressure and media scrutiny, but has conducted himself with uncommon grace, class, and dignity, and has been a first-rate role model for the young people of St. Louis, the State of Missouri, and the United States; and

Whereas on September 8, 1998, Mark McGwire of the St. Louis Cardinals hit his 62nd home run of the 1998 Major League Baseball season, breaking the Major League Baseball single-season home run record: Now, therefore, be it

Resolved, That the House of Representatives congratulates and commends Mark McGwire of the St. Louis Cardinals—

(1) for breaking the Major League Baseball single-season home run record;

(2) for bringing great excitement to the 1998 Major League Baseball season; and

(3) for being an inspiration to the youth of America and the world and baseball fans everywhere.

The SPEAKER pro tempore. Pursuant to the unanimous consent request, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland, (Mr. CUMMINGS), each will control 20 minutes.

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

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 520.

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

There was no objection.

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

Mr. Speaker, I am pleased this afternoon to congratulate my colleague, the gentleman from Missouri (Mr. TALENT), for introducing this resolution.

On September 8, 1998, Mark McGwire broke the Major League baseball record for home runs in a single season and joins such immortals as Babe Ruth and Roger Maris as legends of our national past time. But, Mr. Speaker, when America watched Mark McGwire pursue, and then break, Roger Maris's single-season home run record, we witnessed far more than a spectacular athletic achievement and a sportsmanship achievement. In the apt words of the gentleman from Missouri, he stated, "Mark McGwire conducted himself with uncommon grace, class, and dignity." At all times he was, as the resolution goes on to say, a first-rate role model for the young people of our Nation.

But it is not just the young people who can learn from this athlete's example. Everyone can and should learn by his achievements and the manner in which he conducted himself.

More memorable than the home run that he hit that night was the grace with which he conducted himself, the joy with which he greeted his young son as he crossed home plate, the great respect he showed for the Maris family, and the friendship that he and Sammy Sosa, who is also challenging the home run record, demonstrated that night and so many millions of Americans witnessed.

It is, therefore, appropriate that Congress commend and recognize Mark McGwire for breaking this record and for the manner in which he did it.

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

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

Mr. Speaker, I also want to commend the gentleman from Missouri (Mr. TALENT) for introducing this very, very important resolution. Today we honor 2 true sportsmen, Mark McGwire and Sammy Sosa. Last week Mark McGwire tied, and then broke, Roger Maris's 61st single-season home run record, making him the new major league leader, with 62 home runs. On Sunday, Sammy Sosa hit his 62nd home run, matching McGwire and helping to propel his team to victory in a crucial game against the Brewers.

Last year, this Congress honored the lifetime achievements of another great baseball player: Jackie Robinson. Mr. Robinson would be proud to see how McGwire and Sosa have embraced and supported each other in the race to break Maris's record. McGwire and Sosa are making history, and they are doing it with respect for each other and with dignity and integrity.

Mr. Speaker, House Resolution 520 honors Mark McGwire for breaking the

record for the most home runs in a season, and among other things, serving as a true role model for young people. But not only is he a role model for young people, but it has been well stated in the media that he gives somewhere in the area of \$1 million per year to lift up children and to make their lives better, and for this we applaud him.

As baseball regains its popularity and more young people flock to ball fields across America, it is important that our major league players set an example of hard work, sacrifice, dignity and respect for oneself and one's other players. Mark McGwire exemplifies all of these.

Parents can speak of McGwire as not only a great ball player, but as a good man. After breaking Roger Maris's record, McGwire took time to acknowledge the Maris family who were sitting in the stands and hugged and lifted up his own son on the baseball field. Those two things, I think, sent a true message to all of us in America, and that is to never forget from whence we came and never forget those who came before us. Those were moments that all Americans could be proud of.

McGwire's contributions to baseball have been memorialized in the National Baseball Hall of Fame in Cooperstown, New York. The ball that McGwire hit his season record 62nd home run, his bat and his St. Louis Cardinals uniform are on display for current and future generations to see. Fathers and sons and daughters who journey to Cooperstown will be able to share a historic moment, a moment that will be further commemorated with this resolution in his honor. What he has done has left a spark in all Americans and has left a very, very, very important memory so that we might cherish it for our entire lifetimes.

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

Mr. MICA. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. TALENT), the author of this resolution.

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I admire and appreciate the gentleman's eloquence and that of the gentleman from Maryland (Mr. CUMMINGS), and I do not know that there is a lot I can add. I just think that this resolution is important for a number of reasons. They have commented, and I think it bears repeating, on the class that Mark McGwire had throughout this whole season as he chased this record. He showed the affection that he has in his heart for his son; he showed the regard that he has for his competitor, Sammy Sosa; and that was returned time and time again. I really appreciate the gentleman from Maryland (Mr. CUMMINGS) remark because that showed how far baseball has come from the days of Jackie Robinson. Mark McGwire showed the respect

that he has for baseball and for the way that he treated the Maris family, and I think all of those things justify this resolution.

I had a personal reason as well for filing it. I was able to share that evening with my 8-year-old son, and to share that moment with him when Mark McGwire hit the 62nd home run, and it struck me that the experience we had together and the way I felt afterwards when my son said it was the best night of his life, was probably shared by millions and millions of families around the country who were together watching this achievement, watching Mark McGwire chase this with such class and achieve it on that night, and they shared that memory then and they will share that memory forever. I think it deserves this memorial.

This is a class individual. None of it was a put-on. It is just the way he is. I am glad the House is taking a few moments to recognize him. I am sure everyone will support this resolution.

Mr. CUMMINGS. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished majority leader.

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

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman, and I share his optimism. I want to thank the gentleman from Missouri for bringing this resolution.

Mr. Speaker, let me just first say that I have been a Cardinal fan my entire life, as I am sure my friend from Missouri has been. The night that Mark McGwire hit this home run was indeed a very important night in the life of any Cardinal fan. In fact, I was alone watching it on television and tears streamed down my face as I saw him make this accomplishment.

I think that there is a much larger meaning, however, that comes out of this, in both the case of Mark McGwire and Sammy Sosa. First, they have both shown love for their families, they have shown love for fellow human beings, and they have shown respect for other human beings who have had similar records or their families have had a connection with similar records. Those are very important messages for baseball heroes to send to the people, and I most want to be for this resolution today because of that and because of what that means to Americans and what that means to all of our people. We commend them, we honor them, and we wish them well in the days ahead.

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

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

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

In closing, Mr. Speaker, there is, in fact, baseball yet to be played this year. Perhaps there are more home

runs to be hit. We really do not know yet what the new home run record will be. We do not know who will hold that title and that record. What we do know is that Mark McGwire has at all times conducted himself both as a gentleman and as a true sportsman. His athletic achievements are, in fact, a deed to be respected, but the quality of character he has demonstrated throughout this historic baseball season should be honored.

At a time, Mr. Speaker, when values, character, and professional conduct is being challenged both here in Washington and at every level across our land, it is indeed fitting that today Congress recognize a true role model, Mark McGwire.

Mr. Speaker, I ask all Members to vote for this resolution.

Mr. UNDERWOOD. Mr. Speaker, as a lifelong baseball fan, nothing has been more exciting than seeing the home run chase this year for Mark McGwire and Sammy Sosa. Not only has the race brought a great deal of excitement to this year's baseball season, the grace, dignity and good sportsmanship of these two sluggers has brought honor to sportsmanship and sports in general.

While we should salute the achievements of Mark, we must not forget that the season is not over. Indeed, the fantastic weekend performance of Sammy Sosa demonstrates that we still do not know who will be the single season home run king until the last game is played. It also points out how Congress sometimes gets ahead of itself.

The grace of a home run swing (some 124 at last count), the kind words of mutual respect uttered by Mr. McGwire and Mr. Sosa, the thrills that have been experienced by millions of fans remind us all that human achievement brings out the best in us. Diversion and recreation is sometimes the best antidote for tough times. Amidst all the political trauma of the last few weeks, many were happy, even just for a moment, to forget it all and blissfully discuss the home run race. They have also taught us some important lessons like genuine humility which inspires us much more than stirring words. The magnificent performance of Mark and Sammy on the field has only been matched by their outstanding handling of the media attention which has been given to them. They deserve our recognition.

Mrs. EMERSON. Mr. Speaker, whether you were at the game or enjoying the moment elsewhere with family and friends, on the evening of Tuesday, September 8, 1998, America witnessed a milestone. As my hometown newspaper, the Southeast Missourian printed Wednesday morning, "In a nation that demands bigger, more, better, faster, Mark David McGwire is now a name—and an event—to be remembered."

But there is something even more memorable about Tuesday night. More memorable than Mark McGwire hugging his son, Matt, as he crossed home base. More memorable than Mark McGwire taking time to share his accomplishment with the Chicago Cubs own Sammy Sosa; and yes, even more memorable than the touching moments that Mark McGwire shared with Roger Maris' family.

Sure, hitting number 62 was great. And there isn't any Little Leaguer I know who probably didn't drift off to sleep that night thinking

about what it would be like to be the "King of Swing." But what truly touched me about Tuesday night was the way the entire country came together in the last days and weeks leading up to this very special event.

When Mark McGwire belted number 62 into the record books, he put a special and indelible mark on history that will remain forever. Tuesday night, Missouri—the Heartland of America and my home—became the hallmark that represents what can be accomplished with dedication, perseverance, hard work and a little help from the Man upstairs. Mark McGwire recognized that Tuesday night and it reminded me of how proud we in the Eighth District are to call Missouri home.

But something even more magical happened when Mark McGwire smacked that ball the last 341 feet into American history. In that instant—and with the help of what ESPN has called "the nation's best fans"—the fans cheering on the Cardinals in Busch Stadium—it felt great to be an American. Again.

Now that may sound strange to some, but in a time when coverage of the examples of poor role models often overshadows the coverage of good role models, it truly is comforting that today all of America has something to be proud of. On Tuesday night, America saw the kindness, honesty and dignity of a man whose character is not measured by numbers and dollars, but by the love of a national pastime and a respect for all of those who play the game. Tuesday night it felt good to be 10-years-old again rooting for your hero. Tuesday night, it just felt good to cheer.

My dad, Ab Hermann, also played professional baseball. Even though he taught me countless lessons about life, I remember two very distinctly. First, you always have to keep your eye on the ball. Second, honesty and character really do matter. Like my colleague, J.C. Watts, another great athlete, says "character means doing what's right when nobody is looking."

Well, Mark McGwire did that. As Mike Jensen of the Standard Democrat noted on September 9, 1998, "That monumental home run will neither solve world hunger nor the issues in the Mideast. But it did remind us that sometimes good guys finish first." And Tuesday night when all America was watching, Mark McGwire, with the class befitting a "Home Run King," wrote his own story in American History. Thank you Mark, for giving all of America a story worth telling.

Mr. GEPHARDT. Mr. Speaker, I rise to salute Mark McGwire and his extraordinary feat in setting a new, single-season home run record.

Throughout this season, Americans have been treated to one of the most incredible sporting achievements of our lifetime. The single-season home run mark of 61 stood as perhaps the most awesome feat in baseball history.

I feel privileged to have been able to witness Mark McGwire in action this year—every baseball fan in America knows that they have seen something special in 1998.

Roger Maris set that record 37 years ago, topping perhaps the most impressive achievement of Babe Ruth, the best all-around player ever to take the field in professional baseball. Watching McGwire's pursuit of 62 home runs, placing him among icons like Ruth and Maris, has been a pure joy to witness.

Mark McGwire is not only an outstanding athlete, he is also a man whose conduct epitomizes good sportsmanship.

He has remained focused on his goal in the face of a media frenzy and a sea of exploding flash bulbs. And he did it with amazing grace and real class.

The chase showed something special about Mark McGwire. But it also showed me something special about the people of St. Louis. The fact that seven very lucky fans gave up progressively larger amounts of money, returning their souvenir home run balls to Number 25, showed that Cardinals fans truly are, as the magazine Baseball America called them, "The Best Baseball Fans in America."

These fans showed their true spirit when they stood and cheered not only for St. Louis' own Mark McGwire, but also for that other great athlete, the Cubs' Sammy Sosa.

Mr. Speaker, I could not be more proud to say I am from St. Louis, and I could not be more proud to say I am a Cardinals' fan. Thank you and congratulations, Mark McGwire.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING SAMMY SOSA FOR TYING THE CURRENT MAJOR LEAGUE RECORD FOR HOME RUNS IN ONE SEASON.

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the Resolution (H. Res. 536) and ask for its immediate consideration in the House.

Mr. Speaker, I further ask unanimous consent that the debate time be limited to 40 minutes, equally divided and controlled by the gentleman from Maryland (Mr. CUMMINGS) and myself.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 536

Whereas Sammy Sosa of the Chicago Cubs hit two home runs on Sunday, September 13 against the Milwaukee Brewers at Wrigley Field in Chicago;

Whereas these home runs were his 61st and 62nd of the 1998 season, tying Mark McGwire of the St. Louis Cardinals for the current major league record for home runs in one season and moving him past Roger Maris' previous single home run record, which had stood unsurpassed—and barely threatened—for 37 years;

Whereas Sammy Sosa's achievement is one of the most impressive and difficult to accomplish in the history of baseball, placing him in the very exclusive company of the national pastime's greatest home run hitters, including legends such as Babe Ruth, Hank Aaron, Roger Maris, Mickey Mantle, and Willie Mays;

Whereas Sammy Sosa's drive toward the historic home run record is part of one of the

best overall performances in baseball history, which will likely include more than 150 RBIs, a batting average of over .300, nearly 20 stolen bases, exceptional defensive play in right field and providing leadership to the Chicago Cubs in a close race for the playoffs;

Whereas throughout the intense media scrutiny and public attention that has accompanied his historic home run chase, Sammy Sosa has consistently conducted himself with dignity, modesty, and selflessness that has been an inspiration to all Americans;

Whereas as a native of the Dominican Republic, Sammy Sosa has proven to be an outstanding role model and source of pride for all residents of his native country, as well as all Latin Americans and all immigrants to the U.S. from across the globe;

Whereas throughout his record-breaking accomplishments and thrilling head-to-head race with Mark McGwire to surpass the home run milestone Sammy Sosa has embodied the talent, exuberance, team-spirit and determination that Americans associate with the very best qualities of sports and athletic competition;

Whereas while Sammy Sosa is almost certainly not done hitting home runs in 1998, and has two more weeks to amaze all of America with tape-measure shots that delight Chicago's bleacher bums and send Cubs scattering on Waveland Avenue in pursuit of a piece of history, and Sammy Sosa will continue to enhance a proud legacy of Chicago Cubs sluggers in the tradition of Hack Wilson, Ernie Banks, Billy Williams and Andre Dawson;

Whereas on September 13, 1998, Sammy Sosa of the Chicago Cubs hit his 62th home run of the 1998 Major League Baseball season and tied the current single-season home run record: Now, therefore, be it

Resolved, That the House of Representatives congratulates and commends Sammy Sosa of the Chicago Cubs—

(1) for his amazing accomplishments and thanks him for a summer of unsurpassed baseball excitement.

The SPEAKER pro tempore. Pursuant to the unanimous consent request, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 536.

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

There was no objection.

□ 1700

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

Mr. Speaker, I would like to take this opportunity to congratulate the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Illinois (Mr. YATES), and the gentleman from Illinois (Mr. DAVIS) who are authors and who have introduced this resolution.

This has been indeed, as we have said, a very historic baseball season. We have not only seen Roger Maris' 37-year-old single season home run record broken, we have seen the new record tied within just a few days.

All America has watched with admiration as Mark McGwire and Sammy Sosa have challenged each other to new heights each and every day during one of the most exciting periods of baseball history. We watched as the record fell, and we watched as the new record was tied.

Sammy Sosa deserves the respect and admiration of all baseball fans for his great athletic achievement, but more importantly, Sammy Sosa has earned the esteem of all Americans for the great and dignified manner in which he has conducted himself at all times.

When Mark McGwire became the first to break Roger Maris' record, the St. Louis Cardinals were playing Sammy Sosa's Chicago Cubs. Sammy Sosa was among the first to offer his congratulations, running to congratulate Mark from his position in the outfield. A lesser man would have resented that another man will always be known as the gentleman who broke Roger Maris' record, but not Sammy Sosa.

Reflecting the highest ideals of sportsmanship and character, Sammy Sosa graciously saluted that achievement and embraced Mark McGwire warmly.

I have no doubt, Mr. Speaker, that it was because of Sammy Sosa's character that all Americans cheered when he tied this new record. I am proud to support this resolution to honor an excellent athlete and, in fact, a true gentleman.

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

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

Mr. Speaker, I first want to congratulate the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Illinois (Mr. DAVIS) and the gentleman from Illinois (Mr. YATES) for introducing this very, very important resolution.

Today, this Congress pauses to salute a man named Sammy Sosa. Sammy Sosa of the Chicago Cubs is being honored today for being a fine sportsman and for conducting himself with dignity and modesty while in pursuit of Roger Maris' single season home run record. A native of the Dominican Republic, Sammy Sosa is an inspiration to Americans, Latin Americans, and all who love the game of baseball.

On Sunday, in a critical Cubs-Brewers game, Sosa caught up to Mark McGwire and hit his 62nd home run. At that moment, the Cubs were still behind, and though he was experiencing a personal victory, Sosa did not celebrate until his teammate Mark Grace hit the winning home run to end the game 11 to 10. Sosa carried Grace a few steps to the dugout, and the Cubs carried Sosa. Baseball is a team effort, and Sosa's actions exemplify just that.

Sosa is the player in Cub's history, the only player in Cub's history to hit 30 or more home runs and steal 30 or more bases in the same season. In 1997, he became the third player in team history to hit more than 25 home runs at

Wrigley Field more than once. He was the first Cub in 37 years to collect more than 100 runs-batted-in in three consecutive seasons. But these statistics only speak to his athletic abilities.

Sosa supports schools and medical facilities in his homeland. He has a now famous two-finger gesture where he touches his heart for his fans, then blows two kisses, one for his mother, and one for the family and relatives back home whenever he hits a home run or has a major accomplishment in a game. This speaks to Sosa as a man, a man who has never forgotten from whence he came.

He remembers and talks about quite often when he was in the Dominican Republic as a young boy. And like many poor young people, he had to improvise. He would use a crushed up milk carton as a glove and would take a sock and ball it up real tight and use it as a ball to play baseball.

The fact is is that he now remembers those days and consistently and constantly gives back to his native Dominican Republic. He is a man who loves the game of baseball and, just as important, just like Mark McGwire, he cares about people. Sosa is a team player and a gracious winner. He is a true sportsman and is quite deserving of this wonderful and very significant honor.

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

Mr. MICA. Mr. Speaker, it is my distinct pleasure to yield 3 minutes to the distinguished gentleman from New York (Mr. BOEHLERT) who does represent the real shrine of American baseball, Cooperstown, New York.

(Mr. BOEHLERT asked and was given permission to include extraneous material.)

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding to me, and I thank both of my colleagues and all of my colleagues who are today here paying tribute to Mark McGwire and Sammy Sosa.

All the sporting world knows that they are truly all-stars when they get on the ball field and they hit that ball. But I would suggest to everyone, as we are looking for role models, you could not have two better role models than Mark McGwire and Sammy Sosa. They are all-stars off the field as well.

I would suggest that all of my colleagues read an inspiring story that appears in today's New York Times, written by Bill Dedman. It is the story of Sammy Sosa. Just let me read one quote, because it just says so much about the man.

Sammy says "I don't want to get a big head. I was raised religious, and I'm scared what would happen to me if I did that." That is a quote from Sammy Sosa. It is a wonderful story.

Now, let me tell you, first of all, both of these gentlemen are already represented in the Baseball Hall of Fame in Cooperstown, New York. That is the shrine and mecca for baseball. For those of you who want to go to Coop-

erstown, and I encourage all of you to do so, take 270 north, and you go to Route 15—no, I will not give you the whole route today.

But I will tell you that, in that beautiful magnificent village of Cooperstown, New York, two very distinguished, very accomplished athletes, two great citizens, fine, decent, caring, sharing individuals are already represented. So I would encourage those who cannot get out to see Mark McGwire or Sammy Sosa play at the ball field. The season is almost over, some of us are hoping that the Cubs will really make it to the play-offs, and I know my distinguished colleague in the well will address that subject shortly.

Furthermore these fine gentlemen will be represented in the shrine of baseball in Cooperstown, New York, and I would encourage people to visit that magnificent facility and see for themselves.

Once again, let me stress that I am a baseball nut, self-proclaimed. I confess it. I am addicted to baseball. It is a wonderful way for my wife and I to sit and relax in the evening, a big bowl of popcorn and some soda and we sit and watch the game, and my Yankees are doing just fine this year, thank you, and I am excited about that.

I have to admit, in two instances recently I had tears to my eyes. One, when I saw Mark McGwire, and then after he hit the home run one of the things that happened that was so moving, Sammy ran in from the outfield, they hugged and they embraced, two great gentlemen. Then when I heard that Sammy Sosa had hit two dingers to catch up with Mark McGwire, I did not even see it, I just heard about it, and it moved me because I have such a passionate feeling about the game and what it means to this great country, but I am so excited because of the great accomplishment of these two fine gentlemen.

So I am pleased to be able to be here and share in this tribute. I thank those who have advanced it. I encourage all of my friends here in this chamber and all around the world to pay proper recognition to Mark McGwire and Sammy Sosa. Please come visit the shrine of all American baseball in Cooperstown, New York.

The article that was referred to previously is as follows:

THE MAN WHO WOULD BE MCGWIRE
HIS RIVAL IS 'THE MAN,' BUT SOSA MAY BE THE
HOME RUN CHAMP
(By Bill Dedman)

CHICAGO, Sept. 14—Relaxing at home in his 55th-floor condominium before a game, Sammy Sosa is the same as at the ball park: focused by funny, exuberant but reserved. He is in a strange country, conversing in two languages, but his every movement displays a combination of confidence and humility.

He does not want to talk about his wealth, or his charity, or even to appear to be restraining the impulse. "I don't want to get a big head," he says. "I was raised religious, and I'm scared what would happen to me if I did that."

Staying humble just got harder, as Sosa's glorious weekend put him dead even in the chase for the most glamorous record in sports: most home runs in a single season. After the record had been all but conceded to Mark McGwire of St. Louis, Sosa's four home runs in three days tied him with McGwire. As Sosa's Cubs begin a series tonight in San Diego and McGwire's Cardinals played at home against Pittsburgh, each had hit 62 home runs in 150 games. (McGwire had two singles but no homers in four at-bats tonight.) Two weeks remain in the season.

"I'm rooting for Mark McGwire," Sosa said last week. "I look up to him the way a son does to a father. I look at him, the way he hits, the way he acts, and I see the person and the player I want to be. I'm the man in the Dominican Republic. He's the man in the United States. That's the way it should be."

Sammy Sosa grew up without a father in the back of a converted public hospital in San Pedro de Macoris, a dusty seaside town in the Dominican Republic. His father, Juan Montero, died when Sosa was 5. Sosa shared two bedrooms with his mother, four brothers and two sisters. To help out, he shined shoes for two pesos.

Now, at age 29, Sosa has a four-year, \$42.5 million contract. Besides the condo, he has two other homes and was able to give his mother, Mireya, a house for Mother's Day. But ask him about his wealth, and he will find an excuse to leave the room. If prodded to name the favorite of all his automobiles, he will allow, "Probably the Rolls," and change the subject.

In Chicago last week, Sosa entertained guests before a night game at Wrigley Field. Wearing Versace jeans instead of Cubs pinstripes, he offered a glass of white wine and a tour of his condo—really four condos combined into one—in a tower rising above Navy Pier.

In the den, where the windows reveal Lake Michigan, Sosa's two agents occupied the sofa, eating shrimp and fielding offers for an advertising deal in Japan. In the dining room, decorated with a wrap-around view of the Loop skyline, his wife, Sonia, was setting out the good china for a lunch with friends. Their 5-year-old daughter, Keisha, was at school, and the three younger children were finishing their naps. Sammy's brothers were around, back among the eight bedrooms.

When Babe Ruth hit 60 home runs in 1927, his biographer noted his boast, "Sixty, count 'em, 60!" and Ruth's dare for anyone to match his total. Now Ruth has been matched, and bested, by Roger Maris, McGwire and Sosa. Not a braggart in the bunch.

When he came into the major leagues nine years ago, Sosa gained a reputation as a selfish player, as a flashy underachiever, "Sammy So-So." His teammates, coaches and friends say he has grown tremendously, as a baseball player, as a father and as a team player. "Sammy is showing a grace that blows my mind," said Tom Reich, who is one of his agents. "He is so intuitive. He draws everyone into his loop with his good will and generosity."

Back home in San Pedro de Macoris, there is a statue of Sosa with a fountain. In the winter he visits hospitals to deliver presents to children and schools to give new computers. They call him "Sammy Claus." Pesos thrown in his fountain are given to the shoeshine boys of Macoris.

Here in the United States, Reich and his partner, Adam Katz, are taking their time working through offers for endorsements. They will let most of the deals wait until the season is over, so as not to distract Sosa from the task at hand: helping the long-frustrated Cubs make the playoffs for the first time since 1989.

Sosa says he does not mind the greater attention that has been given to McGwire since the season began back at the end of March. As to the suggestion that his dark skin color might account for his lack of acclaim compared with McGwire's, Sosa laughs and says: "What? Come on, man, it's 1998."

The Sosas moved in to their million-dollar home in June from a smaller one a few blocks away. It appears almost unlined in, with little of the debris of life scattered about. The only book is a Spanish-language Bible by a bed. The Sosas' winter home is in Santo Domingo, the Dominican capital, about 40 miles west of San Pedro de Macoris. And they have a stopping-off place in Miami.

A few treasures are on display in the Chicago home: photos of their children. A plaque from friends in the Dominican Republic (including the President, Leonel Fernández Reyna) in honor of Sosa's record-setting 20 home runs in a single month. An award from the Cubs honoring his community service, named for his hero Roberto Clemente, whose uniform No. 21 Sosa adopted.

A plaque rests on a cabinet in the living room: "My house is small, no mansion for a millionaire. But there is room for love and there is room for friends."

Sammy and Sonia met 12 years ago in the Dominican Republic. With the help of a maid, she takes care of the children: two girls, Keisha, 5, and Kenia, 3, and two boys, Sammy Jr., nearly 2, and Michael, almost 1.

On this quiet afternoon, the children woke up just in time for a family photograph and lunch before batting practice. The children know Sosa plays baseball, but they have no idea of his fame. Occasionally, on a replay, they do see the trademark two-fingered kisses that he blows their way.

"They see me on TV and say, 'Papi! Papi!'" he said. "I am very proud of them."

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. GUTIERREZ), a very distinguished gentleman, who is one of the sponsors of this legislation.

Mr. GUTIERREZ. Mr. Speaker I want to be brief so that my colleagues from Chicago have an opportunity to speak on this resolution. In particular, I look forward to the comments of my friends, the gentlemen from Illinois, Mr. DAVIS and Mr. YATES, original sponsors of this bill, who have worked with me on bringing it to the floor.

This is not the first time that the U.S. House has taken an opportunity to commend an individual who has achieved greatness, but it is perhaps the first time that a resolution has been offered about someone who has chosen to remain so humble in spite of his greatness.

Sammy Sosa is a man who has every reason to be proud of his accomplishments and who would be excused if he chose to be boastful about those facts. Instead, he prefers to go out of his way to talk about the achievements of his teammates and even those of his competitors. This is a man who has proven to young people that it is not simply important to be good at sports but to be a good sport, and who has proven in the most vivid way possible a lesson that bears repeating, that people who come to the United States to share their talents with us add to our country in ways that are profound, in ways that enrich our lives and in ways that make us all proud of this great Nation.

This resolution puts the United States House of Representatives on record that this body commends and congratulates Sammy Sosa for his prowess on the field and for his dignity off the field. In other words, even if Sammy himself will not admit it, the U.S. Congress is prepared to tell Sammy that he is indeed the man.

Now, we hear a lot about bipartisanship here in Washington. Well, in Chicago bipartisanship has nothing to do with bringing Democrats and Republicans together. In Chicago, bipartisanship means bringing Cubs fans and White Sox fans together. As a Member of Congress who represents both a little of the north side and a little of the south side, the fact that Sammy Sosa has achieved that feat is amazing, but it goes beyond that.

He has helped bring baseball fans all across the country and all across the world together to celebrate this beautiful game, but back to that spirit of civic unity for a moment. I want to quote from someone who worked and lived baseball on both sides of Chicago, a man named Bill Veeck. Bill Veeck put down some important roots in Chicago, literally. In the 1930s Bill Veeck planted the famous ivy on the outfield wall at Wrigley Field. Later in life, Bill Veeck went on to own the Chicago White Sox, and even in the last years of his life he could be found virtually every summer afternoon sitting in the outfield bleachers at Wrigley Field.

Well, there is a quote attributed to Bill Veeck that I think says something we need to know about baseball, maybe even about life. Bill Veeck said, and I quote, "There is no sight more beautiful in the world than a ballpark full of people," and he was right. Unfortunately, Bill Veeck never saw Sammy Sosa play for the Cubs, and if he had he would have learned that there is actually one thing more beautiful than a ballpark full of people. It is when there are so many people wanting to see a game that there are hundreds, even thousands of them waiting outside the ballpark to be part of history.

For someone who has seen the highlights of recent Cub home games knows, there are people hanging out on Waveland Avenue and off the rooftops of Sheffield and all around the park, wanting to be part of the moment, to be part of history. As I say, Sammy Sosa has done more than excite a city. He has excited a country. He has excited people all over the world, especially in Latin America who love this great game.

People often say that baseball says a lot about America. It is about fair play. It is about doing your best and trying, even when the odds are against us, and in the person of Sammy Sosa we are reminded that baseball represents something else. It reminds us that baseball represents the diversity of our Nation, our country, America.

□ 1715

It reminds us that people can come to America and if they have the desire

and if they have the will and if they have the optimism, they can succeed in ways that benefit us all.

Baseball shows that a team can be made up of kids from the heartland of America and from the Caribbean or Asia and even as far away as Australia. It was played in the form of stick ball in the crowded streets of Brooklyn and the West Side of Chicago where kids looked up to heroes like Hank Greenberg; by kids in the barrios of Humboldt Park of Chicago who idolized Roberto Clemente. Sammy Sosa has reminded us of that fact.

I read that Sammy Sosa has not only surpassed Roger Maris' record for home runs in a season, he has also surpassed the singer Kate Smith in the number of times someone has said "God bless America" in a single year.

Sometimes it takes someone who was born elsewhere, someone for whom America itself was not a birthright, to sum up for all of us the most patriotic of sentiments.

Mr. Speaker, Sammy is right to recognize the greatness of the United States. Today, the United States Congress recognizes him.

"To you, Sammy."

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

Mr. CUMMINGS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), one of the cosponsors of this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding me this time. I really want to thank all of those who took the time to come and pay tribute to two great athletes, two great Americans.

Mr. Speaker, I grew up in Arkansas, which was close to Missouri, and so I grew up a Cardinals fan, next to my beloved Brooklyn Dodgers. And I remember Red Schoendienst and Stan Musial and Ray Jablonski and, later on, Curt Flood and Bob Gibson.

I was thinking of the great feat of Mark McGwire, how great it would have indeed been had Harry Caray been around to be able to make the pronouncement and say, "Look at it go." I guess it would probably have still been going even today. But, certainly, Mark is a tremendous athlete and a tremendous human being.

I am also pleased to take note of the great feat and contribution of Sammy Sosa. As has already been indicated, an individual who was content all year to kind of move in the shadows, always behind but knowing that eventually he would catch up. Always behind, but knowing that at some point there would be the evenness. Two men who emerged as great friends, complimenting each other almost on a daily basis, one not really worrying about who is going to be first, but knowing that they were both going to be winners. Because no matter which one ends up with the greatest number, they have combined their efforts to revive and revitalize the game of baseball to excite

people all over the world, to put spirit and energy in a game that had lost some of its luster.

Certainly, Sammy indicated that it is not always where one comes from. As a matter of fact, he used to shine shoes, like Isaiah Thomas, the great basketball player who at one time used to shine shoes at Shine King. So, he indicated that it is not always so important where one comes from in life, but what is really important is where one is going. No matter who ends up with the highest number, both of these esteemed gentlemen have, indeed, reached the top.

Mr. Speaker, I am pleased to join with all of my colleagues in saying a hardy "thank you" to Mark McGwire and to Sammy Sosa for revitalizing the game of baseball.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, the odds of one of us of becoming a Member of Congress are actually longer than the odds of becoming a major league ball player. I must confess if I had my druthers, I would choose to be a major league ball player. For me, the ideal job would be to play right field for the Chicago Cubs.

But I learned very early in life, Mr. Speaker, as a ball player in the Little League, that it was probably an impossible dream for me. As hard as I tried, as much as I hustled, I must confess, and perhaps my political consultants would not want me to say this, I stunk as a baseball player.

But as someone who takes vicarious joy in looking at ball players who know how to play the game, I take particular pride that Sammy Sosa happens to play for the Chicago Cubs. And I take also pride as an American in the accomplishments of Mark McGwire.

Wrigley Field is not in my congressional district. I have the parking lots across the street. The gentleman from Illinois (Mr. YATES) has the actual ball park. So when Sammy Sosa hits a home run on Waveland Avenue or goes to right field and hits a home run on Sheffield Avenue, those balls are landing in the district of the gentleman from Illinois (Mr. YATES).

But Chicago happens to be a city of immigrants. I think it is altogether fitting that Sammy Sosa and Mark McGwire both share the record at this point, and one happens to be an immigrant, because the City of Chicago and our country was built by immigrants.

Let me say that in this cynical era where sports is all about big money, and baseball has certainly not been immune to those issues, and in the era of sports agents, it is very refreshing to have two great heroes like Sammy Sosa and Mark McGwire who play the sport for the love of the game.

