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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 23, 1999.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, 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 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for 5 minutes.

CHIEF WASHINGTON LOBBYIST FOR THE CHINESE GOVERNMENT'S TRADE OFFICE, AN UNFORTUNATE CHOICE FOR A NATIONAL SECURITY POSITION

Mr. HAYWORTH. Mr. Speaker, I rise this morning to bring you news from home. In my case home is the Sixth Congressional District of Arizona, a district in square mileage almost the size of the Commonwealth of Pennsylvania, and now with the explosive growth in the Grand Canyon State a district that is home to well nigh one million Americans.

From the pages of the Holbrook Tribune-News, indeed from the editorial page of March 19, the headline reads, ''This Story Needs More Attention.'' Paul Barger, the publisher of the Holbrook Tribune-News, writes, and I quote, ''For some time there have been reports circulating regarding the possible theft of highly classified missile secrets from Los Alamos since the 1980s. The thefts were apparently discovered in 1995, and the person allegedly involved was allowed to resign recently. The matter has been kept quiet for what seem to be political reasons.''

Paul Barger concludes, ''It is sad that so much attention is given to issues of no real import while serious matters of our national security and America's future are glossed over.'' Thus, the headline from the editorial, ''This Story Needs More Attention.''

Among those who curiously seem to want to adopt a public posture of glossing over or indeed gloating in a sophomoric way about this troublesome, threatening and dangerous story, among those sadly includes the person who is the President of the United States.

At a radio and TV correspondents' dinner the other night, our own President joked that one of his favorite movies this year was, quote, Leaving Los Alamos; humor as it is defined in the last days of the 20th century. It boggles the mind.

Other matters glossed over, the past associations of the President's national security advisor. From yesterday's Washington Times on the op-ed page, Edward Timperlake and William C. Triplett, II, who coauthored the book the ''Year of the Rat,'' setting forth the ample evidence of Chinese involvement in the Clinton-Gore reelection campaign in 1996, I read from their op-ed piece, headlined ''Leaks on Berger's Watch,'' quoting now: ''We believe that, for the national interest, President Clinton's national security advisor Samuel Sandy Berger should resign immediately.

''For the past 6 years, Mr. Berger has presided over a failed and ultimately corrupt policy toward the Chinese military that betrays both the democratic standards of the American people and the national security of the United States. He is the classic example of the wrong person in the wrong job at the wrong time.

''Right out of the starting gate, Mr. Berger was an unfortunate choice for a national security position with the government because of his prior role as the chief Washington lobbyist for the Chinese Government's trade office.''

Let me repeat that. ''Mr. Berger was an unfortunate choice for a national security position with the government because of his prior role as the chief Washington lobbyist for the Chinese Government's trade office.

''Having once had a personal financial stake in the promotion of pro-Beijing policies raises an immediate question of his present judgment and decision-making. If only for appearances, let alone personal ethics, he should have recused himself from anything connected to Beijing and its military ambitions.

''Instead, Mr. Berger seems to be around whenever, in our opinion, Clinton administration decisions are made that favor People's Republic of China trade ties over American national security interests.''

Mr. Speaker, perhaps the most compelling indictment comes from one Dick Morris, the President's one-time top political advisor, and curiously a man whom the wire services often referred to as the disgraced Dick Morris back in the old days of 1996, when an illicit affair that violated one's marriage vows was something that brought disgrace on a person rather than added to their public opinion polls.

Here is what Dick Morris writes in his column last week in The Hill.

Printed on recycled paper.

Quoting now, ''Sandy Berger is about as qualified to be national security advisor as I am. He's a political operative who had virtually no foreign policy experience before he became Tony Lake's deputy.''

Mr. Speaker, this story need not be glossed over. The first constructive step is that Sandy Berger must go, and we must release the Cox Select Committee Report.

STOP THE NUCLEAR REGULATORY COMMISSION FROM SENTENCING SOUTHWEST TO NEARLY 300 YEARS OF RADIOACTIVE DRINKING WATER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. FILNER) is recognized during morning hour debates for 4 minutes.

Mr. FILNER. Mr. Speaker, I rise today to tell you of the danger faced by 25 million people who get their water from the Colorado River because of radioactive waste leaching from an abandoned mine waste pile that is located only 750 feet away from the Colorado River.

This deadly waste pile, abandoned by the Atlas Corporation, sits in the Moab Valley of southeastern Utah. The Colorado River, flowing past this site just south, provides water for 7 percent of the United States population, including Las Vegas, Arizona and the southern California urban areas of Los Angeles and the city I represent, San Diego.

Legislation that the gentleman from California (Mr. GEORGE MILLER) and I have introduced, H.R. 393, would move this contaminated pile away from the Colorado River. Yesterday, the Project on Government Oversight, known as POGO, released a report recommending moving the pile as the most reliable way to save the growing population of Nevada, Arizona and California from having the highly contaminated waste leak into their water supply for the next 270 years.

I pledge to continue to fight to move this pile, lest my constituents and most of the Southwest be forced to live under a sentence of radioactivity and contaminants in their drinking water for nearly 3 centuries. This is an unacceptable sentence and would likely be a death sentence for many. I cannot sit idly by while polluters and the Nuclear Regulatory Commission inflict this on innocent people.

Recently, this commission which, has jurisdiction over cleaning up the site, issued a Final Environmental Impact Statement stating that Atlas' plan to cap the radioactive pile is, quote, environmentally acceptable.

Is it environmentally acceptable to cover 10.5 million tons of uranium mill wastes with rock and sand where the river can reach it during the spring runoff and cause a public health crisis? With the pile only 10 to 20 feet above the underground water aquifer, highly concentrated ammonia will continue to seep into the ground water. If the runoff is bad for three endangered species of fish, as the Nuclear Regulatory Commission and the Fish and Wildlife Service acknowledge, it surely is deadly, over time, for our children and our grandchildren.

This POGO report details a clear problem with the NRC's jurisdiction of this pile, and our bill, H.R. 393, addresses this by removing the responsibility for the pile to the Department of Energy, which has the technology and experience with cleaning up sites and protecting public health.

When the Department of Energy has been involved with contaminated sites along the Colorado River, it moved, and did not just cap, the sites with uranium concentration levels of less than 2 milligrams per liter.

The uranium concentration levels at Moab which I am talking about exceed 26 milligrams per liter, and yet the NRC pushes forward with its plan, forcing the Fish and Wildlife Service to sign off on the sand capping plan just because the NRC lacks the authority to move this pile.

As the report illustrates, it is past time to move this deadly pile, and to move jurisdiction for moving it to the Department of Energy, which will get this life-and-death job done.

Mr. Speaker, I urge support for H.R. 393.

FOREIGN POLICY AMBIGUITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today out of great concern for the direction of our Nation's foreign policy, as President Clinton is on the brink of placing our Nation at war against the independent sovereign nation of Yugoslavia.

Mr. Speaker, let us not be mistaken. If the President issues orders to begin an air assault against Yugoslavia, the United States would, in effect, be at war with this country.

What will this war achieve? The President has yet to explain what our strategy is aimed to achieve. Will we bomb this country in order to force them to agree with a peace agreement that is not in effect?

What I fear is that this President has yet to think through the implications of an air attack and to think through a long-term strategy regarding this situation in Kosovo. Do Members of this body know what the administration plans to do if an air attack against Yugoslavia fails to force the Serbians to agree to a vague peace treaty?

Does the United States with NATO further escalate the bombing to attack fixed military targets around the Yugoslavian capital of Belgrade? Do we escalate our actions by placing ground troops in a hostile situation on the ground in Kosovo? Do we try to seal off a largely landlocked nation? Do we try to use military troops in the non-NATO nations of Romania and Bulgaria to enforce an embargo?

Mr. President, what happens if the Serbs in Bosnia react against any bombing and start attacking U.S. and NATO forces there? What if Russia reacts in some form in defense of Yugoslavia?

Mr. President, what is the idea for success here? Not just an end game but how are we going to achieve success? What if an American flier is shot down and captured?

Mr. Speaker, we are headed down a very dangerous road without any type of compass to guide our policy. To me, the lack of comprehensive foreign policy by this administration has led us to this hazardous point.

The President must come before our Nation and tell our Nation three things: What is the long-term strategy of the United States in Yugoslavia? What is the end-game to achieve military success in this operation? What actions will the President take if military actions fail to achieve any stated goals or if military action devolves into the loss of American lives?

Mr. Speaker, until the President communicates this message to the American people, the mission's success in Yugoslavia will be limited. I call on the President to let the American people know today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 44 minutes a.m.), the House stood in recess until 11 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLATTE) at 11 a.m.

PRAYER

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

During this moment of prayer we remember those people who have dedicated their lives to doing the good works that help others in our communities. In the privacy of our own hearts we recall the names of those gracious and charitable people who strengthen the bonds of our common humanity and enhance and share the benefits and the glories of our world. O gracious God, as You inspire all people to use their abilities in ways that alleviate any pain or hurt and who help to make noble the lives of the needy, so inspire each of us to be Your messengers of reconciliation and Your heralds of kindness and of love. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. EVANS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 68. An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HOYER, Maryland;
Mr. MARKEY, Massachusetts;
Mr. CARDIN, Maryland; and
Ms. SLAUGHTER, New York.

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. LANTOS, California;
Mr. FROST, Texas.

There was no objection.

CHINESE TOP GUNS

(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, the Fallon Naval Air Station ''Top Gun'' school in Nevada recently had some important visitors.

No, they were not the U.S. Navy cadets. It was not our colleague the gentleman from California (Ace DUKE CUNNINGHAM). It was not the United States Air Force trying to gain an advantage. Mr. Speaker, it was the Chinese.

Even after knowing their latest espionage tactics, our Government granted about 20 communist Chinese an open-door visit to the Naval Strike and Air Warfare Center at Fallon Naval Air Station. Providing the Chinese communists with classified information about our military equipment, aircraft, tactics and operations is just sheer lunacy.

Why were they allowed to visit that facility? Who knows? This facility has trained 90 percent of our naval warfare pilots. Fallon Naval Air Station is not just a field in Nevada. It is a vital training link for our naval aviators worldwide.

If the American taxpayers could not be afforded the same high-level tour, why would this administration grant the communist Chinese a carte blanche visit?

Mr. Speaker, top gun Chinese are not the type of American exports I would expect from the United States Navy.

CHINA ANNOUNCES SUPPORT FOR MEMBERSHIP IN WORLD TRADE ORGANIZATION

(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, Chinese money must be an aphrodisiac because it seems that everybody is jumping in bed with the Reds here.

Check it out. Even though China tortures their own citizens, China threatens their neighbors, and China spies on everybody, China has announced that they have great support for membership in the World Trade Organization. In fact, China says, to boot, ''Even the United States Trade Representative supports, number one, lower tariffs for China and, number two, China's membership in the World Trade Organization.''

Beam me up, Mr. Speaker. The Trade Representative will not wise up until there is a Red Army tank shoved right up their foreign policy. I yield back a $70 billion projected trade deficit with China, who is buying intercontinental ballistic missiles and pointing them right at us.

DEMOCRAT DEMAGOGUERY ON THE BUDGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, one would never know what is actually in the Republican budget proposal by listening to the other side. In fact, I do not even recognize our own budget after listening to what the other side is saying about it.

I guess it is Mediscare all over again with a lot of demagoguery on Social Security added on to it. On second thought, make that a lot of demagoguery on Social Security to go with it.

One has the impression that our friends on the other side of the aisle have not looked at the Congressional Budget Office report on our budget. Maybe they are getting their information about our budget from their own press releases.

Our budget reserves 100 percent of the retirement surplus for Social Security and Medicare. Let me repeat that for the benefit of any demagogues on the other side of the aisle who seem to have some difficulty with that fact. Our budget reserves 100 percent, again 100 percent, of the retirement surplus for Social Security and Medicare.

I urge my skeptical colleagues on the other side to call the CBO for themselves to verify this fact.

REPUBLICAN BUDGET PROPOSAL, RECIPE FOR COMPLETE FISCAL DISASTER

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Washington. Mr. Speaker, I rise, too, to talk about the budget that is coming to the floor this week, and I have some grave concerns about that budget in terms of fiscal discipline.

The budget the majority party is proposing has several elements to it. Massive tax cuts. At the same time, it also has massive spending increases. And unrelated to the budget, but at the same time related to the budget, there is no plan on the table for any sort of structural reform of our existing entitlement programs, so they will simply go on spending at their current rate.

Those three items, put together, are a recipe for complete fiscal disaster. We are so close to a balanced budget, we are so close to finally having a legitimate claim on being fiscally responsible, that I hate to see us lose it now.

One of the biggest problems, in response to the comments of the previous gentleman, yes, the existing trust funds, the money that is going into Social Security and Medicare, are protected. The problem is those trust funds will not last long under the current system. The spending will go way beyond those existing trust funds and place us into grave financial difficulties.

Medicare is scheduled to be bankrupt in 2008. Social Security is scheduled to go bankrupt in 2032. It is time to be fiscally responsible, and the Republican budget does not get us there.