I do not see Mark McGwire play baseball as often as I see Sammy Sosa, but it is clear to those of us in Chicago who watch him on a daily basis that here is

somebody who plays the game the way it ought to be played, who plays it the way they used to play it in the old days, who plays it with great enthusiasm and who has an all-around style of game.

Mr. Speaker, I just would like to commend Sammy Sosa and Mark McGwire, and I would to close by raising a question about Commissioner Bud Selig of baseball. Mr. Speaker, I would say to the commissioner, "Where were you on Sunday, Mr. Commissioner? You should have been in Chicago at Wrigley Field."

Mr. MICA. Mr. Speaker, I continue to reserve the balance of my time.

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

Mr. Speaker, I enjoyed the comments of all of my colleagues on both sides. I am reminded of the story of Mr. Sosa when he was a young boy about 10 years old. His father died and he was left to help his mother take care of his seven brothers and sisters down in the Dominican Republic. There he got some rags together and some shoe shine polish and would go to the beach and he would shine people's shoes.

As fate would have it, he met a man named Bill Chase who lived on the outskirts of San Pedro, and Mr. Chase was a factory owner. He was so impressed with the shoe shine operation of the Sosa brothers, because he did it with his brother, that he would give them extra tips. He bought Sammy a glove and then he began to watch him play baseball. He was so impressed with them, that he helped them to move forward to a baseball career here in the United States.

There is so much to that story, Mr. Speaker, of how when we work together, when we bond together and lift each other up, how we can make things happen. How when we touch other people with our lives, that we can help them get to where they have to go.

But there is another important lesson in that too. So many Minor League baseball players are playing baseball right now, not knowing whether they will ever have an opportunity to come to the big leagues. But we want to salute all of them, including, of course, our friend Mark McGwire. We want to salute Sammy Sosa with a simple, simple quote. It is from a noted religious scholar named Dr. Charles Swindoll, and I think it epitomizes our two players that we honor today.

Mr. Speaker, Dr. Swindoll says, ". . . men and women of God, servant-leaders in the making, are first unknown, unseen, unappreciated and unapplauded. In the relentless demands of obscurity, character is built . . . [T]hose who first accept the silence of obscurity are best qualified to handle the applause of popularity."

Mr. Speaker, I think that statement by Dr. Swindoll certainly epitomizes and describes our two great baseball players that we honor today. And so as this Congress pauses to salute these great gentlemen, we say to Mark

McGwire and to Sammy Sosa, "The Congress of the United States of America salutes you. And we thank you for bringing life to life and lifting all of us up, including our children, so that generations to come will look back on this wonderful, wonderful year and say that we too were a part of it."

Mr. Speaker, I urge all of my colleagues to join in voting for this tremendous and wonderful resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first I want to take a moment to thank the gentlemen from Illinois, Mr. GUTIERREZ, Mr. YATES, and Mr. DAVIS for introducing this resolution to recognize the achievements of Sammy Sosa. I was also pleased to recognize the gentleman from Missouri (Mr. TALENT), who introduced H.R. 520 which we just considered and passed, recognizing the sports achievements of Mark McGwire.

Mr. Speaker, fortunately this year's baseball season is not over. In fact, the Cubs are competing for a spot in the playoffs. This, in fact, is good news for all Americans, for indeed we have more time for Sammy Sosa to display his baseball skills and perhaps to hit a few more exciting home runs.

More importantly, though, it means there is more time for all Americans, especially young people, to learn about grace, sportsmanship, and dignity from gentlemen who have set a great example for sportsmanship.

I think this is really important at this time in our history, because it is critical that young people have role models. Today, we as Members of Congress pay tribute to those who have displayed sportsmanship, great achievement, and helped all Americans have heroes.

Mr. Speaker, I ask my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FREEMAN HANKINS POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4002) to designate the United States Postal Service building located at 5300 West Jefferson Street, Philadelphia, Pennsylvania as the "Freeman Hankins Post Office Building".

The Clerk read as follows:

H.R. 4002

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

SECTION 1. FREEMAN HANKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 5300 West Jefferson Street, in Philadelphia, Pennsylvania,

shall be known and designated as the "Freeman Hankins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Freeman Hankins Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4002 was introduced on June 5 of this year by the gentleman from Pennsylvania (Mr. FATTAH), our distinguished colleague who serves as the ranking member on the Subcommittee on Postal Service. Pursuant to the rules of the full committee, this bill enjoys the sponsorship of the entire delegation from the great State of Pennsylvania.

Mr. Speaker, I want to thank the distinguished gentleman for his leadership on this issue, for bringing forward not just this particular renaming, but one that will soon follow. In doing this, I think that the gentleman that has once again upheld the tradition that has been established both in this Congress and in previous Congresses in relegating to those very worthy individuals the honor of having a postal facility named after them.

Certainly, Mr. Hankins is, indeed, a prime example of the kind of individual that has really come to be synonymous with making this country what it has been and what we all hope it will remain to be, the greatest and longest-lived democracy on the face of the Earth.

□ 1730

He was perhaps best known for his service in the Pennsylvania State legislature, first as a Member of the House of Representatives, beginning in 1961, and then as a member of the Pennsylvania Senate in 1967, where he served until his retirement in 1989. During those nearly three decades of service, this gentleman compiled a record that did for his community the kinds of things that all good Americans look to their government for. He did, perhaps most of all, carry forward the legislation in his State to designate Dr. Martin Luther King's birthday as a State holiday.

Over, as I said, the nearly three decades, he received numerous awards, served on so many different boards in service to that State, such as the Penn-

sylvanian Higher Education Assistance Agency, the Pennsylvania Minority Business Development Agency, Lincoln University, and on and on and on.

I know, Mr. Speaker, the gentleman from Pennsylvania (Mr. FATTAH) will have much more to say about the particulars of this individual's achievements, and I do not want to preempt his opportunity. So let me just say that my colleague has done a service to this House, in my opinion, by bringing forward the name of Mr. Freeman Hankins for designation of this post office building, and I am honored to join with him in urging all of our colleagues to support this bill.

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

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

Let me, first of all, in a much more perfunctory way, thank the gentleman from New York (Mr. MCHUGH). I think many must realize that this is the person that this Congress has given the burden of being the legislative steward of our postal service. Some 700,000 plus Americans work for the United States Postal Service. It is an extraordinarily important element of our national economy, and which we all pat ourselves on the back for the economic success here in our country, but our economy could not function without a universal system of mail delivery. The gentleman from New York has done so much to help ensure the efficient and effective running of the world's largest and really best postal service. It is the one that is benchmarked by all of our economic competitors around the world.

I want to first of all thank him, mention to the House that we will be having a markup quite soon on some important legislation, and I know that he would like to have the House's attention on, but I take this time to let him know that I truly appreciate the work that he has done. All of us who come to the Congress, obviously, could imagine doing any number of things, but none could imagine a responsibility greater than the role that the gentleman from New York is playing.

Let me say that, obviously, I rise in support of H.R. 4002. I was in the post office that we now are going to be naming after the gentleman that I had an opportunity to follow to the State Senate. He actually preceded me in the State Senate. It is in the heart of the West Philadelphia community, the 7th senatorial district, that Freeman Hankins served for more than two decades. He also, like myself, before his service in the Senate served in the Statehouse.

He led the way, in terms of Philadelphians, and served on the board of the Pennsylvania Higher Education Assistance Agency, which is an agency I eventually had the opportunity to chair the executive board of, and which has helped over a million children in Philadelphia receive financial assistance to go on to college and to obtain

a college education. But it was Freeman Hankins who helped create this entity, one of the first of its kind in the country, a State agency governed by a board of legislators. Unlike other boards, and any other board we can find in any other State, it is a State agency governed by lawmakers, with a minority of the appointments made by the governor, eight members in the Statehouse and eight in the State Senate, and is the finest student financing agency anywhere in the country.

Freeman Hankins is credited with passing the Martin Luther King Day Holiday bill but also was the spearhead in helping to develop the Minority Business Development Agency. He served on the Lincoln Board, on which I had an opportunity to later sit in his seat on the Lincoln University Board of Trustees, which is a university that we know has graduated many of the top leaders in our country.

But Freeman Hankins was not just another public servant. He was also a businessman who ran a business in west Philadelphia, a mortuary and a funeral home. He was the leader of a national association of African American funeral home directors. He was a substantially wealthy individual who, nonetheless, dedicated the majority of his time to public service. And I remember as he would take his summer vacation at his beach house in Atlantic City, we just considered that an adjunct to his district and would visit there often to chat with him about important matters.

He was a gentleman and a statesman, someone who gave honor to the State Senate in his service, and we want to take this opportunity to encourage all of my colleagues to favorably consider this bill. He is someone who, in the naming of this post office in west Philadelphia, will remind his constituents long after his passing of his service, and will remind them that the type of public official that comes along every once in a while can truly make a difference in people's lives.

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

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

In closing, let me first of all respond to the gentleman from Pennsylvania on his very gracious remarks. I have always viewed this postal subcommittee as a challenge, not as a burden. Perhaps it could have been a burden had we not had such, I think, admirable cooperation on both sides of the aisle, a recognition I think most prominently displayed by the gentleman from Pennsylvania (Mr. FATTAH) that this is a very important system, one, as he said, that really does bind our Nation together. And we all recognize that this is the kind of activity that deserves our concerted attention and our concerted care, and he has been a leader in ensuring that. I deeply appreciate the opportunity to continue to work with him and thank

him for his cooperation, his input, his leadership and his comments.

I would also say, with respect to this particular bill, that we have had the opportunity, and I would argue or certainly assert, the honor to do a fair number of these this year, and I can never recall a single word of opposition to any of them. I say that not because these are automatic or that the naming process is simplistic, but rather that Members think very carefully before they bring to the floor and work on behalf of a particular nominee being designated with this naming honor. And certainly today that is shown again in this bill designating the postal facility in the honor of Freeman Hankins, and I will again say for the bill that follows as well.

So we owe our thanks to the gentleman from Pennsylvania for once again bringing to us a very worthy individual and one that, I think, is fully deserving of this particular honor. And, again, in closing, I would proudly join with the gentleman in urging all my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4002.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAX WEINER POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4003) to designate the United States Postal Service building located at 2037 Chestnut Street, Philadelphia, Pennsylvania, as the "Max Weiner Post Office Building".

The Clerk read as follows:

H.R. 4003

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

SECTION 1. MAX WEINER POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 2037 Chestnut Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Max Weiner Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Max Weiner Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4003, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, it may seem somewhat anticlimactic, because this bill is, at least in form, if not identical very similar to the one we just considered. But the individual we seek to honor is truly unique, and once again, as I said, the gentleman from Pennsylvania is to be thanked for his leadership, for his careful consideration of the nominee of Max Weiner for the designation of this particular postal facility at the address of 2037 Chestnut Street in the great city of Philadelphia, Pennsylvania. And, again, as a matter of record, pursuant to the committee rules, this bill enjoys the sponsorship of the entire delegation from the State of Pennsylvania.

Mr. Speaker, Mr. Weiner was truly, by everything that I have seen, a tremendously energetic worker for consumer rights and for consumer protection. He fought hard, so very hard, for literally thousands of Pennsylvanians who might otherwise have found themselves in so many difficult, challenging positions and situations: The loss of their homes, the loss of heat during the extraordinarily cold weather that can sometimes visit those of us who feel lucky enough to live in the northeast. He fought to protect the privacy of the underprivileged and for greater access for them to the mass transit system.

And in his endeavors he did much else as well, Mr. Speaker. He was the founder of the Consumers Education and Protective Association and the Independent Consumer Party. In short, Mr. Speaker, just time and time again the sort of individual who remained in their community, who fought hard, who worked hard not for power or glory, certainly not for money, but because, simply, they cared about their communities, but most of all cared about their neighbors and wished to make their lives a little better today than yesterday and, hopefully, their live a little better tomorrow than it was today.

Again, I will yield to the gentleman from Pennsylvania who has brought this bill to us, and with that I would thank him for his leadership and urge all of my colleagues once again, please, to support this very worthy nomination.

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

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4003.

Mr. Speaker, let me thank the gentleman from New York for his kind re-

marks, and let me assure him that if Max Weiner was around today and here he would probably be outside protesting all of us for some reason or another.

Literally no less than a thousand times he has been out on the battlefield. He has filed in his lifetime probably more lawsuits against the Philadelphia Gas Works, the Philadelphia Electric Company, the Philadelphia Water Department, every State agency imaginable, fighting aggressively on behalf of individuals, and as class actions, consumers who, by some set of circumstance, based on the review of his organization, had been cheated either by the outcome or by a process, or somehow, nonetheless, even if the decision-making was correct, somehow still could not meet the burden that was being asked of them, and he would fight on their behalf.

For many, many decades he led the Consumer Education and Protective Association of Philadelphia, and one could always be assured that at least on 6 days out of a 7-day-week he would be out in front of city hall with a table, with petitions, for some cause or another. And in his latter years, well into his 70s, he started to actually have some of his greatest success at winning lawsuits against and stopping of rate increases from various utilities, and forcing people to comply with various rules and regulations and statutory requirements that had been put upon them by municipal utilities.

He also exercised his right to vote, but not as a member of the Democratic party or Republican Party. He formed his own party, the Consumer Party, and ran as their standard bearer for every conceivable office that we could imagine that was ever on the ballot in Philadelphia. But he was loved by all. Even those who he opposed knew that in his heart he was speaking on behalf of those who he felt needed someone to speak for them.

Even though he has been gone for many years now, it is his spirit, and the public spiritedness of his work that brings me to the point of offering this bill. I am thankful for having the support of all my colleagues from Pennsylvania. I think all of us probably have in our districts a Max Weiner. And if we do not, we need one, because there is often a necessity for someone to operate somewhat outside of the box and to speak on behalf of those whose voices otherwise may have been marginalized. Max Weiner did that in Philadelphia, and his work and his legacy is something that all of us from the Philadelphia community will always respect and remember.

□ 1745

Again, I am sure he would probably be even somehow railing against this Congress or the State and Senate or the Council if he was with us today about something. In the final analysis, he would probably be right, at least in the spirit of his remarks.

I thank the gentleman from New York for his cooperation and the Speaker and the majority leader to have these bills scheduled and moved. I truly appreciate their efforts.

Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume. In closing, I could not add to the very eloquent statement of the ranking member. We indeed all need a Max Weiner in our lives. Although we are not obviously in a position to enjoy the guidance and the light that he shed during his very, very illustrious career, we can perhaps through this naming inscribe his name above the pillars of the Postal Service and remind us all of the good things that he did in his life. I thank the gentleman from Pennsylvania (Mr. FATTAH).

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4003.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMENDING VISIT OF POPE JOHN PAUL II TO CUBA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 362) commending the visit of His Holiness Pope John Paul II to Cuba, as amended.

The Clerk read as follows:

H.R. 362

Whereas Pope John Paul II earlier this year undertook a first ever Papal visit to Cuba to speak directly to the Cuban people;

Whereas the Pope led the Cuban people in celebration throughout the island, including leading the largest open-air mass since 1959 on the last day of his visit in Jose Marti Plaza;

Whereas the Pope spoke directly with the Cuban people and the Cuban Government about the importance of fundamental human rights and the necessity for "each person enjoying freedom of expression, being free to undertake initiatives and make proposals within civil society, and enjoying appropriate freedom of association";

Whereas the Pope called for political freedom in Cuba, including a call to release "those who are isolated, persecuted, imprisoned for various offenses or for reasons of conscience, for ideas which though dissident are nonetheless peaceful";

Whereas the Pope called for greater religious freedom in Cuba and a "harmonious social climate and a suitable legislation that enables every person and every religious confession to live their faith freely, to express that faith in the context of public life and to count on adequate resources and opportunities to bring its spiritual, moral and civil benefits to bear on the life of the nation";

Whereas Cuban churches of all faiths supported the Papal visit and emerged from the visit with expectations of greater promi-

nence and freedom to operate in Cuban society;

Whereas the Pope invoked the name of Father Felix Varela y Morales, "an undeniable patriot", who "spoke of democracy, judging it to be the political project best in keeping with human nature", and the name of Jose Marti, "a writer and a teacher in the fullest sense of the word, deeply committed to democracy and independence, a patriot, a loyal friend even to those who did not share his political program";

Whereas the Pope remembered "those people who for various reasons have left the country but still feel that they are sons and daughters of Cuba" and established that "the Cuban people should be the protagonists of their own future and destiny";

Whereas the Pope both called for greater integration of the people of Cuba into the international community and criticized the Castro Government by saying "imposed isolation strikes the people indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living"; and

Whereas the Pope challenged Cuba and the international community of nations by saying "May Cuba with all its magnificent potential, open itself up to the world, and may the world open itself up to Cuba": Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Pope John Paul II for his visit to Cuba, for his frank criticism of the Cuban Government, and his message of hope to the Cuban people; and

(2) urges the international community to join the United States in actively supporting the freedom and democratic reforms for Cuba embodied in the Pope's homilies which have peacefully united Cubans in the common cause of liberty.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, the most telling moment of the visit by His Holiness Pope John Paul II to Cuba occurred at the beginning of his public mass at Havana. The Pope successively greeted Cuban Cardinal Jaime Ortega, the Church hierarchy, and the priests and assembled faithful to repeated applause from the crowd that filled Jose Marti Plaza.

The Pope then respectfully greeted Fidel Castro. Apart from the tiny sound of polite applause drifting from the stage over the loudspeakers, the sprawling crowd of ordinary Cubans stood in spontaneous, purposeful silence. No one applauded.

While ordinary Cubans were clearly touched by the Pope's message, the Castro regime remains unmoved. Sadly, the Catholic church and other Cuban religious leaders and laity consider to face intransigence and repression. The Cuban regime's State Security apparatus is now arresting more dissidents than were released after the Pope's visit.

In the meantime since the Pope's visit, church officials have publicly criticized the Cuban government for doing little since the Pope's visit to resolve issues that the Catholic church considers essential. Just yesterday, the New York Times reported that:

The government of President Fidel Castro, which won praise for receiving the Pope has shown little new flexibility since then in response to church requests for greater freedom. Efforts to ease the admittance of foreign priests and nuns have made no apparent progress. Nor have pleas that the government scale back controls on Catholic social service agencies that could deliver badly needed food and medical aid from abroad.

Permits for religious processions have been denied as often as they have been granted, church officials said, and hopes that the Pope's visit might open space for religious groups in the state-controlled news media have mostly been dashed.

Approval of long-standing requests—to allow the opening of Catholic schools or importation of an offset press to print newsletters and magazines—seems as distant as it did in years past.

While Fidel Castro has refused to let up on the Catholic church in Cuba, here in our own Nation he continues to directly and brazenly attack American interests. The FBI announced in Miami just yesterday that 10 people have been charged with spying for the Cuban government. These Castroite agents were trying to penetrate our Miami-based U.S. Southern Command, MacDill Air Force Base in Tampa, and the Boca Chica Naval Air Station in Key West. This morning, the Washington Post reported in a front page story that U.S. Attorney Thomas Scott "described the activities of the eight men and two women as an attempt 'to strike at the very heart of our national security system.'"

The FBI has said that Castro's spies also sought to infiltrate Cuban-American groups and manipulate other political groups and the United States media. I would like to commend FBI director Louis Freeh and the FBI's Miami field office for neutralizing this illegal espionage network.

Great leaders from Franklin Delano Roosevelt to Ronald Reagan have known that good will does not move dictators. I regret that the Clinton administration chose to make a number of unconditional, unilateral concessions to the Cuban government in the wake of the recent visit by the Pope. The United States should instead be leading efforts to help the church and Cuba's internal opposition to lay the basis for a peaceful and democratic transition.

I would like to note that our ranking member the gentleman from Indiana

(Mr. HAMILTON) was an initial cosponsor of this resolution and offered a compromise amendment which was approved in our committee. Accordingly, I invite my colleagues to join us in adopting this resolution.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the resolution.

Mr. Speaker, I want to commend my colleagues the gentleman from New York (Mr. GILMAN) the chairman of the committee, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from California (Mr. GALLEGLY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their willingness to work out an accurate and, I think, helpful compromise that we bring to the floor today. I appreciate that this was not an easy process, that there were some difficult decisions made, and I want to thank them for their cooperation and keeping an open mind throughout the process.

I think we bring a good resolution to the floor. It is a straightforward resolution that commends the Pope for his visit. I think you can be for his position on U.S. policy or against it; you can agree with a part of his position and disagree with other parts of it, but it does seem to me we all ought to commend his visit and his message to the Cuban people.

The compromise resolution we have before us reflects the importance of the Pope's visit in a number of ways.

First, it commends Pope John Paul II for his visit to Cuba, for his frank criticism of the Cuban government and, his message of hope to the Cuban people.

Secondly, it urges the international community to join the United States in supporting freedom and democratic reforms for Cuba embodied in the Pope's homilies.

Third, the resolution recognizes the Pope's frank criticism of the Cuban government. The Cuban government is isolating its own people, gravely limiting Cubans' freedoms and basic human rights. This isolation is unnecessary and is counterproductive and it stands in stark contrast to trends throughout the hemisphere.

Fourth and finally, the resolution makes clear that the Pope is critical of U.S. policy toward Cuba, and he has challenged us to consider the costs of that policy. U.S. policy isolates the Cuban people who are made to bear the brunt of our opposition to the Castro regime. That isolation is counterproductive to our shared goal of bringing freedom to the Cuban people.

The Pope was right to do what he did and to say what he said, and we, I think, are right to commend him. He spoke directly to the Cuban people, engaged them, as he did the people of eastern Europe. He is not trying to isolate them or coerce them. On his return, he said that the purpose of this trip was to promote the same changes in Cuba as took place after his trip to his native Poland.

I believe that the Cuban people are more hopeful for change in the aftermath of the Pope's visit, and less fearful in seeking that change. We cannot say that nothing has changed in Cuba since the Papal visit, because it is clear that the Cuban people and their expectations have changed. One only had to see scores of Cubans marching through Havana with their Patron Saint last week, for the first time in more than 30 years, to understand what is changing for Cubans.

What has not changed, unfortunately, is the Castro government. Their actions of the last week confirm what we have known for more than three decades.

We were all informed just the other day that the FBI arrested 10 persons on Saturday in Miami, saying that they are part of an espionage ring that was sent by the Cuban government to strike at the very heart of our national security system and our very democratic process.

I join in the criticism that has been made and certainly will be made of the Castro government which isolates the Cuban people and, of course, has a terrible human rights record. The capricious exercise of power last week, to arrest 13 dissidents and detain them without charge, is exactly what the Pope rightly criticized when he was in Cuba.

But this resolution is about the Papal visit. It is not about the behavior of a government that stands in stark contrast to every other government in the region. The Pope's visit had an impact on the people of Cuba that continues, I think, to return dividends, continues to grant hope and breathes life into Cuba's civil society.

The Pope's trip was a remarkable trip and I think admirable. We should not only commend him for it but we should be wise to follow his example.

I urge support of the resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY) the distinguished chairman of our Subcommittee on the Western Hemisphere.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, eight months ago, His Holiness, Pope John Paul II undertook a historic pilgrimage to Cuba. His primary mission was to reassure the faithful of that island nation that the open profession of their faith and active practice of their religious beliefs was an important right that they as Catholics should not be afraid to exercise. While in Cuba the Pope not only took a number of opportunities to highlight the important role of the church in Cuban society but on several occasions he took the opportunity to point out the failures of the Cuban regime to prevent the free exercise of views and to permit the faithful to practice their religion.

The issue of Cuba is never an easy one around here, Mr. Speaker, but as

chairman of the Subcommittee on the Western Hemisphere, I introduced this resolution because I did not feel such an historic event and the potential consequences of such a visit should go unrecognized.

The bill before us today is a compromise effort which received unanimous support in our subcommittee. For that I want to again thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New Jersey (Mr. MENENDEZ) for their cooperation. I also want to commend the ranking member of the full Committee on International Relations my good friend the gentleman from Indiana (Mr. HAMILTON) for his work on this resolution.

Mr. Speaker, this legislation recognizes the Pope's visit as an important milestone in the lives of the Cuban people because the visit did set into motion a change in the relationship between the government of Cuba and the Catholic church. Beyond that, the visit has provided a new measure of hope for the people of Cuba that the church, in due time, could become an important conduit to increased economic, social and political freedom on the island.

Let there be no mistake, however, that while the Pope's visit has provided a new measure of freedom for the church, it has not significantly changed the attitude of the regime toward freedom of expression and assembly for the general population. While it is true that since the Pope's visit, many political prisoners have been released from jail, unfortunately many of those have had to leave Cuba and many others have been taken and placed in prison in their place. Obviously the Cuban regime did not get the message. For this I want to express my strong disappointment in the regime.

Despite the continued repressive attitudes of the regime, I urge my colleagues to pass this resolution to give the Pope the recognition he deserves for his visit to Cuba and to send a message to the Cuban regime that the Pope's message about truth, freedom and religious expression must be honored.

I urge my colleagues to adopt this bill.

□ 1800

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank so much the gentleman from New York (Mr. GILMAN) for his steadfast dedication, for many years of leadership on the cause of freedom and democracy to the people of my native homeland of Cuba, and those are qualities and a direction which is shared by his ranking member, the gentleman from Indiana (Mr. HAMILTON). We thank him for his patience throughout this process, for the gentleman from California (Mr. GALLEGLY), for his leadership, as well for the gentleman from New Jersey (Mr. MENENDEZ) and the

gentleman from Florida (Mr. DIAZ-BALART) who also had a significant hand in the drafting of this resolution.

As all of us know, Mr. Speaker, in January of this year, the Pope went on a religious pilgrimage to Cuba to bring hope to a people oppressed, enslaved and tortured by a ruthless dictator, Fidel Castro, and his gang of thugs. It was unprecedented, and it should be recognized as such, but we should be cautious that an acknowledgment of the Pope is not manipulated into praise for a brutal regime. There were great expectations that the visit of His Holiness would somehow bring a sense of humanity to the evil that is Fidel Castro. Unfortunately, of course, it has not.

In the aftermath of this visit, many have tried to distort the Pope's message and the facts in an attempt to seek a weakening of the U.S. position against the Castro regime. These attempts are premised on the contention that the Pope's visit has resulted in significant changes by the Castro regime and has created an opening for the people of Cuba.

But make no mistake. Up to now, nothing has really changed in Cuba. While those who seek a normalization of relations with the ruthless Cuban dictator ignore this reality, the Congress cannot and must not ignore the truth. The actions taken by the Castro regime since the papal visit clearly show that a leopard does not change his spots and a tiger its stripes.

This is the case of Dr. Oscar Elias Biscet and Rolando Illore, directors of the Lawton Foundation of Human Rights in Cuba who were arrested on July 11, 1998, for planning a commemoration of the fourth anniversary of the sinking of the 13 de Marzo tugboats. The whereabouts of these two individuals are still unknown, Mr. Speaker.

Or the case of the members of the Liga Civica Martiana who on March 30, 1998, were arrested by the Cuban revolutionary police during a meeting that was planned to honor the remembrance of the combatants of the Brigade 2506. One of the members, Wilfredo Martinez Perez, was beaten to death and murdered at the police headquarters in Havana.

Or the case of the members of the Partido Pro Derechos Humanos who on February 24, 1998, were in prison for honoring the memory of martyrs of the Brothers to the Rescue. One of them, Jose Antonio Alvarado Almeida, was sent to a local psychiatric hospital as punishment.

I ask you to listen to the Cuban people, those like Oswaldo Paya Sardinas, the national coordinator of the Liberation Christian Movement of Cuba who has stated:

The Cuban government has made clear that certain spaces or gestures or other allowances to the church or concessions only on the occasion of the Pope's visit.

Or listen to the words of Ramon Humberto Colas, a Catholic political dissident from Las Tunas. Ramon

Humberto Colas asserted: "There were 5 days of freedom, but there were just 5 days amid 40 years."

I ask my colleagues to listen to the words of Aurora Garcia Del Busto, an independent journalist in Cuba, when she says: "Cuba does not open up to the Cuban people."

We have had an opportunity to send a clear message to the Cuban dictator that we can see beyond the facade created by opponents of U.S.-Cuba policy. Honor the Pope for his efforts at bringing hope and faith to the Cuban people, but do not allow this Chamber to be used as a platform for Castro's public relations maneuvers.

Despite the Pope's visit, the reality is that the Castro regime has not changed, nor does it ever want to change. Once an oppressive dictatorship, sadly, Mr. Speaker, always an oppressive dictatorship.

Mr. HAMILTON. I have no more speakers, Mr. Speaker, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART) who is one of the sponsors of this resolution.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), the gentleman from Indiana (Mr. HAMILTON), the gentleman from California (Mr. GALLEGLY), the gentlewoman from Florida (Ms. ROSLEHTINEN), and the gentleman from New Jersey (Mr. MENENDEZ) who have been so helpful with this resolution.

I do support this resolution. I have had in the past, differences with my friend, the gentleman from Indiana (Mr. HAMILTON) on Cuba policy, and yet it is evident and it has always been evident that LEE HAMILTON does not in any way condone or accept nor whitewash, nor much less support, any of the brutality that Castro has been responsible for and continues to be responsible for and has been for 40 years.

Mr. Speaker, I think that this is an important resolution because basically what it does is that it restates the overwhelming support that the United States people, the American people and its representatives and the representatives in Congress have for the right of the Cuban people to be free.

Without any doubt, those were extraordinarily hopeful days in January where the Cubans felt, since the eyes of the world were upon Cuba and that extraordinary figure of this century was present, that they could not be as easily brutalized during those days. Even so, even during those days, we saw the examples of the very brave demonstrators during the Pope's Masses who were dragged off, some even pulled by their hair, young ladies, and in other demonstrations of violence, manifestations of violence by that gangster regime. Even during the Pope's Masses, those things happened.

So the essence of the regime has not changed. I think when we realize that perhaps the most distinguished, certainly the most well known Catholic

leader in Cuba today, Catholic political leader in Cuba today, Oswaldo Paya was not even allowed to meet with the Pope, that political prisoners were picked up, were made prisoners, men and women were made political prisoners even during the days of the visit and that the hundreds, and I have a list of 1,500 approximately, political prisoners in my office, that they still languish, they still languish in Cuban prisons, from the most well known to some who have never received publicity. They all deserve and receive our support. We think of them.

And our policy, Mr. Speaker, is well set and is clear, and it is in law. We will maintain our policy of not trading or permitting trade with the Cuban regime as long as all political prisoners are not free, all political parties are not legalized, and free elections are not condoned. That is our policy, it is codified, and we, the American people, will continue to stand with the Cuban people.

I appreciate the opportunity for this intervention and for this resolution to have been filed.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind remarks in support of the resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), a member of our committee.

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

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding this time to me.

Mr. Speaker, I rise in temperate support of H. Resolution 392, and I am happy that we were able to come to agreement with the distinguished ranking Democrat, the gentleman from Indiana (Mr. HAMILTON) on the language. However, I think that the events of the past week are evidence of how very little has changed in Cuba since the Pope's January visit. Following a religious procession through Havana, the government launched its most repressive crackdown on political dissidents this year. Thirteen individuals were detained and held by the regime for political activities related to the religious procession and the sentencing by the regime of political prisoner Reynaldo Alfaro.

The resolution accurately reflects the sentiments of Pope John Paul II's visit to Cuba and commends him for a visit that took far too many years to come to fruition. But most importantly, the resolution recognizes the historic significance of the Pope's visit, something each of us can agree with.

Now, while his visit was successful in opening a window of opportunity for the Catholic Church, as we stand here today that window is slowly closing. The absence of world attention on Cuba since his visit is largely responsible for allowing the window to close. Even the

Pope has expressed concern and frustration that the initial opening for the Church provided by his visit is quickly receding.

Since January, the Cuban Government has continued to block Church access to mass media, limited public Masses and denied permits for Masses, expelled American priest, Reverend Patrick Sullivan, and forced others to flee under harassment, continued to deny autonomy to Caritas, the Church's humanitarian relief agency, restricted visas for clergy to enter and preach in Cuba, and has severely limited the ability of Cuban Protestants to worship in Cuba.

On January 31 of this year, Ricardo Alarcon, President of Cuba's National Assembly, announced that the regime will, quote, not permit the reopening of Catholic and parochial schools.

It is evident to me that Castro is seeking to undo the progress made by the Pope during his visit and return Cuba to the status quo it has lived under for almost 4 decades.

As a recent article in the New York Times pointed out:

Efforts to ease the admittance of foreign priests and nuns have made no apparent progress, nor have pleas that the government scale back controls on Catholic social service agencies that could deliver badly needed food and medical aid from abroad. Permits for religious processions have been denied as often as they have been granted, church officials said, and hopes that the Pope's visit might open up space for religious groups and the State-controlled news media have been mostly dashed.

Without continued calls for democratic change by the international community and the media spotlight on these issues, the opportunity for further change will be lost.

I think it is appropriate that we commemorate Pope John Paul's visit to Cuba and celebrate the religious opening in Cuba created as a result of his visit. But, most importantly, it is essential that the church and the international community build on his visit by refusing to allow the Cuban regime the opportunity to close that window that was open. I hope that we will not let this historic opportunity, the visit of Pope John Paul II, disappear for lack of attention. The people of Cuba deserve this long-awaited opportunity, and we can take advantage of that opportunity. But right now, people in Cuba are still suffering the very realities they were suffering before the papal visit, and while he inspired hope and opportunity, Fidel Castro is quickly closing and snuffing out that hope.

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

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H.Res. 362, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD RENEGOTIATE EXTRADITION TREATY WITH MEXICO

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 381) expressing the sense of the Congress that the President should renegotiate the extradition treaty with Mexico so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico to the United States.

The Clerk read as follows:

H. RES. 381

Whereas under the Extradition Treaty Between the United States of America and the United Mexican States, Mexico refused to extradite murder suspect and U.S. citizen Jose Luis Del Toro to the United States until the State of Florida agreed not to exercise its right to seek capital punishment in its criminal prosecution of him;

Whereas under the Extradition Treaty Mexico has refused to extradite other suspects of capital crimes; and

Whereas the Extradition Treaty interferes with the justice system of the United States and encourages criminals to flee to Mexico: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should renegotiate the Extradition Treaty Between the United States of America and the United Mexican States, signed in Mexico City in 1978 (31 U.S.T. 5059), so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 381.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the gentleman from Florida (Mr. MILLER) appealed to me some time ago to move this resolution which he sponsored in response to a heinous murder which occurred in his district in the State of Florida.

I recently received a letter from James Bellush whose wife Sheila was a victim of this brutal slaying, in which he wrote as follows, and I quote:

On November 7, 1997, Jose Luis Del Toro, Jr., entered my home in Sarasota, Florida

and murdered my wife, the mother of 6 children. Jose Luis Del Toro murdered her in front of my 23 month-old quadruplets who watched their mother bleed to death. They were in the house with her dead bloody body for well over 3 hours until my 14 year-old stepdaughter came home from school and found this macabre scene.

Mr. Del Toro is a natural born American citizen wanted in context with this murder, and after confessing to his crimes, he fled to Mexico where he has taken refuge within the Mexican Government's interpretations of the provisions of our bilateral extradition treaty and now within Mexico's judicial system.

□ 1815

The United States-Mexico extradition treaty establishes the Mexican Government may, may refuse to extradite persons for crimes punishable by the death penalty. The words "extradition may be refused" in article 8 of the treaty, these nonmandatory words suggest that the Mexican Government could have returned Mr. Del Toro without delay.

Although the State of Florida, clearly for good reason, wished to seek the death penalty, the prosecutors in the case agreed to waive the death penalty at the Mexican Government's insistence. Now Mr. Del Toro still sits in Mexico, appealing the extradition ruling, while Sheila Bellush's family is grieving, deprived of the justice they truly deserve.

Mexico's insistence of not returning United States citizens to face the death penalty creates a safe haven for the worst criminal elements and clearly interferes with the timely extradition of these criminal suspects to our own Nation. I cannot understand the Mexican authorities' fastidiousness. In this case, they chose to refuse to return one of our own citizens to face justice for a horrific capital crime.

Mr. Speaker, let us send a message to the Mexican Government that Jose Luis Del Toro belongs before a jury of his peers under the laws of the State of Florida where he is alleged to have committed his crimes.

Accordingly, I urge my colleagues to join in strongly supporting this resolution.

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

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

Mr. Speaker, I commend the gentleman from Florida (Mr. MILLER) and other members of the Florida Delegation for bringing this issue to our attention. The murder on November 7, 1997 was a brutal and unspeakable crime. We are certainly right to want to find a way to ease the suffering of the family of the victim.

While I have reservations about the approach taken by this resolution, which I will state in a moment, I do not plan to oppose the resolution.

Mexico is one of a number of countries that demands that criminals they extradite to the United States not be

subject to the death penalty. Notwithstanding this restriction, Mexico regularly extradites criminals to the United States, including suspects of capital crimes.

It is my understanding in this case that the Florida prosecutor has given the necessary assurances that Mr. Del Toro will not be subject to the death penalty. It is also my understanding that the Government of Mexico has made clear that they want to extradite Mr. Del Toro to Florida, but that the appeals process in the Mexican judicial system, not the requirement regarding the death penalty in the extradition treaty, is holding up his reckoning with the U.S. judicial system. We would all like to see him before a jury in Florida sooner, not later. Reopening the extradition treaty will not I think hasten the arrival of that moment and will likely, more than likely further complicate this and other extraditions that we would like to see from Mexico.

Mr. Speaker, I might just say that it is my understanding that the administration opposes the resolution. Given the constitutional restrictions on the death penalty in Mexico, there is no flexibility for the Government of Mexico to renegotiate a treaty that will not require reassurances against the death penalty. The administration I think also opposes reopening the negotiations on the treaty for fear of losing what it considers important concessions that we won when the treaty was first negotiated in the 1970s. For these reasons, while I do have some reservations about H. Res. 381, I do not oppose it.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MILLER), the sponsor of this resolution.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank the gentleman for bringing this issue before the Committee on International Relations and having it passed, and that it be brought under suspension of the rules here today and be debated and voted on. It is a very critical and very important issue to my constituents back in Sarasota, Florida, because it was a horrible, horrible crime that was committed last November.

What we are concerned with in this legislation is not so much the case of the murder of Sheila Bellush, but for the great concern we have for the future cases that happen in the future, and we would like to be able to answer that problem now.

I would also like to thank Jamie Bellush, the widower of the murder victim in this case, for his determination and his desire to protect other families from living through this judicial nightmare. It is a sad reality of life that sometimes a tragedy must occur to point out a problem that urgently needs correcting. In this case, that

tragedy was the murder of Sheila Bellush, a mother of 6 from Sarasota, Florida.

On November 7 of last year, her 14-year-old daughter returned home to find her mother's body on the kitchen floor. Sheila Bellush had been shot in the face, her throat slashed, and her 2-year-old quadruplets were found crawling in her blood beside her body. It was certainly one of the most gruesome and disturbing murder scenes in Sarasota history.

Overwhelming evidence immediately pointed to Jose Luis Del Toro, a U.S. citizen born and raised in Texas. Del Toro, who had fled to Mexico, was apprehended on November 20 of last year. Sheriff Geoffrey Monge and local law enforcement did an outstanding job in conducting a thorough and expeditious investigation of this case.

This is where the horrifying international saga began. First, Del Toro was scheduled for deportation from Mexico as an illegal alien. Then the Mexican Government, under the authority of Section 8 of the U.S.-Mexico Extradition Treaty of 1978, made a calculated decision to make the death penalty an issue in this case by choosing to switch midstream to lengthy extradition procedures, rather than proceed with the appropriate deportation procedures that were already underway. More than 10 months after the murder occurred, and more than 8 months after our local prosecutor waived the death penalty in this case, Del Toro still remains in Mexico, and the Mexican Government refuses to give us even a broad time frame as to when he will be returned.

Mr. Speaker, this resolution, House Resolution 381, is intended to send a clear and resounding message to both the administration and the Mexican Government: a U.S. citizen who commits a crime on U.S. soil must be subject to U.S. justice.

Mr. Speaker, I wrote letters to Attorney General Reno and I wrote letters to Secretary Albright and no one could do anything to help. By signing the U.S.-Mexico Extradition Treaty of 1978, the U.S. tied our hands behind our back and gave Mexico the right to interfere in our judicial process. This is a loophole that the administration must act to close immediately.

Allow me to share with my colleagues a quote from a district attorney:

To allow a vicious killer to avoid the most severe punishment by merely crossing the border into Mexico would encourage other murderers to seek refuge there, creating an easily accessible sanctuary for the very worst criminals.

This is not a quote from our State's Attorney in Sarasota, this is a quote from Gil Garcetti, the district attorney of Los Angeles. That statement was made in reference to the extradition case of David Alvarez, who fled to Mexico after allegedly committing multiple murders in California. As in the Del Toro case, Mexico demanded that

Garcetti waive the death penalty. An important point to be made about this situation is that it occurred 2 months before the Del Toro case, proving that this is not an isolated situation, and that it can happen again.

Mexico might as well post a sign at the border that says, "Murderers Welcome," and I do not think that is the type of tourist industry Mexico wants to encourage.

Florida State Attorney Earl Moreland and Charlie Roberts, his Assistant State's Attorney, also need to be recognized and commended for their outstanding job on this case, and they have worked professionally and diligently to bring Del Toro to justice in spite of these frustrating and difficult circumstances that we have today.

The people of Florida should have decided whether or not Jose Luis Del Toro's crime warranted the death penalty, not the Mexican Government. As a Member of Congress, I cannot and I will not stand by quietly as Mexico deprives my congressional district of the right to pursue justice. This is an outrage. It is a violation of U.S. sovereignty, and we cannot allow it to happen again.

Mr. Speaker, this resolution sends a clear signal: Eliminate the loophole in this treaty that allows the most dangerous of criminals to escape justice. Sheila Bellush will not have died in vain if we can learn from our lesson with this experience and prevent this situation from happening again.

Mr. Speaker, I thank the gentleman for bringing this resolution to the floor.

Mr. GILMAN. Mr. Speaker, I commend the gentleman for his eloquent remarks and his strong support for this resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of our Committee on International Relations.

Mr. BRADY of Texas. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me this time.

Today I rise in strong support of House Resolution 381, and I am pleased to be a cosponsor of this resolution introduced by the gentleman from Florida (Mr. MILLER).

Mr. Speaker, this resolution is not a debate about the use of the death penalty. Officially United States policy supports the use of the death penalty, and therefore, our agreements ought to reflect it. This does not mean supporters of the death penalty, which I am one of, relish it, but believe that, in fact, in our country, in our criminal justice system, it is in some parts the only measure of justice many victims of violent crime will ever receive. Our extradition agreements ought to reflect that measure of justice.

We have a constitutional responsibility to renegotiate our extradition treaties for our constituents who have to deal with the tragic loss of a friend or family member. As Mr. Bellush writes,

and as the gentleman from Florida (Mr. MILLER) talked about earlier today, Mexico unfortunately is setting itself up as a safe harbor for murders and capital criminals that commit crimes in the United States. Mr. Del Toro is an American citizen who killed another American citizen on American soil. Mexico has no business holding on to him any longer.

Mr. Speaker, this is not an isolated case. We find this an obstacle in our efforts to stop violence, money laundering, and drug trafficking across our borders, and the extradition treaty becomes an obstacle to justice in those areas as well. I am proud as a representative from Texas to share a common border with Mexico, and we share many commonalities, but we ought to respect each other's criminal justice system enough to allow the laws and the justice of each country to prevail.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me this time. I rise in support of this resolution.

I will say that I am a little concerned about the prospect of our engaging in the idea of singling out one country, but I will say that in light of that, it is important for us to recognize that this has happened in other instances in other countries, and it is a problem, it is a very serious problem.

As has been said by several of my colleagues, I just heard the gentleman from Texas (Mr. BRADY) say that this is not an isolated case; there are several instances. I know that the gentleman from Florida (Mr. Miller), with whom I have been privileged to work on this issue for quite a while, did raise the southern California incident of David Spooky Alvarez where we had small children murdered, and again, he fled across the border, and it has been a long and very difficult, painful struggle for many people in southern California.

So we have had instances, as was said in Florida and Texas and other places, and there are other countries too that have been difficult to work with on this.

□ 1830

But I would just like to say that I believe that this resolution is in order, and it is a very appropriate thing for us to pursue.

Mr. GILMAN. Mr. Speaker, I want to thank the vice chairman of the Committee on Rules, the gentleman from California (Mr. DREIER) for his supportive remarks with regard to this measure.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of H. Res. 381 expressing the sense of the Congress that the President should renegotiate the Extradition Treaty with Mexico so that the possibility of punishment by the

death penalty does not interfere with the timely extradition of criminal suspects from Mexico to the United States.

At this time, I would like to commend my fellow Floridian, Mr. MILLER, for introducing this legislation. As you have all heard, this legislation was introduced after the brutal murder of a mother in Sarasota, Florida. The evidence in this case immediately led to the accusation of Jose Luis Del Toro, a citizen of the United States from Texas. However, when the warrant was issued, Del Toro had already illegally fled the country into Mexico.

Mexican officials captured Del Toro and should have extradited him to Florida immediately to stand trial for the murder of Ms. Bellush. Under the Treaty with the United States, however, they do not have to return individuals, even those who enter their country illegally like Del Toro, when capital punishment remains a possibility.

This case should be of concern to those of us who represent border states. Easy access to Mexico provides the potential of enticing even more criminals to flee the United States in an attempt to avoid punishment for the crimes they commit.

Mr. Chairman, the most disturbing point about this case is that it tarnishes the integrity of our criminal justice system. At a time, when there is a backlog of court cases and our prosecutors are already overloaded, this case has resulted in the unnecessary delay in what prosecutors believe would have been an open and shut case. In addition, our current treaty allows foreign countries to flagrantly disregard the laws of a state because it does not agree with the punishment provided in that state. I was appalled to learn that the United States actually allows Mexico to interfere with our state judicial systems through the Extradition Treaty signed in 1978.

Allowing Mexico the right to continue to deny extradition if the suspect in question is subject to the death penalty is wrong. Our states' laws must prevail in these cases, particularly in murder cases. I strongly encourage the President to renegotiate our Extradition Treaty with Mexico so that more criminals are not allowed to escape the laws of our states. I urge my colleagues to support H. Res. 381.

Mr. DREIER. Mr. Speaker, I rise to insert into the RECORD information compiled by the Congressional Research Service illustrating that many of the United States' bilateral prisoner extradition treaties include this same exception for fugitives who face the death penalty in the United States.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, March 19, 1998.
To: Honorable David Dreier; Attention:
Brian Faughnan.

From: Larry M. Eig, Legislative Attorney,
American Law Division.
Subject: Capital Punishment Provisions in
Extradition Treaties.

We are sending this memorandum in response to a March 12, 1998, telephone conversation with Brian Faughnan of your staff.

The United States is party to over 100 bilateral extradition treaties.¹ Except for our extradition treaty with Venezuela, those extradition treaties that were signed before 1960 were silent on capital punishment. However, as more countries have barred capital punishment,² there has been a concomitant

trend toward including capital punishment restrictions in new extradition agreements.³ Except for recently negotiated agreements with certain eastern Caribbean nations⁴—none of which appears to have barred the death penalty under its domestic law—the inclusion of capital punishment restrictions has become standard. We have yet to find a restricted treaty that has been replaced by an unrestricted agreement.

Treaties that include death penalty restrictions⁵ include agreements with the following: Argentina; Australia; Bahamas; Belgium; Bolivia; Brazil; Canada; Colombia; Denmark; Finland; Hong Kong; Hungary; Ireland; Israel; Italy; Malaysia; Mexico; Netherlands; New Zealand; Norway; Paraguay; Philippines; Spain; Sweden; Switzerland; United Kingdom; and Uruguay.

We have not exhaustively examined each of our extradition treaties, and the foregoing list is illustrative only. Other extradition treaties also may contain death penalty restrictions. Also, the authorities of a requested State potentially may refuse extradition on humanitarian or similar grounds even absent any specific treaty provision. Finally, there are many countries with which we have no extradition treaty, and those countries are not under any obligation to extradite an individual to the U.S. under any circumstances.

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

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 381.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to instruct conferees and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: Instructing conferees on H.R. 4103, de novo; Instructing conferees on

1997), retrieved March 17, 1998, through <www.amnesty.org>.

³Not all treaties with death penalty restrictions are with countries that bar capital punishment. For example, our recent treaty with Malaysia has a death penalty restriction even though both Malaysia and the United States retain the death penalty.

⁴These countries include Barbados, Trinidad and Tobago, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Dominica, and Antigua and Barbuda.

⁵Capital punishment provisions in extradition treaties do not outright bar extradition for capital offenses from countries without the death penalty. Instead, the provisions generally authorize the requested State to withhold extradition for an offense that is not punishable by death under its domestic law until the requesting State gives adequate assurances that the death penalty will not be imposed and executed if extradition proceeds.

¹See 18 U.S.C. §3181 note.

²Amnesty International, *The Death Penalty: List of Abolitionist and Retentionist Countries* (August

H.R. 4328, de novo; Instructing conferees on H.R. 4194, de novo; House Joint Resolution 117, by the yeas and nays; Senate 2073, by the yeas and nays; and H.R. 4382, by the yeas and nays.

Without objection, the Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on H.R. 4103.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, this 15-minute vote on the motion to instruct will be followed by a 5-minute vote on a motion to permit closed meetings of the conference, without prejudice to the authority for further 5-minute votes in this series.

There was no objection.

The vote was taken by electronic device, and there were—yeas 348, nays 61, not voting 25, as follows:

[Roll No. 431]

YEAS—348

Ackerman	Boyd	Cummings
Aderholt	Brown (CA)	Cunningham
Allen	Brown (FL)	Danner
Andrews	Brown (OH)	Davis (FL)
Archer	Bryant	Davis (IL)
Armey	Bunning	DeFazio
Baesler	Burr	DeGette
Baker	Burton	Delahunt
Baldacci	Calvert	DeLauro
Ballenger	Camp	Deutsch
Barcia	Campbell	Diaz-Balart
Barrett (NE)	Canady	Dicks
Barrett (WI)	Cannon	Dingell
Barton	Capps	Dixon
Bass	Cardin	Doggett
Becerra	Carson	Dooley
Bentsen	Castle	Doolittle
Bereuter	Chabot	Doyle
Berman	Chenoweth	Dreier
Berry	Christensen	Duncan
Bilbray	Clay	Dunn
Bilirakis	Clyburn	Edwards
Bishop	Coburn	Ehlers
Blagojevich	Combust	Ehrlich
Bliley	Condit	Emerson
Blumenauer	Conyers	English
Blunt	Cook	Ensign
Boehlert	Cooksey	Eshoo
Boehner	Costello	Etheridge
Bonilla	Cox	Evans
Bonior	Coyne	Everett
Bono	Cramer	Ewing
Boswell	Crane	Farr
Boucher	Crapo	Fawell

Fazio	Levin	Roemer	Oberstar	Sisisky	Thune
Filner	Lewis (CA)	Rogan	Pease	Skelton	Visclosky
Foley	Lewis (KY)	Rohrabacher	Radanovich	Slaughter	Weldon (FL)
Forbes	Linder	Ros-Lehtinen	Reyes	Stump	Wicker
Ford	Lipinski	Rothman	Rodriguez	Taylor (MS)	Young (AK)
Fowler	Livingston	Roukema	Rogers	Taylor (NC)	
Fox	LoBiondo	Roybal-Allard	Ryun	Thornberry	
Frank (MA)	Lofgren	Royce			
Franks (NJ)	Lowey	Rush			
Frelinghuysen	Lucas	Sabo			
Furse	Luther	Salmon			
Gallegly	Maloney (CT)	Sanchez			
Ganske	Maloney (NY)	Sanders			
Gejdenson	Manzullo	Sandlin			
Gephardt	Markey	Sanford			
Gilchrest	Martinez	Sawyer			
Gillmor	Mascara	Saxton			
Gilman	Matsui	Scarborough			
Goodlatte	McCarthy (MO)	Schaefer, Dan			
Graham	McCarthy (NY)	Schaffer, Bob			
Granger	McCollum	Scott			
Green	McCrery	Sensenbrenner			
Greenwood	McDermott	Serrano			
Gutiérrez	McGovern	Sessions			
Gutknecht	McHale	Shadegg			
Hall (OH)	McInnis	Shaw			
Hall (TX)	McIntosh	Shays			
Hamilton	McKeon	Sherman			
Hansen	McKinney	Shimkus			
Hastings (FL)	McNulty	Shuster			
Hastings (WA)	Meehan	Skaggs			
Hayworth	Meek (FL)	Skeen			
Hefley	Menendez	Smith (MI)			
Hefner	Metcalfe	Smith (NJ)			
Herger	Mica	Smith (OR)			
Hill	Millender-	Smith (TX)			
Hilleary	McDonald	Smith, Adam			
Hilliard	Miller (CA)	Snowbarger			
Hinchee	Miller (FL)	Snyder			
Hobson	Minge	Solomon			
Hoekstra	Moakley	Souder			
Hoolley	Moran (KS)	Spence			
Horn	Moran (VA)	Spratt			
Houghton	Morella	Stabenow			
Hoyer	Myrick	Stark			
Hulshof	Neal	Stearns			
Inglis	Nethercutt	Stenholm			
Istook	Neumann	Stokes			
Jackson (IL)	Ney	Strickland			
Jackson-Lee	Northup	Stupak			
(TX)	Nussle	Sununu			
Jefferson	Obey	Talent			
Jenkins	Olver	Tanner			
John	Ortiz	Tauscher			
Johnson (CT)	Oxley	Thomas			
Johnson (WI)	Packard	Thompson			
Johnson, E. B.	Pallone	Thurman			
Jones	Pappas	Tiahrt			
Kaptur	Parker	Tierney			
Kasich	Pascrell	Trafigant			
Kelly	Pastor	Turner			
Kennedy (MA)	Paul	Upton			
Kennedy (RI)	Paxon	Vento			
Kennelly	Payne	Walsh			
Kildee	Pelosi	Wamp			
Kilpatrick	Peterson (MN)	Waters			
Kim	Peterson (PA)	Watkins			
Kind (WI)	Petri	Watt (NC)			
Kingston	Pickering	Watts (OK)			
Kleczka	Pickett	Waxman			
Klug	Pitts	Weldon (PA)			
Knollenberg	Pombo	Weller			
Kolbe	Pomeroy	Wexler			
Kucinich	Porter	Weygand			
LaFalce	Portman	White			
Lampson	Price (NC)	Whitfield			
Lantos	Quinn	Wilson			
Largent	Rahall	Wise			
Latham	Ramstad	Wolf			
LaTourette	Rangel	Woolsey			
Lazio	Redmond	Yates			
Leach	Regula	Young (FL)			
Lee	Rivers				

NAYS—61

Abercrombie	Cubin	Hostettler
Bachus	Deal	Hunter
Barr	Dickey	Hutchinson
Bartlett	Fattah	Hyde
Bateman	Fossella	Johnson, Sam
Borski	Frost	Kanjorski
Brady (PA)	Gekas	King (NY)
Brady (TX)	Gibbons	Klink
Buyer	Goode	LaHood
Callahan	Goodling	McHugh
Chambliss	Gordon	Mink
Clement	Hastert	Mollohan
Coble	Hinojosa	Murtha
Collins	Holden	Norwood

Clayton	McDade	Schumer
Davis (VA)	McIntyre	Smith, Linda
DeLay	Meeks (NY)	Tauzin
Engel	Nadler	Torres
Gonzalez	Owens	Towns
Goss	Poshard	Velazquez
Harman	Pryce (OH)	Wynn
Lewis (GA)	Riggs	
Manton	Riley	

NOT VOTING—25

Clayton	McDade	Schumer
Davis (VA)	McIntyre	Smith, Linda
DeLay	Meeks (NY)	Tauzin
Engel	Nadler	Torres
Gonzalez	Owens	Towns
Goss	Poshard	Velazquez
Harman	Pryce (OH)	Wynn
Lewis (GA)	Riggs	
Manton	Riley	

□ 1954

Messrs. YOUNG of Alaska, HOLDEN, BRADY of Texas, HUNTER, ABERCROMBIE, MOLLOHAN and Mrs. MINK of Hawaii changed their vote from "yea" to "nay."

Messrs. LINDER, BURR of North Carolina, PICKERING, SCARBOROUGH, SMITH of Michigan, ADERHOLT, EVERETT, BONILLA, Mrs. MYRICK and Mrs. CHENOWETH changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained and was not present for rollcall No. 431, a motion to instruct conferees to the fiscal year 1999 DOD appropriations bill. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, MCDADE, LEWIS of California, SKEEN, HOBSON, BONILLA, NETHERCUTT, ISTOOK, CUNNINGHAM, LIVINGSTON, MURTHA, DICKS, HEFNER, SABO, DIXON, VIS-CLOSKY and OBEY.

There was no objection.

RECEPTION FOR RETIRING MEMBERS

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. Mr. Speaker, immediately following this series of votes, there is a reception for all retiring Members in Statuary Hall, and I hope that all Members will come over there and join us in saluting our retiring Members. Please join us over there.

REPORT ON H.R. 4569, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

Mr. CALLAHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105-719) on the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to clause 8 of rule XXI, all points of order are reserved on the bill.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YOUNG of Florida moves, pursuant to rule XXVIII, clause 6(a) of the House rules, that the conference meetings between the House and the Senate on the bill H.R. 4103, making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, be closed to the public at such times as classified national security information is under consideration; provided, however, that any sitting Member of Congress shall have a right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG).

Pursuant to clause 6 of rule XXVIII, this vote must be taken by the yeas and nays.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 27, as follows:

[Roll No. 432]

YEAS—405

Abercrombie	Burr	Dickey
Ackerman	Burton	Dicks
Aderholt	Buyer	Dingell
Andrews	Callahan	Dixon
Archer	Calvert	Doggett
Armey	Camp	Dooley
Bachus	Campbell	Doolittle
Baesler	Canady	Doyle
Baker	Cannon	Dreier
Baldacci	Capps	Duncan
Ballenger	Cardin	Dunn
Barcia	Carson	Edwards
Barr	Castle	Ehlers
Barrett (NE)	Chabot	Ehrlich
Barrett (WI)	Chambless	Emerson
Bartlett	Chenoweth	English
Barton	Christensen	Ensign
Bass	Clay	Eshoo
Bateman	Clement	Etheridge
Becerra	Clyburn	Evans
Bentsen	Coble	Everett
Bereuter	Coburn	Ewing
Berman	Collins	Farr
Berry	Combest	Fattah
Bilbray	Condit	Fawell
Bilirakis	Conyers	Fazio
Bishop	Cook	Filner
Blagojevich	Cooksey	Foley
Bliley	Costello	Forbes
Blumenauer	Cox	Ford
Blunt	Coyne	Fossella
Boehlert	Cramer	Fowler
Boehner	Crane	Fox
Bonilla	Crapo	Frank (MA)
Bonior	Cubin	Franks (NJ)
Bono	Cummings	Frelinghuysen
Borski	Cunningham	Frost
Boswell	Danner	Furse
Boucher	Davis (FL)	Gallegly
Boyd	Davis (IL)	Ganske
Brady (PA)	Davis (VA)	Gejdenson
Brady (TX)	Deal	Gekas
Brown (CA)	DeGette	Gephardt
Brown (FL)	Delahunt	Gibbons
Brown (OH)	DeLauro	Gilchrest
Bryant	Deutsch	Gillmor
Bunning	Diaz-Balart	Gilman

Goode	Luther	Roukema
Goodlatte	Maloney (CT)	Roybal-Allard
Goodling	Maloney (NY)	Royce
Gordon	Manzullo	Rush
Graham	Markey	Ryun
Granger	Martinez	Sabo
Green	Mascara	Salmon
Greenwood	Matsui	Sanchez
Gutierrez	McCarthy (MO)	Sanders
Gutknecht	McCarthy (NY)	Sandlin
Hall (OH)	McCollum	Sanford
Hall (TX)	McCrery	Sawyer
Hamilton	McDermott	Saxton
Hansen	McGovern	Scarborough
Hastert	McHale	Schaefer, Dan
Hastings (FL)	McHugh	Schaffer, Bob
Hastings (WA)	McInnis	Scott
Hayworth	McIntosh	Sensenbrenner
Hefley	McKeon	Serrano
Hefner	McKinney	Sessions
Herger	McNulty	Shadegg
Hill	Meehan	Shaw
Hilleary	Meek (FL)	Shays
Hilliard	Menendez	Sherman
Hinchee	Metcalf	Shimkus
Hinojosa	Mica	Shuster
Hobson	Millender-	Sisisky
Hoekstra	McDonald	Skaggs
Holden	Miller (CA)	Skeen
Hooley	Miller (FL)	Skelton
Horn	Minge	Slaughter
Hostettler	Mink	Smith (MI)
Houghton	Moakley	Smith (NJ)
Hoyer	Mollohan	Smith (OR)
Hulshof	Moran (KS)	Smith (TX)
Hunter	Moran (VA)	Smith, Adam
Hutchinson	Morella	Snowbarger
Hyde	Murtha	Snyder
Inglis	Myrick	Solomon
Istook	Neal	Souder
Jackson (IL)	Nethercutt	Spence
Jackson-Lee	Neumann	Spratt
(TX)	Ney	Stabenow
Jefferson	Northup	Stark
Jenkins	Norwood	Stearns
John	Nussle	Stenholm
Johnson (CT)	Oberstar	Stokes
Johnson (WI)	Obey	Strickland
Johnson, E. B.	Olver	Stump
Johnson, Sam	Ortiz	Stupak
Jones	Oxley	Sununu
Kanjorski	Packard	Talent
Kaptur	Pallone	Tanner
Kasich	Pappas	Tauscher
Kelly	Parker	Taylor (MS)
Kennedy (MA)	Pascrell	Taylor (NC)
Kennedy (RI)	Pastor	Thomas
Kennelly	Paul	Thompson
Kildee	Paxon	Thornberry
Kilpatrick	Payne	Thune
Kim	Pease	Thurman
Kind (WI)	Pelosi	Tiahrt
King (NY)	Peterson (MN)	Tierney
Kingston	Peterson (PA)	Traficant
Kleczka	Petri	Upton
Klink	Pickett	Upton
Klug	Pitts	Vento
Knollenberg	Pombo	Visclosky
Kolbe	Pomeroy	Walsh
Kucinich	Porter	Wamp
LaFalce	Portman	Watkins
LaHood	Price (NC)	Watt (NC)
Lampson	Quinn	Watts (OK)
Lantos	Radanovich	Waxman
Largent	Rahall	Weldon (FL)
Latham	Ramstad	Weldon (PA)
LaTourette	Rangel	Weller
Lazio	Redmond	Wexler
Leach	Regula	Weygand
Lee	Reyes	White
Levin	Riley	Whitfield
Lewis (CA)	Rivers	Wicker
Lewis (KY)	Rodriguez	Wilson
Linder	Roemer	Wise
Lipinski	Rogan	Wolf
Livingston	Rogers	Woolsey
LoBiondo	Rohrabacher	Yates
Lofgren	Ros-Lehtinen	Young (AK)
Lucas	Rothman	Young (FL)

NAYS—2

DeFazio

Waters
NOT VOTING—27

Allen
Clayton
DeLay
Engel
Gonzalez

Goss
Harman
Lewis (GA)
Lowey
Manton

McDade
McIntyre
Meeks (NY)
Nadler
Owens

Pickering
Poshard
Pryce (OH)
Riggs

Schumer
Smith, Linda
Tauzin
Torres

Towns
Turner
Velazquez
Wynn

□ 1904

So the motion was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TURNER. Mr. Speaker, during rollcall vote No. 432 on September 15, 1998, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Speaker, during rollcall vote No. 432 on September 15, 1998, I was unavoidably detained. Had I been present, I would have voted "yea."

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman will state his inquiry.

Mr. YOUNG of Alaska. Mr. Speaker, what is the next vote before the body?

The SPEAKER pro tempore. The next vote will be on, a motion to instruct conferees on H.R. 4328.

Mr. YOUNG of Alaska. By whom, Mr. Speaker?

The SPEAKER pro tempore. By the gentleman from Minnesota (Mr. SABO).

APPOINTMENT OF CONFEREES ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on the bill, H.R. 4328, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

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

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were— yeas 249, nays 161, not voting 24, as follows:

[Roll No. 433]

AYES—249

Abercrombie	Baldacci	Bentsen
Ackerman	Barcia	Berman
Allen	Barrett (WI)	Berry
Andrews	Bass	Bilbray
Baesler	Becerra	Bishop

Blagojevich Hefner
Blumenauer Hinchey
Boehlert Hinojosa
Bonior Hobson
Bono Hoekstra
Borski Holden
Boswell Hooley
Boucher Horn
Boyd Hoyer
Brady (PA) Hulshof
Brown (CA) Jackson (IL)
Brown (FL) Jackson-Lee
Brown (OH) (TX)
Camp Jefferson
Campbell John
Capps Johnson (CT)
Cardin Redmond
Carson Johnson, E. B.
Castle Kaptur
Chabot Kelly
Clay Kennedy (MA)
Clement Kennedy (RI)
Clyburn Kennelly
Condit Kildee
Conyers Kilpatrick
Costello Kind (WI)
Coyne Kleczka
Cramer Klink
Cummings Klug
Danner Kolbe
Davis (FL) Kucinich
Davis (IL) LaFalce
Davis (VA) LaHood
DeFazio Lampson
DeGette Lantos
Delahunt Lazio
DeLauro Leach
Deutsch Lee
Dicks Levin
Dingell Lipinski
Dixon LoBiondo
Doggett Lofgren
Dooley Lowey
Doyle Luther
Dunn Maloney (CT)
Edwards Maloney (NY)
Ehlers Markey
Ensign Mascara
Eshoo Matsui
Etheridge McCarthy (MO)
Evans McCarthy (NY)
Ewing McDermott
Farr McGovern
Fattah McHale
Fazio McHugh
Filner McInnis
Forbes McKinney
Ford McNulty
Fox Meehan
Frank (MA) Meek (FL)
Franks (NJ) Menendez
Frelinghuysen Metcalf
Frost McDonald
Furse Miller (CA)
Gejdenson Miller (FL)
Gephardt Minge
Gilchrest Mink
Gillmor Moakley
Gilman Mollohan
Goode Moran (VA)
Goodlatte Morella
Gordon Neal
Greenwood Neumann
Gutierrez Ney
Gutknecht Northup
Hall (OH) Oberstar
Hamilton Obey
Hastings (FL) Oliver

NOES—161

Aderholt Bryant
Archer Bunning
Army Burr
Bachus Burton
Baker Buyer
Ballenger Callahan
Barr Calvert
Barrett (NE) Canady
Bartlett Cannon
Barton Chambliss
Bateman Chenoweth
Bereuter Christensen
Billrakis Coble
Bliley Coburn
Blunt Collins
Boehner Combest
Bonilla Cook
Brady (TX) Cooksey

Ortiz Gekas
Pallone Gibbons
Pappas Goodling
Pascrell Graham
Pastor Granger
Payne Green
Pease Hall (TX)
Pelosi Hansen
Petri Hastert
Pickett McIntosh
Porter McKeon
Price (NC) Mica
Quinn Moran (KS)
Rahall Murtha
Ramstad Hill
Rangel Hillery
Redmond Hilliard
Regula Hostettler
Reyes Houghton
Rivers Hunter
Roemer Hutchinson
Rogan Hyde
Rothman Inglis
Roukema Istook
Roybal-Allard Jenkins
Rush Johnson, Sam
Sabo Jones
Sanchez Kanjorski
Sanders Kasich
Sandlin Kim
Sanford King (NY)
Sawyer Kingston
Scarborough Knollenberg
Scott Largent
Sensenbrenner Latham
Serrano LaTourette
Shays Lewis (CA)
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Upton
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Yates

Lewis (KY) Ryun
Linder Salmon
Livingston Saxton
Lucas Schaefer, Dan
Manzullo Schaefer, Bob
Martinez Sessions
McCollum Shadegg
McCrery Shaw
McIntosh Shuster
McKeon Skeen
Mica Smith (OR)
Moran (KS) Snowbarger
Murtha Solomons
Myrick Souder
Nethercutt Spence
Norwood Stearns
Nussle Stenholm
Oxley Stump
Packard Sununu
Parker Taylor (NC)
Paul Thomas
Paxon Thornberry
Peterson (MN) Thune
Peterson (PA) Tiahrt
Pickering Traficant
Pitts Turner
Pombo Wamp
Pomeroy Watkins
Portman Watts (OK)
Radanovich Weldon (FL)
Riley Weldon (PA)
Rodriguez Weller
Rogers Wicker
Rohrabacher Young (AK)
Ros-Lehtinen Young (FL)
Royce

NOT VOTING—24

Clayton Lewis (GA)
DeLay Manton
Dickey McDade
Ehrlich McIntyre
Engel Meeks (NY)
Gonzalez Nadler
Goss Owens
Harman Poshard

□ 1914

Mrs. CUBIN and Messrs. PAXON, COX of California and PORTMAN changed their vote from "yea" to "nay."