UNION-ONLY REQUIREMENTS FOR CONSTRUCTION PROJECTS

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

Mr. GARY MILLER of California. Mr. Speaker, I rise today to oppose union-only requirements for construction projects.

Vice President GORE wants to have all Federal projects done by union construction firms. Also, the Los Angeles Unified School District, near my congressional district, is considering requiring all of their new construction to be done only by union companies.

Union-only construction agreements may make political sense for some politicians, but they certainly do not make practical sense for our children in our schools.

PLAs do not guarantee lower costs, higher performance standards, or eliminate red tape. The union-only contracts only guarantee that the four out of five construction workers not represented by a union cannot work on the project.

It is un-American for our Government to say to someone who does not belong to a certain group or organization, ''You are not good enough to compete for Federal money based on merit.''

For those of us who agree that there should not be race-based discrimination, this is another form of discrimination. A person should not be denied a job because of his or her color. Neither should he or she be denied a job because they do not carry a union card.

I hope that the Vice President and the Los Angeles Unified School District will not put politics above our children. I encourage both of them to support freedom in the bidding of construction projects.

AMERICAN PUBLIC DOES NOT WANT PARTISAN BICKERING

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, as a member of the Committee on the Budget, I spent much of last week wondering why the majority party has chosen to move forward with a budget that is clearly divisive.

This morning the Washington Post reported, ''Congress is set to begin a week of partisan bickering today over a budget that Republican congressional leaders expect will provoke a veto shutdown with President Clinton later this year when it results in appropriations bills.''

It baffles me. Why start out on such a sour note? The majority is clearly welcoming a partisan battle without first trying to find some common ground and some room for partisan cooperation.

The American people have seen enough bickering to make them wonder what we are doing in Washington. The people I talk to want to make sure that we extend Medicare and Social Security. They want us to fight crime. They want us to help our schools. And they want us to create an even better business atmosphere. And the list goes on.

There are many things the American public wants us to accomplish, but partisan bickering is not one of them.

VOLUNTEER MIAMI

(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, last year Miami-Dade County established a wonderful tradition when it implemented Volunteer Miami. This annual volunteer fair, made possible by Dr. Eduardo Padron, David Lawrence, Valerie Taylor and hundreds of dedicated volunteers from Greater Miami's nonprofit community and government service organizations, has awarded students and families the opportunity to truly make a difference.

Saturday, April 17, will kick off this year's Volunteer Miami-Dade Community Colleges' Wolfson Campus, where representatives from various organizations will be on hand to provide valuable information on how members of our community can lend their abilities and spare time for the benefit of all of south Florida.

Volunteering is a definitive way in which to promote a powerful force that enriches an individual and allows all of us to positively impact an entire community. By raising awareness on volunteerism and forming strong partnerships between deserving agencies and a corps of volunteers, positive change can and will be effected to make south Florida a better place in which to live and work.

I congratulate my alma mater, Miami-Dade Community College, for making Volunteer Miami a success.

PAIGE SECURITY SERVICES, INC.

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

Mr. FARR of California. Mr. Speaker, I rise today on a good news note to honor the accomplishments of a constituent of mine, Mr. Leonard Paige.

In November 1998, Mr. Paige realized his lifelong dream to make a difference in Africa with the signing ceremony of the first joint venture between a black-owned security firm in the United States and a black-owned security firm in South Africa.

The United States firm, Paige's Security Services, Inc., will facilitate the training and logistics for Paige's Security Services, Inc., in South Africa in a manner modeled upon the affirmative action programs here in the United States. The program is intended to assist the disadvantaged in that community.

Under Mr. Paige's able leadership, Paige Security Services, Inc., has garnered great recognition over its 10 years of service. It has been selected for three straight years by Inc. Magazine as one of the fastest growing private firms in the Nation and has been commended by Congress and the President of the United States.

Paige's Security Services, Inc., employs over 800 workers in the United States and Costa Rica, and the new affiliate in South Africa employs 300 people.

Thank you, Leonard Paige, for your leadership.

REPUBLICANS FOR LESS GOVERNMENT, MORE FREEDOM

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, we are going to bring our budget to the floor this week and it is going to be a great debate. And from what I am hearing from the other side, it is going to be entirely too partisan.

You see, we want to save 100 percent of all the revenues into the Social Security Trust Fund for just Social Security. They want to save 62 percent. It would be bipartisan to agree with them.

We want to keep within the spending caps of 1997. That is what gave us the revenue surpluses that we have, the discipline that we agreed to with the White House. What does the White House want to do in a bipartisan way? They want to spend $32 billion a year more than the caps.

We want to provide tax cuts. That is a very partisan effort on our behalf. When the Democrats were last in control, in a very partisan way, they gave us the largest tax increase in history. We would like to have the largest tax cut in history. That would be partisan.

We will save 100 percent of the Social Security Trust. And what is left over we want to give back to the American people. They want to spend it. That is the bipartisan thing to do.

We will pass our budget. The Senate will agree. There will be a great debate. But when it is all over, they will know that Republicans are for less government and more freedom, the Democrats are just for more government.

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BUILDING ON BIPARTISAN CONGRESSIONAL RETREAT

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

Mr. KIND. Mr. Speaker, last weekend we had the second bipartisan congressional retreat in Hershey, Pennsylvania. A lot of people helped in pulling that together. I want to commend the gentleman from Illinois (Mr. LAHOOD), the gentleman from Ohio (Mr. SAWYER), the planning committee, the staff at Hershey, the Pew Charitable Trust and the Aspen Institute who all helped in bringing Members on both sides of

the aisle together, but I want to especially commend my colleagues who took the time out of their busy schedules to bring the family and the children and their spouses to the retreat so that we could get to know one another a little better and talk to one another. The goal of the retreat was simple, to try to make this great institution a more civil place in which to conduct the Nation's business. The format was also simple, get out of Washington, away from the media, bring the families in and the children and the spouses so that we could have some honest conversations across the aisle of how we could improve this great institution. Because it is a fundamental rule of human nature that the better you know someone and their spouse and their little children, a lot harder it is going to be to demonize that person than during the hot debates of the day. I think we made a good, honest attempt last weekend, Mr. Speaker. I hope we can now build upon that for the sake of this great Nation.

SOCIAL SECURITY AND THE DEBT LIMIT

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

Mr. SMITH of Michigan. Mr. Speaker, some people in Washington want to replace the current debt limit of this country with two limits, one for Treasury securities held by public and one for IOUs held by the Social Security and other trust funds. This is a bad idea that would send a message that debt owed to the trust funds is less important than debt owed to Wall Street.

Some want the new statistic so they can brag about reducing the debt held by the public. That would be true, but it does not matter because total government debt would keep rising. A new statistic on debt held by the public would hide this fact.

Others suggest that we could consider writing off the debt owed to the trust funds because that is just what government owes itself. That is wrong and that is dangerous.

I ask my colleagues to fight against any proposal to change the status of the debt held by the Social Security Trust Fund.

DOLLARS TO THE CLASSROOM

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, we must send 95 percent at least of the Federal funds for education to the classroom. This will result in an additional $800 million to be taken from the grasp of the bureaucrats and into the hands of teachers and parents.

Congress needs to give parents and school boards even greater control without increasing the bureaucracy. It takes about 18,000 Federal and State employees to manage 780 Federal education programs in 39 Federal agencies, boards and commissions that cost nearly $100 billion a year annually. It is not surprising that approximately 70 cents per dollar makes it directly to the classroom. If it does not happen in the classroom, nothing much is happening. I am a former schoolteacher and I can tell my colleagues that.

Parental involvement, not bureaucracies, must be central in any proposal to reform our education system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to clause 8 of rule XX, 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 6 of rule XX.

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

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 70) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes.

The Clerk read as follows:

H.R. 70

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 ''Arlington National Cemetery Burial Eligibility Act''.

SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2412. Arlington National Cemetery: persons eligible for burial

''(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) Any member of the Armed Forces who dies while on active duty.

''(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10, United States Code.

''(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

''(A) served on active duty; and

''(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

''(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

''(A) Medal of Honor.

''(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

''(C) Distinguished Service Medal.

''(D) Silver Star.

''(E) Purple Heart.

''(5) Any former prisoner of war who dies on or after November 30, 1993.

''(6) The President or any former President.

''(b) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) The spouse, surviving spouse (which for purposes of this paragraph includes any remarried surviving spouse, section 2402(5) of this title notwithstanding), minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

''(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

''(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

''(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

''(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

''(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

''(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

''(c) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (b) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

''(d) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

''(e) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

''(f) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army or any other responsible official.

''(g) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a

register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

''(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

''(h) DEFINITIONS.—For purposes of this section:

''(1) The term 'retired member of the Armed Forces' means—

''(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

''(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

''(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10, of eligibility for retired pay under chapter 1223 of title 10, United States Code.

''(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

''(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.''.

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

''2412. Arlington National Cemetery: persons eligible for burial.''.

(d) TECHNICAL AMENDMENTS.—(1) Section 2402(5) of title 38, United States Code, is amended by inserting '', except section 2412(b)(1) of this title,'' after ''which for purposes of this chapter''.

(2) Section 2402(7) of such title is amended—

(A) by inserting ''(or but for age would have been entitled)'' after ''was entitled'';

(B) by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''; and

(C) by striking out ''or would have been entitled to'' and all that follows and inserting in lieu thereof a period.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

(2) In the case of an individual buried in Arlington National Cemetery before the date of the enactment of this Act, the surviving spouse of such individual is deemed to be eligible for burial in Arlington National Cemetery under subsection (b) of such section, but only in the same gravesite as such individual.

SEC. 3. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(a) of this Act, the following new section:

''§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

''The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

''(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

''(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

''(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(c) of this Act, the following new item:

''2413. Arlington National Cemetery: persons eligible for placement in columbarium.''.

(c) CONFORMING AMENDMENT.—Section 11201(a)(1) of title 46, United States Code, is amended by inserting after subparagraph (B), the following new subparagraph:

''(C) Section 2413 (relating to placement in the columbarium in Arlington National Cemetery).''.

(d) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), and section 11201(a)(1)(C), as added by subsection (c), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 4. MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(a) of this Act, the following new section:

''§ 2414. Arlington National Cemetery: authorized headstones, markers, and monuments

''(a) GRAVESITE MARKERS PROVIDED BY THE SECRETARY.—A gravesite in Arlington National Cemetery shall be appropriately marked in accordance with section 2404 of this title.

''(b) GRAVESITE MARKERS PROVIDED AT PRIVATE EXPENSE.—(1) The Secretary of the Army shall prescribe regulations for the provision of headstones or markers to mark a gravesite at private expense in lieu of headstones and markers provided by the Secretary of Veterans Affairs in Arlington National Cemetery.

''(2) Such regulations shall ensure that—

''(A) such headstones or markers are of simple design, dignified, and appropriate to a military cemetery;

''(B) the person providing such headstone or marker provides for the future maintenance of the headstone or marker in the event repairs are necessary;

''(C) the Secretary of the Army shall not be liable for maintenance of or damage to the headstone or marker;

''(D) such headstones or markers are aesthetically compatible with Arlington National Cemetery; and

''(E) such headstones or markers are permitted only in sections of Arlington National Cemetery authorized for such headstones or markers as of January 1, 1947.

''(c) MONUMENTS.—(1) No monument (or similar structure as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

''(2) A monument may be placed in Arlington National Cemetery if the monument commemorates—

''(A) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

''(B) a particular military event.

''(3) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

''(A) in the case of commemoration of service under paragraph (1)(A), on the last day of the period of service so commemorated; and

''(B) in the case of commemoration of a particular military event under paragraph (1)(B), on the last day of the period of the event.

''(4) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(b) of this Act, the following new item:

''2414. Arlington National Cemetery: authorized headstones, markers, and monuments.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to headstones, markers, or monuments placed in Arlington National Cemetery on or after the date of the enactment of this Act.

SEC. 5. PUBLICATION OF REGULATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall publish in the Federal Register any regulation proposed by the Secretary under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 70.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, H.R. 70, the Arlington National Cemetery Burial Eligibility Act, is an important bill that is strongly supported by veterans and their service organizations.

Except for a few minor changes, this bill is identical to H.R. 3211 which was passed unanimously by this House in March of 1998. The bill codifies many of the current regulations governing eligibility for burial in the cemetery and placement in the columbarium.

H.R. 70 would allow no waivers for burials at Arlington National Cemetery. It also eliminates eligibility for high-ranking government officials who are veterans but who do not meet the military service requirements of H.R. 70.

I want to express my appreciation to the gentleman from Illinois (Mr. EVANS) for his efforts on this bill, Mr. Speaker. We had some difficulty in

scheduling a hearing and a markup at the subcommittee level and I appreciate the gentleman's cooperation in getting the bill through the Committee on Veterans' Affairs as quickly as we did.

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

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 70. As a former Marine and as a member of the Committee on Veterans' Affairs since 1983, I know that Arlington Cemetery is sacred ground. Last year, however, the General Accounting Office told us that the eligibility requirements for burial at Arlington needed clarification. H.R. 70 addresses these concerns.