Mr. SHIMKUS and Mr. SANFORD changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Without objection, the Chair appoints the following conferees: Messrs. WOLF, DELAY, REGULA, ROGERS, PACKARD, CALLAHAN, TIAHRT, ADERHOLT, LIVINGSTON, SABO, TORRES, OLVER, PASTOR, CRAMER and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on the bill, H.R. 4194, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 1, not voting 28, as follows:

[Roll No. 434]

AYES—405

Abercrombie	Crane	Herger
Ackerman	Crapo	Hill
Aderholt	Cubin	Hillery
Allen	Cummings	Hilliard
Andrews	Cunningham	Hinchee
Archer	Danner	Hinojosa
Armey	Davis (FL)	Hobson
Bachus	Davis (IL)	Hoekstra
Baessler	Davis (VA)	Holden
Baker	Deal	Hooley
Baldacci	DeFazio	Horn
Ballenger	DeGette	Hostettler
Barcia	Delahunt	Houghton
Barr	DeLauro	Hoyer
Barrett (NE)	DeLay	Hulshof
Barrett (WI)	Deutsch	Hunter
Bartlett	Diaz-Balart	Hyde
Barton	Dicks	Inglis
Bass	Dingell	Istook
Bateman	Dixon	Jackson (IL)
Becerra	Doggett	Jackson-Lee
Bentsen	Dooley	(TX)
Bereuter	Doolittle	Jefferson
Berman	Doyle	Jenkins
Berry	Dreier	John
Bilbray	Duncan	Johnson (WI)
Bilirakis	Dunn	Johnson, E.B.
Bishop	Edwards	Johnson, Sam
Blagojevich	Ehlers	Jones
Bliley	Emerson	Kanjorski
Blumenauer	English	Kaptur
Blunt	Ensign	Kasich
Boehlert	Eshoo	Kelly
Boehner	Etheridge	Kennedy (MA)
Bonilla	Evans	Kennedy (RI)
Bonior	Everett	Kennelly
Bono	Ewing	Kildee
Borski	Farr	Kilpatrick
Boswell	Fattah	Kim
Boucher	Fawell	Kind (WI)
Boyd	Fazio	King (NY)
Brady (PA)	Filner	Kingston
Brady (TX)	Foley	Kleczka
Brown (CA)	Forbes	Klink
Brown (FL)	Fossella	Klug
Brown (OH)	Fowler	Knollenberg
Bryant	Fox	Kolbe
Bunning	Frank (MA)	Kucinich
Burr	Franks (NJ)	LaFalce
Burton	Frelinghuysen	LaHood
Buyer	Frost	Lampson
Callahan	Furse	Lantos
Calvert	Gallegly	Largent
Camp	Ganske	Latham
Campbell	Gejdenson	LaTourette
Canady	Gekas	Lazio
Cannon	Gephardt	Leach
Capps	Gibbons	Lee
Cardin	Gilchrest	Levin
Carson	Gillmor	Lewis (KY)
Castle	Gilman	Linder
Chabot	Goode	Lipinski
Chambliss	Goodlatte	Livingston
Chenoweth	Goodling	LoBiondo
Christensen	Gordon	Lofgren
Clay	Graham	Lowey
Clement	Granger	Lucas
Clyburn	Green	Luther
Coble	Greenwood	Maloney (CT)
Coburn	Gutierrez	Maloney (NY)
Collins	Gutknecht	Manzullo
Combest	Hall (OH)	Markey
Condit	Hall (TX)	Martinez
Conyers	Hamilton	Mascara
Cook	Hansen	Matsui
Cooksey	Hastert	McCarthy (MO)
Costello	Hastings (FL)	McCarthy (NY)
Cox	Hastings (WA)	McCollum
Coyne	Hayworth	McCrery
Cramer	Hefley	McDermott

McGovern	Pomeroy	Snowbarger
McHale	Porter	Snyder
McHugh	Portman	Solomon
McInnis	Price (NC)	Souder
McIntosh	Quinn	Spence
McKeon	Radanovich	Spratt
McKinney	Rahall	Stabenow
McNulty	Ramstad	Stark
Meehan	Rangel	Stearns
Meek (FL)	Redmond	Stenholm
Menendez	Regula	Stokes
Metcalf	Reyes	Strickland
Mica	Riley	Stump
Millender-	Rivers	Stupak
McDonald	Rodriguez	Sununu
Miller (CA)	Roemer	Talent
Miller (FL)	Rogan	Tanner
Minge	Rogers	Tauscher
Mink	Rohrabacher	Taylor (MS)
Moakley	Ros-Lehtinen	Taylor (NC)
Mollohan	Rothman	Thomas
Moran (KS)	Roukema	Thompson
Moran (VA)	Roybal-Allard	Thornberry
Morella	Royce	Thune
Murtha	Rush	Thurman
Myrick	Ryun	Tiahrt
Neal	Sabo	Tierney
Nethercutt	Salmon	Torres
Neumann	Sanchez	Trafficant
Ney	Sanders	Turner
Northup	Sandlin	Upton
Norwood	Sanford	Vento
Nussle	Sawyer	Visclosky
Oberstar	Saxton	Walsh
Obey	Scarborough	Wamp
Olver	Schaefer, Dan	Waters
Ortiz	Schaffer, Bob	Watkins
Oxley	Scott	Watt (NC)
Packard	Sensenbrenner	Watts (OK)
Pallone	Serrano	Waxman
Pappas	Sessions	Weldon (FL)
Parker	Shadegg	Weldon (PA)
Pascrell	Shaw	Weller
Pastor	Shays	Wexler
Paul	Sherman	Weygand
Paxon	Shimkus	White
Payne	Shuster	Whitfield
Pease	Sisisky	Wicker
Pelosi	Skaggs	Wilson
Peterson (MN)	Skeen	Wise
Peterson (PA)	Slaughter	Wolf
Petri	Smith (MI)	Woolsey
Pickering	Smith (NJ)	Yates
Pickett	Smith (OR)	Young (AK)
Pitts	Smith (TX)	Young (FL)
Pombo	Smith, Adam	

NOES—1

Lewis (CA)

NOT VOTING—28

Clayton	Johnson (CT)	Riggs
Dickey	Lewis (GA)	Schumer
Ehrlich	Manton	Skelton
Engel	McDade	Smith, Linda
Ford	McIntyre	Tauzin
Gonzalez	Meeks (NY)	Towns
Goss	Nadler	Velazquez
Harman	Owens	Wynn
Hefner	Poshard	
Hutchinson	Pryce (OH)	

□ 1921

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 434, I registered my vote at the very end of the period and it did not record. I would have voted "yea."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. LEWIS of California, DELAY, WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, WICKER, LIVINGSTON, STOKES, MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of

Florida, Mr. PRICE of North Carolina and Mr. OBEY.

There was no objection.

SENSE OF CONGRESS REGARDING MARIJUANA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 117, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the joint resolution, House Joint Resolution 117, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 310, nays 93, not voting 31, as follows:

[Roll No. 435]

YEAS—310

Abercrombie	Costello	Hastert
Aderholt	Cox	Hastings (WA)
Andrews	Cramer	Hayworth
Archer	Crane	Hefley
Armey	Crapo	Hergert
Bachus	Cubin	Hill
Baessler	Cummings	Hilleary
Baker	Cunningham	Hinojosa
Baldacci	Danner	Hobson
Barcia	Davis (FL)	Hoekstra
Barr	Davis (VA)	Holden
Barrett (NE)	Deal	Hooley
Barrett (WI)	DeLay	Horn
Bartlett	Deutsch	Hostettler
Barton	Diaz-Balart	Houghton
Bass	Dicks	Hoyer
Bateman	Dooley	Hulshof
Bentsen	Doolittle	Hunter
Bereuter	Doyle	Inglis
Berry	Dreier	Istook
Bilbray	Duncan	Jefferson
Bilirakis	Dunn	Jenkins
Bishop	Edwards	John
Blagojevich	Ehlers	Johnson (WI)
Biley	Emerson	Jones
Blunt	English	Kanjorski
Boehlert	Ensign	Kaptur
Boehner	Etheridge	Kasich
Bonilla	Evans	Kelly
Bono	Everett	Kennelly
Borski	Ewing	Kildee
Boswell	Fattah	Kim
Boyd	Fawell	Kind (WI)
Brady (PA)	Foley	King (NY)
Brady (TX)	Forbes	Kingston
Brown (OH)	Fossella	Klecza
Bryant	Fowler	Klink
Bunning	Fox	Klug
Burr	Franks (NJ)	Knollenberg
Burton	Frelinghuysen	Kolbe
Buyer	Frost	Kucinich
Callahan	Gallegly	LaFalce
Calvert	Ganske	LaHood
Camp	Gekas	Lampson
Canady	Gephardt	Largent
Cannon	Gibbons	Latham
Capps	Gilchrest	LaTourette
Cardin	Gillmor	Lazio
Castle	Gilman	Leach
Chabot	Goode	Levin
Chambliss	Goodlatte	Lewis (CA)
Chenoweth	Goodling	Lewis (KY)
Christensen	Gordon	Linder
Clement	Graham	Lipinski
Clyburn	Granger	Livingston
Coble	Green	LoBiondo
Coburn	Greenwood	Lowey
Collins	Gutknecht	Lucas
Combest	Hall (OH)	Maloney (CT)
Condit	Hall (TX)	Maloney (NY)
Cook	Hamilton	Manzullo
Cooksey	Hansen	Mascara

Matsui	Portman	Solomon
McCarthy (NY)	Price (NC)	Souder
McCollum	Quinn	Spence
McCrery	Radanovich	Spratt
McHale	Ramstad	Stabenow
McHugh	Redmond	Stearns
McInnis	Regula	Stenholm
McIntosh	Reyes	Strickland
McKeon	Riley	Stump
McNulty	Rodriguez	Stupak
Menendez	Roemer	Sununu
Metcalf	Rogan	Talent
Mica	Rogers	Tanner
Miller (FL)	Ros-Lehtinen	Taylor (MS)
Mollohan	Rothman	Taylor (NC)
Moran (KS)	Roukema	Thomas
Murtha	Ryun	Thompson
Myrick	Salmon	Thornberry
Nethercutt	Sandlin	Thune
Neumann	Sanford	Thurman
Ney	Sawyer	Tiahrt
Northup	Scarborough	Trafficant
Norwood	Schaefer, Dan	Turner
Nussle	Schaffer, Bob	Upton
Ortiz	Sensenbrenner	Visclosky
Oxley	Sessions	Walsh
Packard	Shadegg	Wamp
Pallone	Shaw	Watkins
Pappas	Shays	Watts (OK)
Parker	Shimkus	Weldon (FL)
Pascrell	Shuster	Weldon (PA)
Pastor	Sisisky	Weller
Paxon	Skeen	Weygand
Pease	Skelton	White
Peterson (MN)	Slaughter	Whitfield
Peterson (PA)	Smith (MI)	Wicker
Petri	Smith (NJ)	Wilson
Pickering	Smith (OR)	Wolf
Pickett	Smith (TX)	Young (AK)
Pitts	Smith, Adam	Young (FL)
Pombo	Snowbarger	
Pomeroy	Snyder	

NAYS—93

Ackerman	Hinchev	Olver
Allen	Jackson (IL)	Paul
Becerra	Jackson-Lee	Payne
Berman	(TX)	Pelosi
Blumenauer	Johnson (CT)	Porter
Bonior	Johnson, E. B.	Rahall
Brown (CA)	Kennedy (MA)	Rangel
Brown (FL)	Kennedy (RI)	Rivers
Campbell	Kilpatrick	Rohrabacher
Carson	Lantos	Roybal-Allard
Clay	Lee	Rush
Conyers	Lofgren	Sabo
Coyne	Luther	Sanchez
Davis (IL)	Markey	Sanders
DeFazio	Martinez	Scott
DeGette	McCarthy (MO)	Serrano
Delahunt	McDermott	Sherman
DeLauro	McGovern	Skaggs
Dingell	McKinney	Stark
Dixon	Meehan	Stokes
Doggett	Meek (FL)	Tauscher
Eshoo	Millender-	Tierney
Farr	McDonald	Torres
Fazio	Miller (CA)	Vento
Filner	Minge	Waters
Ford	Mink	Watt (NC)
Frank (MA)	Moakley	Waxman
Furse	Moran (VA)	Wexler
Gejdenson	Morella	Wise
Gutierrez	Neal	Woolsey
Hastings (FL)	Oberstar	Yates
Hilliard	Obey	

NOT VOTING—31

Ballenger	Hyde	Riggs
Boucher	Johnson, Sam	Royce
Clayton	Lewis (GA)	Saxton
Dickey	Manton	Schumer
Ehrlich	McDade	Smith, Linda
Engel	McIntyre	Tauzin
Gonzalez	Meeks (NY)	Towns
Goss	Nadler	Velazquez
Harman	Owens	Wynn
Hefner	Poshard	
Hutchinson	Pryce (OH)	

□ 1929

The Clerk announced the following pair:

On this vote:

Mrs. Linda Smith of Washington for, with Ms. Velazques against.

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

The title of the joint resolution was amended so as to read: "Joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use."

A motion to reconsider was laid on the table.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1998

The SPEAKER pro tempore (Mr. HEFLEY). The pending business is the question of suspending the rules and passing the Senate bill, S. 2073, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2073, as amended, on which the yeas and nays are ordered.

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 280, nays 126, not voting 28, as follows:

[Roll No. 436]

YEAS—280

Abercrombie	Coble	Gillmor
Aderholt	Coburn	Gilman
Archer	Collins	Goode
Army	Combust	Goodlatte
Bachus	Cook	Goodling
Baesler	Cooksey	Gordon
Baker	Costello	Graham
Barcia	Cox	Granger
Barr	Cramer	Green
Barrett (NE)	Crane	Greenwood
Bartlett	Crapo	Gutknecht
Barton	Cubin	Hall (OH)
Bass	Cunningham	Hall (TX)
Bateman	Danner	Hansen
Bentsen	Davis (FL)	Hastert
Bereuter	Davis (VA)	Hastings (WA)
Berry	Deal	Hayworth
Bilbray	DeLauro	Hefley
Billirakis	DeLay	Heger
Bishop	Deutsch	Hill
Bliley	Diaz-Balart	Hilleary
Blunt	Dicks	Hinojosa
Boehlert	Dingell	Hobson
Boehner	Dooley	Hoekstra
Bonilla	Doolittle	Holden
Bono	Dreier	Hooley
Boswell	Duncan	Horn
Boucher	Dunn	Hostettler
Boyd	Emerson	Houghton
Brady (TX)	English	Hulshof
Bryant	Ensign	Hunter
Bunning	Etheridge	Inglis
Burr	Everett	Istook
Burton	Ewing	Jenkins
Buyer	Fawell	John
Callahan	Foley	Johnson (CT)
Calvert	Forbes	Johnson (WI)
Camp	Fossella	Jones
Canady	Fowler	Kasich
Cannon	Fox	Kelly
Capps	Franks (NJ)	Kennelly
Castle	Frelinghuysen	Kim
Chabot	Galleghy	King (NY)
Chambliss	Ganske	Kingston
Chenoweth	Gekas	Klink
Christensen	Gibbons	Klug
Clement	Gilchrist	Knollenberg

Kolbe	Pallone	Skeen	McIntyre	Pryce (OH)	Towns
Kucinich	Pappas	Skelton	Meeks (NY)	Riggs	Velazquez
LaHood	Parker	Smith (MI)	Nadler	Schumer	Wynn
Lampson	Pascrell	Smith (NJ)	Owens	Smith, Linda	
Largent	Paxon	Smith (OR)	Poshard	Tauzin	
Latham	Pease	Smith (TX)			
LaTourette	Peterson (MN)	Smith, Adam			
Lazio	Peterson (PA)	Snowbarger			
Leach	Petri	Solomon			
Lewis (CA)	Pickering	Souder			
Lewis (KY)	Pitts	Spence			
Linder	Pombo	Stabenow			
Lipinski	Pomeroy	Stearns			
Livingston	Porter	Stenholm			
LoBiondo	Portman	Strickland			
Lowe	Price (NC)	Stump			
Lucas	Quinn	Sununu			
Luther	Radanovich	Talent			
Maloney (CT)	Ramstad	Tanner			
Manzullo	Redmond	Tauscher			
Mascara	Regula	Taylor (MS)			
McCarthy (MO)	Reyes	Taylor (NC)			
McCollum	Riley	Thomas			
McCrery	Rodriguez	Thornberry			
McHale	Roemer	Thune			
McHugh	Rogan	Tiahrt			
McInnis	Rogers	Trafigant			
McIntosh	Rohrabacher	Turner			
McKeon	Ros-Lehtinen	Upton			
McNulty	Rothman	Visclosky			
Menendez	Roukema	Walsh			
Metcalf	Royce	Wamp			
Mica	Ryun	Watkins			
Miller (FL)	Salmon	Watts (OK)			
Minge	Sanchez	Weldon (FL)			
Moran (KS)	Sandlin	Weldon (PA)			
Moran (VA)	Saxton	Weller			
Myrick	Scarborough	Wexler			
Nethercutt	Schaefer, Dan	White			
Neumann	Schaffer, Bob	Whitfield			
Ney	Sensenbrenner	Wicker			
Northup	Sessions	Wilson			
Norwood	Shaw	Wolf			
Nussle	Shays	Young (AK)			
Ortiz	Sherman	Young (FL)			
Oxley	Shimkus				
Packard	Shuster				

NAYS—126

Ackerman	Gejdenson	Murtha
Allen	Gephardt	Neal
Andrews	Gutierrez	Oberstar
Baldacci	Hamilton	Obey
Barrett (WI)	Hastings (FL)	Olver
Becerra	Hilliard	Pastor
Berman	Hinche	Paul
Blagojevich	Hoyer	Payne
Blumenauer	Jackson (IL)	Pelosi
Bonior	Jackson-Lee	Pickett
Borski	(TX)	Rahall
Brady (PA)	Jefferson	Rangel
Brown (CA)	Johnson, E. B.	Rivers
Brown (FL)	Kanjorski	Roybal-Allard
Brown (OH)	Kaptur	Rush
Campbell	Kennedy (MA)	Sabo
Cardin	Kennedy (RI)	Sanders
Carson	Kildee	Sanford
Clay	Kilpatrick	Sawyer
Clyburn	Kind (WI)	Scott
Condit	Klecza	Serrano
Conyers	LaFalce	Shadegg
Coyne	Lantos	Shays
Cummings	Lee	Sisisky
Davis (IL)	Levin	Skaggs
DeFazio	Lofgren	Slaughter
DeGette	Maloney (NY)	Snyder
Delahunt	Markey	Spratt
Doolittle	Martinez	Stark
Dreier	Matsui	Stokes
Doggett	Doyle	Stupak
Dixon	McCarthy (NY)	Thompson
Duncan	McDermott	Thurman
Dunn	McGovern	Tierney
Emerson	Eshoo	Torres
English	Hunter	Vento
Ensign	Evans	Waters
Etheridge	Meehan	Watt (NC)
Everett	Meek (FL)	Waxman
Farr	Millender	Weygand
Fattah	Fazio	Wise
Fazio	McDonald	Woolsey
Filner	Miller (CA)	Yates
Ford	Mink	
Frank (MA)	Moakley	
Frost	Mollohan	
Furse	Morella	

NOT VOTING—28

Ballenger	Gonzalez	Hyde
Clayton	Goss	Johnson, Sam
Dickey	Harman	Lewis (GA)
Ehrlich	Hefner	Manton
Engel	Hutchinson	McDade

McIntyre	Pryce (OH)	Towns
Meeks (NY)	Riggs	Velazquez
Nadler	Schumer	Wynn
Owens	Smith, Linda	
Poshard	Tauzin	

□ 1937

The Clerk announced the following pair:

On this vote:

Mrs. Linda Smith of Washington for, with Ms. Velazquez against.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1999, 2000, 2001, and 2002 and for other purposes."

A motion to reconsider was laid on the table.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4382, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 4382, as amended, on which the yeas and nays are ordered.

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 1, not voting 32, as follows:

[Roll No. 437]

YEAS—401

Abercrombie	Boswell	Costello
Ackerman	Boucher	Cox
Aderholt	Boyd	Coyne
Allen	Brady (PA)	Cramer
Andrews	Brady (TX)	Crane
Army	Brown (CA)	Crapo
Armed	Brown (FL)	Cubin
Bachus	Brown (OH)	Cummings
Baesler	Bryant	Cunningham
Baker	Bunning	Danner
Baldacci	Burr	Davis (IL)
Barcia	Burton	Davis (VA)
Barr	Buyer	Deal
Barrett (NE)	Callahan	DeFazio
Barrett (WI)	Calvert	DeGette
Bartlett	Camp	Delahunt
Barton	Campbell	DeLauro
Bass	Canady	DeLay
Bateman	Cannon	Deutsch
Becerra	Capps	Diaz-Balart
Bentsen	Cardin	Dicks
Bereuter	Carson	Dingell
Berman	Castle	Dixon
Berry	Chambliss	Doggett
Bilbray	Chenoweth	Dooley
Billirakis	Christensen	Doolittle
Bishop	Clay	Doyle
Blagojevich	Clement	Dreier
Bliley	Clyburn	Duncan
Blumenauer	Coble	Dunn
Blunt	Coburn	Edwards
Boehlert	Collins	Ehlers
Boehner	Combust	Emerson
Bonilla	Condit	English
Bonior	Conyers	Ensign
Bono	Cook	Eshoo
Borski	Cooksey	Etheridge

Evans	Latham	Roemer
Everett	LaTourette	Rogan
Ewing	Lazio	Rogers
Farr	Leach	Rohrabacher
Fattah	Lee	Ros-Lehtinen
Fawell	Levin	Rothman
Fazio	Lewis (CA)	Roukema
Filner	Lewis (KY)	Roybal-Allard
Foley	Linder	Royce
Forbes	Lipinski	Rush
Ford	Livingston	Ryun
Fossella	LoBiondo	Sabo
Fowler	Lofgren	Salmon
Fox	Lowey	Sanchez
Frank (MA)	Lucas	Sanders
Franks (NJ)	Luther	Sandlin
Frelinghuysen	Maloney (CT)	Sanford
Frost	Maloney (NY)	Sawyer
Furse	Manzullo	Saxton
Gallely	Markey	Scarborough
Ganske	Martinez	Schaefer, Dan
Gejdenson	Mascara	Schaffer, Bob
Gekas	Matsui	Scott
Gephardt	McCarthy (MO)	Sensenbrenner
Gibbons	McCarthy (NY)	Serrano
Gilchrest	McCollum	Sessions
Gillmor	McCrery	Shadegg
Gilman	McDermott	Shaw
Goode	McGovern	Shays
Goodlatte	McHale	Sherman
Goodling	McHugh	Shimkus
Gordon	McInnis	Shuster
Graham	McIntosh	Sisisky
Granger	McKeon	Skaggs
Green	McKinney	Skeen
Greenwood	McNulty	Skelton
Gutierrez	Meehan	Slaughter
Gutknecht	Meek (FL)	Smith (MI)
Hall (OH)	Menendez	Smith (NJ)
Hall (TX)	Metcalf	Smith (OR)
Hamilton	Mica	Smith (TX)
Hansen	Millender-	Smith, Adam
Hastert	McDonald	Snowbarger
Hastings (FL)	Miller (CA)	Snyder
Hastings (WA)	Miller (FL)	Solomon
Hayworth	Minge	Souder
Hefley	Mink	Spence
Herger	Moakley	Spratt
Hill	Mollohan	Stabenow
Hilleary	Moran (KS)	Stark
Hilliard	Moran (VA)	Stenholm
Hinches	Morella	Stokes
Hinojosa	Murtha	Strickland
Hobson	Myrick	Stump
Hoekstra	Neal	Stupak
Holden	Nethercutt	Sununu
Hooley	Neumann	Talent
Hostettler	Ney	Tanner
Houghton	Northup	Tauscher
Hoyer	Norwood	Taylor (MS)
Hulshof	Nussle	Taylor (NC)
Hunter	Oberstar	Thomas
Inglis	Obey	Thompson
Istook	Olver	Thornberry
Jackson (IL)	Ortiz	Thune
Jackson-Lee	Oxley	Thurman
(TX)	Packard	Tiahrt
Jefferson	Pallone	Tierney
Jenkins	Pappas	Torres
John	Parker	Trafficant
Johnson (CT)	Pascrell	Turner
Johnson (WI)	Pastor	Upton
Johnson, E. B.	Paxon	Vento
Jones	Payne	Visclosky
Kanjorski	Pease	Walsh
Kaptur	Pelosi	Wamp
Kasich	Peterson (MN)	Waters
Kelly	Peterson (PA)	Watkins
Kennedy (MA)	Petri	Watt (NC)
Kennedy (RI)	Pickering	Watts (OK)
Kennelly	Pickett	Waxman
Kildee	Pitts	Weldon (FL)
Kilpatrick	Pombo	Weldon (PA)
Kim	Pomeroy	Weller
Kind (WI)	Porter	Wexler
King (NY)	Portman	Weygand
Kingston	Price (NC)	White
Kleczka	Quinn	Whitfield
Klink	Radanovich	Wicker
Klug	Rahall	Wilson
Knollenberg	Ramstad	Wise
Kolbe	Rangel	Wolf
Kucinich	Redmond	Woolsey
LaFalce	Regula	Yates
LaHood	Reyes	Young (AK)
Lampson	Riley	Young (FL)
Lantos	Rivers	
Largent	Rodriguez	

NAYS—1

Paul
NOT VOTING—32

Ballenger	Horn	Poshard
Chabot	Hutchinson	Pryce (OH)
Clayton	Hyde	Riggs
Lewis (FL)	Johnson, Sam	Schumer
Dickey	Lewis (GA)	Smith, Linda
Rush	Manton	Stearns
Ehrlich	McDade	Tauzin
Engel	McIntyre	Towns
Gonzalez	Meeks (NY)	Velazquez
Goss	Nadler	Wynn
Harman	Owens	
Hefner		

□ 1943

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Florida. Mr. Speaker, during rollcall vote No. 437, H.R. 4382, the Mammography Quality Standards Reauthorization, I was unavoidably detained. Had I been present, I would have voted "yea."

□ 1945

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I inadvertently voted "yea" on rollcall vote No. 428. If I had been aware of this, I would have changed my vote to "nay" instead of "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4300, WESTERN HEMISPHERE DRUG ELIMINATION ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105-720) on the resolution (H. Res. 537) providing for consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4550, DRUG DEMAND REDUCTION ACT OF 1998

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105-721) on the resolution (H. Res. 538) providing for consideration of the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO THE CHERRYVILLE AMERICAN LEGION BASEBALL TEAM

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. MYRICK. Mr. Speaker, I rise today to honor the American Legion Post 100 baseball team from Cherryville, North Carolina, who last month finished second at the American Legion's World Series.

These 18 young men remind us about what is right in America. Through hard work and discipline, they bested more than 5,000 teams from all over the country. Through it all, they conducted themselves as true gentlemen from the Tar Heel State.

In mid-August, they traveled to Tennessee for the Southeast Regional Title Game, and there their pitching was so tough that their opponents could not score a run until Cherryville was leading 9 to nothing. From Tennessee, they traveled to Las Vegas for the national finals. In an exciting final four game, they defeated a team from Danville, California. In the sixth inning, John Mackie broke a 3-3 tie with an inside-the-park home run. And then in the bottom of the eighth, Josh Cobb added an insurance run with an RBI single. Josh's hit proved to be important, because Danville scored a run in the ninth before Cherryville ace Ralph Roberts struck out a batter to end the game.

The championship game against Edwardsville, Illinois did not have such a happy ending. Nevertheless, our boys from Cherryville have made the folks of Gaston and Lincoln Counties quite proud. It is really a feat to finish second out of more than 5,000 teams; and in my congressional office, we switched the TV to ESPN to watch the game.

Mr. Speaker, I am submitting the names of Cherryville's coach and players for the RECORD.

CHERRYVILLE, NORTH CAROLINA AMERICAN LEGION POST 100 BASEBALL TEAM

Bobby Dale Reynolds, Head Coach; A.J. Henley, Assistant Coach; Scotty Heauner, Assistant Coach; Bill Abernathy, Athletic Officer; and Jerry Porter, Post 100 Commander.

Wesley Eugene Anthony, Brandon Chad Cash, Joshua Michael Cobb, Eric James Davis, Eddie Travis Farmer, Ryan Marcus Freeman, Wesley Keith Hudson, Bradley Keith Huffstetler, Christopher Paul Keener.

Brad Michael Lane, John Kemp Mackie, Kenneth John Mosteller, Thomas Ray Pruett II, Ralph Ricardo Roberts, Jason Rush Sain, Justin William Sanford, Brian MacArthur Sigmon, Bryson Dennis Willis.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BASS). 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.

CONGRESS' DUTY IS TO UPHOLD THE RULE OF LAW FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, we have arrived at a point in our history where we will be called upon to make decisions and judgments that will deeply affect the integrity of the government and our society, the kind of society that we leave to our children and our grandchildren.

That decision now before us is fundamental to our system of government. This country grew to be great because the Founding Fathers provided for the rule of law and not the rule of man. They enshrined this principle forever in the Constitution.

Now, some would ask us to be judged by the rule of man. They are trying to convince us to abandon the principles of our Constitution and the rule of law. They are trying to convince us that public opinion polls are more important than the principles on which our government was founded. They are trying to advocate censure as the only appropriate course of action.

Well, Mr. Speaker, anyone who considers censure, and makes decisions based on the polls, believes in the rule of man, not the rule of law.

We, the Members of the House of Representatives, have been entrusted by our fellow citizens to uphold and preserve the rule of law for all Americans. The basic tenet of the rule of law is that it applies to every American equally. Laws cannot be applied selectively based on some whim or some public opinion.

The very strength of our system of law and government is that every American is evaluated by a common standard, without exception. One set of laws should not apply to high officials and another set of laws apply to the rest of the country. If we begin to make exceptions based on some expediency or some convenience, we reduce ourselves to little more than a loosely organized mob.

Those who advocate censure believe that Congress can resolve this matter by making its opinion a matter of public record. Let me say to my colleagues that I would hope that the people of America already know where we stand on this issue, because Members of Congress have been unambiguous in their condemnation of this type of behavior, and I believe every American, no matter where they stand on the ideological spectrum, shares this view.

A resolution of censure would do nothing more than to allow Members of the House to record their disapproval. While such an approach might appeal to some, the time for that is well past.

It may be that the House decides at some point not to move forward. That is a decision that must be made by the House Committee on the Judiciary and ultimately by the full House. But for

now, the House has no choice but to proceed with an impeachment inquiry. We cannot selectively apply the rule of law in the face of such a serious allegation. The Constitution does not bow to polling data and it leaves no middle ground.

Censure establishes the rule of man at the expense of the rule of law. We must never allow America to go down that road. It is the road to ruin. Anyone who doubts that the rule of man gives rise to chaos only needs to look at Russia. There is a country with no rule of law.

Mr. Speaker, I pledge to the Members of this Congress as Majority Whip of the House to fight in no uncertain terms the scheduling of any vote on censure, and I will fight to ensure that censure never sees the light of day in this chamber.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 5 minutes.

(Mr. GEPHARDT 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 Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A STABLE RUSSIA OF PRIME INTEREST TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Speaker, let me first thank all of those who communicated with me today following my comments yesterday about Russia, indicating that they share my concern that we focus on some critical issues unfolding on this planet, and not be mesmerized and preoccupied exclusively with topic number 1.

Today's New York Times has a headline which I will take as my text: "The Kremlin Brings Gorbachev's Economies Back."

Now, this statement reminds me of a Soviet era story, Mr. Speaker, when on May Day, the tremendous might of the Soviet Union was displayed on Red Square. Vast columns of artillery and tanks and missiles rolled by, and then suddenly, a half a dozen crumpled, not very well dressed, middle-aged men shuffled by. And as the visiting dignitaries were standing atop Lenin's mausoleum, Fidel Castro asked, how did these men get into this parade of power and might? And the Soviet leader responded, they are our economists, and you have no idea how much damage they can cause.

That is what we are seeing today. The new Russian leader Primakov is

bringing back the discredited Soviet era, Stalin-era economists for high-ranking positions in this new government. The man who was in charge of central planning in the Soviet Union is now the number 1 economic power in the new Russia. The former head of the central bank is the new head of the central bank, and what we can expect to see is the beginning of the operation of the printing presses, hyperinflation, the continuing deterioration of the Russian economy with devastating consequences for the Russian people.

Now, the question might be asked, Mr. Speaker, why is that important to us? Well, I suggest it is important to us for 2 reasons. Russia still has thousands of nuclear weapons, and as the authority of the central government erodes, as the various provinces are striking out on their own, the likelihood of these nuclear weapons falling into hands unfriendly to the United States increases geometrically.

But we have a second reason to be concerned about the galloping deterioration of conditions in Russia. Not too many decades ago, in the bemired Republic of Germany, as hyperinflation took hold, fascism followed, and so did the Second World War. It is in our prime policy interests to attempt to stabilize the Russian economy, and I suspect it will be one of the serious and substantive debates of this body during the course of coming months to see how we can work with Mr. Primakov to stabilize the Russian economy which, at the moment, is in a free-fall. Goods are disappearing from the stores. People have no access to their bank accounts. Most banks are, in fact, closed. Unemployment is rising. Imports are declining because Russia has no foreign exchange. This gigantic society, Mr. Speaker, of 150 million people and covering 11 time zones has in its central bank \$12 billion in foreign exchange reserves. This would be laughable if it were not so serious.

Tax collections, which were bad enough last year, are down by 40 percent, and as the central government in Moscow is unable to collect taxes, the tendency of the regions to break away will accelerate. Of the 89 provinces of Russia, some 75 have been receiving subsidies from Moscow. These subsidies are declining, in many cases disappearing, and the danger of Russia becoming a chaotic society has enormous ramifications for our own safety and security.

Mr. Speaker, I will continue this dialogue with my colleagues and with the American people tomorrow evening.

□ 2000

The SPEAKER pro tempore (Mr. BASS). Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

(Mr. MINGE 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 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 Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FAILURE OF ATTORNEY GENERAL TO APPOINT AN INDEPENDENT COUNSEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, for over 2 years now, despite overwhelming evidence, the Attorney General of the United States has refused to follow the law and the recommendations of her FBI director and the chief campaign finance prosecutor to appoint an independent counsel in the campaign finance scandal. She has politicized the office over which she has control, the Justice Department of the United States. Reports about disarray in this investigation at the Justice Department abound.

After 2 years of this investigation, key players such as John Huang and James and Mochtar Riady, close friends of the President, have not been brought anywhere near to justice. White House and DNC officials are almost entirely off of the hook.

The Attorney General and her political advisors have inherent conflicts in making a decision about an investigation involving their boss, the President, and his closest friends. These conflicts are obvious to everyone but the Attorney General and the political appointees by the President made by the President at the Justice Department.

Last December, last December, we learned that FBI director Louie Freeh had recommended an independent counsel for the campaign finance investigation. He wrote that there could not be a more compelling case, there could not be a more compelling case for an independent counsel.

The Attorney General ignored his compelling and sound advice. Then the investigation continued to limp along with the Attorney General failing to focus on any of the key White House and DNC officials or even John Huang, the individual who solicited millions in illegal foreign money after being personally placed at the DNC, the Democratic National Committee, by Bill Clinton.

In fact, the core of the investigation should be focused on all of the foreign money that flowed into the DNC conference from around the world. Illegal campaign contributions from Macao, China, Taiwan, Egypt, Indonesia, and South America.

Yet the numerous 90-day reviews continually ignore this big picture and focus on isolated matters such as the Vice President's phone calls. We clearly had cause for concern even before the LaBella memo became known to the public.

The Attorney General before our committee said that, within 30 days, she would make a decision on an independent counsel. The 30 days have long past, even though our committee passed a contempt of Congress citation against the Attorney General. Thirty days have long since past. She has not appointed an independent counsel. Instead, she has extended by 90 days investigations into Mr. Ickes and the Vice President.

In July of this year, we learned that the chief prosecutor, Mr. Charles LaBella, who was appointed by the Attorney General, also recommended an independent counsel. He provided the Attorney General with a detailed 94-page memo outlining the specific information he had compiled which he informed her mandated by law, mandated the appointment of an independent counsel under the law. Again, the Attorney General ignored his advice. This is the man she personally appointed to head the investigation.

At that point, in late July, the Committee on Government Reform and Oversight subpoenaed both the Freeh and LaBella memoranda in order to fully access the sound legal arguments which the Attorney General was rejecting. The Attorney General refused to provide the memos to the Congress. She refused to provide any legal rationale for her refusal.

On August 6, 1998, the committee held the Attorney General in contempt of Congress for failure to comply with a valid congressional subpoena. The committee still has not received the memos.

Earlier this month, we did have an opportunity to read through a redacted copy. That is where they cross out anything that is related to the Grand Jury investigation. We were able to read through a redacted version of the memorandum and meet with the Attorney General about this important document.

The Attorney General's claims that this redacted version of the LaBella memo would provide a road map to the investigation is simply not true. I read it. There is nothing of a road map to anything in there except the decisions made by the Attorney General which appear to be protecting the President and the Vice President of the United States.

I will not go into the content of the LaBella memo. The memo does confirm, as I said, our worst fears, that the

Attorney General of the United States, the one who is supposed to be the chief administrator of justice in this country, is clearly applying a different standard of law enforcement when it comes to the President and the Vice President than she does to any other American citizen. There is truly a dual standard, one for everybody except the President and the Vice President of the United States.

The Attorney General has taken what is obviously the White House position that the President is above the law in a way that no other citizen in this country can expect. There is something extremely wrong with the way that the Reno Justice Department dispenses justice, if you want to call it that. It is unseemly to have an Attorney General putting partisan interest above justice.

As the New York Times observed last December, "Every decision she has made and comment she has offered has minimized the offenses and excused the conduct of the White House and the Democratic Party. The person who is supposed to be the Nation's chief prosecutor, ever alert for the signs of infraction, sounds instead like a technicality hunting defense lawyer." This is a quote right out of the New York Times.

Indeed, when we met with the Attorney General regarding the LaBella memorandum, she exhibited this defense lawyer type of mentality or behavior. She refused to allow Mr. LaBella to explain his memo. And even though the public integrity chief Lee Radek, whose illogical views she has adopted as her own, was present at the meeting, the Attorney General refused to allow these individuals to speak for themselves and would not let them describe their reasons why they took the positions that they did.

I mean they were both sitting right there. I asked Mr. LaBella questions, and I asked Mr. Radek questions, and the Attorney General would not let them answer for themselves.

Mr. Radek, it should be noted, told the New York Times that he considers the independent counsel statute an insult and a knife in the back to top Justice Department officials. It is clear that Mr. Radek will continue to recommend that the Attorney General not follow a law which he does not like. What is amazing is that the Attorney General believes she can pick and choose what laws she wants to follow, even though the Congress of the United States has passed it.

Janet Reno did not always hold this position. When she first became Attorney General, she testified to the following regarding the independent counsel statute, and I quote the Attorney General directly: "The reason that I support the concept of an independent counsel is that there is an inherent conflict whenever senior Executive Branch officials are to be investigated by the Department of Justice and its appointed head." The Attorney General.

The Attorney General serves at the pleasure of the President, so she is convicted by her own statement. There should be an independent counsel without any political influence being exerted on them whatsoever to investigate the President and Vice President.

It has been stated by the FBI director Louis Freeh; the chief investigator of this whole scandal, Mr. LaBella; Mr. DeSarno, the head of the FBI task force investigating it; and her own words. Yet, she still will not appoint an independent counsel.

Certainly the President has to be pleased with the Attorney General's failure to follow the recommendations of the FBI director and the chief prosecutor to appoint an independent counsel to investigate the President's conduct in campaign finance and fundraising.

This refusal places Janet Reno as the first Attorney General since President Nixon's Attorney General John Mitchell to investigate the President who appointed her. Every Attorney General since John Mitchell has turned over such political investigations to someone outside of the Justice Department if for no other reason than to eliminate the appearance of impropriety.

Quite simply, the Attorney General is derelict in her duties to enforce the laws equally. She is giving the President special dispensations that no other citizen could hope to enjoy.

The recent 90-day reviews are merely a smoke screen to avoid following the advice she has been given for 2 years to appoint an independent counsel for the entire campaign finance matter. It is just another delaying tactic to get us past the election.

It is the people in the public integrity section of the Justice Department who has so strongly opposed an independent counsel and have fought the appointment of one from the beginning of the campaign finance scandal and who are conducting these so-called 90-day reviews.

All these latest 90-day reviews accomplish is to push these decisions past the November elections into next January, another partisan act which demonstrates that the Attorney General continues to protect the President time and again during this investigation.

The American people have a right to know that the Attorney General is not following the law. The FBI director and the chief prosecutor in this investigation have said as much in their memos to her concluding that an independent counsel is necessary under the mandatory section of the independent counsel statute.

But it is not only their view. It is not only their view. Listen to others who have recognized the attorney as wrong in her interpretation of the law in this matter. Senator DANIEL PATRICK MOYNIHAN, a Democrat in the other body said recently, "Two years ago, we should have had an independent coun-

sel to inquire into the Chinese attack on our political system through political contributions in the 1996 campaign. How she," the Attorney General of the United States, Janet Reno, "cannot have done that, I do not know." That is a condemnation from the President's own party of the Attorney General.

A person who is not generally a friend of mine and one who disagrees with me quite frequently, columnist Al Hunt, not someone that I usually quote either, said, "The Attorney General is getting terrible advice from Lee Radek from the public integrity section over there at Justice who despises independent counsels."

But Charles LaBella's position here is even more compelling than FBI Director Louie Freeh who came to the same conclusion earlier, about 8 months earlier. If Janet Reno does not name an independent counsel, her credibility as Attorney General is destroyed.

This is from a fellow who normally is very supportive of the administration. Janet Reno's former deputy observed last year, and this is her deputy, "I served in seven administrations," he said "and I have never seen the Justice Department so dominated in the policy realm by the White House. An Attorney General who is dominated by the White House in protecting the President does a disservice to the justice system."

Our committee continues to seek these memos because of the need to inform the American people of the threats to our judicial system by an administration which thinks that it is above the law. No one in this country should be above the law. The law as was said earlier by one of my colleagues from Texas should be administered equally, whether it is the lowest person in the United States or the person occupying the highest office, the President of the United States. The law should be applied equally.

Unfortunately, this politicized Justice Department has one standard for everybody except the President and Vice President; and that is not only unseemly, I believe it is unlawful.

Mr. Speaker, I am happy to yield first to my colleague, the gentleman from California (Mr. HORN), a valued member of our committee.

Mr. HORN. Mr. Speaker, I thank the chairman for reviewing this matter and bringing it up. I think all of us have sat through the hours of testimony of Mr. Freeh and Mr. LaBella. We are really shocked by the treatment of two great public servants who had the courage to put their words in writing to advise the Attorney General. They wanted to go over their memoranda with her, but the letters just sat there. Until recently, they never had an opportunity to go over their memoranda with her.

One of our Members [Mr. SOUDER] asked Mr. LaBella how much new information he had in his memo. Since we could not see the memos, that was

the whole issue—what information was still hidden—and that was why a majority voted for contempt, which was agreed in the committee. LaBella replied that the public and we probably only know 1 percent of what was in that memo.

Now that is shocking. That means the American people, elected legislators, and the Committee on Government Reform and Oversight have been blocked from knowing 99 percent of what is behind the tremendous misuse of the law and of the basic campaign finance laws in the 1996 presidential campaign.

Denying us information and truth had been the typical pattern within the administration but it was the first time I had seen the Attorney General engage in that behavior. Such has been the typical pattern since 1993. For those of us who investigated Travelgate, and Filegate, in Government Reform and Oversight and those who investigated Whitewater on Banking and Financial Services were used to the attitude: The attitude was "Don't tell them a thing."

□ 2015

"Stiff them," was the word. And that they did and they were very successful.

When we were in the minority in 1993, 1994, Chairman Bill Clinger of this committee, the predecessor to the gentleman from Indiana (Mr. BURTON) had an instinct, and he was absolutely right, on that White House travel office. Of course, the administration made a major mistake when it picked on that office. The media knew that the Travel staff were good efficient and effective people. They had arranged their trips. Some of the employees were hired during the Kennedy administration.

But the idea was when we sent information requests to the White House or a department, they just never replied. And yet the law authorizes the minority on our committee, when seven or eight sign such a request, the executive branch is supposed to provide the answers.

Mr. Speaker, what the gentleman has described tonight is a very sad commentary. I have had very great respect for the Attorney General. I knew of her before she came to Washington. She has done a lot of good things. But this situation has simply been mishandled from the beginning. The Director of the FBI is a former judge, and Mr. LaBella, one of the best prosecutors in the United States, who headed the campaign task force within the Department of Justice. Both are men of integrity. In fact, Mr. LaBella certainly had the confidence of the Attorney General. She was moving him to San Diego to be United States Attorney. That seems to be off now.

But when Mr. LaBella appeared before us, as did Mr. Freeh, they were speaking from the heart. They were very careful as to what they said. But let me just note another President, or

both Presidents, we can talk about President Clinton's views on the independent counsel statute and this is what he said on June 30, 1994:

Regrettably, this statute was permitted to lapse when its reauthorization became mired in a partisan dispute in the Congress. Opponents called it a tool of partisan attack against Republican Presidents and a waste of taxpayer funds. It was neither. In fact, the Independent Counsel statute has been in the past and is today a force for Government integrity and public confidence."

The President was right when he said that. Whether they were Republicans criticizing reauthorization or Democrats, the fact is we reauthorized it. And we reauthorized it for a very good reason. No matter how able and honest one is, there might well be a conflict of interest in actuality and a conflict of interest in perception. That is why Congress reauthorized the statute.

The reason that is important is that when one is an appointee of the President of the United States, as the Attorney General is an appointee, confirmed by the Senate, the fact is she is investigating the boss. That is not a very credible situation. That is why Congress enacted the independent counsel statute. That act was approved by the President. And the President was right when he signed it. He probably does not have too much respect for it now, in the sense that there are a number of independent counsels who have sent some people to jail. Others have been fined. These independent counsels have generally been uncovering the corruption that has occurred in various parts of the executive branch.

In his testimony before us FBI Director Freeh noted that the appointment of an independent counsel was based on both sections of the law. There is a mandatory section and there is a discretionary section. The first basis for his recommendation was the mandatory section: that an independent counsel must be appointed when there is specific information from a credible source that the President, Vice President, or other high-ranking officials may have violated a Federal criminal law.

The second basis for his recommendation was the discretionary or conflict of interest section. This is what I have been discussing. The Attorney General may appoint an independent counsel when she determines that having the Justice Department investigate the matter might result in a personal, financial, or political conflict of interest.

Let me cite the views of another President, a President for whom I have great respect. He has showed in retirement many fine qualities and he is a highly ethical man. That is former President Jimmy Carter, who said October 20, 1997, [The campaign fund-raising scandal is] "the most embarrassing and debilitating thing I have ever seen evolve in the political structure in our country." [An independent counsel could] "diffuse this big issue . . . get it out of the front pages and get out of

these everyday new, minor revelations that are having such a devastating effect."

Now, it is still alive and we still do not know the truth in it. The Thompson Committee on Governmental Affairs in the Senate dealt with this. We dealt with it in the House. And the witnesses who would come before us just stared at us and when we asked them: "Did you do this? Did you know this?" They would answer "Who me?" Or, "Gee, I don't know. I don't recollect what that was."

Mr. Speaker, the gentleman from Indiana (Mr. BURTON) might bring us up to date on the number of witnesses we have sought and the number who have taken the Fifth Amendment, which is their right under the Constitution to not incriminate themselves, and how many have fled the country. Last fall when we held some of these hearings, it was 65. I believe it is over 100 now. Is that correct?

Mr. BURTON of Indiana. It is now 116 people have taken the Fifth Amendment or fled the country, 116.

Mr. HORN. Think of it. Mr. Speaker, 116 people took the Fifth Amendment and/or fled the country. Some of these were American citizens. Some of these were not. But the fact is, Congress has been denied getting the facts. When the administration has the facts, they are not giving them to us. That is why these two memos written by two men of very high integrity are important for this body to review and the Committee on Government Reform and Oversight to review in particular.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California. And I am happy to yield to the gentleman from Virginia (Mr. DAVIS), my colleague and another valued member of the committee.

Mr. DAVIS of Virginia. Mr. Speaker, these are difficult times for this country and I think that political leaders of all stripes should take pains to step above partisanship and move into the realms where the facts can be judged by the American people and the proper investigative authorities.

What concerns me the most in this particular case is that we have really the two only nonpolitical figures that have looked at this, Mr. LaBella, who is the head of their campaign task force, a professional, and Louis Freeh, the President's appointee as head of the FBI, who have taken a look at this objectively and both came to the irrevocable conclusion that the mandatory parts of the statute that would trigger an independent counsel have been met, and that the only option that the Attorney General had would be to appoint an independent counsel.

We are frustrated here at the congressional level trying to get all the facts. The Thompson committee was frustrated in the Senate. But 116 witnesses who have fled the country or taken the fifth amendment, and we do not have the means to go out after them. The Justice Department, in

many cases, would. They would be able to grant immunity and be able to reach out. But they have so far been unable or willing to do that in an appropriate fashion. That is of concern to me.

The most important thing I noted when Mr. LaBella and Mr. Freeh came before our committee, both of them were careful to guard the Attorney General's prerogatives. I think in that way they were good servants and good underlings, taking their appropriate place before the committee and recognizing the hierarchy they had to report to.

But these memos have been examined for days by Justice Department officials and neither one of these have been called in at this point to give their point of view. Instead, the Attorney General had called upon the politicians, the political appointees to come in try to poke holes in their argument. It looks almost as if they were looking at a way they would not to have appoint an independent counsel. They could stiff Congress and this thing would go away.

Mr. Speaker, I think it is very clear now with everything else happening that is not going to wash with the editorial boards across this country. It is not going to wash with the American people. And it is certainly not going to wash here in Congress.

Mr. Speaker, the gentleman from Indiana has had an opportunity to review some of these redacted copies of the memorandum, and I understand that some of the excuses they were giving or some of the reasons that were given by the Attorney General for not releasing that was that it was going to be a road map to other prosecutions and so on, and that the gentleman just does not think that lies at this point. Is that correct?

Mr. BURTON of Indiana. Yes, and I am happy that the gentleman from Virginia brought that up. The Attorney General said before our committee that she was afraid that if they even gave us a redacted copy where they crossed out certain grand jury material, that this would still lead to people that they may want to prosecute or question and it might impede their investigation. I read that, and I am not at liberty—

Mr. DAVIS of Virginia. I would not ask the gentleman to divulge that conversation.

Mr. BURTON. Mr. Speaker, I cannot give the information in the memo, but after having read it, along with some of our legal staff on the committee, there is nothing in there that would lead to anybody other than the Attorney General's position of not appointing an independent counsel. In fact, I think that some of the remarks that are made by Mr. LaBella come close to condemnation of the Attorney General for not acting on the mandatory section of the statute.

So, that is the only thing that I found in the memo that she could be concerned about. That is why I believe it should be made available to every

Member of Congress and to the American people.

Mr. DAVIS of Virginia. Mr. Speaker, if the gentleman would continue to yield, it seems that we have here a man of high integrity in Mr. LaBella, a thorough professional prosecutor who took a look at this and expressed his frustration in a memo of over 100 pages in length and containing 55 exhibits that really reaches only one conclusion. It is in no way inconclusive or gives policy options.

We have the head of the FBI, another political appointee but someone who I think has the respect and the independence that we would expect from the Nation's top law enforcement officer, making the same strong recommendation; really looking at no other options but that the mandatory sections of the statute are triggered. And we have not heard a peep from the Attorney General or anyone else as to why they take issue with this and an independent prosecutor cannot be appointed.

That is the way it ought to go. It ought to be away from politics. It ought to be away from the floor of the House, away from the partisan structure that we have going into the November elections. It ought to be in the hands of the professionals and let the chips fall where they may, Republicans, Democrats, whatever. That is what ought to happen. I feel from the bottom of my heart, that is the right answer here.

Yet, we are consistently being stonewalled and we are being blocked in every way possible. And it seems to be done by the political appointees, because the professionals have reached their conclusions. Would the gentleman agree with me on that?

Mr. BURTON of Indiana. Yes, I would. And I would like to add that the Attorney General has appointed independent counsels for some of the periphery of this administration, but whenever it gets close to the Oval Office or people close to the Oval Office, there is a reluctance to go ahead and appoint an independent counsel.

Instead of doing this piecemeal, as has been the case by the Justice Department, there should be one independent counsel to look at the whole campaign finance scandal, the money that has come from all over the world illegally.

Mr. DAVIS of Virginia. That would include Republicans and Democrats, whatever.

Mr. BURTON of Indiana. Yes, and we have investigated Republicans as well as Democrats. But we need an independent counsel who is not beholden to anybody to get to the bottom of this whole thing.

Mr. DAVIS of Virginia. Mr. Speaker, I have tremendous respect for the Attorney General and her career. She was a career prosecutor and I know she is under tremendous pressure, it appears to me, right now from the hierarchy in the administration.

But I hope if she reviews this quickly, number one, if she disagrees with

the professionals in her own agency as to why this should not move forward, release that information to the public so she can explain why and show the report that we have paid for that basically would indicate otherwise; or if she would rise and have the courage to do the right thing, take this out of the politics and put it in the hands of professionals where it belongs. Not for partisan purposes, but I think in some cases for national security purposes.

Mr. Speaker, I applaud the gentleman from Indiana (Chairman BURTON) and others for bringing this to our attention this evening.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Virginia (Mr. DAVIS). He is, as I said, a valued member of the committee and he does a heck of a job for his constituents.

The gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I join in the accolades for the gentleman from Virginia (Mr. DAVIS) and the gentleman from California (Mr. HORN), members of the committee who care very deeply about the American public getting to the bottom of the truth of this matter.

Mr. Speaker, as the gentleman from Indiana knows, over one month ago the Committee on Government Reform and Oversight, of which I am also a member, voted to hold the Attorney General of the United States, Janet Reno, in contempt for failing to produce two documents to Congress. We are now faced with the decision of whether the entire House of Representatives should vote to hold her in contempt. This would be the first time Congress would use its contempt powers against an Attorney General, and we are well aware of the gravity of this matter.

Our decision to subpoena the Attorney General was not made lightly. It was the result of a great deal of serious reflection. But members of the Committee on Government Reform and Oversight, and many others both inside and outside the halls of Congress, have serious concerns about the way the campaign finance probe has been conducted at the U.S. Department of Justice. What I would like to do is to discuss some of these problems that we have seen.

Statements by senior Department of Justice officials that the independent counsel statute has not been applied consistently.

Statements by senior Department of Justice officials that the White House staff have been treated more leniently than other citizens, and press accounts that some may have not been investigated because of who they are.

Public accounts that senior political officials have weighed in against pursuing prosecution of campaign finance figures, even though the law supports prosecution.

□ 2030

Indications that the Department of Justice has not pursued evidence vigorously.

Needless delays by the Attorney General that will push the start of investigations into 1999, a full 3 years after allegations of wrongdoing were made and known.

Lee Radek, a senior adviser to the Attorney General, gave an unfair advantage to the defense attorney of an important Democratic contributor. When prosecutors, who had evidence of wrongdoing, called Mr. Radek, he refused to take the call.

Complete failure by the Department to follow any evidence, speak to any witnesses, or subpoena any documents in some matters that may indicate improper impropriety by the Democrat National Committee and leading Democrat contributors.

The failure to maintain continuity in the supervision of the Department of Justice investigations. There have been three task force supervisors in 1 year, and given that, they have all had their own advisers.

A consistent siding with the White House in its failing and sometimes frivolous claims of privilege on a variety of matters.

A failure to recognize that the Attorney General has conflicting legal duties: To keep the President informed of information relevant to national security, and keep information relevant to campaign finance investigation from people under investigation, a category that includes the President of the United States.

Tolerance of top advisers belittling the laws that they are constitutionally bound to uphold. For example, Lee Radek, who was discussed earlier, told *The New York Times*: "Institutionally, the Independent Counsel Statute is an insult."

Further, providing misleading information about who is covered by the Independent Counsel Statute and who is not covered. One letter provided to the committee seems to indicate that two of the principals of the Clinton-Gore 1996 campaign are not covered by the statute, and the clear language of the statute indicates that there is no doubt that these officials are covered.

Further, providing false information to the public to make congressional demands seem unreasonable. The Attorney General has maintained that Congress has never before asked for information on an ongoing criminal investigation, and this is clearly not the case.

Further, repeated leaks of information that are protected by Grand Jury secrecy and, I might add, leaks that were made for their own political benefit.

Further, repeated attempts to answer requests made by Congress. I repeat: Repeated failure to answer requests made by Congress. For example, 1 month ago our committee asked the Attorney General for permission to speak with the assistant United States attorney most familiar with a case known as the Intriago case, and she has failed to respond to our request.

Further, coordination between the Department of Justice and the minority on this committee are being done for political benefit.

Some of these examples, taken by themselves, would be matters of grave concern. Put together, they indicate that there is something very wrong over at the Department of Justice. The Attorney General is not applying the law correctly. Her own advisers have been telling her this, yet she continues to oversee an investigation of the President of the United States, who appointed her.

In November of 1977, FBI director Louis Freeh prepared a lengthy memorandum on the Department of Justice campaign finance investigation. Director Freeh, former Federal Judge Freeh, who had been advising the Attorney General to appoint an independent counsel since late 1996, concluded that according to the Independent Counsel Statute, 28 USC section 591, the Attorney General was required by both the mandatory and the discretionary provisions of that law to appoint an independent counsel.

My colleagues will also see that I have on this side information that contains other testimony that Director Freeh has given.

This view was shared by the most senior FBI investigator on the investigation, Mr. James DeSarno.

On July 23, 1998, The New York Times reported that the departing lead prosecutor on the campaign finance task force, Charles La Bella, had prepared a 100-page memorandum reviewing the facts gathered during the campaign finance investigation. According to press reports, Mr. La Bella also found that the mandatory and discretionary portions of the independent counsel law required the appointment of an independent counsel. Thus, both Director Freeh and task force head La Bella have repeatedly found specific evidence from a credible source that required the appointment of an independent counsel.

We subpoenaed Director Freeh and Mr. La Bella's memoranda because we believe it is clear that something is seriously wrong. The Attorney General was asked last Thursday, and I quote, "Do you still have confidence in the leadership of President Clinton for both the administration and our country?" This is what she said, and I quote the Attorney General, "I certainly do." And then she said, "He has a sense of what needs to be done. He is doing it."

Well, I, for one, have a problem with what the Attorney General has said for several reasons. The independent counsel, whose staff includes the Department of Justice lawyers and FBI investigators who are charged with enforcing the laws of this country, have recently provided Congress with a referral that says the President of the United States committed perjury in a Federal lawsuit; that he lied to a Federal Grand Jury; that he obstructed justice; and that his actions have been

inconsistent with the President's constitutional duty to faithfully execute the laws of this country.

The President has responded by having his private lawyers and government lawyers on the government payroll go out and trash the independent counsel. He has had them go out and make the most absurd legal arguments I believe that I have ever heard. It is so bad that yesterday two top Democrats in the House and the Senate made a public plea for the President to stop the legal obfuscation. And yet the Attorney General, who is in charge of upholding and protecting the law, blithely goes before the American people and tells us that the President has a sense of what needs to be done and he is doing it.

Remember, the Attorney General has signed off on all the things that the independent counsel has done; all of these investigations now for 3 years. It seems, however, that either she does not care about the independent counsel's evidence or she has already rejected the findings of the independent counsel that the President is acting against the principle that everyone is entitled to a fair trial; that he has sent his lawyers out to say that it really does not matter if one lies in these courts. These appear to be of no importance to the Attorney General.

It seems to me that the President has been attacking the rule of law; that he has used and continues to use the most powerful office in the world and to say that one does not need to tell the truth, especially sitting in front of a Federal judge in the oval office. It just does not seem right to me.

It seems to me that the Attorney General should care about this matter. She should care deeply. And that is what her job is all about: Protecting the rule of law. And she is certainly not doing so in the campaign finance investigation, where she keeps giving the President a break.

The Attorney General's words speak volumes, I believe, about her own beliefs, but also they tell us one very important thing: She has a fatal conflict when it comes to investigating the President. This has not been a mystery. If she is willing to side with him before she has even seen the evidence in the Lewinsky matter, how can we possibly expect her to do the right thing when it comes to campaign finance investigation?

For 2 years she has been ignoring what should have been clear to even the most junior lawyers on her staff. The appearance of conflict in the campaign finance investigation is devastating, and it does great harm to the Department of Justice and to the rule of law.

But making a mistake does not rise to the level of misconduct. If that is all that we were here to talk about today, and I do not think it would be the only discussion that we would have, I think that we would have voted for contempt when she failed to turn over the Freeh and La Bella memoranda. Let us focus

on some of the issues that have led to my conclusion that something is wrong at the Department of Justice.

First. The Intriago case.

This committee held hearings and was provided documentary evidence that major Democratic National Committee figure Charles Intriago had advised one of his clients how to break U.S. law and give money illegally. There was testimony that someone, and the inference was that this someone was highly placed in Democratic fundraising circles, was giving Intriago advice about where to direct illegal money.

What happened in this case? It was pulled from one of the U.S. Attorney's offices by Lee Radek, one of the Attorney General's advisers, and the statute of limitations was about to expire. The appearance of impropriety is stunning. We asked the Attorney General if we could talk to the lawyer who was preparing the case before it was killed in Washington. We asked over 1 month ago, and the Attorney General has not even gotten around to fulfilling our request.

She is behaving like a defense attorney trying to run out the clock.

Another thing about this case. The adviser who killed this case for the Attorney General would not even take the phone calls of the New York State prosecutors who uncovered the evidence. In our hearing, however, we learned that he did take at least one call from a defense attorney.

How can we believe that the Attorney General's protestations that she has left no stone unturned when the evidence shows that there are boulders right under her nose and her advisers are making sure they are not disturbed.

Another investigation this committee has been conducting involves an elaborate scheme by the Democratic National Committee to break a State law in Kansas. Individuals were given money by a Democratic National Committee organization and told to act as conduits to get the money to another organization. Let me read from a document obtained by this committee, and I quote.

"The Democratic Senatorial Campaign Committee, in an effort to support State Senate candidates, the Democrat party, and their own candidates will contribute \$1,000 to each State Senate campaign our office designates. You may keep \$200, but then must turn around and contribute \$800 to the Senate Victory Fund."

Instructions on how to make conduit contributions does not get much clearer than this. If it had not been illegal, the Democratic Senatorial Campaign Committee would have given the \$200 to the candidate and sent the \$800 to the place where they wanted the money to go. But they could not do that, so they used decent men and women from their own party to act as straw donors.

This is direct evidence of a plan to use conduits to get money to a third

party to help the Democratic National Committee candidates in the 1996 Kansas election. Overall, a third of a million dollars was contributed to Kansas, where the State law limits the contribution from a national party to \$25,000.

One would think that this would attract the Attorney General's attention, but public accounts from Kansas indicate that the Department of Justice has made no effort to investigate this scheme. Again, as the Attorney General talks of leaving no stone unturned, certainly we are not being kidded. Far from being a zealous investigator, it appears that she is providing cover for those who broke the United States laws.

The Intriago investigation and the Kansas conduit contributions are two major examples that go right to the Democratic National Committee. Both involve decisions by people who had to know that they were breaking the law. And in both cases the Attorney General of the United States has failed to conduct the necessary investigation.

□ 2045

I think we would not be doing our jobs if we did not make an attempt to find out what is going on over at the Department of Justice. If the Attorney General is going to condone the President's conduct in the Monica Lewinsky matter before she has ever seen the evidence, how can we possibly have her confidence today?

Today I call on the Attorney General to release this non-6(e) material from the Freeh and LaBella memorandum.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The gentleman will suspend for just a moment. The Chair must remind Members to avoid all personal references to the President.

The gentleman from Texas may proceed.

Mr. SESSIONS. Mr. Speaker, I apologize if I have done anything in that regard, and I apologize for using the President's name.

Mr. Speaker, today I call on the Attorney General to release the non-6(e) material from the Freeh and LaBella memoranda so that the American people can see for themselves what has been going on and so that they can judge for themselves whether she is fairly executing the laws which she is sworn to uphold.

I thank the gentleman from Indiana (Mr. BURTON) for allowing me the opportunity to present this information and I appreciate his forthrightness in this matter.

Mr. BURTON of Indiana. Mr. Speaker, let me just say to the gentleman from Texas (Mr. SESSIONS) that I neglected to say that the gentleman likewise is a very valued member of our committee and I really appreciate all the things that he does for this country.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. SOUDER), another

valued member of the committee, who had a great special order last night.

Mr. SOUDER. Mr. Speaker, I thank the chairman, the gentleman from Indiana (Mr. BURTON), for yielding. I thank him for his leadership and his attempts to try to move the Attorney General to action.

Mr. Speaker, I would first like to say a few words in defense, albeit a mild defense, of Attorney General Reno. Her job is not easy. After all, it is not as though she is a nonpartisan person. She is a long-time democrat. She was a staff director at the Florida House Judiciary Committee. She ran for the State legislature and lost. She was a long time State's attorney. She came to Washington as a partisan democrat and these days have to be very hard on the Attorney General, seeing around her all these allegations and all of these challenges. It has to be heart rending to her.

The Attorney General was appointed by a democratic president and can be fired by that democratic president. So she has to look and consider that, even though you try not to when you are Attorney General of the United States. It is a fact. She is surrounded by political staff, democratic appointees. Remember, this White House sent the close Arkansas ally, Webb Hubbell, since in prison, to be her deputy Attorney General.

This bears repeating. It is not every day that the Nation gets a deputy Attorney General who goes to jail while that administration is still in power. That is another thing that clearly made her job not easy.

She has had to appoint special prosecutor after special prosecutor on cabinet member after cabinet member; certainly not an easy thing to do if you are a democratic former candidate, former staff person, former elected official now appointed by a democrat. She now has a special prosecutor on Harold Ickes, who is at the highest levels of the White House. Even higher than that, although it is in a limited way for the Vice President, even Judge Starr, after all that is an Attorney General Reno appointment, but his investigation was limited, and some of us, as the Nation is abuzz about sex, have concern about other matters and have for multiple years and that is what about the campaign finance?