It would remove the ambiguity and guesswork from the eligibility process for burials at Arlington. Additionally, and this is very important, the bill would make it easier for the American people to understand the requirements of burial at our Nation's most revered cemetery. This is an excellent piece of legislation and I urge my colleagues to support it.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN) who is the chairman of our Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to remind all of my colleagues that this is a bill that we looked at last year, indeed passed, and we are back at it again this year.

I want to point out that H.R. 70 is intended to bring order to the process of being buried at Arlington National Cemetery. As my colleagues will recall, similar legislation passed the House late last year by a vote of 412–0. Unfortunately, the Senate did not act on the bill prior to the 105th Congress adjourning.

To refresh the memories of returning Members and to explain the bill's intent to our newer colleagues, H.R. 70 would codify, with exceptions I will discuss shortly, existing regulatory eligibility criteria for burial at Arlington National Cemetery. Other than the persons specifically enumerated in the bill, no other person could be buried at Arlington. In general, eligible persons would include the following: Members of the Armed Forces who die on active duty; retired members of the Armed Forces, including Reservists who served on active duty; former members of the Armed Forces who have been awarded the Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross, Distinguished Service Medal, Silver Star, or the Purple Heart; also, former prisoners of war would be eligible; the President of the United States or any former President; members of the Guard/Reserves who served on active duty and are eligible for retirement but who have not yet retired; and the spouse, surviving spouse, minor child and at the discretion of the Superintendent of Arlington, unmarried adult children of those eligible categories I mentioned above.

The bill, H.R. 70, would eliminate the current practice of granting eligibility to Members of Congress and other high-ranking government officials who are veterans but who do not meet the distinguished military service criteria I just outlined. I want to point out, however, that Congress could at any time on a case-by-case basis enact a resolution on behalf of an individual whose accomplishments are deemed worthy of the honor of being buried at Arlington National Cemetery.

The bill also codifies existing regulatory eligibility standards for interment of cremated remains in the columbarium at Arlington. Generally, this includes all veterans with honorable service and their dependents, those that meet the requirements for burial in a VA national cemetery already.

Finally, the bill clarifies that only memorials honoring military service or events may be placed at Arlington and also establishes a 25-year waiting period for such memorials and their erection.

Mr. Speaker, Arlington National Cemetery is running out of space. Last year the subcommittee and about a dozen of our Members scheduled a visit to Arlington to see firsthand and in person the crowded conditions that exist. With the veteran population declining by 8 million through the year 2002, Arlington officials estimate the cemetery could be full by the year 2025. H.R. 70 is an excellent bill. I urge my colleagues to support it in a bipartisan fashion.

I would also like to thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) for their leadership on this issue.

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, we have before us a bill that has come to us because of certain abuses that occurred in the granting of waivers. We asked the GAO, the Government Accounting Office, to look at that, and they confirmed that although the political abuses of waivers for burial at Arlington that were alleged did not occur, that most of these allegations were unfounded, there was a real need to clarify and write into law the eligibility rules for burial at Arlington National Cemetery. Up to a point, H.R. 70 does that very well and responds to GAO's concerns that standards for waivers have been inconsistently applied throughout the years. I am concerned, as are several members of the Committee on Veterans' Affairs, that this bill provides no realistic opportunity for our country to honor those unique Americans whose contributions are so extraordinary that burial at Arlington Cemetery would be entirely fitting.

When the full committee marked up H.R. 70 last week, I offered an amendment to give the Secretary of the Army the authority to approve the burial of those rare and special individuals whose contributions inspire our Nation and honor them in this way. Let me just remind the House about those people who are now buried at Arlington that would not be allowed to under this legislation.

We could not have honored Detective John Gibson, a member of the Capitol Hill police force who was killed in the line of duty last summer. We could not have honored Senator Robert Kennedy in this way; nor could we have honored Chief Justice of the Supreme Court Warren Burger or Associate Justice Thurgood Marshall, just to name a few.

The gentleman from New York (Mr. QUINN) talked about the potential of a congressional resolution, I mean, talked about introducing politics into this process. I suggested an amendment which would regularize that process, allow the publication of any waivers that were requested by the Secretary and try to regularize that. I think, and I hope, that the other body when we go to conference will be able to design such a waiver procedure that satisfies the very legitimate concerns that have been raised regarding waivers.

Mr. Speaker, I noted that the gentleman from Arizona talked about the support of veterans groups for this measure and one of the reasons behind bringing this up at this point in time. When we in our committee on March 11 considered our budget request to the Committee on the Budget, the veterans service organizations of this Nation had proposed what they called an independent budget, an independent budget which gave $3 billion more than the President did to satisfy our contract with our Nation's veterans. Unfortunately, this independent budget, which went beyond the chairman's recommendations and the majority's recommendation by $1.3 billion, was not even allowed to be voted on in our committee. We were not afforded the opportunity to vote on a budget supported by our Nation's veterans organizations. This budget, which was supported by the Democrats on the committee, tried to offset the unjustified low budget that the administration provided for the year 2000. We tried to say that the VA health care system was drastically underfunded and in danger of actual collapse. We tried to say that the GI bill was far short of realistic needs and failing as a readjustment benefit. We tried to say that desperately needed staffing increases included in this budget appeared to be phony, little more than transparent shell games. We tried to say that the national cemetery system has been underfunded for years and the money needed for basic repairs and upkeep was unavailable and we are not meeting our commitment to our Nation's veterans. Veterans were wronged by the administration budget, they were

wronged by the majority on the Committee on Veterans' Affairs submission to the Committee on the Budget, and they were wronged by the budget resolution that is coming to us this week.

I ask that this House, in recognition of our Nation's veterans, in recognition of the brave men and women who we are honoring by this H.R. 70 today which says that only those who deserve to be buried in Arlington should be, as an honor to those brave men and women who are buried at Arlington, we should not vote for this budget resolution that is being brought to us this week. It drastically underfunds the veterans budget. The health care system that the VA has provided for our Nation's veterans is in danger of going under. We should vote down the budget resolution when it comes before us because of its failure to provide for our Nation's veterans.

Reluctantly I ask that H.R. 70 be approved today, but I hope that it is improved in the Senate.

□ 1130

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from Arizona, and I would just say as a quick comment before I start my statement, to the gentleman from California (Mr. FILNER) a good friend who I respect, that his complaints about the veterans' budget should have been made to the President of the United States because the President provided a budget that was underfunded, as the ranking member of our Committee on Veterans' Affairs said of the Veterans budget, it is a house of cards, and both he and I know that all during the testimony that all of us felt that the budget was inadequate. I hope in the future that the gentleman from California (Mr. FILNER) will take the time to sit in the Cabinet office and explain to Mr. Togo West, who is the Secretary of Veterans, how important it is to provide a budget that is properly funded. When the Secretary presents a budget to us all we should do is add or amend and not have to take a whole new rigorous approach and add more money like we did in our Veterans Committee.

So I compliment the gentleman from Arizona (Mr. STUMP) for taking the initiative in the face of many people in this House who think that our veterans are a declining population and they do not need additional services.

But I rise, Mr. Speaker, in strong support of H.R. 70, and commend our chairman for his leadership in tackling this question surrounding burial at the Arlington National Cemetery. The legislation we take up was developed on a bipartisan basis to set clear eligibility standards for burial at this hallowed national military cemetery. The House took up and passed a very similar bill in the last Congress. It is important, however, that the record be clear on what prompted that legislation.

Arlington Cemetery was created for one reason, to honor the memory of those who died as a result of their military service. Yet, as an in-depth Committee on Veterans' Affairs' investigation disclosed, there have been two possible routes to burial at Arlington. One route was to meet strict eligibility rules. The other was through the grant of a waiver or exception. The use of waivers has allowed burial of the remains of individuals who never even served in the military.

The waiver practice not only runs afoul of Arlington's historic roots, but it invites inconsistencies, favoritism and inequities. The waiver process has been a path for the very privileged and the well connected. Such a practice is not only intolerable in itself, but each exception deprives future survivors of a military burial at Arlington for their loved ones. The sad fact is that Arlington will run out of space for in-ground burials by the year 2025 unless it is expanded.

So, Mr. Speaker, it is altogether fitting, therefore, that this bill eliminate the waiver exception and codify appropriate standards.

Despite our committee's long work on this subject and a 412 to 0 vote on the 105th Congress, there are a few on the other side who said they want to amend this bill or change this bill, and perhaps in a way it is sort of a turnabout from that 412 to 0 vote we had in the 105th Congress. As they proposed, it would allow burial at Arlington for anyone whose act, service or contribution to the United States are extraordinary. That is what they would like to do. ''Extraordinary'' is the word they use over and over again.

Now ''extraordinary'' can mean a lot of different things to a lot of people. For example, I mean just to take an exaggerated example, Tom Brokaw wrote a great book that is at the top of the New York Times best sellers' list about the heroic acts of World War II. Would he, if this book was very popular, be allowed because of extraordinary achievement in the journalistic world? And, to take another exaggerated example, if Madonna who went around and entertained veterans hospitals for many years, would she be allowed because of extraordinary service? Or even Steven Spielberg, could he be buried at Arlington because of a future Private Ryan movie?

So, I think, as my colleagues know, those exaggerated examples show that this ''extraordinary'' status that is included in their language is really sort of a turnabout from what we are trying to specify here today.

So, Mr. Speaker, in conclusion I urge support for codifying the current eligibility requirements as proposed in H.R. 70. They do not consider how famous a veteran was, and frankly, Mr. Speaker, they should not. Our country can find other means to honor those who make great contributions in the sciences, the arts, the letters, the politics, the sports and other fields, no matter how extraordinary they may be. But Arlington, Arlington Cemetery belongs to our veterans, and we should keep it that way.

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, last year I was one of the people that voted for this bill. We had had lengthy discussions at the committee about it, and I was part of the subcommittee, part of the investigation. The gentleman from New York (Mr. QUINN) and I went out and visited Arlington, and I voted for the bill the last time. I was one of the 412 to 0 that supported it because I thought we had assurances that there was going to be done, some work was going to be done on the bill to improve it.

The deal was some of the concerns that had been brought up. But we have now come almost, I guess, a year and a half or 2 years later, a year later certainly, and no work has been done, and the arguments are the same, and we have learned now two different things:

Number one, we have learned that the bill died on the Senate side. They did not take up the bill, I think because of concerns that have been expressed by the gentleman from California (Mr. FILNER) and some others that there is not wiggle room in this bill to allow for those extraordinary events that occur. The other thing that has occurred is, this last year, is the terrible tragedy that we had with the shooting of two of the Capitol Police officers, and one of them under this bill clearly would not qualify for burial at Arlington, and I know of very, very few people in this Nation who do not believe that Officer Gibson deserved burial at Arlington Cemetery for giving his life to protect every American who was in the Capitol that day and plans on coming to the Capitol, to protect this shrine of democracy.

So that is the problem I have with this bill this year. We have not learned from the events of the last year, and I think this is something that good faith people can work on.

Now the alternative we have been given under the language of this bill is that legislation could be passed. But we all know there are going to be situations that will occur when Congress is not in session, when we are in the August recess, when it is a week before a campaign and there has been a terrible tragedy. There is not going to be a special session of Congress called to deal with it.

Beyond the inconvenience and the problems of dealing with a family in a 3- or 4-day period of time when we are not in session is just the whole idea of thinking about dealing with a bill that has been filed with 10 cosponsors to open up Arlington to a specific member. Are my colleagues going to be the people that step forward and say, ''I am

going to vote against that family. They were not heroic enough.'' I do not think that is the kind of legislation that we are going to want to deal with down the line, so I personally think that legislation is an unsatisfactory resolution.

Another aspect of the bill I have problems with that we did not talk about much during committee is the fact that monuments in Arlington under this bill will be limited to military events only. That means that the monument that is there now for Challenger, for the Challenger disaster, the space shuttle disaster, under the language of this bill we could have no future monuments like that because the NASA mission is not a military event. I think that is unfortunate. I think the people that were in the space shuttle were clearly heroic folks.

In conclusion, I do not fault the intent of this bill. I think, as my colleagues know, to codify this, to make these rules known to people out in America, what it means to be buried at Arlington, I think that is a noble effort. The problem I have is we have not done the work on this side and we are going to turn our problem over to the Senate side. We are going over there saying we know this bill needs work, we have not figured out in 2 years how to do it, and we are going to say that we are satisfied sending the bill over knowing that there are American heroes down the line that we will want to have in Arlington that will not be eligible under the language of this bill, and I do not think that is what the House of Representatives ought to do.

Mr. QUINN. Mr. Speaker, will the gentleman yield just for the purposes of discussion on the floor?

Mr. SNYDER. I yield to the gentleman from New York.

Mr. QUINN. I want to, just for the record, Mr. Speaker, state that I share some of the same frustrations that my colleague shares. In fact, I think we agree on a great portion of the bill, H.R. 70, that we are looking at today. But I want to point out that between the last vote of 412 to 0 and today we did not have no discussion, we just did not reach agreement on some of the points that we are still stuck at today. There was some discussion, not a whole lot of it in between, but there was some discussion that took place.