As we have been looking at this, and as we heard the FBI director as the chairman brought him in front of our committee, and Mr. LaBella and others, part of the question, as we look at the FBI as to how they approach drug cases, how they approach other issues, the goal has not been to try to set up and catch the lowest level people. There is a real question going on here.

We see special prosecutor after special prosecutor chasing little bits of a larger picture; yet the training, the training of the people who investigate this type of thing in the FBI and others, is to look at combinations and to see who is behind this. Yet, we have

not seen this coming out. There has been, at the very least, a reluctance, if not actually a deliberate attempt, to break up and not pursue the larger questions of why is this person doing this, why is this person doing this, why is this person doing this, why is this person doing this?

People all over the country are debating this in another matter but we see this, as we heard last night, in the Teamsters investigation where the same names start to pop up. We see it in the casinos where the same names start to pop up. We see it in China in technology sales, where the same names start to pop up.

When one sees this, one would think that the Attorney General would say, I better get to the bottom of this and see where it is headed, not where it is down there.

This is not easy. She has a difficult job with it.

One other thing I want to point out, we have had past cases in this House of Representatives far, far, far less serious than this, in fact most of which turned out to be false. Yet, we heard rhetoric on this floor that one would have thought the entire republic was collapsing because there were not special prosecutors.

Now is this curious that this particular notion of shame be advanced by someone who has an ethical cloud over him so big and heavy that dewdrops now glisten on his neo-Victorian halo? Questions about whether the activities of a high public official are appropriate, ethical or legal become as pervasive as though raised about the complicated affair, which is something that was said about a Member on this floor.

The American people should know where this money came from. Did these donors get anything in return, are there any conflicts of interest, was the high and mighty rhetoric on this floor paralyzing this country in the past, as allegations that have proven to be false even were thrown about.

This cloud grows larger and darker with new questions of ethics violations, another Member said. Another one said, the cloud of alleged improprieties threaten public confidence in this House. Can appointing a special prosecutor remove this cloud of darkness?

We heard this type of rhetoric, and it is just amazing how many of these people are silent. All of a sudden, independent prosecutor, oh, that is not a big deal. All of a sudden, apparently there is a different standard, that it is okay to go after individuals over history here on minor things but when we are questioning whether American technology was sold because of foreign money, when we are questioning whether inside deals were made on decision after decision, whether or not the very national security of this country has been at stake, well, then we do not really want to get into this.

Even though the FBI director says, "Hey, you are a democrat, you have a partisan stake, you do not really have

credibility to do this," when her own Justice Department officials say you do not have the credibility to do this, we have to move ahead.

I commend the leader of this committee, the gentleman from Indiana (Mr. BURTON) for pushing to move this ahead.

We have lots of discussions in this country about sex and whether there has been cover-ups and this and that and who did what, but, there is a lot more to this story and we need to get to the bottom of this truth. It is our obligation to do so, and I commend the gentleman for his leadership.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Indiana for all the service he gives to his constituents and the country by working so hard on the committee. I really appreciate it.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I just want to say after living through some of these investigations under both Chairman Clinger and now Chairman BURTON, I did have the idea last year that maybe we need a new Institute of Health at the National Institutes of Health. Its mission would be to test the water that is used on Capitol Hill and in the White House, and do that on a weekly basis and see if any elements in that water have caused the loss of memory that we have heard from so many witnesses when they come before us.

People have said that the Roman leadership died because the pipes were filled with lead. There are many private water dispensers in the legislative branch to keep that from happening.

We need a lot of trained medical doctors who ought to be studying this memory loss that occurs only within the District of Columbia. Washington is probably the only city in the world where nobody can remember what they did when they made a decision.

We, of course, remember. We have roll calls. Apparently they do not have roll calls elsewhere in this city and especially not at the other end of Pennsylvania Avenue.

Getting back to Attorney General Reno, a lot of people have forgotten that she gave Independent Counsel Starr a number of additional assignments. That was cleared with the three judge court. The independent counsel, in essence, is an officer of that court. That is why that person is independent.

In watching what has happened over the last few years and as a student of American history, to my knowledge, this is the first White House staff in the history of the United States, over 200 years, that consciously set up a war room to destroy the reputation of the independent counsel.

When that happened, the President should have stopped it. No president should let that kind of an operation exist in or out of the White House. It is wrong. It is a violation of the civility which ought to exist within the separa-

tion of powers. Attacks which have been made to discredit the independent counsel are shameful. It is a shameful act to let those attacks go on and on and yet the have every day. Even with Chairman Clinger, who was recognized as one of the most civil members in the House, people were going through his garbage and all the rest of it, and that type of heat—or psychological stalking—simply because people are doing their duty under the Constitution. That childish behavior should not be part of American politics. We can do better than that.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I see that my time has about expired. Let me just end by saying, once again, for my colleagues, that there are 116 people, many friends of the administration, many people who are in the administration, who have taken the Fifth Amendment or fled the country. They do not want to talk to our committee. They do not want to talk to anybody because of the threat of self-incrimination, the threat that they might go to jail for what they have done; 116.

That is unparalleled in American history, as far as any administration is concerned, unparalleled. Millions and millions of dollars have come in from Egypt, from China, from Taiwan, from Macao, from Indonesia, from South America, into the campaign coffers of the Clinton/Gore campaign and the Democratic National Committee. Much of that money has not been returned. The American people have a right to know what was given in exchange for these contributions.

Foreign governments like communist China do not give great sums of money to foreign candidates, like the administration here in the United States, unless there is some reason for it. They do not give those large amounts of money just because they think we are nice. They want something in exchange. That is what we have to get to the bottom of. That is what we have to illuminate for the American people.

Now, they ran out the investigation, they ran out the time on the investigation of Senator THOMPSON in the other body. The investigation of the independent counsel, Mr. Starr, is about to be concluded. Our investigation in the House, I think they hope, would conclude at the end of this legislative session. I want my colleagues to know that we will write an interim report at the end of this month, and should we have the same control next January that we have right now and should I be the chairman of this committee come next January, if the American people have not had all the facts given to them about these illegal campaign contributions that may have jeopardized our national security or compromised our foreign policy, then we will pick up the ball in January and go forward and get the facts for the American people. That is a promise I make to the people tonight.

SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. BASS). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about Social Security reform. I am going to be joined by the gentleman from Washington (Mr. SMITH), who is here also to talk about the same issue. We may be joined by other Democrats this evening.

This is an extremely important and controversial issue and it deserves more attention than the majority, the Republicans, have been willing to give it in the 105th Congress. I am increasingly concerned about the neglect of Social Security for a number of reasons. For one, Mr. Speaker, there is a lot of disinformation about the Social Security program and its connection to the budget surplus flying around these days and I intend to spend some time talking about that tonight.

While I am concerned about it, I think we can get the truth out there through education. What concerns me far more is the willingness by Republicans to dip into the surplus before we have strengthened the Social Security trust fund. We hear that on Thursday, this Thursday, the Committee on Ways and Means is going to be reporting out a bill by the gentleman from Texas (Mr. ARCHER), the chairman of the committee, that will basically be providing some kind of tax cuts, if you will.

□ 2100

The alleged basis for this is because we have a large surplus and will continue to have a large surplus over the next few years and therefore we can afford to have this tax cut. But what in reality is happening, Mr. Speaker, is that we are taking the money from essentially an unreal surplus, or money that could and should be devoted to make sure that the Social Security trust fund is sound.

In order to explain why what the Republicans want to do is a bad idea for Social Security, I first need to explain the connection between the surplus and the Social Security trust fund.

Mr. Speaker, the Social Security trust fund is funded through payroll taxes and the overwhelming majority of the money collected from payroll taxes goes into a fund called the Old Age Survivors and Disability Trust Fund. The fund also generates money through interest and other methods, including that from taxes on Social Security benefits themselves. But this fund in turn holds all money that is not used to pay benefits and administer the program itself. Federal law, from what I can tell going back to Franklin Roosevelt when Social Security was started, the Federal law requires that this remaining money, or the surplus or extra money, if you will, in the Social Security trust be invested in U.S. treasury securities.

So what this all means is that there is currently a surplus in the Social Security trust fund but the Federal Government uses this surplus to fund other portions of the Federal budget. In fact, if it were not for the surplus in the Social Security trust fund, there would be no budget surplus at all. This is what so many Democrats are saying now, that the true budget surplus is not a surplus at all. It is simply the money that has been borrowed, if you will, from Social Security and that has to be paid back with interest.

Let me just give you an example. The budget numbers for the current fiscal year basically bear this assertion out. According to the Congressional Budget Office, the Social Security trust fund will take in a \$101 billion surplus in fiscal year 1998. But the CBO also projects that the total budget surplus for this fiscal year will be \$8 billion. So if you take away the \$101 billion going into the Social Security trust fund, the Federal budget would actually be in deficit for the year to the tune of \$93 billion.

To say it succinctly, Mr. Speaker, were it not for a surplus in the Social Security trust fund, the total Federal budget surplus that everyone talks about here in Congress would not exist. Because that money in effect belongs to Social Security, Congress should not be talking about using a budget surplus for anything else but Social Security at this time. Until such time as this Federal budget can be in surplus without touching the Social Security trust fund surplus, Congress should not spend one penny on anything else.

Now, what we are hearing is that the Republicans want to do and they want to use that money for tax cuts before we preserve Social Security for the long term. That is simply not right. It basically is pulling the wool over the eyes, if you will, of the American people.

It is very important for me to add that Democrats do not just want to stop using the Social Security trust fund to fund the rest of the Federal budget, we want to ensure that the Social Security trust fund is strengthened for the long term. So we want to make sure that when the baby boomers, the generation that we call the baby boomers, are over 65 and are eligible for Social Security that there is enough money in the Social Security trust fund, or in the program to pay out those benefits. We believe this can be done fairly easily if the Congress remains committed to this goal as well.

Right now the Social Security trust fund is currently projected to take in more than it pays out until about the year 2029. The depletion of the trust fund's solvency is expected to begin around 2012 when the baby boom generation starts to retire. By 2019 it will still be taking in more than it pays out, but by 2029 the annual revenue coming into the trust fund will begin to experience a shortfall. So if nothing is done to correct it, in 2029 the Federal

Government will only be able to meet about 75 percent of the benefits it currently pays out to Social Security recipients.

I want to emphasize again that this shortfall, Mr. Speaker, I think a lot of people are under the impression that the trust fund would be depleted at this time, and that is not the case. It would be a shortfall, but we have time to correct it. Over the long term, the system would be in balance but we still could fix it.

What we basically are saying is that even though it may not be a while before we face a real crisis in Social Security, that whatever surplus we generate now as a result of general revenues should be used and held, if you will, to pay back what is owed to Social Security, what has been borrowed, if you will, from the trust fund.

I guess basically what we are saying, Mr. Speaker, is that when this Ways and Means bill comes out on Wednesday and when it is reported out, we need to put in some language, if you will, it will be a Democratic substitute, that essentially says that none of these tax provisions click in until the time when there is enough money coming in from the so-called surplus to pay back what is owed to Social Security. That is why I think it is very important right now that we not rush into a situation where we give these tax cuts knowing full well that we still owe a lot of this money back to the Social Security trust fund.

I know it gets a little complicated and I am not trying to succeed in doing that, but I think when I had my town meetings during the August break and I had a few senior town meetings and also others where senior citizens came, they all understood that Social Security, the trust fund in essence was being borrowed by the Federal Government to pay other expenses and that a lot of money was owed back, and they clearly understood that there was not a real surplus that could be spent on tax programs or other budget priorities. We all like to spend money, we all like to give tax breaks if we can because we know that there is a need out there for a lot of things by the American people, but the most important thing, I think, is to shore up the Social Security trust fund so that people at least know that when they are paying into it and they expect that when they retire that they are going to have the Social Security benefits, that it will be available to them.

We could go into this a lot more tonight and I know we will be going into it a lot more over the next few days. I would like to yield now to my colleague from Washington who basically started this debate on the floor this morning and I thought gave an excellent explanation about why we should not move ahead with what the Republican leadership wants to do.

Mr. ADAM SMITH of Washington. I thank the gentleman from New Jersey (Mr. PALLONE) for yielding, and I appreciate his kind words.

I think the important thing to remember in this discussion is there are two things at issue. One is certainly protecting Social Security, but the other is Fiscal responsibility. The two are linked and I think there are two things that we should stand up for and defend in this House, is both Social Security and fiscal responsibility.

In this whole debate that is going to brew in the next month before the end of the session is an excellent argument for taking Social Security off-budget. Let me explain what I mean by that because I think that gets to the heart of the debate. As the gentleman from New Jersey (Mr. PALLONE) explained very well, the way we do our budget right now is any surplus from the Social Security is simply thrown into the pot like it is income. It is counted against our overall deficit or surplus equation. To take it off-budget would basically recognize that we should hold Social Security separate. So if we have \$100 billion in the Social Security trust fund and an \$80 billion deficit in the overall budget, they are separate and you can look at a sheet and say, "Okay, we've got \$100 billion over here but we're still \$80 billion in debt over here." That is why I have been a strong advocate as have many others in the House of taking Social Security off-budget so we can have an honest look at the numbers.

It is very, very important to look at these numbers honestly, because with the Social Security budget, the thing to remember is, is it income or is it borrowed money? The way we budget makes it look like income, but it is very clear that it is not. It is very clear because we have to pay it back. That is sort of the way you tell. If someone gives you \$10,000 and they give it to you, you can feel free to go out and spend it because you do not have to pay it back. But if they loan it to you, and in fact in this case loan it to you and say, "Plus you will agree to pay 6 percent interest," if you go out and spend the money, you are going to be in trouble because eventually that person is going to want it back. In essence that is what we do with Social Security. If we take the surplus and spend it, we are going to have to pay it back and the money is not going to be there. This is particularly troublesome because we are talking about Social Security. We are talking about something of critical importance that needs to be preserved. So let us take it off-budget and have an honest debate.

I would like to look at this for just a moment in the context of the overall debate. You hear a lot of talk about a surplus and the deficit, but you lose track of the overall debt which is basically the debt that we have accumulated over the last 30 years. That stands at around \$5.4 trillion. To truly understand that, one needs to understand that in this year, fiscal year 1998, when we are claiming to have a surplus, we have an interesting situation that arises. One would think if we have

a surplus this year, that should mean that the overall debt is going down. That makes perfect sense. If you have got an extra \$20 billion, an extra \$80 billion, well, the overall debt will go down because you can apply that to that debt. But what happens this year? The overall debt goes up. How is that possible? That is possible because again we are borrowing the money from Social Security and that is debt, that is money we have to pay back. We have to keep that in mind. But, and this is a particularly important point, my colleagues on the other side of the aisle know this. I know that they know this because they are the first ones that started making this argument.

In the late '80s and in the early '90s when they were complaining about the size of the debt, correctly, they bitterly accused the Democratic majority of masking the true size of that debt by borrowing from Social Security. This was just awful. I remember listening to that argument, this was back before I was in Congress or even in the State legislature, and I was very troubled by that argument as a Democrat. I was troubled because they were right. They were right on point. But now I am very disappointed that the Republicans have come into the majority and they have forgotten their own argument and are saying, no, this is a surplus, we can spend it on tax cuts or spend it wherever. It is not a surplus and they know that.

So I guess what I am asking for as a starting point is an honest debate. We have a lot of tough policy choices to make. Just today I had three different groups come into my office and ask for tax cut proposals, none of which are in the Republican proposal, by the way, that sounded like they made sense, sounded like I wanted to do it. I also had three different groups that came in with spending proposals that made a great deal of sense as well, and we want to do this. You want to try to help people. But you have got to be mindful of the future and fiscal responsibility. To spend all the money now is a disservice to future generations. We did it throughout the '80s and into the '90s and it was wrong. Now we are in a position finally, headed in the right direction and yet we want to snatch defeat from the jaws of victory by going back to the old ways. Everybody here knows that.

Let us have an honest debate. Let us stop talking about a surplus. I would urge the American public, any politician that comes up to you and says, "I'm going to do this, that or the other thing with the surplus," stop them right there and say, "You don't have a surplus," which means what you are really saying is you are going to do one of a couple of things: Either, one, you are going to continue to spend us into debt. I guess you could say that makes sense, that it makes sense to borrow money. I do not agree with it, but they can make that argument honestly. Or, two, you are going to have to get the

money someplace else. Basically that breaks down into two choices. Either a revenue increase or a spending decrease. That is what they have to do.

So do not let politicians get away with saying, "Well, yeah, that program's really important and I don't want to have to find it someplace else, so I'll get it from the surplus." The surplus does not exist. I would urge everybody on this floor to do that as this debate unfolds over the course of the next month. Let us be honest about the numbers. I really feel that those are critical issues. We have very tough choices to make.

I guess I would close by saying a word to my Democratic colleagues. I think this is an issue of critical importance for Democrats, because we are the ones that believe at times government can have a positive effect on people's lives, in places like Social Security and Medicare and education and protecting the environment and defense and a number of other areas. If we are to be able to go back to the American public and say, we need some of your hard-earned tax dollars to pay for these, we are going to have to show them that government can at least be honest about the numbers. If they cannot look at our budget and truly know how we stand, if we stand up before them and create this mythical surplus to try to make them feel better, then I think in the long run the cynicism will increase about government's ability to be honest and be straightforward. We as Democrats have not always done a wonderful job of this.

I urge us to start right now to do the job that we should do, explain to people honestly how the budget works. I think that will help get confidence back because there are some critical programs we need to fund. The biggest one, and I will end on this point, is Social Security which is what the gentleman from New Jersey (Mr. PALLONE) started off talking about in the first place. We need that program. It is vital to this country. Let us show people that we can manage it intelligently. Let us stop borrowing money from the Social Security trust fund and using it to mask the true size of the deficit. An honest debate would go a long way towards helping this Chamber and this country in many ways.

Mr. PALLONE. I just wanted to, if I could, take a few minutes to develop three points that I thought that the gentleman made that were really excellent. I want to commend him first for what he said because I think he states very succinctly what the problem is that we face with this Republican bill that we are going to have, this tax cut or tax proposal that is going to come up on Thursday.

There were three things that I wanted to follow up on. One is it is, of course, true, I would think, and I ask you this, that if we have this tax cut and it were to pass and it was not linked to some requirement that it would not be triggered until there is a

true surplus, the whole point of this money having been borrowed from the Social Security trust, if you will, to pay for current expenses means that we have to pay it back. In other words, the way the Federal law was set up with Social Security, we have to pay it back with interest. So the reality is that if that money is not there, when it has to be paid out in a few years, we would probably have to do a tax increase.

Mr. ADAM SMITH of Washington. That is particularly critical to me. The way Social Security works, I will first be eligible to receive Social Security in the year 2032 which is coincidentally the precise year in which they currently estimate there will be no money.

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So I have a personal interest and my constituents have an interest in it as well. Yes, I mean you will have to find the money somewhere, and that is not fair to future generations.

Mr. PALLONE. So the likely result is then of course, the other thing that I was going to say is that, and again following up on your point, is that the economy is good now. It is the best it has been for a while. If it were to turn around and not be so good, it would be even more difficult, it seems to me, to raise the revenue. You would have to have either higher tax increases to make up for this loss. So to me it makes no sense now when the economy is good and we are actually in a position to be generating a little bit of extra money. This is the time to put it back.

Mr. ADAM SMITH of Washington. Absolutely, and let us make one thing clear. It is not the Democrats who are opposed to tax cuts. You know the majority of Democrats in this body voted last year to cut taxes by nearly a hundred billion dollars. It needed to be done, and with the right proposal, with the right offsets, and that is the key point if we wish to cut taxes, if we have a couple of key areas where taxes need to be cut, and I think there are a couple, find some place to offset the money either through changing the revenue so that you have eliminating the deduction or cutting spending somewhere.

But as I see the debate unfold, in the month that we were back in our districts, you know this \$80 billion is apparently supposed to just fall out of the sky, and where it is falling from is not the sky, it is falling from the Social Security Trust Fund.

So when anyone makes an argument in here, I am going to give you a tax cut, and you say, well, where is the money going to come from, they say it is going to come from the surplus; that is not true, and I hope we can hold people up to that truth and say where the money is really coming from.

Mr. PALLONE. The second point that you made that I wanted to just develop a little as you talk, and this comes out of my town meetings all the time. As

you know, our constituents are pretty intelligent, they understand a lot of these things, and one of the things that constantly came up during the August break at my town meetings was the fact that people are aware that we have this huge debt out there that keeps collecting interest. You brushed upon that. I mean we have been mainly talking about why this Republican tax proposal is wrong because of Social Security, but you could also look at it from the other point of view, which is that we still have this huge debt that we are paying back. When we are told by whatever that there is a surplus this year, that is only a surplus for general revenues for this fiscal year. There is still all this money that we owe from previous years that has to be paid back. So you could use that argument as well to justify why there should not be a tax, why this tax proposal should not go forward.

Mr. ADAM SMITH of Washington. Or, I will emphasize this, or any dramatic increases in spending, because there are certainly a lot of programs; you know, Head Start, a variety of other ideas out there. But if the revenue is not made up somewhere, we should be very cautious about doing that as well, because that too will contribute to the debt. And right now the interest that we pay on the debt is 14 percent of our budget. That means 14 percent of the money that we are spending is simply going to service the debt, it is not going to provide health care for seniors or children in poverty, it is not going to give middle class children access to education, it is not going to protect the environment, it is not going to give us a stronger defense. It is going straight into pay our debt.

And so as that number keeps going up, that 14 percent number keeps going up as well, and that basically puts us in a real bind.

Mr. PALLONE. Sure. And then the last thing I wanted to say, and I think is sort of the true irony, is that the Republicans, of course, during this balanced budget debate over the last few years posed themselves as the conservatives. And the bottom line is that the two of us and others that have taken the position we are talking tonight are the true conservatives from a fiscal point of view.

In reality what the Republican tax proposal is essentially, you know, I do not want to use the term "liberal," but it is just basically fiscally irresponsible. And if you are really concerned about fiscal responsibility and you really are conservative, you take the point of view that you are taking tonight. I think that is ironic, but I have to say it because it is true.

Mr. ADAM SMITH of Washington. Well, I had a friend of mine in college who was a Republican, but he used to say, you know, Democrats are tax and spend, Republicans are just spend. And I think the truth in what I see the Democrat Party becoming and why I am so proud that we supported the bal-

anced budget agreement from last year is spend responsibly. I mean, that is what it is about. There are things in this country that people want done. We want to make sure that our seniors have an adequate pension, that they have adequate health care, that our young people have access to education. Well, let us do it in a responsible manner. Let us make the programs as efficient as possible, and let us pay for them. Let us not just run up a debt to please people in the moment at the expense of the future. And that is really what it is about is just, okay, well, gosh, I make this person happy right now, and you know maybe I will even be out of Congress by the time we have to pay that bill so I will not have to worry about it. But that is a disservice to the country.

And you are right. Part of being conservative to my mind is a pay-as-you-go philosophy, is being fiscally conservative, and I am still optimistic that enough colleagues on the other side of the aisle, having made this same argument that we are talking about here so repeatedly in the past, will rise up to the challenge, make it again in the future even if we are 7 weeks from an election and will make the responsible choice for the future.

Mr. PALLONE. Well, I think you are pointing out another point as well tonight, and I appreciate your bringing it up, and that is that to some extent, I think to a large extent, this is just being done by the Republicans for political purposes because the election is a few weeks away. Because I think we have already heard pretty much from the other body, from the Senate, that they are not going to take this up. And so this is not a proposal that is likely to go anywhere, it is just going to be passed in the House so that Republicans can go back and say, oh, they did this and somehow benefit from it on election day.

Mr. ADAM SMITH of Washington. And I will tell you what my experience has been with my constituents, and we get into this all the time as we come up towards the election. We want to give stuff away. We think that is what is going to make people happy. We will give them a new spending program, we will give them a new tax cut, we will basically, you know, pretend like it is Christmas and pass all kinds of stuff out.

What I found with my constituents is what makes them happy is if we are making sound decisions up here, if we are spending the money wisely, paying as we go, being fiscally conservative and responsible. So I do not even think the tactic of passing out the goodies, as it were, I do not think it works. I think the people are fed up with, you know, record high deficits and record high debt, will want to get back to an age of responsibility, and, like I said, I am optimistic that ultimately that philosophy will win out.

Mr. PALLONE. I think you are right, and I think that we are going to hear

more about this over the next few days, but I am glad that we are able to spend some time tonight on it because this is going to be a major part of the debate over the next few days and the next few weeks here.

So thanks again.

GOVERNMENT OVERSIGHT RESPONSIBILITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, let me state at the beginning here a couple of entry points.

One, I talked last night and earlier tonight a little bit on this particular subject, and I do not want to give the impression that that is all that I am focusing on or anybody else here is focusing on. All day long we have been debating multiple bills. I spoke on the juvenile justice bill, on the medicinal use of marijuana bill. We also passed Congressman SESSIONS' methamphetamine bill, many other pieces of legislation. I met for several hours with the Higher Education Conference Committee. We do many things. But one of the things we do have a charge of is government oversight.

It is also very difficult, and I know it seems kind of curious as we discuss some of these matters, that we are under very tight and wise rules about what we can and cannot say, and it is like having a hundred or a thousand or a million pound gorilla out there on one subject right now that we cannot talk about. And we have to be very careful about what we say about the highest leaders in our land and about other Members, and I think those rules are good.

So sometimes if it seems we are a tad evasive at this point, it is not that we are in general, but on this House floor I think we have high standards to meet, we have weighty matters before us, as we have had before in this country's history. And I know many Americans wish this would just go away and that we would not have to deal with these subjects. But in fact we do, that it is not just a question of moral outrage. I have been outraged for an extended period of time, and, like others, I have called for resignation on what I believe is the lack of moral leadership in this country.

But we have high standards that we have to go through here in multiple ways, and it is not just about one aspect of anything, and for those who say cannot you just get this over with, there are lots of questions that we have to explore here.

We need to know whether our government has been for sale. A lot of people think all the matters that have gone on in Washington are related to sex or even about whether or not individuals have told the truth in front of a jury or tried to influence others. But it goes

far beyond that, and we need to get to the bottom of the truth, and any kind of interim measure is not going to work because the fact is that it would shut off other questions that need to be investigated as well; questions, as I tried to illustrate last night, that have been stonewalled.

We have had 116 people either flee this country in order to avoid questions, or have pled the fifth amendment. As I illustrated last night, if we put those names across the front, they would cover this entire well, and by House rules I was not able to do that because it would violate House decorum because it would block the whole front of this with the names of people who will not participate in oversight investigation of their country because they might go to jail if they talked.

We have had, and it is a frightening trend, and it is hard to tell where it goes and who, but we have to get to the bottom of this. We cannot have what is in effect like the TV movies, or last night I used an example from the Twilight Zone, where a whole town refuses to talk because if nobody talks, then you cannot ever get to the bottom of the truth.

Earlier tonight we talked about whether there should be a special prosecutor for campaign finance. We cannot just try to lock up the little people and not get to the big people. We had that debate today in juvenile justice, we had that debate, and we will again tomorrow in our drug laws. At what point do you say you are not going to just lock up every end user, if it is against the law you are going to be punished, but that we have got to get to the people who are selling them and the people who are selling them. The question is who is making the decisions that have compromised the integrity across the board in many cases enough that we have five special prosecutors looking at Cabinet members, or have had, we have them looking at White House officials. We have a former second-ranking official in the Justice Department who has been in prison. We have the legal counsel at the White House has committed suicide. We have deep troubles in this country that we need to pursue, and I want to go through tonight, which I only started last night, some of the individuals that we are trying to get to talk and some of the questions.

I want to start with a man named Johnny Chung.

On June 20, 1998, the Washington Post reported stunning allegations made by DNC donor Johnny Chung that he knowingly received \$300,000 from a Chinese Army officer, an aerospace official, for the purpose of making political contributions. In March of 1998, Chung pled guilty to orchestrating illegal conduit contributions and other related charges, is now reportedly cooperating with Justice Department officials.

Johnny Chung gave \$366,000 to Democrats in the 1996 campaign. Following

the 1996 elections, the DNC returned all of these contributions because of doubts about the origins of the money. According to the Washington Post, Chung has told the Justice Department that at least \$80,000 of the money he contributed came from Liu Chao Ying, a formal lieutenant colonel in the Chinese Army. Chung further alleged that top DNC officials such as Richard Sullivan, the former DNC Finance Director, continued to solicit donations from him, despite having good reason to believe that the donations were illegal. Chung became prominent as a DNC contributor and frequent White House visitor during the 1995-96 campaign cycle when he presented a \$50,000 check to the First Lady's chief of staff, Maggie Williams, on March 9, 1995, inside the White House. This contribution paved the way for Chung to bring a delegation of high-level Chinese business executives to the weekly radio address. Just prior to making this contribution, Chung received a \$150,000 wire transfer from the Haomen Beer Company in China. After the event, Chung was informed by Richard Sullivan of the DNC that the photographs that were taken with high officials and Chung's business associates would not be released to him due to the objections of the National Security Council. One NSC official even referred to Chung as a hustler.

The photos were eventually released to Chung, but only after he contributed an additional \$125,000 at an April 1995 DNC fund-raiser in China. Chung has been quoted as saying, quote, the White House is like the subway, you have to put coins in to open the gates, end quote.

Chung's success at a DNC fundraiser gave him unfettered access to the White House. The White House WAVE records show that between February 1994 and February 1996, Chung was admitted into the White House 49 times. In October 1995 Chung escorted the chairman of China Petrochemical Corporation, Mr. Chiang to a series of high-level meetings in Washington.

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Arranged meetings for him with the Energy Secretary Hazel O'Leary, Assistant Secretary of the Treasury Lawrence Summers, and DNC Chairman Donald Fowler. Chung then donated \$25,000 to Africare, a favorite charity of O'Leary, and introduced him to let us say a high-ranking official at the dinner.

Chung invoked the Fifth Amendment in response to a subpoena to testify before the committee in November 1997. He gave a partial briefing to committee members, including me, behind closed doors on the condition that his statements be kept confidential.

Questions we would like to ask Johnny Chung: Did you donate up to \$100,000 to democratic campaigns that came from Liu Chao Ying the head of China Aerospace International and the lieutenant colonel in the People's Liberation Army?

Was Liu Chao Ying hoping to get something specific in return?

Of the \$366,000 that Chung donated to the DNC, how much originated outside of the United States of America illegally?

Why did Chung bring senior executives from China Petrochemical Company to meet with the Energy Secretary O'Leary and Assistant Secretary Lawrence Summers in October 1995?

It would be nice if we could ask those questions.

John Huang is a naturalized U.S. citizen. He was a senior executive at Lippo Bank in Los Angeles where he reported to James Riady. He and his wife personally donated over \$20,000 to the DNC and DSCC during the 1992 election cycle. He also donated \$86,000 to the Presidential Inaugural Committee in January of 1993. One week later, he was reimbursed of the \$86,000 by Lippo Bank. Huang left Lippo in June of 1994, after a successful lobbying effort by James Riady to place him in the administration. Internal DNC memorandum show that he was listed as a "must consider" for such appointments at either Commerce, Treasury or State Departments. John Huang was approved for a position as Deputy Assistant Secretary for East Asia and the Pacific at the Commerce Department by the President.

He received a "interim top secret clearance" 6 months before he began his job at Commerce. In his new position, he kept close ties to officials at Lippo Bank in Indonesia, telephoning at least 70 times from his Commerce office, all while receiving at least 37 classified briefings. He also visited the White House at least 78 times between July 1, 1995 and July 3, 1996.

On September 13, 1995, he had attended a meeting in the Oval Office with the highest ranking officials in this country and also staff, including Bruce Lindsey, James Riady, and Joe Giroir. At this meeting, a decision was made to move Huang from the Commerce Department to the DNC where he would target his fund-raising efforts primarily on the Asian American community. Three months later, in December of 1995, he resigned to become a fund-raiser for the DNC. He raised between \$3 and \$4 million while at DNC. He was a primary contact for Charlie Trie and Pauline Kanchanalak, both of whom have been indicted by the Justice Department in its ongoing campaign finance probe. The DNC has returned more than \$3 million he raised. These contributions were returned because they were either illegal or suspicious.

He invoked the Fifth Amendment on February 18, 1997 in response to a House subpoena dated February 13, 1997. Here are some questions we would like to ask him:

It is clear that you and Charlie Trie were working together at some level to raise money for the DNC. We would

like to know if you were aware of Charlie Trie's numerous conduit contributions.

We would like to know if John Huang was aware that the \$450,000 that he solicited for the Wiradinatas came directly from Indonesia.

We would like to know if John Huang was aware that the donation by Pauline Kanchanalak came directly from Thailand.

We would like to know if John Huang solicited contributions while he worked at the Commerce Department.

We would like to know if John Huang passed on information he received during classified briefings to anyone at the Lippo Bank, since, while he was receiving the classified briefings, he made 70 calls to Lippo Bank.

We would like to know if John Huang used his influence within this administration to benefit the Riady family in any way.

And once again, as I pointed out last night, remember, it is that family that had concerns about the drilling in the parts of the Escalante wilderness area that had concerns about China, that had concerns about Vietnam.

Ted Sioeng, his family and business associates, contributed over \$700,000 into the American political process from 1995 to 1996. The committee has determined that the majority of this money was derived from foreign sources or otherwise legally impermissible. Sioeng's contributions, either personally or through his business associates and family members, were given to a variety of Federal, State and local political organizations and candidates. The largest beneficiary of his contributions was the DNC. The DNC received \$400,000 from his business associates and family members, \$150,000 of which was also given to Republican causes.

Over 28 witnesses relevant to the committee's investigation of Ted Sioeng have asserted their Fifth Amendment right against self incrimination, left the country, or refused to be interviewed.