I also want to say to my colleague, as I have said to the subcommittee and full committee and will say to the Members of the House, I share that same frustration about the timing of trying to make some kind of waiver happen for those extraordinary circumstances. So I disagree a little bit with my good friend and colleague, the gentleman from Florida (Mr. STEARNS) on our side that there may be some extraordinary circumstances. In the case of Officer Gibson, for example, we could have taken care of that, so to say that we could have not allowed Officer Gibson to be buried there is not exactly correct because we were back in session the following week or so, so that could have happened. In the case of Senator Kennedy, I am not sure and was not around. We have to check, if it was important, to see the schedule.

I am concerned, though, about the point my colleague brings up about timing and how we would deal with that kind of situation if we were not in session, if the Congress was out for a month or two or whatever that happens to be. I think the gentleman from Arkansas is correct. I think there are some circumstances when that may happen, and I also do not want to rule out the possibility that at some point in time others besides us might make that decision.

I do not have an answer for my colleague this morning, Mr. Speaker. I just want to say that I still share some of those frustrations with him, and I do not know if we are going to vote on this, I think shortly or later on today, to not hold it up, to try to find a way when we go to conference with the Senate, if there are some Members over there that feel strongly enough about it, I would not rule out some more discussion, I guess.

Mr. Speaker, I thank the gentleman for having yielded.

Mr. SNYDER. Reclaiming my time, if I might, I had hoped that we could have had these discussions at the subcommittee level, but it got snowed out in one of the great late winter snowstorms of 1999, but it was not rescheduled, and that is part of my frustration today. We immediately went to the full committee. That, in my opinion, did not allow for the kind of discussions that need to occur at the subcommittee level to improve the bill.

Mr. STEARNS. Mr. Speaker, will the gentleman yield for a question?

Mr. SNYDER. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, the gentleman from Arkansas talked about his desire to have it amended or changed to put in place the words ''acts or service of extraordinary service.''

Mr. SNYDER. If I may reclaim my time, Mr. Speaker, I did not speak about that today. I do not know that that is the option that the gentleman from California (Mr. FILNER) presented at the subcommittee level. I think there are—there are several possibilities.

For example, one possibility maybe should include, as my colleagues know, maybe twice a year, once a year, formal accounting, as my colleagues know, where we call up Arlington here to outline and discuss for us all the waivers this last year.

Another option ought to include, I think, an immediate public notification.

Another option may be that the Secretary of the Army could grant waivers after consultation with the ranking member and chairman of the Committee on Veterans' Affairs.

Another option may be to have some kind of formal notification list; as my colleagues know, fax numbers of all the VSOs and the subcommittee chairs and ranking members.

As my colleagues know, at 10 p.m. on a Saturday night the Secretary of the Army issued a waiver for this person. That kind of constant public scrutiny may deal with some of the concerns that we have had. So do not hang them on that particular there.

Mr. STEARNS. If the gentleman would yield just for another point, the point I was going to try to make in this discussion is we have never mentioned the word ''heroics,'' as my colleagues know. We are talking about individuals that had heroic behavior in the service, and I think we should recognize that is the purpose and the value of Arlington Cemetery, is to recognize people who have extraordinary heroic behavior.

So that is the point I wanted to make, and I thank that gentleman for having yielded.

Mr. SNYDER. If the gentleman from Florida is offering that as amendment for extraordinary heroic behavior as a waiver, I think I can speak for the ranking member, we would accept that amendment.

Did I misunderstand the gentleman, Mr. Speaker?

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, our intention is today, should be and is focused on the heroic actions of those buried at Arlington National Cemetery, but I thank the gentleman from Florida (Mr. STEARNS) for bringing up the budget and also for his nomination to the President's Cabinet. I thank the gentleman, Mr. STEARNS, but I wish we would have had this debate at the committee. As my colleagues know, we were not allowed to. And Mr. STEARNS' criticism of the presidential budget is well founded, but that is history. The President made his suggestion. It is Congress' turn now.

Mr. Speaker, my colleague can yell at the President all he wants, as I have, but now the gentleman is accountable, and I am accountable, and this Congress is accountable by law and by Constitution for the budget.

□ 1145

The gentleman voted for a budget which went $1.9 billion above the President's. We offered an amendment to go $3.2 billion above the President's. That was not just dollars. It was to maintain the integrity of the VA health care system and other benefit systems. So the gentleman voted for the $1.9 billion, not for the $3.2 billion.

The Republican budget that has come onto the floor this week, I think goes about $.9 billion above the President's. If the gentleman votes for that, that is his budget. It is not the President's anymore. It is the gentleman's and it is $2.3 billion below what the VSOs, the veterans service organizations, have suggested.

I say to the gentleman and I will say to the House later this week, if the

gentleman votes ''yes'' for that budget resolution he is supporting a budget which is insufficient for veterans and the Veterans Administration. It undermines our contract with our Nation's veterans.

The gentleman now has an opportunity to stop yelling at the President and take responsibility for his vote, and I ask the gentleman, if he thinks that that budget is too low, as he says the President's was, vote ''no'' on the budget resolution. Join me in my recommittal motion which will ask for the independent budget's figure to be added to our budget resolution.

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

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

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee, for the cooperation and the hard work he has done on this bill, as well as my two subcommittee chairmen, the gentleman from New York (Mr. QUINN) and the gentleman from Florida (Mr. STEARNS). They have put in an extraordinary amount of time.

I do not want to leave the impression that we have not worked on this bill since last year, as someone mentioned. We have worked a lot on this bill. We have made some technical changes. I have conferred with my counterpart, the chairman of the VA committee on the Senate side, and I think we had an excellent time.

Unlike last year, we kind of ran out of time, an election year, end of session. There simply was not enough time to work these differences out. I believe that will happen this time, Mr. Speaker, and I am going to see that it does, if it is within my power.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 70.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SMALL BUSINESS YEAR 2000 READINESS ACT

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 314) to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

The Clerk read as follows:

S. 314

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 ''Small Business Year 2000 Readiness Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the failure of many computer programs to recognize the Year 2000 may have extreme negative financial consequences in the Year 2000, and in subsequent years for both large and small businesses;

(2) small businesses are well behind larger businesses in implementing corrective changes to their automated systems;

(3) many small businesses do not have access to capital to fix mission critical automated systems, which could result in severe financial distress or failure for small businesses; and

(4) the failure of a large number of small businesses due to the Year 2000 computer problem would have a highly detrimental effect on the economy in the Year 2000 and in subsequent years.

SEC. 3. YEAR 2000 COMPUTER PROBLEM LOAN GUARANTEE PROGRAM.

(a) PROGRAM ESTABLISHED.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(27) YEAR 2000 COMPUTER PROBLEM PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'eligible lender' means any lender designated by the Administration as eligible to participate in the general business loan program under this subsection; and

''(ii) the term 'Year 2000 computer problem' means, with respect to information technology, and embedded systems, any problem that adversely effects the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date-dependent data—

''(I) from, into, or between—

''(aa) the 20th or 21st centuries; or

''(bb) the years 1999 and 2000; or

''(II) with regard to leap year calculations.

''(B) ESTABLISHMENT OF PROGRAM.—The Administration shall—

''(i) establish a loan guarantee program, under which the Administration may, during the period beginning on the date of enactment of this paragraph and ending on December 31, 2000, guarantee loans made by eligible lenders to small business concerns in accordance with this paragraph; and

''(ii) notify each eligible lender of the establishment of the program under this paragraph, and otherwise take such actions as may be necessary to aggressively market the program under this paragraph.

''(C) USE OF FUNDS.—A small business concern that receives a loan guaranteed under this paragraph shall only use the proceeds of the loan to—

''(i) address the Year 2000 computer problems of that small business concern, including the repair and acquisition of information technology systems, the purchase and repair of software, the purchase of consulting and other third party services, and related expenses; and

''(ii) provide relief for a substantial economic injury incurred by the small business concern as a direct result of the Year 2000 computer problems of the small business concern or of any other entity (including any service provider or supplier of the small business concern), if such economic injury has not been compensated for by insurance or otherwise.

''(D) LOAN AMOUNTS.—

''(i) IN GENERAL.—Notwithstanding paragraph (3)(A) and subject to clause (ii) of this subparagraph, a loan may be made to a borrower under this paragraph even if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $750,000.

''(ii) EXCEPTION.—A loan may not be made to a borrower under this paragraph if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $1,000,000.

''(E) ADMINISTRATION PARTICIPATION.—Notwithstanding paragraph (2)(A), in an agreement to participate in a loan under this paragraph, participation by the Administration shall not exceed—

''(i) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance exceeds $100,000;

''(ii) 90 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance is less than or equal to $100,000; and

''(iii) notwithstanding clauses (i) and (ii), in any case in which the subject loan is processed in accordance with the requirements applicable to the SBAExpress Pilot Program, 50 percent of the balance outstanding at the time of disbursement of the loan.

''(F) PERIODIC REVIEWS.—The Inspector General of the Administration shall periodically review a representative sample of loans guaranteed under this paragraph to mitigate the risk of fraud and ensure the safety and soundness of the loan program.

''(G) ANNUAL REPORT.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of the program carried out under this paragraph during the preceding 12-month period, which shall include information relating to—

''(i) the total number of loans guaranteed under this paragraph;

''(ii) with respect to each loan guaranteed under this paragraph—

''(I) the amount of the loan;

''(II) the geographic location of the borrower; and

''(III) whether the loan was made to repair or replace information technology and other automated systems or to remedy an economic injury; and

''(iii) the total number of eligible lenders participating in the program.''.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to carry out the program under section 7(a)(27) of the Small Business Act, as added by this section.

(2) REQUIREMENTS.—Except to the extent that it would be inconsistent with this section or section 7(a)(27) of the Small Business Act, as added by this section, the guidelines issued under this subsection shall, with respect to the loan program established under section 7(a)(27) of the Small Business Act, as added by this section—

(A) provide maximum flexibility in the establishment of terms and conditions of loans originated under the loan program so that such loans may be structured in a manner that enhances the ability of the applicant to repay the debt;

(B) if appropriate to facilitate repayment, establish a moratorium on principal payments under the loan program for up to 1 year beginning on the date of the origination of the loan;

(C) provide that any reasonable doubts regarding a loan applicant's ability to service the debt be resolved in favor of the loan applicant; and

(D) authorize an eligible lender (as defined in section 7(a)(27)(A) of the Small Business

Act, as added by this section) to process a loan under the loan program in accordance with the requirements applicable to loans originated under another loan program established pursuant to section 7(a) of the Small Business Act (including the general business loan program, the Preferred Lender Program, the Certified Lender Program, the Low Documentation Loan Program, and the SBAExpress Pilot Program), if—

(i) the eligible lender is eligible to participate in such other loan program; and

(ii) the terms of the loan, including the principal amount of the loan, are consistent with the requirements applicable to loans originated under such other loan program.

(c) REPEAL.—Effective on December 31, 2000, this section and the amendments made by this section are repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

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

Mr. Speaker, the Year 2000 computer problem, commonly known as Y2K, has the potential to disrupt many of this Nation's small to medium-sized businesses at the turn of the century. The Y2K problem exists because many computers and embedded chips cannot process dates beyond December 31, 1999.

Although computer programmers have known about this problem since at least the late 1960s, many small business owners have not taken any action toward correcting any possible Y2K problems they may have. In fact, according to a recent study by the NFIB, a small business association, only one in four small business owners consider Y2K a serious problem.

Today we are considering a very important piece of legislation that will help small businesses achieve Y2K compliance. The Small Business Year 2000 Readiness Act, S. 314, requires the Small Business Administration to establish a limited-term loan program to assist small businesses in correcting Y2K computer problems. Any of the more than 6,000 lenders nationwide that are eligible to participate in SBA's 7(a) business loan program are eligible to participate in the Y2K loan program.

Under current law, the SBA may not guarantee more than $750,000 to any single borrower. This legislation establishes a limited exception to current law so that the SBA may exceed that amount by up to $250,000 for loans under the Y2K loan program.

Small businesses may use the proceeds of a loan for two purposes. First, a small business may use the loan to correct Y2K problems affecting its own information technology systems and other automated systems. For example, a small business is permitted to purchase or repair hardware or software or pay for consultants to repair its information technology systems.

Second, a small business may use the loan proceeds to provide relief from economic injury suffered as a direct result of its own Year 2000 problems or some other entity's Y2K problems.

The belief of many small businesses that the Y2K problem does not affect them because they do not own a large mainframe or PC is unrealistic. Many of these businesses rely on a wide range of suppliers and customers who use automated and computerized systems for production, inventory, shipping and billing purposes. If one of these links in a small business' supply and demand chain is broken due to a computer system that is not Y2K complaint, it could lead to irreparable damage to a business that lacks a large capital pool.