He is an Indonesian-born businessman who travels on the Belize passport. His major business is the production and distribution of China's number 1 selling cigarette brand, Red Pagoda Mountain. The committee believes Sioeng improperly directed illegal foreign contributions to the DNC and other political entities and candidates.

The Senate Committee on Governmental Affairs concluded that he had "worked, and perhaps still works, for the Chinese government." The committee has developed substantial evidence to support the Senate's conclusion.

Ted Sioeng left the country in early 1997. Since that time, he has refused to cooperate with the investigations being conducted by the House and the Senate. He is believed to reside in Hong Kong or the People's Republic of China.

Questions we would like to ask him:

Did you ask your daughter to donate \$100,000 to the DNC in February 1996?

Why have more than 20 members of your family or circle of business associates either taken the Fifth Amendment that you would incriminate yourself if you testified, or fled the country?

Did Sioeng arrange a scheme in which at least \$300,000 in contributions to the DNC were funded from bank accounts in Indonesia and Hong Kong?

James Riady is an Indonesian-based banker and son of Mochtar Riady, chairman of the Lippo Group, a \$500 billion Asian business empire. James Riady is a permanent resident of the United States. In 1977, he met our current President when he was serving as Arkansas's State Attorney General. James was sent by his father to Arkansas to learn the banking and finance business at Stephens, Inc.

In its report on campaign finance, the U.S. Senate suggests that the Riady family has had a "long-term relationship with the Chinese Intelligence Agency." James Riady is the deputy chairman of the family's main business, the Lippo Group. The Riady family, including its business and partners, donated more than \$700,000 to the Democrats between 1991 and 1996.

Mochtar Riady and his son James have told close associates that they "helped get Huang his Commerce Department position in return for their political support for the President." Other reports have indicated that James Riady has claimed Huang was "my man in the American government." James Riady visited the White House on 19 occasions, 6 of which were to see the deputy White House Chief of Staff Mark Middleton. He lives in Indonesia and has refused to be interviewed by this committee in January 1998.

Questions we would like to ask Mr. Riady:

Did you lobby the President to get John Huang's job in the Commerce Department?

Did you ask the top leaders of our country, did you or your father, were you asked by the top leaders of our country to pay \$100,000 fee to Webb Hubbell while Hubble was under investigation?

Let me repeat that, because I tripped over that. We want to know whether he or his father, since they paid \$100,000 fee to Webster Hubble, which helped in our opinion possibly to keep Webster Hubble from cooperating, did he get asked by anybody at the White House. But we cannot ask him that, because he will not cooperate.

Did the Lippo Group receive any classified information from January Huang while he was at the Commerce Department who we have already documented called that group from the Commerce Department?

What were the Riadys hoping to get in return for the hundreds of thousands of dollars they gave to the Democratic party in the early 1990s? They are very a prominent, practical and capitalist company. It is doubtful they were just throwing their money away.

Ng Lap Seng is a Macao businessman and Charlie Trie's business partner. They jointly owned a Macao company, through which, according to the FBI, Ng wired Trie more than \$900,000, part of which Trie donated to the DNC.

Maria Shaw is being investigated for one of the classic cases that we have ever seen: a bunch of Buddhist nuns who gave \$100,000 each, but do not understand where the money came from, and where prominent officials of the United States participated in that period where that money was transferred and apparently knew it was a fundraiser. That is under investigation.

Charlie Trie is a long time friend from Arkansas of people in this administration where he ran a Chinese restaurant in Arkansas. He served as a trustee to the Democratic national party and was afforded liberal access to the White House and the top leadership at the White House. Trie was admitted to the White House on at least 45 occasions to visit with Mark Middleton and others. Mr. Trie is believed to have used members of his own family and other associates to funnel over \$600,000 in illegal conduit payments to the Democratic National Committee during the 1996 campaign cycle. President Clinton was once quoted as saying, "Charlie has been a close friend of mine for 2 decades."

Trie brought \$645,000 in contributions to the President's legal defense fund. Many of them were in sequentially numbered cashiers checks. All were returned after it was learned they were connected to a Buddhist cult in Taiwan.

Trie came into possession of \$200,000 in travelers's checks that came from Jakarta, Indonesia. At least \$50,000 of this money was used for conduit contributions.

Trie received over \$1 million in wire transfers from his patron in Macau. Again, much of this money was used for conduit contributions. In April of 1996, Trie was appointed by President Clinton to the Commission on United States Pacific Trade and Investment Policy, which advised the President on ways to "achieve a significant opening in Japan, China and other Asian and Pacific markets to U.S. businesses."

After his name surfaced in the press in connection to the illegal fund-raising scandal, Trie fled to China. He was reportedly living in Shanghai. In June 1997, NBC news interview with Tom Brokaw, Trie boasted he could stay in China for 10 years. He ultimately did return to the United States following his indictment. Trie quipped, "congressional investigators will never find me."

Charlie Trie initially left the country for a year in 1997. He invoked the Fifth Amendment on May 11, 1998, in response to a March 25, 1998 committee subpoena.

Questions we would like to ask Charlie Trie:

Why did you use conduit donors to make contributions to the Democratic party?

Did the \$200,000 in travelers checks come from the Riady family in Indonesia and clearly trying to influence the foreign policy of this country? Why did Trie flee the country in the wake of the campaign finance scandal?

Why was Ng Lap Seng giving Charlie Trie hundreds of thousands of dollars to make illegal contributions here in the United States?

Did the top people in this government who knew Trie from Arkansas ever question where he was getting the hundreds of thousands of dollars that he was giving to their party? They knew him, they knew he did not have the money.

Pauline Kanchanalak, citizen of Thailand, was one of the most prominent witnesses to have fled this country. She recently returned to the United States after she was indicted by a Federal grand jury in Washington on charges of funneling at least \$679,000 in illegal foreign contributions to the DNC and State Democratic parties.

The Justice Department has also indicted Kanchanalak's business associate and sister-in-law, Duangnet Kronenberg, who has taken the Fifth Amendment. According to the indictment, Kanchanalak and Kronenberg served as conduits for contributions for foreign companies and individuals into American campaigns. The Justice Department itself has alleged that Kanchanalak and Kronenberg gained access to the top leaders, I will not say who, because of House rules. This access was intended by defendants to impress clients and help their business ventures. In fact, Kanchanalak visited the White House at least 26 times, Kronenberg at least 9 times. Kanchanalak donated \$32,000 to the DNC in October 1994, 2 days after the Commerce Department trade officials and John Huang helped arrange the inaugural ceremony for a U.S. Thailand business council at the White House. The 2 also gave a total of \$135,000 to the DNC on the same day that Kanchanalak and Huang escorted 3 businessmen into a White House coffee. One businessman did most of the talking about the People's Republic of China.

The DNC has returned \$253,000 in illegal contributions from Kanchanalak, but has not returned any of the \$105,000 in contributions from Kronenberg. Both were also charged with obstruction of justice shortly after the campaign finance scandal broke. The 2 removed boxes of files from their offices and hired someone to erase the memories of their computers.

A point I want to make about what we were talking about tonight. You have heard me in a number of these cases refer to people who have been indicted. The question is, and this is what was at the core of our insisting on a special prosecutor, because we heard the FBI director and Mr. Labella tell our committee that you cannot get a fair investigation, and to suggest strongly that Democratic appointed of-

ficials, as the Attorney General is, cannot be neutral, and that, in fact, there are questions whether they have been going individually after these cases.

□ 2145

Much like what would happen sometimes in a drug bust in Fort Wayne or in Kendallville or in Huntington we can get excited in our district because it is a big drug bust there, and we close it down. Instead of getting to the next level and the next level.

What I have been suggesting and you have been watching the pictures is this is massive. Let me remind you again, there 116 people; 79 have plead the Fifth Amendment, the rest have fled the country or in one way or another dodged subpoenas.

If I put their names up here 10 at a time, it would cover this whole stage. If I stacked them up here 10 on a board at a time, it would go clear to the top of this ceiling.

This is a massive problem that we are facing. People say, why can you not close this down? Why can you not get to the truth? You are hearing we cannot get fundamental questions answered because people will not cooperate. It is like a whole city being in on something saying we are not going to talk.

We need a few Americans who know the truth to stand up and say what they know so we can continue to move, or we need to start offering immunity to these people. It cannot be done under a partisan Justice Department. That is what the FBI director is saying, and that is what the Justice Department's own career people are saying. And it has to be done.

This is not about sex. The whole country is abuzz about sex. But there are other matters here, too. We have seen a pattern. As we heard last night in the Teamsters, the same names are showing up. The same names are showing up when we start to look at the Indian casino questions. The same names show up in scandal after scandal after scandal.

When are we going to get to who is coordinating this and at what level and who knew about it and when, the basic questions that we heard in Watergate years ago?

A man known as Antonio Pan is a former high-level Lippo executive based in Hong Kong. He was involved in Lippo's business ventures during China. He became an associate of Charlie Trie and was indicted along with Trie on charges related to illegal fundraising on January 28, 1998.

In October of 1995, Trie and Pan invited then Commerce Secretary Ron Brown to attend a fund-raising dinner while on a Trade Mission to China. At this dinner, Trie asked many of the attendees, many of whom were not United States citizens or permanent residents, to contribute to the DNC.

During February 1996, Pan was also active in soliciting conduit contributors for the DNC and reimbursing them

with cash on behalf of Trie. Pan sent \$25,000 in cashier's checks, via overnight delivery, to Trie's sister, Manlin Fong, in order to reimburse her for contributions to the DNC.

The money is believed to have originated with the travelers checks Trie received from Indonesia. Pan also allegedly received \$80,000 in cash in August 1996 from Ng Lap Seng and used most of the money to reimburse straw contributors in Los Angeles that he had persuaded to write checks to the DNC for the President's 50th birthday party in New York City. Pan has left the country and cannot be located.

Questions we would like to ask Mr. Pan: Why did Pan open a savings account at the Amerasia Bank in Flushing, New York with \$25,200 in cash, within minutes withdraw \$25,000 and then send it to Charlie Trie's sister and her boyfriend in California?

Why did Pan share a bank account with Charlie Trie?

Witnesses have told the House Committee on Government Reform and Oversight that in 1996, Pan withdrew \$80,000 in cash and delivered portions of it to individuals in Los Angeles who then sent it to the Democratic Party.

Where did this money come from originally? Who asked him to generate these contributions? Were Antonio Pan and Charlie Trie working on behalf of the Riady family of Indonesia, or were other foreign entities behind their activities?

These are grave questions. I am sure in future days we will be going through other names illustrating this point in other ways. But tonight, I wanted to give my colleagues an idea of the depth of the problem we are facing in this United States government.

The problems that we have been abuzz about over the last few days are not going to just go away. In fact, we have special prosecutors in addition to Judge Starr being appointed; times extended. We are going to have some more.

There is only one way that the problem can go away. But we need to get to the bottom of this. We cannot do any slap on the wrist, any verbal gymnastics here to try to avoid the tough questions.

We have to know, has this government been for sale at the highest levels, especially possibly to foreign influences? Have there been patterns of cover-up throughout this entire government, not knowing what level it gets to? I don't know that. We have 116 people that will not talk to us. And they may turn up other names, if some of them start to talk, of other people we need to go to.

But we have been inching up and inching up. It is clear there is a pattern that is far beyond the political appointee of this White House to solve. We need a special prosecutor. We need to hear that investigation. We need to hear what the gentleman from California (Mr. COX) turns up in his investigation. We need to see what the Committee on the Judiciary turns up. We need

to see what the Teamsters investigation of the gentleman from Michigan (Mr. HOEKSTRA) turns up. We need to see how these things come together. If necessary, this House will have to do whatever it needs to do.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. EHRlich (at the request of Mr. ARMEY) for after 7 p.m. Today, on account of official business.

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:)

Mr. GEPHARDT, for 5 minutes, today.

Mr. LANTOS, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, on September 16.

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 material:)

Mr. KIND.

Mr. MENENDEZ.

Ms. SLAUGHTER.

Mr. HAMILTON.

Mr. KENNEDY of Rhode Island.

Mr. KENNEDY of Massachusetts.

Mr. BLAGOJEVICH.

Mr. UNDERWOOD.

Ms. NORTON.

Mr. LANTOS.

Mr. FRANK of Massachusetts.

Mr. SKELTON.

Mr. BONIOR.

Ms. DELAURO.

Mr. FILNER.

Ms. STABENOW.

Mr. CONYERS.

(The following Members (at the request of Mr. DREIER) and to include extraneous material:)

Mr. GILMAN.

Mr. DAN SCHAEFER of Colorado.

Ms. ROS-LEHTINEN.

Mr. MICA.

Mr. EVERETT.

Mr. CAMPBELL.

Mr. GILMAN.

Mrs. EMERSON.

Mr. HANSEN.

(The following Members (at the request of Mr. SOUDER) and to include extraneous material:)

Mr. PARKER.

Mr. BROWN of California.

Mr. DELAY.

Mr. BLUNT.

Mr. BURTON of Indiana.

Mr. OBERSTAR.

Mr. RYUN.

Mr. PACKARD.

Mr. BOB SCHAEFFER of Colorado.

Mr. PICKERING.

Ms. STABENOW.

Mr. GOODLATTE.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 16, 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:

10885. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California; Relaxation of Pack Requirements [Docket No. FV98-920-4 IFR] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10886. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Southwest Plains Marketing Area; Suspension of Certain Provisions of the Order [DA-98-08] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10887. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Financial Reporting Standards for HUD Housing Programs [Docket No. FR-4321-F-03] (RIN: 2501-AC49) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10888. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Assessment System [Docket No. FR-4313-F-03] (RIN: 2577-AB81) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10889. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10890. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Anthropomorphic Test Dummy [Docket No. NHTSA-98-4358] (RIN: 2127-AG75, 2127-AG80, 2127-AG94) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10891. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Ventura County Air Pollution Control District [CA 009-0090a FRL-6142-3] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10892. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ashton, Idaho and West Yellowstone, Montana) [MM Docket No. 97-200, RM-9144, RM-9313] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10893. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Albion, Honeoye Falls and South Bristol Township, New York) [MM Docket No. 98-8, RM-9178] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10894. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses [MM Docket No. 97-234] Reexamination of the Policy Statement on Comparative Broadcast Hearings [GC Docket No. 92-52] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10895. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's final rule—Trade Regulation Rule Regarding Use of Negative Option Plans by Sellers in Commerce [16 CFR Part 425] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10896. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—1998-99 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AE68) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10897. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 081498A] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10898. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements [Docket No. 980112009-8196-02; I.D. 110697B] (RIN: 0648-AK36) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety And Security Zones; Presidential Visit, Martha's Vineyard, MA [CGD01-98-114] (RIN: AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska [COTP Western Alaska -98-003] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Suisun Bay, Sacramento River, San Joaquin River, San Francisco, CA [COTP San Francisco Bay; 98-021] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Connections Unlimited Fireworks, New York Harbor, Upper Bay [CGD01-98-123] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; San Juan Harbor, San Juan, PR [CGD07-98-023] (RIN: 2115-AE84) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: KENNEDY Fireworks, New York Harbor, Upper Bay [CGD01-98-113] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Baptiste Collette Bayou from Lower Mississippi River Mile 11.3 to Lighted Buoy #21 in Breton Sound (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S-61A, D, E, L, N, NM, R, and V Helicopters; Correction [Docket No. 97-SW-18-AD; Amendment 39-10126; AD 97-19-06] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10907. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Lake Champlain, VT [CGD01-98-124] (RIN: 2115-AE47) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10908. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Anacostia River, Washington D.C. [CGD05-98-017] (RIN: 2115-AE47) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10909. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Fireworks displays within the First Coast Guard District [CGD01-98-127] (RIN: 2115-AE46) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10910. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped with Rolls-Royce Model RB211-52G/H Engines [Docket No. 98-NM-194-AD; Amendment 39-10715; AD 98-17-13] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10911. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4100 Series Airplanes [Docket No. 98-NM-86-AD; Amendment 39-10714; AD 98-17-12] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10912. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 3180, SA 318B, SA 318C, SE 3130, SE 313B, SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters [Docket No. 98-SW-36-AD Amendment 39-10716; AD 98-16-02] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10913. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming and Teledyne Continental Motors Reciprocating Engines [Docket No. 98-ANE-27-AD; Amendment 39-10713; AD 98-17-11] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10914. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan [Docket No. 27744; SFAR 67] (RIN: 2120-AG56) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10915. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Sudan [Docket No. 29317; SFAR 82] (RIN: 2120-AG67) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10916. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of the Legal Description of the Memphis Class B Airspace Area; TN [Airspace Docket No. 98-AWA-1] (RIN: 2120-AA66) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10917. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety And Se-

curity Zones; Presidential Visit, Martha's Vineyard, MA [CGD01-98-115] (RIN: AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10918. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Clinton, IA [Airspace Docket No. 98-ACE-26] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10919. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hartford, KY [Airspace Docket No. 98-ASO-10] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10920. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Savannah, TN [Airspace Docket No. 98-ASO-7] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Financial Responsibility Requirements for Licensed Launch Activities [Docket 28635; Amendment No. 98-1] (RIN: 2120-AF98) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10922. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Mentor-Protege [48 CFR Part 1819] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10923. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Disaster Loan Program [13 CFR Part 123] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10924. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Disaster Relief [Announcement OGI-116078-98] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10925. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Former Indian Reservations in Oklahoma [Notice 98-45] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10926. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate and Gift Tax Marital Deduction [TD 8779] (RIN: 1545-AU27) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10927. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate of Clara K. Hoover, Deceased, Yetta Hoover Bidegain, Personal Representative v. Commissioner, 69 F.3d 1044 (10th Cir. 1995), rev'g 102 T.C. 777 (1994) [T.C. Docket No. 18464-92] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10928. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Barry I. Fredericks v. Commissioner No. 96-7748 (3d Cir., Filed September 11, 1997, amended September 18, 1997), rev'q T.C. Memo. 1996-222 T.C. Dkt. No.

16442-92—received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10929. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision [McCormick v. Peterson CV93-2157 (E.D.N.Y. 1993), 94-1 USTC 50, 026] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10930. A letter from the Director, Defense Security Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 98-52), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10931. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 98-56), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10932. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office for defense articles and services (Transmittal No. 98-54), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10933. A letter from the Director, Defense Security Assistance Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for \$1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 1998, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

10934. A communication from the President of the United States, transmitting the annual report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1997, pursuant to 22 U.S.C. 287b; to the Committee on International Relations.

10935. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B-1, and 214ST Helicopters [Docket No. 94-SW-29-AD; Amendment 39-10717; AD 98-18-01] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10936. A communication from the President of the United States, transmitting the annual report on the Nation's achievements in aeronautics and space during fiscal year 1997, pursuant to 42 U.S.C. 2476; to the Committee on Science.

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:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2108. A bill to dispose of certain Federal properties located in Dutch John, Utah, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; with an amendment (Rept. 105-714). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1481. A bill to amend the Great

Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; with an amendment (Rept. 105-715). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2812. A bill to provide for the recognition of certain Native communities under the Alaska Native Claims Settlement Act, and for other purposes (Rept. 105-716). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4079. A bill to authorize the construction of temperature control devices at Folsom Dam in California (Rept. 105-717). Referred to the Committee of the Whole House on the State of the Union.

Mr. CALLAHAN: Committee on Appropriations. H.R. 4569. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105-179). Referred to the Committee of the Whole House on the state of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 537. Resolution providing for consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries (Rept. 105-720). Referred to the House Calendar.

Mr. MCINNIS: Committee on Rules. House Resolution 538. Resolution providing for consideration of the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs (Rept. 105-721). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3445. A bill to establish the Commission on Ocean Policy, and for other purposes, with an amendment; referred to the Committees on Transportation and Infrastructure and Science for a period ending not later than September 15, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(q) and (n), rule X, respectively (Rept. 105-718), Part 1). Ordered to be printed.

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. DAVIS of Virginia:

H.R. 4566. A bill to make technical and clarifying amendments to the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Government Reform and Oversight, and in addition to the Committee on 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. THOMAS (for himself and Mr. MCGOVERN):

H.R. 4567. A bill to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare Program; 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. DAVIS of Virginia:

H.R. 4568. A bill to make technical and clarifying amendments to the provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997 relating to the reform of certain District of Columbia retirement programs; to the Committee on Government Reform and Oversight, and in addition to the Committee on 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. CALLAHAN:

H.R. 4569. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. HANSEN:

H.R. 4570. A bill to provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public lands, and for other purposes; to the Committee on Resources.

By Mr. GOODLATTE:

H.R. 4571. A bill to amend the Food Stamp Act of 1977 to eliminate additional funds authorized to be appropriated for fiscal years 1999 and 2002 for employment and training programs, and to require the Secretary of Agriculture to purchase additional commodities for distribution under section 214 of the Emergency Food Assistance Act of 1983 for fiscal years 1999 through 2002; to the Committee on Agriculture.

By Mr. GEKAS (for himself, Mr. MCCOLLUM, and Mr. MICA):

H.R. 4572. A bill to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; to the Committee on the Judiciary.

By Mr. PAYNE:

H.R. 4573. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Resources.

By Mr. SNOWBARGER (for himself, Mr. MORAN of Virginia, Mr. RYUN, and Mr. TIAHRT):

H.R. 4574. A bill to amend the Railroad Retirement Act of 1974 to assure that merchant marine service during World War II that the Secretary of Veterans' Affairs deems to be active military duty by reason of a determination by the Secretary of Defense is considered to be creditable service in the computation of retirement benefits to the same degree as other active duty service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WAMP:

H.R. 4575. A bill to authorize the Secretary of the Interior to acquire interests in real property for addition to the Chickamauga and Chattanooga National Military Park; to the Committee on Resources.

By Ms. WATERS:

H.R. 4576. A bill to amend section 106 of the Child Abuse Prevention and Treatment Act

and subpart 1 of part B of title IV of the Social Security Act to require States receiving funds under such provisions to have in effect a State law providing for a criminal penalty on an individual who fails to report having knowledge of another individual's commission of a crime of violence or a sex crime against a person under the age of 18; to the Committee on Education and the Workforce, and in addition to the Committee on 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. GUTIERREZ (for himself, Mr. DAVIS of Illinois, Mr. YATES, Mr. FAWELL, Mr. LIPINSKI, Mr. RUSH, Mr. PORTER, Mr. EWING, Mr. JACKSON of Illinois, Mr. SHIMKUS, Mr. HYDE, Mr. BLAGOJEVICH, Mr. HASTERT, Mr. POSHARD, Mr. CRANE, Mr. MANZULLO, and Mr. LAHOOD):

H. Res. 536. A resolution congratulating Sammy Sosa of the Chicago Cubs for tying the current major league record for home runs in one season; to the Committee on Government Reform and Oversight.

By Ms. WATERS (for herself, Mr. STOKES, and Ms. PELOSI):

H. Res. 539. A resolution expressing the sense of the House of Representatives that a national HIV surveillance system should be expeditiously implemented; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors where added to public bills and resolutions as follows:

H.R. 297: Mr. SANDERS.
 H.R. 299: Mr. MARTINEZ.
 H.R. 453: Mr. SAWYER and Ms. LOFGREN.
 H.R. 696: Mr. MALONEY of Connecticut.
 H.R. 857: Ms. DANNER.
 H.R. 979: Mr. MCCOLLUM.
 H.R. 1223: Mr. GILMAN.
 H.R. 1232: Mr. SMITH of New Jersey and Mr. FARR of California.
 H.R. 1401: Mr. POMBO, Mr. ALLEN, and Mr. MARKEY.
 H.R. 1450: Mr. LAMPSON.
 H.R. 1483: Mr. MANTON and Mr. FORBES.
 H.R. 1516: Mr. BONIOR.
 H.R. 1542: Mr. LEWIS of Kentucky.
 H.R. 1991: Ms. DUNN of Washington.
 H.R. 2174: Mr. MARKEY, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, and Mr. BAESLER.
 H.R. 2273: Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. SPRATT, Mr. ROMERO-BARCELÓ, Mr. FOX of Pennsylvania, Mr. FOLEY, and Mr. MCCOLLUM.
 H.R. 2397: Mr. TORRES, Mr. FOSSELLA, Mr. KENNEDY of Rhode Island, Mr. PACKARD, Ms. GRANGER, Mr. MEEKS of New York, Mr. MCHUGH, Mrs. MYRICK, and Mrs. FOWLER.
 H.R. 2409: Mr. BENTSEN.
 H.R. 2524: Mr. MILLER of California.
 H.R. 2733: Ms. WATERS, Mr. RODRIGUEZ, Mr. LUCAS of Oklahoma, Mr. DIAZ-BALART, Mr. BOYD, Mr. SHERMAN, Mr. HOYER, Mr. HAYWORTH, Mr. MENENDEZ, Mr. CAMPBELL, and Mr. GALLEGLY.
 H.R. 2821: Mr. DIXON and Mrs. MYRICK.
 H.R. 2868: Mr. OLVER.
 H.R. 2882: Mr. HUTCHINSON.
 H.R. 3008: Mr. KINGSTON.
 H.R. 3125: Mr. BURTON of Indiana.
 H.R. 3320: Mr. ROTHMAN, Mr. BORSKI, and Mr. ORTIZ.
 H.R. 3514: Mr. MINGE.
 H.R. 3876: Mr. BOSWELL.
 H.R. 3879: Mr. LOBIONDO, Ms. LOFGREN, and Mr. SAXTON.
 H.R. 3880: Mr. MENENDEZ.

H.R. 3898: Mr. SHADEGG.
 H.R. 3915: Mr. FRANK of Massachusetts.
 H.R. 3949: Mr. HERGER.
 H.R. 4019: Mr. HASTINGS of Washington.
 H.R. 4031: Mr. KUCINICH.
 H.R. 4126: Mr. SANDLIN.
 H.R. 4197: Mr. SHADEGG.
 H.R. 4203: Mr. WEXLER, Mr. HINCHEY, Mrs. ROUKEMA, Mr. BORSKI, Mr. SHERMAN, Mr. KING of New York, Mr. ACKERMAN, and Mrs. MORELLA.
 H.R. 4204: Mr. SESSIONS.
 H.R. 4229: Mr. MCHUGH.
 H.R. 4236: Ms. DUNN of Washington.
 H.R. 4252: Mr. BALDACCI.
 H.R. 4300: Mr. SKEEN.
 H.R. 4339: Ms. HOOLEY of Oregon.
 H.R. 4349: Mr. RAMSTAD and Mrs. NORTHUP.
 H.R. 4399: Mr. PAUL.
 H.R. 4404: Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. TALENT, and Mr. WALSH.
 H.R. 4427: Mr. GIBBONS.
 H.R. 4449: Mr. TURNER and Mr. HALL of Ohio.

H.R. 4465: Mr. FORBES, Mr. FROST, and Ms. DANNER.
 H.R. 4509: Mr. PICKERING and Mr. GOODE.
 H.R. 4522: Mr. FROST and Mr. PAPPAS.
 H.R. 4536: Mr. SOUDER, Ms. GRANGER, Mr. ENGLISH of Pennsylvania, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. KENNEDY of Rhode Island, and Mr. FORBES.
 H. Con. Res. 210: Mr. CANADY of Florida.
 H. Con. Res. 290: Mr. CHRISTENSEN, Mr. ADERHOLT, Mr. OXLEY, Mr. LIPINSKI, Mr. MCHUGH, and Mr. SUNUNU.
 H. Con. Res. 317: Mr. DEAL of Georgia, Mr. MENENDEZ, Mr. SANDLIN, and Mr. WATT of North Carolina.
 H. Res. 304: Mr. COLLINS and Mr. TAYLOR of Mississippi.
 H. Res. 313: Ms. FURSE, Ms. STABENOW, and Ms. ROS-LEHTINEN.
 H. Res. 520: Mr. COSTELLO.
 H. Res. 532: Mr. NEY, Mr. STEARNS, and Mr. EHRLICH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

75. The SPEAKER presented a petition of the Citizens of the several States, relative to the Partial-Birth Abortion Ban Act; to the Committee on the Judiciary.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names during the week of September 7, 1998, to the following discharge petition:

Petition 4 by Ms. SLAUGHTER on House Resolution 473: Barney Frank, William J. Jefferson, and James P. Moran.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4006

OFFERED BY: MS. HOOLEY OF OREGON

AMENDMENT NO. 2: Page 3, line 9, insert "(A)" after "to" and, in line 15, insert before the semicolon the following: ", or (B) any dispensing or distribution of a controlled substance which is lawful under State law".

H.R. 4300

OFFERED BY: MR. MCCOLLUM

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Western Hemisphere Drug Elimination Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings and statement of policy.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

Sec. 101. Expansion of aircraft coverage and operation in source and transit countries.
 Sec. 102. Expansion of maritime coverage and operation in source and transit countries.
 Sec. 103. Expansion of radar coverage and operation in source and transit countries.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

Sec. 201. Additional eradication resources for Colombia.
 Sec. 202. Additional eradication resources for Peru.
 Sec. 203. Additional eradication resources for Bolivia.
 Sec. 204. Additional eradication resources for Mexico.
 Sec. 205. Miscellaneous additional eradication resources.
 Sec. 206. Bureau of International Narcotics and Law Enforcement Affairs.
 Sec. 207. Report on transferring international narcotics assistance activities to a United States law enforcement agency.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE AND MYCOHERBICIDE RESEARCH AND DEVELOPMENT

Sec. 301. Alternative crop development support.
 Sec. 302. Authorization of appropriations for Agricultural Research Service counterdrug research and development activities.
 Sec. 303. Master plan for mycoherbicides to control narcotic crops.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

Sec. 401. Enhanced international law enforcement academy training.
 Sec. 402. Enhanced United States drug enforcement international training.
 Sec. 403. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities.

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCE- MENT OPERATIONS AND EQUIPMENT

Sec. 501. Increased funding for operations and equipment.
 Sec. 502. Sense of Congress regarding priority of drug interdiction and counterdrug activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

Sec. 601. Authorizations of appropriations.

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Teenage drug use in the United States has doubled since 1993.

(2) The drug crisis facing the United States is a top national security threat.

(3) The spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.

(4) Effective drug interdiction efforts have been shown to limit the availability of illicit

narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use.

(5) A prerequisite for reducing youth drug use is increasing the price of drugs. To increase price substantially, at least 60 percent of drugs must be interdicted.

(6) In 1987, the national drug control budget maintained a significant balance between demand and supply reduction efforts, illustrated as follows:

(A) 29 percent of the total drug control budget expenditures for demand reduction programs.

(B) 38 percent of the total drug control budget expenditures for domestic law enforcement.

(C) 33 percent of the total drug control budget expenditures for international drug interdiction efforts.

(7) In the late 1980's and early 1990's, counternarcotic efforts were successful, specifically in protecting the borders of the United States from penetration by illegal narcotics through increased seizures by the United States Coast Guard and other agencies, including a 302 percent increase in pounds of cocaine seized between 1987 and 1991.

(8) Limiting the availability of narcotics to drug traffickers in the United States had a promising effect as illustrated by the decline of illicit drug use between 1988 and 1991, through a—

(A) 13 percent reduction in total drug use;

(B) 35 percent drop in cocaine use; and

(C) 16 percent decrease in marijuana use.

(9) In 1993, drug interdiction efforts in the transit zones were reduced due to an imbalance in the national drug control strategy. This trend has continued through 1995 as shown by the following figures:

(A) 35 percent for demand reduction programs.

(B) 53 percent for domestic law enforcement.

(C) 12 percent for international drug interdiction efforts.

(10) Supply reduction efforts became a lower priority for the Administration and the seizures by the United States Coast Guard and other agencies decreased as shown by a 68 percent decrease in the pounds of cocaine seized between 1991 and 1996.

(11) Reductions in funding for comprehensive interdiction operations like OPERATION GATEWAY and OPERATION STEELWEB, initiatives that encompassed all areas of interdiction and attempted to disrupt the operating methods of drug smugglers along the entire United States border, have created unprotected United States border areas which smugglers exploit to move their product into the United States.

(12) The result of this new imbalance in the national drug control strategy caused the drug situation in the United States to become a crisis with serious consequences including—

(A) doubling of drug-abuse-related arrests for minors between 1992 and 1996;

(B) 70 percent increase in overall drug use among children aged 12 to 17;

(C) 80 percent increase in drug use for graduating seniors since 1992;

(D) a sharp drop in the price of 1 pure gram of heroin from \$1,647 in 1992 to \$966 in February 1996; and

(E) a reduction in the street price of 1 gram of cocaine from \$123 to \$104 between 1993 and 1994.

(13) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) reduce the supply of drugs and drug use through an enhanced drug interdiction effort in the major drug transit countries, as well support a comprehensive supply country eradication and crop substitution program, because a commitment of increased resources in international drug interdiction efforts will create a balanced national drug control strategy among demand reduction, law enforcement, and international drug interdiction efforts; and

(2) support policies and dedicate the resources necessary to reduce the flow of illegal drugs into the United States by not less than 80 percent by December 31, 2001.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

SEC. 101. EXPANSION OF AIRCRAFT COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of air coverage and operation for drug source and transit countries, as follows:

(1) For procurement of 10 P-3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, the total amount of \$430,000,000.

(2) For the procurement and deployment of 10 P-3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of the drug source zone, the total amount of \$150,000,000.

(3) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P-3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, \$23,500,000.

(4) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P-3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, \$12,500,000.

(5) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P-3B Slick airplanes for the United States Customs Service to enhance overhead coverage of the drug source zone, \$23,500,000.

(6) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P-3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of drug source zone countries, \$12,500,000.

(7) For construction and furnishing of an additional facility for the P-3B aircraft, 6,000,000.

(8) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Colombia, \$6,000,000.

(9) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Bolivia, \$2,000,000.

(10) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Peru, \$6,000,000.

(11) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead coverage for the Caribbean and Eastern Pacific regions, \$25,000,000.