Other Y2K-related problems that could affect small businesses include interest calculation errors, bank account balance errors, and disruption of service on production lines. Additionally, in our continuously expanding marketplace, small business owners who have contact with overseas corporations need to discover whether or not their foreign trading partners are Y2K compliant.

There is one positive aspect of the Y2K problem, Mr. Speaker. We know what it is and we know when it will strike. Unlike other disasters that strike unexpectedly, American small businesses can prepare for this potential problem and, in fact, help to blunt its impact. The loan program established by the Small Business Year 2000 Readiness Act will be instrumental in preparing our Nation's small businesses for the turn of the century.

In closing, I would like to read a letter I recently received from one of my constituents which I believe clearly illustrates the problems small businesses may face in the Year 2000.

''Dear Congressman Talent: I own and operate a small payroll service bureau in your district providing payroll services for over 100 client companies and approximately 6,000 people. Our gross income in many cases is just 50 cents per check in this extremely competitive environment. It is my estimate that it will cost us about $27,000 to $35,000 to obtain the needed payroll software and computer hardware to become Y2K compliant.

''Obviously payroll checks issued for January of the Year 1900 are not likely to be cashable at many banks. None of my clients will stay with us without some assurance of valid checks come January 1, 2000, so not complying would mean the death of my company. It is going to take a significant portion of our revenues for several years to pay for the compliance we absolutely must have. This may mean going without an income for me, possibly pay cuts for my employees, and paying high loan interest rates for years.

''We are currently struggling to figure out a way to finance the upgrades needed to become compliant, instead of working on getting the equipment and software and becoming compliant. It will take us about 3 months to convert all records, even after installing equipment and software.

''I would ask that you and the House of Representatives move as quickly as possible to approve a matching bill to S. 314 already passed. Once any legislation passes, and the money finally comes down to my small business, I still face months of work to finish what you are starting.

''Thank you very much for your consideration of the immense pressures this issue has added to many small businesses already dealing with a host of other problems,'' and it is signed with a constituent's name.

That, I think, illustrates the reason why we have this bill before the House. I thank my friend, the ranking member of the committee, the gentlewoman from New York (Ms. VELÁZQUEZ) for her help.

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

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

Mr. Speaker, I rise in support of S. 314, the Small Business Year 2000 Readiness Act. Providing small businesses with access to the capital they need to prepare themselves for the Year 2000 is important for the safety and soundness of our economy.

The Year 2000 problem is one of the most critical issues facing America's small businesses. It is not even January 1, 2000, and already some businesses are experiencing difficulties. Unless action is taken soon, the closer to this date we get, the more problems our Nation's businesses can expect.

Although no one knows for certain what impact Y2K will have, most experts believe that computer-related problems will be wide-ranging, from miscalculation in insurance and loan rates to brownouts caused by malfunctioning power plants. In fact, some equipment may stop working altogether. The economic impact could be disastrous not only for the United States but also for the global economy.

The overall cost to the American economy could be as high as $119 billion in lost output between now and 2001. In addition to this figure, the economic growth rate could slow, inflation could rise and productivity could drop. For small businesses, which may not have adequate resources to deal with this problem, the effects could be devastating. Estimates indicate that up to 7 percent of U.S. businesses will fail due to the lack of Y2K readiness. Clearly, something must be done to minimize the effects of the Year 2000 problem.

Despite all of this information and the dire forecast for the economy, a recent study conducted by the National Federation of Independent Businesses and Wells Fargo Bank found that fewer than 23 percent of small business owners consider Y2K a serious problem. Additionally, the report stated that only 41 percent addressed or planned to address this issue. There are many reasons for this, ranging from lack of understanding to inadequate resources.

Today's legislation tackles one problem faced by small businesses preparing for the Y2K: access to capital. S. 314, the Small Business Year 2000 Readiness Act, would remedy this by providing greater flexibility through the 7(a) program to help businesses deal with their readiness. This legislation will also increase the number and amount of loans available to small businesses. Repayment of loans will be structured to help businesses with their cash flow and in their planning for the coming year.

Mr. Speaker, we should all take the threat that the Year 2000 problem poses to our small business community very seriously. We must continue to work together to make businesses aware of the need to prepare for Y2K, and we must continue finding ways to help small businesses become ready.

S. 314 is a step in that direction. I urge my colleagues to support this legislation.

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

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

Mr. Speaker, in closing, I would like to thank our distinguished ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for her work on this legislation.

Mr. Speaker, this is the sixth piece of legislation that the Committee on Small Business has brought before this House in these first months of the 106th Congress. We have moved all these measures on a bipartisan basis and in fact, so far, Mr. Speaker, we have been able to move our legislative agenda on a bicameral basis.

I would like to thank all the members of the committee for making the past few months a success for the committee. I also want to thank the committee staff on both sides of the aisle that worked so effectively to help our committee accomplish its goals.

I do not normally thank staff in these kinds of debates, Mr. Speaker, but I think it is appropriate given the fine work so far. On the Democratic staff, I would like to thank George Randels, Catherine Cruz-Wojtasik, Michael Klier and Michael Day. On the Republican staff, I would like to thank Charles Rowe, Meredith Matty, Dwayne Andrews, Stephanie O'Donnell, Larry McCredy, Paul Denham and Harry Katrichis.

This is a very important piece of legislation, Mr. Speaker, to help our small business community in dealing with what could be a very significant problem. I urge the House to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this bill, which encourages our small businesses to address the Y2K computer problem. I support S. 314 as a necessary support tool for small businesses dealing with Y2K.

This bill requires the Small Business Administration (SBA) to establish a new loan program that would give small businesses, who often do not have a great deal of money for capital investment, the opportunity to address the Y2K conversion in a responsible manner.

The Administration has gone through great pains to work through the Y2K bug, and to make sure that the United States survives the transition to next year with minimal discomfort. Among the programs that the Administration has created are several instituted by the SBA and the National Institute of Standards and Technology (NIST), which are aimed exclusively at getting small business on the track to Y2K Compliance.

These programs are vital in my district, and in areas throughout the country, where small businesses are responsible for providing many of the most important services to the community. In many urban neighborhoods, for instance, the largest grocery stores are the mom-and-pop shops on the corner—which would be called "convenience stores" in the suburbs. These small shops are, for many whom do not have cars or whom rely on public transportation, their only source for food and other necessary goods—and we simply cannot afford to have them shut down for any amount of time.

Most of the growth in our economy can be attributed to the revitalization of our small and medium-sized businesses, and we ought to ensure that no phenomenon, whether an act of God or the miscalculation of a computer designed decades ago, will curb that growth. I believe that this, simple bill, has the potential to do a great deal of good, and I, like my colleagues in the Senate, urge its passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the Senate bill, S. 314.

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

A motion to reconsider was laid on the table.

□ 1200

GENERAL LEAVE

Mr. TALENT. 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 S. 314.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Missouri?

There was no objection.

SMALL BUSINESS INVESTMENT IMPROVEMENT ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 68) to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Improvement Act of 1999".

SEC. 2. SBIC PROGRAM.

(a) IN GENERAL.—Section 308(i)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 687(i)(2)) is amended by adding at the end the following: "In this paragraph, the term 'interest' includes only the maximum mandatory sum, expressed in dollars or as a percentage rate, that is payable with respect to the business loan amount received by the small business concern, and does not include the value, if any, of contingent obligations, including warrants, royalty, or conversion rights, granting the small business investment company an ownership interest in the equity or increased future revenue of the small business concern receiving the business loan.".

(b) FUNDING LEVELS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (d)(1)(C)(i), by striking "$800,000,000" and inserting "$1,200,000,000"; and

(2) in subsection (e)(1)(C)(i), by striking "$900,000,000" and inserting "$1,500,000,000".

(c) DEFINITIONS.—

(1) SMALL BUSINESS CONCERN.—Section 103(5) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)) is amended—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), and indenting appropriately;

(B) in clause (iii), as redesignated, by adding "and" at the end;

(C) by striking "purposes of this Act, an investment" and inserting the following: "purposes of this Act—

"(A) an investment"; and

(D) by adding at the end the following:

"(B) in determining whether a business concern satisfies net income standards established pursuant to section 3(a)(2) of the Small Business Act, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

"(i) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this subparagraph), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

"(ii) the net income (so determined) less any deduction for State (and local) income taxes calculated under clause (i), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation;".

(2) SMALLER ENTERPRISE.—Section 103(12)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(12)(A)(ii)) is amended by inserting before the semicolon at the end the following: "except that, for purposes of this clause, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

"(I) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this clause), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

"(II) the net income (so determined) less any deduction for State (and local) income taxes calculated under subclause (I), multiplied by the

marginal Federal income tax rate that would have applied if the business concern were a corporation''.

(d) TECHNICAL CORRECTIONS.—

(1) REPEAL.—Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by striking paragraph (13).

(2) ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking ''6'' and inserting ''12''.

(3) ELIMINATION OF TABLE OF CONTENTS.—Section 101 of the Small Business Investment Act of 1958 (15 U.S.C. 661 note) is amended to read as follows:

''SEC. 101. SHORT TITLE.

''This Act may be cited as the 'Small Business Investment Act of 1958'.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

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

Mr. Speaker, I want to begin by thanking my colleague, the ranking member of the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ) for her assistance in moving this bill, and her help in fashioning it.

The bill before us is almost identical to the measure which was passed by this House at the beginning of last month as the first bill passed through the 106th Congress. The other body acted on this legislation yesterday, and I am pleased to bring it before the House today for purposes of further action, and I hope and trust final passage.

The purpose of H.R. 68 is to make technical corrections to Title III of the Small Business Investment Act. That title authorizes the Small Business Investment Company program. Small Business Investment Companies, or SBICs, are venture capital firms licensed by the Small Business Administration. They use SBA guarantees to leverage private capital for small businesses. The technical corrections proposed by H.R. 68 will improve the flexibility of the SBIC program and allow increased access to this program by small businesses.

I just want to hit today, Mr. Speaker, the major changes of the underlying SBIC Act by H.R. 68.

First, H.R. 68 would change policies which currently reserve leverage for smaller SBICs. We thought at the time the bill was passed this would be necessary to give them a fair shake, but as a matter of fact, we are finding that the SBA's own policies are more than adequate in that regard, and that in fact this has the effect of hurting certain small businesses because it reserves too much of the leverage until the end of the year, so we need to repeal that.

H.R. 68 has a small authorization level for the participating securities segment of the SBIC program. The level would rise from $800 million to $1.2 billion in fiscal year 1999, and from $900 million to $1.5 billion in fiscal year 2000. That is necessary to meet rising demand.

H.R. 68 modifies a test for determining the eligibility of small businesses for SBIC financing, and basically puts S corporations on the same footing as other corporations, and allows them to participate equally in the program.

Finally, H.R. 68 will allow the SBA greater flexibility in issuing trust certificates to finance the SBIC program's investment in small businesses. Current law allows fundings to be issued every 6 months or more frequently. This inhibits the ability of the SBICs and the SBA to form pools of certificates that are large enough to generate serious investor interest, so H.R. 68 allows more time between fundings. That will permit the SBA and the industry to form larger pools for sale in the market.

The Senate's changes to H.R. 68 involve the further fine tuning of the legislation which originated here at the beginning of this Congress. The other body added a technical correction, eliminating the table of contents in the Small Business Investment Act. They reworded the language regarding the small business standard for SBIC investments, and they clarified the formula for addressing taxes so that it is clear that State taxes could not be deducted twice.

Those changes are all acceptable to the committee, to the ranking member and myself. I think they were good changes, if not really significant ones. I would urge the House to accept them.

Again, I want to thank the gentlewoman from New York (Ms. VELÁZQUEZ) and her staff for their assistance in moving the measure before us. I also want to thank the chairman and ranking member of the Committee on Small Business in the other body, Senators KIT BOND and JOHN KERRY and their staffs, for their expeditious action on this important legislation.

I urge my colleagues to adopt the Senate amendments and support H.R. 68.

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

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

Mr. Speaker, I want to take this opportunity to thank the chairman for moving expeditiously this legislation. I rise in strong support of H.R. 68, the Small Business Investment Company Technical Corrections Act. Last month H.R. 68 was the first piece of legislation to pass the 106th Congress. Today, after the Senate has made some technical corrections which clarified the assumed tax provisions, we will once again pass this bipartisan legislation and send it to the President.

As a cosponsor of last year's bill and an original cosponsor of this legislation, I strongly support the improvements we are making to the Small Business Investment Act and the Small Business Investment Company program to date. These changes will only serve to make the SBIC program more efficient and responsive to the needs of small entrepreneurs.

There is no question that the value of the SBIC has been felt across this Nation. SBICs have invested nearly $15 billion in long-term debt and equity capital to over 90,000 small businesses. Over the years, SBICs have given companies like Intel Corporation, Federal Express, and American Airlines the push they needed to succeed. And because of SBICs, millions of jobs have been created and billions of dollars have been added into our economy.

Even as America experiences the longest period of economic growth in decades, there are still many disadvantaged urban and rural communities that are being left behind. One way of bringing economic development and prosperity to more Americans is through the SBIC program.

In fact, SBICs are such a powerful tool that the President's new economic initiatives for the distressed communities which he announced in his State of the Union Address is based on the solid framework of the SBIC program. Today's legislation answers the President's challenge and makes it easier for small businesses, especially in those targeted urban and rural areas, to access the capital that they need.

H.R. 68 ensures that the next Fedexes and AOLs of this country continue to have a fighting chance. The proposal is simple. By streamlining the process and increasing flexibility, SBICs will be able to creatively finance more businesses.

Recently we have also seen the SBIC program expand into new areas. Last year we witnessed the creation of two women-owned SBICs and the establishment of the first Hispanic-owned firm. The changes we are making today are part of an ongoing process that will enable us to provide creative financing to more small businesses more efficiently.

I am pleased once again to join the distinguished chairman in support of the proposed corrections, and I urge the adoption of this legislation.

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

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

Mr. Speaker, I simply would again encourage the House to concur in the Senate amendments to H.R. 68.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 68.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. 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 matter on H.R. 68.

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

There was no objection.

EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 751) to designate the Federal building and United States courthouse located at 504 Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse,'' as amended.

The Clerk read as follows:

H.R. 751

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, shall be known and designated as the ''Edward N. Cahn Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Edward N. Cahn Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 751, as amended, the Federal building and United States courthouse in Allentown, Pennsylvania, as the Edward N. Cahn Federal Building and United States Courthouse.

Judge Cahn was born and raised in Allentown, Pennsylvania. It is said Judge Cahn was quite a basketball star where he was part of the Allentown High championship team in 1951. He went on to attend Lehigh University, and graduated magna cum laude in 1955. Judge Cahn was the first Lehigh University basketball player to score 1,000 points during his collegiate career.

After graduating from Yale Law School, Judge Cahn returned to the Lehigh Valley. He was in the United States Marine Corps Reserve until 1964, and active in private law practice until 1974.

In 1975 President Ford appointed Edward Cahn to Pennsylvania's Eastern District Federal Court. For the next 23 years, Judge Cahn fairly and expeditiously administered the law from the Federal bench in Allentown, Pennsylvania, the only judge in the Third Circuit to work out of the Allentown courthouse.

In 1993 Judge Cahn was appointed the court's chief judge until his retirement in December, 1998. This is a deserving honor to an exceptional jurist and a local Lehigh Valley hero. I support this bill, and encourage my colleagues to support it, as well.

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

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

Mr. Speaker, House Resolution 751 is a bill to designate the Federal building and United States courthouse in Allentown, Pennsylvania, as the Edward N. Cahn Federal Building and United States Courthouse.

Judge Cahn has been serving the citizens of Allentown, Pennsylvania, and Lehigh county for four decades. He is a native of Allentown, and attended Lehigh University. He graduated Magna Cum Laude in 1955. After graduating from Yale in 1958, Judge Cahn was admitted to the Lehigh County Court in 1959.

In 1975 President Ford nominated him for the Federal bench in Pennsylvania's Eastern District Court. Judge Cahn worked from the Federal bench for the next 23 years in Allentown. Throughout his long, distinguished legal career Judge Cahn was known for his attention to detail and his fairness. He has been a mentor to others, impressing on other lawyers that all cases are important and deserving of attention. It is very fitting that we acknowledge the outstanding contributions of Judge Cahn by designating the courthouse in Allentown, Pennsylvania, in his honor.

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

Mr. FRANKS of Connecticut. Mr. Speaker, I yield such time as he may consume to the gentleman from Allentown, Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I rise today to urge my colleagues to pass H.R. 751, a bill I introduced to name Allentown's Federal courthouse for retired Judge Edward N. Cahn.

Judge Cahn, as a native of Pennsylvania's Lehigh Valley, has honored our community with his service as a Federal judge and the determination he has brought to everything that he has done.

The outpouring of community support to name Allentown's courthouse after Judge Cahn has been substantial and bipartisan. Judges, prosecutors, defenders, corporate attorneys, civil lawyers, and many others have asked that Judge Cahn be honored with this distinction. His childhood friend and colleague, Judge Arnold Rappoport, once said, ''Whether it's being captain of the basketball team at Lehigh University or being in the Marines, he has a pioneering will to achieve. The energy and drive never changed.''

Judge Cahn served on the Federal bench for 23 years, including 5 years as chief judge. As a jurist and a public servant, he instilled the virtue of fairness and equality under the law. He remains the only Federal jurist to come from Lehigh County lawyers. In fact, if it were not for Judge Cahn's influence and enormous efforts, Allentown may not now have this beautiful new courthouse. It is only fitting that this courthouse bear his name.

Beyond the physical structure of the building, Judge Cahn is widely helping with helping Lehigh Valley garner the respect and recognition it deserves within the Federal legal community. Judge Cahn's former law partner, John Roberts, says, the Federal bench has lost a star.

I agree, and I would like to take this opportunity to remind us all that we should not underestimate the importance of a community having representation on the Federal bench. It is something Judge Cahn always believed and stresses to this day.

Federal courts should be reflective of all constituents within their borders. Nothing can substitute for the personal knowledge and experience of living and working in a region. Judges who understand a region's customs and history better understand their jurists, plaintiffs, and defendants.

That is why the Lehigh Valley must have a trial judge on the Federal bench, and why I am committed to working with my colleagues to fill Judge Cahn's seat with a native of the Lehigh Valley.

In conclusion, Judge Cahn is already missed on the Federal bench, but perhaps naming the courthouse after him will serve as an enduring reminder of the contributions he has made to the administration of justice in Pennsylvania.

I would like to thank several people who have been very supportive of this measure: first, the gentleman from Pennsylvania (Mr. HOLDEN), a fellow member of the Pennsylvania delegation; the Committee on Transportation and Infrastructure, and its chairman, the gentleman from Pennsylvania (Mr. BUD SHUSTER), as well as the ranking member, the gentleman from Illinois (Mr. WILLIAM LIPINSKI); the Subcommittee on Buildings and Economic Development, and the chairman, the gentleman from New Jersey (Mr. BOB FRANKS), as well as the ranking member, the gentleman from West Virginia (Mr. ROBERT WISE). I would also like to thank the majority leader, the gentleman from Texas (Mr. DICK ARMEY) for his support in this.

Finally, I urge my colleagues to pass H.R. 751, and give honor to Allentown's courthouse and the man who made it possible.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this resolution today, and I would like to commend my colleague, the gentleman from Lehigh Valley, Pennsylvania (Mr. TOOMEY) for bringing this legislation to the floor.

Before coming to Congress, Mr. Speaker, I had the great opportunity to serve as sheriff of Schuylkill County, Pennsylvania, for 7 years.

□ 1215

During that time period, I had a chance to get to know Judge Cahn, and I just wanted to say that he is an honest, sincere, hardworking person who has dedicated his life to serving, not only the people of Lehigh Valley but the people of Pennsylvania and the people of this great country. He has served with distinction on the bench, and his knowledge of law and his sense of fairness is beyond question.

I would just like to say that Judge Cahn so much deserves this honor today to have that beautiful courthouse in Allentown named after him for his distinguished service. I would like to wish Judge Cahn and his family many, many years of happy retirement. I am sure he is going to serve in senior status and continue to serve the people in Lehigh Valley.

Mr. Speaker, I want to lend my strong support and again thank the gentleman from Pennsylvania (Mr. TOOMEY), my friend from Lehigh Valley, for bringing this legislation to the floor. I agree with everything he said except that we will fill that vacancy in the Lehigh Valley right after we fill it with the judgeship from Berks County, Pennsylvania to take Judge Cahn's place.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 751, 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.

The title of the bill was amended so as to read:

''A bill to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the 'Edward N. Cahn Federal Building and United States Courthouse'.''.

A motion to reconsider was laid on the table.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 130) to designate the United States Courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse''.

The Clerk read as follows:

H.R. 130

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

SECTION 1. DESIGNATION.

The United States courthouse located at 40 Centre Street in New York, New York, shall be known and designated as the ''Thurgood Marshall United States Courthouse''.

SEC. 2. REFERENCES.

Any references in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Thurgood Marshall United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 130 designates the United States courthouse at 40 Centre Street in New York City as the ''Thurgood Marshall United States Courthouse.'' Thurgood Marshall was born in Baltimore, Maryland. He graduated cum laude from Lincoln University in 1930 and graduated top of his class from Howard University School of Law in 1933.

Upon graduation from law school, Justice Marshall began his legal career with the National Association for the Advancement of Colored People. As chief counsel, he organized efforts to end segregation in voting, housing, public accommodations, and education. These efforts led to the landmark Supreme Court decision of Brown versus Board of Education, which declared segregation in public schools to be unconstitutional.

In 1961, Justice Marshall was appointed to the Second Circuit Court of Appeals by President Kennedy and four years later was chosen by President Johnson to be the first African American Solicitor General.

Two years later, in 1967, President Johnson nominated Justice Marshall to become the first African American Justice of the Supreme Court, where he served with distinction until his retirement in 1991.

Justice Marshall died in 1993 and laid in State in the Supreme Court building, a rare and privileged honor.

This is a fitting tribute to an honored jurist and a great historical figure. I support the bill and urge my colleagues to support it.

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

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

Mr. Speaker, H.R. 130 is a bill to name the Federal courthouse located at 40 Centre Street in New York City in honor of former Supreme Court Justice Thurgood Marshall. I thank the gentleman from New York (Mr. ENGEL) for introducing the bill and for his steadfast support of this legislation.

The career and character and contributions of Judge Marshall are without equal. His struggles for equality and dignity for all people were of historical proportions.

In 1961, President John Kennedy appointed Marshall as a judge on the United States Court of Appeals. Marshall was the first African American to receive such an appointment. President Johnson appointed Marshall as Solicitor General, and in 1967 he was appointed to the United States Supreme Court where he served until 1991.

As my colleagues know, Justice Marshall was born and brought up in Baltimore and graduated first in his class from Howard University Law School. The brilliance of his legal career is highlighted in the famous 1954 Brown versus Board of Education of Topeka case in which ration segregation in the United States public schools was declared unconstitutional.

Justice Marshall's visions for the future required constant and personal commitment by each citizens to racial equality. Justice Marshall has given to the American public an enduring symbol of hard work, determination, fairness, and honor.

Mr. Speaker, I am greatly honored and pleased to support H.R. 130.

Mr. FRANKS of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), sponsor of the bill.

Mr. ENGEL. Mr. Speaker, I thank my friend from Mississippi for yielding me this time.

Mr. Speaker, I rise to encourage my colleagues to support H.R. 130. I am proud to be the sponsor of this bill, and this is a bipartisan bill, to name the Federal courthouse at Foley Square in Manhattan in New York City as the ''Thurgood Marshall United States Courthouse.''

By naming the Foley Square courthouse after Justice Marshall, Congress would send a signal to the American people and the entire world of the importance of the principle of equality under the law.

As my colleagues know, the late Thurgood Marshall was not only the first African American Justice of the United States Supreme Court, he also was one of the greatest trial and appellate lawyers in the history of our Nation. Through his skill, advocacy, and dedication to the cause of civil rights, he led the charge for equality, not only for African Americans, but for all Americans.

Thurgood Marshall was born July 2, 1908 in Baltimore, Maryland. After attending public schools in Maryland, he received his bachelor's degree from

Lincoln University in Pennsylvania and his law degree from Howard University right here in Washington, D.C. where he graduated first in his class.

After handling a variety of private legal cases, Thurgood Marshall was appointed in 1936 as Special Counsel to the NAACP, the National Association for the Advancement of Colored People. Only 3 years later, Marshall founded the NAACP Legal Defense and Education Fund, one of the great protectors of civil rights in our country's history.

I would urge my colleagues commemorating the life of Thurgood Marshall today to cosponsor H. Con. Res. 33, my legislation, which commemorates the 90th anniversary of the founding of the NAACP.

While at the NAACP, Thurgood Marshall won 29 of 32 cases he argued before the United States Supreme Court. Most prominent of Marshall's victories of course was Brown versus Board of Education, that famous 1954 case, in which the Supreme Court struck down the separate but equal policy that was used to justify public school segregation that had been in effect since 1896.

While at the NAACP, Marshall also won important cases against discriminatory poll taxes, racial restrictions in housing, and whites-only primary elections.

In September 1961, after such a distinguished career with the NAACP, President John F. Kennedy appointed Thurgood Marshall as the first African American to sit as a judge on the United States Court of Appeals for the Second Circuit. He was later chosen by President Lyndon B. Johnson as the United States Solicitor General, also the first African American to hold this position.

On June 13, 1967, President Johnson appointed Thurgood Marshall to the Supreme Court. As the first African American Associate Justice, Marshall became known for his heartfelt attacks on discrimination,, unyielding opposition to the death penalty, and support for free speech and civil liberties.

As my colleagues know, the House passed this bill last year. We are considering it again today because it did not come to the floor of the Senate by the end of the session. I am hoping the Senate will immediately take up this bill after the House passes it.