(12) For purchase and for operation and maintenance of 3 Schweizer RU-38A observation aircraft (to be piloted by pilots under contract with the United States), the total amount of \$16,500,000, of which—

(A) \$13,500,000 is for procurement; and

(B) \$1,000,000 for each such fiscal year is for operation and maintenance.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Secretary of State and the Di-

rector of Central Intelligence, shall submit to the Committee on National Security, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate a report examining the options available in the source and transit zones to replace Howard Air Force Base in Panama and specifying the requirements of the United States to establish an airbase or airbases for use in support of counternarcotics operations to optimize operational effectiveness in the source and transit zones. The report shall identify the following:

(1) The specific requirements necessary to support the national drug control policy of the United States.

(2) The estimated construction, operation, and maintenance costs for a replacement counterdrug airbase or airbases in the source and transit zones.

(3) Possible interagency cost sharing arrangements for a replacement airbase or airbases.

(4) Any legal or treaty-related issues regarding the replacement airbase or airbases.

(5) A summary of completed alternative site surveys for the airbase or airbases.

(c) TRANSFER OF AIRCRAFT.—The Secretary of the Navy shall transfer to the United States Customs Service—

(1) ten currently retired and previously identified heavyweight P-3B aircraft for modification into P-3 AEWC&C aircraft; and

(2) ten currently retired and previously identified heavyweight P-3B aircraft for modification into P-3 Slick aircraft.

SEC. 102. EXPANSION OF COAST GUARD DRUG INTERDICTION.

(a) OPERATING EXPENSES.—For operating expenses of the Coast Guard associated with expansion of drug interdiction activities around Puerto Rico, the United States Virgin Islands, and other transit zone areas of operation, there are authorized to be appropriated to the Secretary of Transportation \$129,000,000 for each of fiscal years 1999, 2000, and 2001. Such amounts shall include (but are not limited to) amounts for the following:

(1) For deployment of intelligent acoustic detection buoys in the Florida Straits and Bahamas.

(2) For a nonlethal technology program to enhance countermeasures against the threat of transportation of drugs by so-called Go-Fast boats.

(b) ACQUISITION, CONSTRUCTION, AND IMPROVEMENT.—

(1) IN GENERAL.—For acquisition, construction, and improvement of facilities and equipment to be used for expansion of Coast Guard drug interdiction activities, there are authorized to be appropriated to the Secretary of Transportation for fiscal year 1999 the following:

(A) For maritime patrol aircraft, \$66,000,000.

(B) For acquisition of deployable pursuit boats, \$3,500,000.

(C) For the acquisition and construction of 15 United States Coast Guard 87-foot Coastal Patrol Boats, \$71,000,000.

(D) For the reactivation of 3 United States Coast Guard HU-25 Falcon jets, \$7,500,000.

(E) For acquisition of installed or deployable electronic sensors and communications systems for Coast Guard Cutters, \$16,300,000.

(F) For acquisition and construction of facilities and equipment to support regional and international law enforcement training and support in Puerto Rico, the United States Virgin Islands, and Caribbean Basin, \$4,000,000.

(G) For acquisition or conversion of maritime patrol aircraft, \$17,000,000.

(H) For acquisition or conversion of 2 vessels to be used as Coast Guard Medium or High Endurance Cutters, \$36,000,000.

(I) For acquisition or conversion of 2 vessels to be used as Coast Guard Cutters as support, command, and control platforms for drug interdiction operations, \$20,000,000.

(J) For construction of 6 United States Code Coast Guard medium endurance cutters, \$289,000,000.

(2) CONTINUED AVAILABILITY.—Amounts appropriated under this subsection may remain available until expended.

(c) REQUIREMENT TO ACCEPT PATROL CRAFT FROM DEPARTMENT OF DEFENSE.—The Secretary of Transportation shall accept, for use by the Coast Guard for expanded drug interdiction activities, 7 PC-170 patrol craft offered by the Department of Defense.

SEC. 103. EXPANSION OF RADAR COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of radar coverage in drug source and transit countries, as follows:

(1) For restoration of radar in the Bahamas, the total amount of \$13,500,000, of which—

(A) the total amount of \$4,500,000 is for procurement; and

(B) \$3,000,000 for each such fiscal year is for operation and maintenance.

(2) For each such fiscal year for operation and maintenance, for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, \$300,000.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in conjunction with the Director of Central Intelligence, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining the options available to the United States for improving Relocatable Over the Horizon (ROTHR) capability to provide enhanced radar coverage of narcotics source zone countries in South America and transit zones in the Eastern Pacific. The report shall include—

(1) a discussion of the need and costs associated with the establishment of a proposed fourth ROTHR site located in the source or transit zones; and

(2) an assessment of the intelligence specific issues raised if such a ROTHR facility were to be established in conjunction with a foreign government.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

SEC. 201. ADDITIONAL ERADICATION RESOURCES FOR COLOMBIA.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the enhancement of drug-related eradication efforts in Colombia, as follows:

(1) For each such fiscal year for sustaining support of the helicopters and fixed wing fleet of the national police of Colombia, \$6,000,000.

(2) For the purchase of DC-3 transport aircraft for the national police of Colombia, the total amount of \$2,000,000.

(3) For acquisition of concertina wire and tunneling detection systems at the La Picota prison of the national police of Colombia, the total amount of \$1,250,000.

(4) For the purchase of minigun systems for the national police of Colombia, the total amount of \$6,000,000.

(5) For the purchase of 6 UH-60L Black Hawk utility helicopters for the national police of Colombia, the total amount of \$60,000,000 for procurement and an additional amount of \$12,000,000 for each such fiscal year for operation, maintenance, and training.

(6) For procurement, for upgrade of 50 UH-1H helicopters to the Huey II configuration equipped with miniguns for the use of the national police of Colombia, the total amount of \$70,000,000.

(7) For the repair and rebuilding of the antinarcotics base at Miraflores, \$2,000,000.

(8) For providing sufficient and adequate base and force security for any rebuilt facility at Miraflores, and the other forward operating antinarcotics bases of the Colombian National Police antinarcotics unit, \$6,000,000.

(b) COUNTERNARCOTICS ASSISTANCE.—United States counternarcotics assistance may not be provided for the Government of Colombia under this Act or under any other provision of law on or after the date of the enactment of this Act if the Government of Colombia negotiates or permits the establishment of any demilitarized zone in which the eradication and interdiction of drug production by the security forces of Colombia, including the Colombian National Police antinarcotics unit, is prohibited.

SEC. 202. ADDITIONAL ERADICATION RESOURCES FOR PERU.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the establishment of a third drug interdiction site at Puerto Maldonado, Peru, to support air bridge and riverine missions for enhancement of drug-related eradication efforts in Peru, the total amount of \$3,000,000, and an additional amount of \$1,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance.

(b) DEPARTMENT OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of Peruvian counternarcotics air interdiction requirements and, not later than 90 days after the date of enactment of this Act, submit to Congress a report on the results of the study. The study shall include a review of the Peruvian Air Force's current and future requirements for counternarcotics air interdiction to complement the Peruvian Air Force's A-37 capability.

SEC. 203. ADDITIONAL ERADICATION RESOURCES FOR BOLIVIA.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhancement of drug-related eradication efforts in Bolivia, as follows:

(1) For each such fiscal year for support of air operations of the Red Devils of Bolivia, \$1,000,000.

(2) For each such fiscal year for support of riverine operations of the Blue Devils of Bolivia, \$1,000,000.

(3) For each such fiscal year for support of coca eradication programs, \$1,000,000.

(4) For the procurement of 2 mobile x-ray machines with maintenance support for placement along the Chapare highway, the total amount of \$5,000,000 and an additional amount of \$1,000,000 for each such fiscal year for operation and maintenance.

SEC. 204. ADDITIONAL ERADICATION RESOURCES FOR MEXICO.

(a) IN GENERAL.—

(1) AUTHORITY TO PURCHASE HELICOPTERS.—Contingent on the agreement of the Government of Mexico to approve full diplomatic immunity for Drug Enforcement Administration personnel serving in Mexico with privi-

leges granted to United States Government officials to carry weapons necessary for the performance of their duties, the Secretary of State, subject to the availability of appropriations, shall purchase 6 Bell 212 high altitude helicopters designated for opium eradication programs in the Mexican states of Guerrero, Jalisco, and Sinaloa, for enhancement of drug-related eradication efforts in Mexico.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State during the period beginning on October 1, 1998, and on ending September 30, 2001, \$18,000,000 to carry out paragraph (1).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited the same status under the Vienna Convention on Diplomatic Immunity as other diplomatic personnel serving at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accorded the same diplomatic status as Drug Enforcement Administration personnel serving in Mexico.

SEC. 205. MISCELLANEOUS ADDITIONAL ERADICATION RESOURCES.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhanced precursor chemical control projects, in the total amount of \$500,000.

SEC. 206. BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) QUALIFICATIONS FOR SERVICE.—Notwithstanding any other provision of law, any individual serving in the position of assistant secretary in any department or agency of the Federal Government who has primary responsibility for international narcotics control and law enforcement, and the principal deputy of any such assistant secretary, shall have substantial professional qualifications in the fields of—

(1) management; and

(2) Federal law enforcement, or intelligence.

(b) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, upon the receipt by the Department of State of a formal letter of request for any foreign military sales counternarcotics-related assistance from the head of any police, military, or other appropriate security agency official, the implementation and processing of the counternarcotics foreign military sales request shall be the sole responsibility of the Department of Defense, which is the traditional lead agency in providing military equipment and supplies abroad.

(2) ROLE OF STATE DEPARTMENT.—The Department of State shall continue to have a consultative role with the Department of Defense in the processing of the request described in paragraph (1), after receipt of the letter of request, for all counternarcotics-related foreign military sales assistance.

SEC. 207. REPORT ON TRANSFERRING INTERNATIONAL NARCOTICS ASSISTANCE ACTIVITIES TO A UNITED STATES LAW ENFORCEMENT AGENCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the responsiveness and effectiveness of international narcotics assistance activities under the Department of State have been severely hampered due, in part, to the lack of law enforcement expertise by responsible personnel in the Department of State.

(b) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the

Director of National Drug Control Policy shall prepare and submit to the appropriate committees a report, which shall evaluate the responsiveness and effectiveness of international narcotics assistance activities under the Department of State during the preceding 4 fiscal years.

(2) **RECOMMENDATION AND EXPLANATION.**—The study submitted under paragraph (1) shall include the recommendation of the Director and detailed explanatory statement regarding whether the overseas activities of the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State should be transferred to the Department of Justice.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Office on National Drug Control Policy \$100,000 to carry out the study under this section.

(c) **DEFINITIONS.**—In this section, the term “appropriate committees” means—

(1) the Committees on Appropriations, Armed Services, Foreign Relations, and the Judiciary of the Senate;

(2) the Committees on Appropriations, International Relations, National Security, and the Judiciary of the House of Representatives; and

(3) the Select Committees on Intelligence of the House of Representatives and the Senate.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE

SEC. 301. ALTERNATIVE CROP DEVELOPMENT SUPPORT.

Funds are authorized to be appropriated for the United States Agency for International Development for fiscal years 1999, 2000, and 2001 for alternative development programs, as follows:

(1) For startup costs of programs in the Guaviare, Putumayo, and Caqueta regions in Colombia, the total amount of \$5,000,000 and an additional amount of \$5,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Ucayali, Apurimac, and Huallaga Valley regions in Peru, \$50,000,000.

(3) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Chapare and Yungas regions in Bolivia, \$5,000,000.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR AGRICULTURAL RESEARCH SERVICE COUNTERDRUG RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary of Agriculture for each of fiscal years 1999, 2000, and 2001, \$23,000,000 to support the counternarcotics research efforts of the Agricultural Research Service of the Department of Agriculture. Of that amount, funds are authorized as follows:

(1) \$5,000,000 shall be used for crop eradication technologies.

(2) \$2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology.

(3) \$1,000,000 shall be used for worldwide crop identification, detection tagging, and production estimation technology.

(4) \$5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

(5) \$10,000,000 to contract with entities meeting the criteria described in subsection (b) for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification

of multiple mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) **CRITERIA FOR ELIGIBLE ENTITIES.**—An entity under this subsection is an entity which possesses—

(1) experience in diseases of narcotic crops;

(2) intellectual property involving seed-borne dispersal formulations;

(3) the availability of state-of-the-art containment or quarantine facilities;

(4) country-specific mycoherbicide formulations;

(5) specialized fungicide resistant formulations; or

(6) special security arrangements.

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) **IN GENERAL.**—The Secretary of Agriculture shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) **COORDINATION.**—The Secretary shall develop the plan in coordination with—

(1) the Office of National Drug Control Policy;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) **REPORT.**—Not later than March 1, 1999, the Secretary of Agriculture shall submit to Congress a report describing the activities undertaken to carry out this section.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

SEC. 401. ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.

(a) **ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.**—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for the establishment and operation of international law enforcement academies to carry out law enforcement training activities, as follows:

(1) For the establishment and operation of an academy, which shall serve Latin America and the Caribbean, the total amount of \$3,000,000 and an additional amount of \$1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For the establishment and operation of an academy in Bangkok, Thailand, which shall serve Asia, the total amount of \$2,000,000 and an additional amount of \$1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(3) For each such fiscal year for the establishment and operation of an academy in South Africa, which shall serve Africa, \$1,200,000.

(b) **MARITIME LAW ENFORCEMENT TRAINING CENTER.**—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the joint establishment, operation, and maintenance in San Juan, Puerto Rico, of a center for training law enforcement personnel of countries located in the Latin American and Caribbean regions in matters relating to maritime law enforcement, including customs-related ports management matters, as follows:

(1) For each such fiscal year for funding by the Department of Transportation, \$1,500,000.

(2) For each such fiscal year for funding by the Department of the Treasury, \$1,500,000.

(c) **UNITED STATES COAST GUARD INTERNATIONAL MARITIME TRAINING VESSEL.**—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for the establishment, operation, and maintenance of maritime training vessels, as follows:

(1) For a vessel for international maritime training, which shall visit participating Latin American and Caribbean nations on a rotating schedule in order to provide law enforcement training and to perform maintenance on participating national assets, the total amount of \$7,500,000.

(2) For each such fiscal year for support of the United States Coast Guard Balsam Class Buoy Tender training vessel, \$2,500,000.

SEC. 402. ENHANCED UNITED STATES DRUG ENFORCEMENT INTERNATIONAL TRAINING.

(a) **MEXICO.**—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for substantial exchanges for Mexican judges, prosecutors, and police, in the total amount of \$2,000,000 for each such fiscal year.

(b) **BRAZIL.**—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for enhanced support for the Brazilian Federal Police Training Center, in the total amount of \$1,000,000 for each such fiscal year.

(c) **PANAMA.**—

(1) **IN GENERAL.**—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for operation and maintenance, for locating and operating Coast Guard assets so as to strengthen the capability of the Coast Guard of Panama to patrol the Atlantic and Pacific coasts of Panama for drug enforcement and interdiction activities, in the total amount of \$1,000,000 for each such fiscal year.

(2) **ELIGIBILITY TO RECEIVE TRAINING.**—Notwithstanding any other provision of law, members of the national police of Panama shall be eligible to receive training through the International Military Education Training program.

(d) **VENEZUELA.**—There are authorized to be appropriated for the Department of Justice for each of fiscal years 1999, 2000, and 2001, \$1,000,000 for operation and maintenance, for support for the Venezuelan Judicial Technical Police Counterdrug Intelligence Center.

(e) **ECUADOR.**—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for each of fiscal years 1999, 2000, and 2001 for the buildup of local coast guard and port control in Guayaquil and Esmeraldas, Ecuador, as follows:

(1) For each such fiscal year for the Department of Transportation, \$500,000.

(2) For each such fiscal year for the Department of the Treasury, \$500,000.

(f) **HAITI AND THE DOMINICAN REPUBLIC.**—Funds are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, \$500,000 for the buildup of local coast guard and port control in Haiti and the Dominican Republic.

(g) **CENTRAL AMERICA.**—There are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, \$12,000,000 for the buildup of local coast guard and port control in Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

SEC. 403. PROVISION OF NONLETHAL EQUIPMENT TO FOREIGN LAW ENFORCEMENT ORGANIZATIONS FOR COOPERATIVE ILLICIT NARCOTICS CONTROL ACTIVITIES.

(a) **IN GENERAL.**—The Administrator of the Drug Enforcement Administration, in consultation with the Secretary of State, may

transfer or lease each year nonlethal equipment, of which each piece of equipment may be valued at not more than \$100,000, to foreign law enforcement organizations for the purpose of establishing and carrying out cooperative illicit narcotics control activities.

(b) **ADDITIONAL REQUIREMENT.**—The Administrator shall provide for the maintenance and repair of any equipment transferred or leased under subsection (a).

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

SEC. 501. INCREASED FUNDING FOR OPERATIONS AND EQUIPMENT; REPORT.

(a) **DRUG ENFORCEMENT ADMINISTRATION.**—Funds are authorized to be appropriated for the Drug Enforcement Administration for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For support of the Merlin program, the total amount of \$8,272,000.

(2) For support of the intercept program, the total amount of \$4,500,000.

(3) For support of the Narcotics Enforcement Data Retrieval System, the total amount of \$2,400,000.

(4) For support of the Caribbean Initiative, the total amount of \$3,515,000.

(5) For the hire of special agents, administrative and investigative support personnel, and intelligence analysts for overseas assignments in foreign posts, the total amount of \$40,213,000.

(b) **DEPARTMENT OF STATE.**—Funds are authorized to be appropriated for the Department of State for fiscal year 1999, 2000, and 2001 for the deployment of commercial unclassified intelligence and imaging data and a Passive Coherent Location System for counternarcotics and interdiction purposes in the Western Hemisphere, the total amount of \$20,000,000.

(c) **DEPARTMENT OF THE TREASURY.**—Funds are authorized to be appropriated for the United States Customs Service for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For refurbishment of 30 interceptor and Blue Water Platform vessels in the Caribbean maritime fleet, the total amount of \$3,500,000.

(2) For purchase of 9 new interceptor vessels in the Caribbean maritime fleet, the total amount of \$2,000,000.

(3) For the hire and training of 25 special agents for maritime operations in the Caribbean, the total amount of \$2,500,000.

(4) For purchase of 60 automotive vehicles for ground use in South Florida, \$1,500,000.

(5) For each such fiscal year for operation and maintenance support for 10 United States Customs Service Citations Aircraft to be dedicated for the source and transit zone, the total amount of \$10,000,000.

(6) For purchase of 5 CTX-5000 x-ray machines to enhance detection capabilities with respect to narcotics, explosives, and currency, the total amount of \$7,000,000.

(d) **DEPARTMENT OF DEFENSE REPORT.**—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Director of the Office of National Drug Control Policy, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining and proposing recommendations regarding any organizational changes to optimize counterdrug activities, including alternative cost-sharing arrangements regarding the following facilities:

(1) The Joint Inter-Agency Task Force, East, Key West, Florida.

(2) The Joint Inter-Agency Task Force, West, Alameda, California.

(3) The Joint Inter-Agency Task Force, South, Panama City, Panama.

(4) The Joint Task Force 6, El Paso, Texas.

SEC. 502. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense in order—

(1) to treat the international drug interdiction and counter-drug activities of the Department as a military operation other than war, thereby elevating the priority given such activities under the Policy to the next priority below the priority given to war under the Policy and to the same priority as is given to peacekeeping operations under the Policy; and

(2) to allocate the assets of the Department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

SEC. 601. AUTHORIZATIONS OF APPROPRIATIONS.

The funds authorized to be appropriated for any department or agency of the Federal Government for fiscal years 1999, 2000, or 2001 by this Act are in addition to funds authorized to be appropriated for that department or agency for fiscal year 1999, 2000, or 2001 by any other provision of law.

H.R. 4300

OFFERED BY: MR. HASTERT

AMENDMENT NO. 2: Strike section 303 and insert the following:

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) **IN GENERAL.**—The Director of the Office of National Drug Control Policy shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) **COORDINATION.**—The Director shall develop the plan in coordination with—

- (1) the Department of Agriculture;
- (2) the Drug Enforcement Administration of the Department of Justice;
- (3) the Department of Defense;
- (4) the Environmental Protection Agency;
- (5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;
- (6) the United States Information Agency; and
- (7) other appropriate agencies.

(c) **REPORT.**—Not later than March 1, 1999, the Director of the Office of National Drug Control Policy shall submit to Congress a report describing the activities undertaken to carry out this section.

H.R. 4300

OFFERED BY: MR. MARKEY

AMENDMENT NO. 3: In section 501(c)(6), strike “5 CTX-5000 x-ray machines to enhance” and insert “advanced transmission x-ray machines determined by the United States Customs Service to provide the greatest overall advantage in terms of cost, capabilities, safety to inspection personnel, efficiency, and proven operational reliability in airport environments, for the purpose of enhancing”.

H.R. 4300

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 4: Page 5, line 25, insert the following:

(14) The Department of Defense has been called upon to support counter-drug efforts of Federal law enforcement agencies that are

carried out in source countries and through transit zone interdiction, but in recent years Department of Defense assets critical to those counter-drug activities have been consistently diverted to missions that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider a higher priority;

(15) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, through the Department of Defense policy referred to as the Global Military Force Policy, has established the priorities for the allocation of military assets in the following order: (1) war, (2) military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations), (3) exercises and training, and (4) operational tasking other than those involving hostilities (including counter-drug activities and humanitarian assistance);

(16) Use of Department of Defense assets is critical to the success of efforts to stem the flow of illegal drugs from source countries and through transit zones to the United States;

(17) The placement of counter-drug activities in the fourth and last priority of the Global Military Force Policy list of priorities for the allocation of military assets has resulted in a serious deficiency in assets vital to the success of source country and transit zone efforts to stop the flow of illegal drugs into the United States;

(18) At present the United States faces few, if any, threats from abroad greater than the threat posed to the Nation's youth by illegal and dangerous drugs;

(19) The conduct of counter-drug activities has the potential for contact with hostile forces;

(20) The Department of Defense counter-drug activities mission should be near the top, not among the last, of the priorities for the allocation of Department of Defense assets after the first priority for those assets for the war-fighting mission of the Department of Defense.

H.R. 4300

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 5: Strike section 502 and insert the following:

SEC. 502. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that the Secretary of Defense should revise the priorities for the allocation of Department of Defense assets under the Department of Defense policy referred to as the Global Military Force Policy so that the priority established for the counter-drug activities mission of the Department of Defense is equal to or higher than the priority (which is currently the second highest priority) for the mission of military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations).

H.R. 4300

OFFERED BY: MR. SHAW

AMENDMENT NO. 6: At the end of the bill add the following new title:

TITLE VII—CRIMINAL BACKGROUND CHECKS ON PORT EMPLOYEES

SEC. 701. BACKGROUND CHECKS.

Upon the request of any State, county, port authority, or other local jurisdiction of a State, the Attorney General shall grant to such State, county, port authority, or other local jurisdiction access to information collected by the Attorney General pursuant to section 534 of title 28, United States Code, for the purpose of allowing such State, county,

port authority, or other local jurisdiction to conduct criminal background checks on employees, or applicants for employment, at any port under the jurisdiction of such State, county, port authority, or other local jurisdiction.

SEC. 702. DEFINITION.

As used in this title, the term "port" means any place at which vessels may resort to load or unload cargo.

H.R. 4300

OFFERED BY: MS. WATERS

AMENDMENT NO. 7: Strike section 201.

H.R. 4300

OFFERED BY: MS. WATERS

AMENDMENT NO. 8: Strike section 204(a).

In section 204(b), strike "(b) SENSE OF CONGRESS.—".

H.R. 4550

OFFERED BY: MR. LATHAM

AMENDMENT NO. 1: Page 49, after line 19, insert the following:

TITLE IV—DRUG DEALER LIABILITY

SEC. 401. SHORT TITLE.

This Act may be cited as the "Drug Dealer Liability Act of 1998".

SEC. 402. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

"SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

"(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

"(b) EXCEPTION.—An individual user of a controlled substance may not bring an or maintain an action under this section unless all of the following conditions are met:

"(1) The individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.

"(2) The individual has not used an illegal controlled substance within the 90 days before filing the action.

"(3) The individual continues to remain free of the use of an illegal controlled substance throughout the pendency of the action."

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

"Sec. 521. Federal cause of action for drug dealer liability."

H.R. 4550

OFFERED BY: MR. RAMSTAD

AMENDMENT NO. 2: At the end of title I, insert the following new subtitle (and conform the table of contents accordingly):

Subtitle H—Addiction Reduction Through Treatment

SEC. 181. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the "Addiction Reduction Act of 1998".

SEC. 182. FINDINGS.

Congress finds the following:

(1) Substance abuse, if left untreated, is a medical emergency.

(2) Parity should apply to benefits for treatment sought voluntarily, including treatment for substance abuse.

(3) Nothing in this subtitle should be construed as prohibiting application of the concept of parity to substance abuse treatment provided by faith-based treatment providers.

SEC. 183. PARITY IN SUBSTANCE ABUSE TREATMENT BENEFITS.

(a) GROUP HEALTH PLANS UNDER THE PUBLIC HEALTH SERVICE ACT.—(1) Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2706. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

"(b) CONSTRUCTION.—Nothing in this section shall be construed—

"(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits; or

"(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(c) EXEMPTIONS.—

"(1) SMALL EMPLOYER EXEMPTION.—

"(A) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of a small employer.

"(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this paragraph—

"(i) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(iii) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(2) INCREASED COST EXEMPTION.—This section shall not apply with respect to a group health plan (or health insurance coverage offered in connection with a group health plan) if the application of this section to such plan (or to such coverage) results in an increase in the cost under the plan (or for such coverage) of at least 1 percent.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) DEFINITIONS.—For purposes of this section—

"(1) TREATMENT LIMITATION.—The term 'treatment limitation' means, with respect to benefits under a group health plan or health insurance coverage, any day or visit limits imposed on coverage of benefits under the plan or coverage during a period of time.

"(2) FINANCIAL REQUIREMENT.—The term 'financial requirement' means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefits under the plan or coverage.

"(3) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include substance abuse treatment benefits.

"(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term 'substance abuse treatment benefits' means benefits with respect to substance abuse treatment services but only insofar as such treatment services are abstinence-based.

"(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term 'substance abuse services' means any of the following items and services provided for the treatment of substance abuse:

"(A) Inpatient treatment, including detoxification.

"(B) Non-hospital residential treatment.

"(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

"(D) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

"(6) SUBSTANCE ABUSE.—The term 'substance abuse' includes chemical dependency.

"(f) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(g) SUNSET.—This section shall not apply to benefits for services furnished on or after September 30, 2002."

(2) Section 2723(c) of such Act (42 U.S.C. 300gg-23(c)), as amended by section 604(b)(2) of Public Law 104-204, is amended by striking "section 2704" and inserting "sections 2704 and 2706".

(b) INDIVIDUAL HEALTH INSURANCE.—(1) Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE BENEFITS.

"(a) IN GENERAL.—The provisions of section 2706 (other than subsection (e)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 713(f) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan."

(2) Section 2762(b)(2) of such Act (42 U.S.C. 300gg-62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2752".

(c) EFFECTIVE DATES.—(1) Subject to paragraph (3), the amendments made by subsection (a) apply with respect to group health plans for plan years beginning on or after January 1, 2000.

(2) The amendments made by subsection (b) apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(3) In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made subsection (a) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 2000.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

H.R. 4569

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

IMF INDUSTRY IMPACT TEAM

SEC. _____. (a) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry;

(D) the textile and apparel industry; and

(E) the jewelry industry;

(2) to monitor the effect of the Asian and Russian economic crises on these industries;

(3) to collect accounting data from Asian and Russian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(b) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(c) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (a).

H.R. 4569

OFFERED BY: MR. PITTS

AMENDMENT NO. 2. In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by \$100,000,000)".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", add at the end before the period the following: "": *Provided further*, That of the funds appropriated under this heading, not less than \$345,000,000 shall be made available for infant and child health programs".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, DEVELOPMENT ASSISTANCE, (INCLUDING TRANSFER OF FUNDS)", after the first dollar amount, insert the following: "(decreased by \$100,000,000)".

In section 576 (relating to authorization for population planning), after the first dollar amount, insert the following:

"(decreased by \$100,000,000). Provided, that the limitation in this section includes all funds for programs and activities designed to control fertility or to reduce or delay child-births or pregnancies, irrespective of the heading under which such funds are made available".

H.R. 4569

OFFERED BY: MR. SOUDER

AMENDMENT NO. 3. At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SENSE OF THE CONGRESS

SEC. 701. It is the sense of the Congress that—

(1) countries receiving funds from the International Monetary Fund should fully cooperate with the investigations by the Department of Justice and the Congress into violations of campaign finance laws in connection with the 1996 presidential election campaign, in deference to the sacrifice and wishes of United States taxpayers;

(2) such cooperation should include—

(A) complying with requests by investigators for extradition of suspects in criminal cases;

(B) assisting in obtaining compliance with any request made of, or subpoena served on, any financial institution, commercial entity, government entity, or individual by or on behalf of investigators;

(C) coordinating the provision of any witness, document, or physical evidence requested by investigators; and

(D) granting investigators such access to the country as may be necessary to further the investigation; and

(3) the refusal of dozens of witnesses to cooperate with such investigations and their flight to other countries, some of which benefit from International Monetary Fund funds which are derived in part from funds provided by United States taxpayers, continues to hinder the effort to preserve and maintain the integrity of the electoral process of the United States.

H.R. 4569

OFFERED BY: MR. SOUDER

AMENDMENT NO. 4. At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

USE OF APPROPRIATED FUNDS FOR THE INTERNATIONAL MONETARY FUND CONDITIONED ON ENACTMENT OF JOINT RESOLUTION APPROVING A CERTIFICATION THAT ALL COUNTRIES ELIGIBLE TO RECEIVE IMF FUNDS ARE COOPERATING FULLY WITH CONGRESSIONAL AND JUSTICE DEPARTMENT INVESTIGATIONS INTO THE FINANCING OF THE 1996 PRESIDENTIAL ELECTION CAMPAIGN AND HAVE DISCLOSED THE IDENTITY OF ALL COMMERCIAL ENTITIES IN THE COUNTRY THAT WOULD BENEFIT FROM THE PROVISION OF THE FUNDS

SEC. 701. (a) IN GENERAL.—None of the funds made available in this Act may be obligated or made available to the International Monetary Fund unless the certification described in subsection (b) has been made and the Congress has enacted a joint resolution approving the certification.

(b) CERTIFICATION.—

(1) IN GENERAL.—The certification described in this subsection is a certification

by the Attorney General and the Secretary of State to the Speaker of the House of Representatives and the President pro tempore of the Senate that each country eligible to receive funds from the International Monetary Fund—

(A) is cooperating fully with any congressional or Justice Department investigation into the financing of the 1996 presidential election campaign, including by—

(i) complying with any request by investigators for extradition of suspects in criminal cases;

(ii) assisting in obtaining compliance with any request made of, or subpoena served on, any financial institution, commercial entity, government entity, or individual, by or on behalf of investigators;

(iii) coordinating the provision of any witness, document, or physical evidence requested by investigators; and

(iv) granting investigators such access to the country as may be necessary to further the investigation; and

(B) has disclosed to the Attorney General the identity of any commercial entity with operations in the country that would benefit from the provision of such funds.

(2) CONSULTATION AND REPORT REQUIRED BEFORE CERTIFICATION.—Not fewer than 30 days before making the certification described in paragraph (1), the Attorney General and the Secretary of State shall, subject to other law—

(A) provide a written report to the Speaker of the House of Representatives and the President pro tempore of the Senate that contains all information of which the Attorney General and the Secretary of State are then aware with regard to the matters described in paragraph (1); and

(B) consult with the Speaker of the House of Representatives and the President pro tempore of the Senate about the intent of the Attorney General and Secretary of State with regard to making the certification.

H.R. 4569

OFFERED BY: MR. STEARNS

AMENDMENT NO. 5. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SENSE OF CONGRESS CONCERNING THE TRANSITION TO A DEMOCRATIC NONMILITARY GOVERNMENT IN INDONESIA

SEC. 701. It is the sense of the Congress that the United States should support a complete transition that will lead immediately to a democratically-elected, nonmilitary government in Indonesia which includes—

(1) the release of political prisoners;

(2) legalization of political organizing activities;

(3) international monitoring of human rights conditions;

(4) roundtable all-party discussions;

(5) a transitional government of national unity;

(6) democratic elections;

(7) a truth commission to address past political crimes; and

(8) recognition that past injustices require redress.

H.R. 4569

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 6. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES

SEC. 701. Funds appropriated or otherwise made available by this Act may be used for

procurement outside the United States or less developed countries only—

(1) such funds are used for the procurement of commodities or services, or defense articles or defense services, produced in the country in which the assistance is to be provided, except that this paragraph only applies if procurement in that country would cost less than procurement in the United States or less developed countries;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided; or

(3) the President determines on a case-by-case basis that procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources.

H.R. 4569

OFFERED BY: MR. WOLF

AMENDMENT NO. 7. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

INTERNATIONAL COMMISSION ON TERRORISM

SEC. 701. (a) ESTABLISHMENT OF NATIONAL COMMISSION ON TERRORISM.—

(1) ESTABLISHMENT.—There is established a national commission on terrorism to review counterterrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) COMPOSITION.—The commission shall be composed of 15 members appointed as follows:

(A) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(B) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader shall be members of the same political party and 3 members shall be members of the Senate.

(C) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(D) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) CHAIRMAN.—The chairman of the commission shall be elected by the members of the commission.

(b) DUTIES.—

(1) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) ADMINISTRATIVE MATTERS.—

(1) MEETINGS.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chairman.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) POWERS.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under

the same conditions as other departments and agencies of the Federal Government.

(4) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(A) Each member of the commission who is not an employee of the government shall be paid at a rate equal for the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(D)(i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) STAFF AND ADMINISTRATIVE SUPPORT.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS-15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION OF COMMISSION.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) FUNDING.—There are appropriated \$2,000,000 for fiscal year 1999 to carry out the provisions of this section.