Mr. Speaker, it is important to note the New York State Senate, the New York State Bar Association, and the New York State County Lawyers' Association, of which Marshall was a longtime member, have endorsed this bill. It is bipartisan, strong bipartisan support.

The courthouse at 40 Centre Street in New York has gone unnamed since its construction in 1935. I believe that identifying this courthouse with Justice Marshall would be a fitting commemoration of his life's pursuit of justice and equality under the law. The Thurgood family is delighted to have this important courthouse named after Justice Thurgood Marshall.

I urge my colleagues to offer this tribute to Justice Thurgood Marshall and to support H.R. 130. I just want to thank my colleagues, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New Jersey (Mr. FRANKS), and the gentleman from West Virginia (Mr. WISE), for their cooperation and strong support for this bill. I appreciate their collegiality very, very much.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democratic member on the Committee on Transportation and Infrastructure.

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Mississippi for yielding me this time.

Mr. Speaker, we gather here in this Chamber and with this bill before us to pay tribute and to honor a giant of the law and of the Constitution. In honoring Thurgood Marshall, we honor and pay tribute to all that is good and great in the history of democracy in America, for he personified what our American war revolution was all about, what the framers of the Constitution intended in writing this great and durable document, that all people are created equal and are entitled to equal justice under the law and in this Constitution.

Thurgood Marshall believed in that theme, believed in that promise, and made his life a crusade to make the promise of the Constitution alive, living, practiced in this democracy.

What we say here cannot add to the glory that is his and to the respect that generations owe him. We can only supplement what was a great, courageous, and inspiring life.

By naming a building, we hope that we in stone, in structure, and in all that goes on inside this great courthouse, perpetuate the ideals that made up the career and the life and the purpose of Justice Thurgood Marshall.

Mr. SHOWS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the chairman of the subcommittee and the ranking member for their attention to this naming bill.

How appropriate it is that the courthouse at Foley Square would be named for the man who sat there as a Second Circuit Judge and went on to the highest court, Thurgood Marshall. Of course the Foley Square courthouse is one of the preeminent courthouses in the United States in part because of some of the notorious cases that have been decided there, but also because of where it stands and what it has meant in history.

So to name a preeminent courthouse after a preeminent lawyer, a preeminent litigator, a preeminent Justice seems just right. In point of fact, Justice Thurgood Marshall was preeminent in so many ways, it is difficult to know now how he will be best remembered.

He spent many years on the Court. He was Solicitor General at an important high point of our history when the government was litigating cases involving race and other matters of signal importance to the constitutional development of our law.

Yet, I do not believe that the Justice will be remembered preeminently as a Justice or as a lawyer. I believe those are too small to encase his memory. I believe he will be remembered for what he did for American law itself. We are at a proud point in American law because the words equality under justice means something.

□ 1230

We did not get to that point, the law did not get to that point by itself. Equality under law was an empty phrase when Marshall began to practice law and when he and his cohorts at the NAACP, later to become the NAACP Legal Defense Fund, began to attack discrimination at its core.

Despite the carnage of the Civil War, the fact is that slavery was replaced by a system of law called Jim Crow. It was that system that Thurgood Marshall set his sights upon. He embarked upon the mission of filling the empty vessel, the words ''equality under law,'' with true meaning. Marshall led a brilliant litigation strategy. Today, ''separate but equal'' is totally discredited, but it took years, gnawing at the roots of that doctrine, to finally overthrow that doctrine with Brown v. Board of Education.

When President Johnson sought to appoint Thurgood Marshall to his two important positions, he faced an uphill battle, and if I may say so, from members of his own party. And yet our law and our courts are richer because that battle was fought, and because Thurgood Marshall fought his battles for our law and for African Americans; ultimately, for all Americans, who now all accept ''equality under law,'' with many more coming forward to claim that right than those who happen to be black.

For lawyers like me, Thurgood Marshall was nothing less than a role model, because there were so few African American lawyers in the 1960s when I came to the bar. He has since become not only a role model for my generation but an American legend in the law. It is most appropriate that he be honored in this way.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 130, to designate the court house on Centre Street in New York City as the ''Thurgood Marshall United States Court House.''

It is particularly auspicious that this legislation appears before the House of Representatives this week when much of the nation will learn, for the first time, of one of Justice Marshall's early cases on behalf of oppressed members of our society.

As a young attorney for the National Association for the Advancement of Colored People (NAACP), Thurgood Marshall went to Treasure Island in San Francisco Bay in September 1944 to observe the largest mutiny trial in the history of our nation. The accused men were sailors who had refused to continue loading highly explosive munitions at the Port Chicago Naval Magazine because a terrific explosion just a few weeks earlier had, without warning or explanation, killed 320 of their colleagues and destroyed this important naval facility. It was the largest home front loss of life of the war.

Marshall was concerned about the Port Chicago courts martial because all the accused men were blacks, men relegated to loading munitions on ships rather than firing them at the enemy solely because they were black. Men who lived in segregated housing, ate in segregated mess halls; men denied the post-traumatic leave typically granted. Indeed, benefits to the survivors of those black men killed in the explosion were reduced from $5,000 to $3,000 when southern senators learned the victims were blacks.

The Navy, dismissing the protests of the NAACP and others over the hypocrisy of asking segregated blacks to fight fascism abroad, denounced their sailors as having ''exhibited the normal characteristics of negroes,'' and prosecuted them for mutiny. Fifty stood their ground and were sentenced to long jail terms, later reduced in the aftermath of the war. Following their convictions, Thurgood Marshall launched an impassioned effort to force the government to rescind the convictions, and he won some concessions: two dozen pieces of evidence were thrown out as tainted, but the convictions stood, and continue to stand today.

The Navy of the 1990s has proved equally resistant to revisiting the Port Chicago convictions. Directed by Congress to re-examine the case in 1992, Secretary of the Navy John Dalton admitted that there was ''no doubt that racial prejudice was responsible for the posting of African-American enlisted personnel to the loading at Port Chicago.'' Then Secretary of Defense William Perry agreed that ''prejudice in the first instance resulted in the assignment of African-American sailors to hard, dangerous work, but segregated them and denied them the dignity accorded to others in uniform.'' Like Dalton, however, Perry refused to overturn the convictions because, they asserted, the pervasive racism in the Navy and at Port Chicago was not documented in the actual trial proceedings.

I wonder how the courts ultimately would have treated Rosa Parks if they had refused to consider the context in which she defied the law and launched the civil rights campaigns of the 1950s. I wonder how history might be different if judicial officers reviewing records of sit-ins at lunch counters did not consider the environment in which those acts of defiance occurred.

The same is true of the Port Chicago case, and Thurgood Marshall knew it over a half century ago. Men who battled to enlist in the Navy to defend their country against fascism and racism were treated like second class citizens because of their race. They got second class jobs, second class training, and they got second class justice.

For decades, virtually all of the surviving Port Chicago ''mutineers'' have suffered their unjustified humiliation in silence, much as they suffered the anguish of official segregation and Navy policies that placed them in extreme risk without even a modicum of training. Bolstered by books and news coverage a decade ago, a few of these men—several now deceased—worked with Members of Congress to secure the Navy reviews and to successfully pass legislation in 1992 creating the Port Chicago National Memorial in California that honors the men who served and died at that facility.

A decade-long effort to secure the exoneration of over 250 black sailors who refused to resume loading the ships is gaining steam. A national law firm, Morrison and Foerster, has taken up the pardon appeal of Mr. Freddie Meeks of Los Angeles, and will hopefully be able to represent additional survivors and the families of those men who passed away without ever knowing that this day of reconsideration was coming.

The media also is finally paying attention to the travesty that followed the tragedy. The History Channel recently broadcast an hour-long show, produced by CBS, and the Learning Channel is set to air its own account on March 30th. NBC will nationally broadcast a made-for-TV movie, produced by actor Morgan Freeman, on March 28 that tells a fictionalized account of the Port Chicago story.

So it is fitting that, as the nation studies the Port Chicago case and the important role Thurgood Marshall played in challenging these unjust convictions, we meet here today to dedicate this building in his memory. Port Chicago was an early, and largely unknown, item in a distinguished legal and judicial career, and Justice Marshall surely deserves the honor we are about to confer on him.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill. This bill designates a United States courthouse in New York City as the ''Thurgood Marshall United States Courthouse.''

Thurgood Marshall worked for not only African Americans but for all Americans to establish and perfect a fundamental structure of individual rights. He succeeded in creating new protections under the law for women, children, prisoners, and the homeless. These groups owe a debt of gratitude to Thurgood Marshall for the increased protections that they enjoy as American citizens. Mr. Speaker even the press had Marshall to thank for an expansion of its liberties during the century.

Marshall was America's leading advocate of civil rights and led a revolution that has left an indelible mark on the American society as a whole. First as an attorney and then as the nation's first African American Justice on the Supreme Court, Marshall worked towards the integration of the races. He believed that through integration equal rights under the law could become a reality for all Americans.

In 1940, the NAACP created the Legal Defense and Education Fund, with Thurgood Marshall as its director and Counsel. During his tenure he coordinated the efforts of the NAACP to end racial segregation. His efforts culminated with the landmark 1954 decision Brown versus The Board of Education, which declared segregation of public schools illegal.

President Johnson would appointment Thurgood Marshall to the Supreme Court of the United States, making Justice Marshall the first African American justice to sit on the Court. As a justice Marshall worked to advance educational opportunity and to bridge the wide gulf of economic inequity between blacks and whites. He became a champion of affirmative action and other race conscious policies as a means to correct the damage from the horrors of racism.

Marshall's work as an attorney and as a justice would provide the framework for improvements in the equal rights of all Americans. President Johnson said at the time of appointing Marshall to the Supreme Court that it was ''the right thing to do, the right time to do it, the right man and the right place.'' I say to you that in naming this Courthouse for Thurgood Marshall this body is using the right name and sending the right message.

Thurgood Marshall's name is synonymous with the struggle for equal rights in America. His legacy as an advocate for equal rights for all Americans is one that should be emulated, remembered and cherished.

Mr. Speaker; I ask my colleagues to support this measure and vote to designate this courthouse as the ''Thurgood Marshall United States Courthouse.''

Mr. CUMMINGS. Mr. Speaker, today, we honor Thurgood Marshall. Marshall was born and raised in the Congressional District I represent—Baltimore City, Maryland—and actually lived in a home which is about eight blocks from where I live now. We both attended Howard University and, more significantly, he was once turned away form the law school I attended and graduated from—the University of Maryland. As such, I am especially proud to honor Thurgood Marshall, as I share a common path with this historic figure.

In designating the Thurgood Marshall U.S. Courthouse in New York City, the nation also honors and praises this man for his civil rights achievements as a lawyer and for reaching the pinnacle of the U.S. justice system as the first African American Supreme Court Justice. I believe, however, that he should be revered most for his courage and independent judiciary and for breathing life into the text of the Constitution. He worked tirelessly to guarantee all Americans equality and liberty in their individual choices concerning voting, housing, education, and travel. It is an honor to recognize a man whose career is a monument to the judiciary system, and who has inspired others to continue his quiet crusade. I urge support for this legislation.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 130.

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.

AUTHORIZING USE OF EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY KENNEDY CENTER

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 52) authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

The Clerk read as follows:

H. CON. RES. 52

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING USE OF EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY KENNEDY CENTER.

In carrying out its duties under section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j), the John F. Kennedy Center for the Performing Arts, in cooperation with the National Park Service (in this resolution jointly referred to as the ''sponsor''), may sponsor public performances on the East Front of the Capitol Grounds at such dates and times as the Speaker of the House of Representatives and Committee on Rules and Administration of the Senate may approve jointly.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Any performance authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) ASSUMPTION OF LIABILITIES.—The sponsor shall assume full responsibility for all liabilities incident to all activities associated with the performance.

SEC. 3. PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—In consultation with the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate, the Architect of the Capitol shall provide upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for a performance authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make such additional arrangements as may be required to carry out the performance.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to a performance authorized by section 1.

SEC. 5. EXPIRATION OF AUTHORITY.

A performance may not be conducted under this resolution after September 30, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey Mr. FRANKS) and the gentleman from Mississippi Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 52, introduced by the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania Mr. SHUSTER), and cosponsored by the ranking member, the gentleman from Minnesota Mr. OBERSTAR), authorizes the use of the East Front of the Capitol for performances by the Millennium Stage of the John F. Kennedy Center for the Performing Arts. It is expected the performances are to take place on Tuesdays and Thursdays when Congress is in session, from Memorial Day through September 30, 1999.

The performances will be open to the public, free of admission charge, and the sponsors of the event, the Kennedy Center and the National Park Service, will assume responsibility for all liabilities associated with the event. The Architect of the Capitol will be responsible for some of the expenses associated with the performances. The Architect and the Police Board will make additional arrangements in complete compliance with the rules and regulations governing the use of the Capitol grounds. The resolution expressly prohibits sales, displays and solicitation in connection with the event.

This unique event allows the Kennedy Center to provide leadership in the national performing arts education policy and programs and to conduct community outreach, as provided for in its mission statement. By permitting these performances on the East Front, the Congress is assisting the Kennedy Center in fulfilling its important mission.

Mr. Speaker, I support the resolution, and I urge my colleagues to support it as well.

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

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

Mr. Speaker, I am pleased to support this resolution, which authorizes the use of the Capitol grounds for summer concerts presented by the John F. Kennedy Center. Consistent with other resolutions regarding the use of the Capitol grounds, the concerts will be free of charge and open to the public, and the sponsors will abide by the applicable rules and regulations.

On Tuesdays and Thursdays around lunchtime, the public will be treated with presentations of music, drama and dance by fine local and regional talent. This is a rare opportunity for a wide range of visitors and tourists to enjoy the offerings of the Kennedy Center. The 1998 summer series was a great hit and enjoyed by several hundred visitors, Capitol Hill residents, and hill Staff and Members.

I support House Concurrent Resolution 52 and look forward to the summer program.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota Mr. OBERSTAR), the ranking Democrat on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

The Kennedy Center at the Millennium Stage is truly one of the most remarkable innovations of the center and is the brainchild of the chairman of the center's board of trustees, Jim Johnson, and carried out brilliantly by president Larry Wilker.

The Millennium Stage operates 365 days a year, free to the public, and has entertained over half a million people, visitors to our Nation's Capital who can come to the Kennedy Center, to the Nation's center for the performing arts, and enjoy a free performance of the greatest array of talent that this Nation has to offer. It is an enjoyable, wonderful, uplifting experience for hundreds of thousands of visitors to our Nation's Capital as well as to residents of our Nation's Capital.

The resolution we bring to the House floor today will bring to the Capitol grounds this edition of the Millennium Stage and make it available here in the heart of the Nation's Capital.

It is a great privilege for me to serve, in my capacity as ranking member of the Committee on Transportation and Infrastructure, along with the chairman of our full committee, the gentleman from Pennsylvania Mr. BUD SHUSTER), on the board of trustees of the Kennedy Center. Together, we enthusiastically welcome to the Capitol grounds the Millennium Stage of the John F. Kennedy Center for the Performing Arts.

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

Mr. FRANKS of New Jersey. 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 New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 52.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 1999 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 50) authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

The Clerk read as follows:

H. CON. RES. 50

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN THROUGH CAPITOL GROUNDS.

On June 11, 1999, or on such other date as the Speaker of the House of Representatives

and the Committee on Rules and Administration of the Senate may jointly designate, the 1999 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 50 authorizes the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be conducted through the grounds of the Capitol on June 11, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution also authorizes the Architect of the Capitol, the Capitol Police Board and the D.C. Special Olympics, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. The sponsor of the event will assume all expenses and liabilities in connection with the event; and all sales advertisements and solicitations are prohibited.

The Capitol Police will be hosting the opening ceremonies for the run starting on Capitol Hill, and the event will be free of charge and open to the public. Over 2,000 law enforcement representatives from local and Federal law enforcement agencies in Washington will carry the Special Olympics torch in honor of 2,500 Special Olympians who participate in this annual event, to show their support for the Special Olympics.

For over a decade the Congress has supported this worthy endeavor by enacting resolutions for the use of the grounds. I am proud to sponsor this resolution this year, and urge my colleagues to support it as well.

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

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

This event needs little introduction. 1999 marks the 31st anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremonies for the Special Olympics, which takes place at Gallaudet University in the District of Columbia.

Each year approximately 2,500 Special Olympians compete in over a dozen events, and more than one million children and adults with special needs participate in Special Olympic worldwide programs. The event is supported by literally thousands of volunteers.

The goal of the games is to help bring mentally handicapped individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic Games.

I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics. I urge passage of House Concurrent Resolution 50.

Mr. OBERSTAR. Mr. Speaker, the relay event is a traditional part of the opening ceremonies for the Special Olympics, which take place at Gallaudet University in the District of Columbia.

This year, approximately 2,500 special Olympians will compete in 17 events, and more than one million children and adults with special needs participate in Special Olympics worldwide programs.

The goal of the games is to help bring mentally disabled individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self esteem are the building blocks for these Olympic games. Better health, coordination, and lasting friendships are the results of participation.

D.C. Special Olympics is the sole provider in the District of Columbia of these special services. No other organization provides athletic programs for citizens with developmental disabilities.

I support H. Con. Res. 50 and urge its passage.

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

Mr. FRANKS of New Jersey. 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 New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 50.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) authorizing the use of the Capitol Grounds for the 18th annual National Peace Officers' Memorial Service, as amended.

The Clerk read as follows:

H. CON. RES. 44

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the eighteenth annual National Peace Officers' Memorial Service, on the Capitol Grounds on May 15, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, in order to honor the more than 160 law enforcement officers who died in the line of duty during 1998.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized by section 1.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 44, as amended, authorizes the use of the Capitol grounds for the 18th Annual Peace Officers' Memorial Service on May 15, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Grand Lodge Fraternal Order of Police, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. The Capitol Police will be the hosting law enforcement agency. The sponsor will assume all expenses and liability in connection

with the event. The event will be free of charge and open to the public, and all sales advertisements and solicitations are prohibited.

This service will honor Federal, State and local law enforcement officers killed in the line of duty in 1998. This will be a time to remember our own slain Capitol Hill Police officers, Officers Chestnut and Gibson. It is a fitting tribute to the men and women who gave their lives in the performance of their duties.

Mr. Speaker, I support this measure and urge my colleagues to support it as well.

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

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

Mr. Speaker, House Concurrent Resolution 44 authorizes the use of the Capitol grounds for this most solemn service. I strongly support this resolution which honors these police officers, men and women, who died in the line of duty during 1998. During last year, 152 very brave peace officers from the ranks of State, local and Federal service were killed in the line of duty. Twelve women officers are included in this number.

On average, one law enforcement officer is killed somewhere in America nearly every other day. Thousands of officers are assaulted and about 23,000 are injured.

Mr. Speaker, in 1962, President John Kennedy signed the law establishing National Police Week. May 15 is designated Peace Officers Memorial Day, and the Capitol Hill ceremony will take place on that day.

□ 1245

It is a day during which a grateful Nation will pay tribute to the sacrifice of all peace officers.

Mr. Speaker, I would like to recognize and honor three police officers in my own community who gave their lives in the line of duty. Lloyd Jones, Sheriff of Simpson County; Deputy Sheriff Tommy Bourne, Jefferson Davis County; and Deputy Sheriff J.P. Rutland, also of Jefferson Davis County. These brave men were family men, devoted fathers, dedicated husbands, and community leaders. The Nation's Capitol is an appropriate and fitting place to honor their memory and their noble service. As a caring Nation, we deeply appreciate their sacrifice.

I strongly support and urge passage of House Concurrent Resolution 44.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TRAFICANT) the author of the bill.

Mr. TRAFICANT. Mr. Speaker, I want to thank my distinguished colleague, and I want to thank the chairman, the gentleman from New Jersey (Mr. FRANKS), and the ranking member, the gentleman from West Virginia (Mr. WISE), for bringing this to the floor.

And I want to commend one of the most able staffs in the House who work on this type of business with very little fanfare, Rick Barnett and Susan Brita. We thank them for all their effort, having worked closely with this subcommittee for many years. The great job they do is appreciated.

As a former sheriff, the National Peace Officers' Memorial Day service has special meaning. Number one, the peace officer law enforcement memorial was a by-product of my chief of staff, Paul Marcone, who led the charge to build that.

I want to commend former Presidents Reagan and Bush for their efforts in helping all along the line to create a memorial for the slain law enforcement officers who have given their lives to help our Nation.

The second meaning, and a tragic one to say the least, is the loss of Sonny Litch, deputy sheriff during my term of sheriff, who was literally executed while transporting a prisoner. And til this day, justice I do not believe has been served, because I believe this man should be put to death, and that is an issue for another day.

But the 17th District of Ohio is not foreign to slain officers. And in the names on the Law Enforcement Memorial are the following eight who I would like to pay tribute to:

John R. ''Sonny'' Litch, Jr., my deputy, Mahoning County Sheriff's Office; John A. Utlak of the Niles Police Department; Richard Elton Becker of the Poland Police Department; Charles K. Yates of the Poland Police Department; Ralph J. DeSalle, Youngstown Police Department; Paul Joseph Durkin, Youngstown Police Department; Millard Williams, Youngstown Police Department; and Carmen J. Renda, Jr., Youngstown State University Police; who have died in the line of duty.

In 1998, Mr. Speaker, more than 160 law enforcement officers were killed protecting our citizens, killed in the line of duty. The names of these brave men and women will be engraved on the walls of the National Law Enforcement Officers Memorial. And that is, at least, some semblance of recognition.

For the families here, in paying tribute on the 15th of May, it is an appropriate place for our Capitol to be used for this activity. It is important that, as a Nation, we make a special effort to show the surviving family members that their heroes did not die in vain and will be recognized for their great sacrifice and dedicated service.

So I commend all for helping. And hopefully, these numbers will be greatly reduced, and hopefully we will not lose any officer, but knowing the violence in the United States, we shall. But for those who have passed, we pay great tribute.

This is an appropriate piece of legislation. I ask for an ''aye'' vote.

Mr. Speaker, as the author of the resolution, I rise in strong support of H. Con. Res. 44 which authorizes the use of the U.S. Capitol grounds for the 18th annual National Peace Officers' Memorial Day Service. This very special ceremony is being conducted by the Fraternal Order of Police and their Auxiliary Services. It will be held on May 15 on the West Front of the Capitol.

In 1962 President John Kennedy signed the law establishing National Police Week. While the actual dates change every year, National Police Week is a seven-day period that begins on a Sunday, ends on a Saturday, and includes May 15, which is ''Peace Officers Memorial Day.''

As a former sheriff, the National Peace Officers' Memorial Day Service has special meaning. Unfortunately, I know what it is like to have a colleague killed in the line of duty. During my time as sheriff I lost a deputy, Sonny Litch, who was killed on October 22, 1981 while transporting a prisoner. His name is among the more than 14,000 names engraved on the National Law Enforcement Officers' Memorial here in Washington, D.C.

On May 15 a grateful nation will pay tribute to their sacrifice. I believe that the U.S. Capitol is an appropriate and fitting place to honor their memory and their noble service. It is important that we as a nation make a special effort to show the surviving family members of these heroes that the nation cares about the sacrifice these officers have made.

The service is an opportunity for law enforcement officers to develop close bonds with fellow officers from across the nation. The service also allows the survivors of officers killed in the line of duty to gain strength and comfort from others who have experienced and understand their grief. Everyone leaves that service knowing that law enforcement's service and sacrifice is deeply appreciated by a caring nation.

Once again, I strongly support the resolution and urge its adoption.

Mr. OBERSTAR. Mr. Speaker, President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day, and this year the memorial service will be held on the Capitol Grounds on Saturday, May 15th.

There are approximately 700,000 sworn law enforcement officers serving the American public today.

During 1997, 160 peace officers were killed in the line of duty.

In addition, approximately 65,000 officers are assaulted each year, with 23,000 sustaining serious injury. In July 1998, we experienced our officers' sacrifices first-hand when Capitol Police officers Jacob Joseph Chestnut and John Michael Gibson gave their lives in defense of the U.S. Capitol.

It is most fitting and proper to honor the lives, sacrifices, and public service of our brave peace officers.

I urge support and passage of H. Con. Res. 44.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 44, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 47) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby, as amended.

The Clerk read as follows:

H. CON. RES. 47

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on July 10, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 47, as amended, authorizes the use of the Capitol grounds for the 58th annual Greater Washington Soap Box Derby qualifying races to be held on July 10, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution also authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association, sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds.

The event is open to the public and free of charge; and the sponsor will assume responsibility for all expenses and liabilities related to the event. In addition, sales, advertisements, and solicitations are explicitly prohibited on the Capitol grounds for this event.

The races are to take place on Constitution Avenue between Delaware Avenue and Third Street, Northwest. The participants are residents of the Washington Metropolitan Area and range in ages from 9 to 16. This event is currently one of the largest races in the country, and the winners of these races will represent the Washington Metropolitan Area at the National finals to be held in Akron, Ohio.

I support the resolution and urge my colleagues to join me in supporting it.

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

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

Mr. Speaker, I am delighted to join the sponsor, the gentleman from Maryland (Mr. HOYER), in supporting House Concurrent Resolution 47, and acknowledge the efforts of the gentleman from Maryland (Mr. HOYER), who has been such a champion for his constituents for this event.

House Concurrent Resolution 47 authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby. Youngsters ages 9 through 16 construct and operate their own soap box vehicles. On July 10, 1999, these youngsters from the Greater Washington Area will race down Constitution Avenue to test the principles of aerodynamics.

Mr. Speaker, many volunteers donate considerable time supporting the event and providing this family-oriented, fun-filled day. The event has grown in popularity, and Washington is known as one of the outstanding race cities.

Mr. Speaker, I support House Concurrent Resolution 47, and I thank the gentleman from Maryland (Mr. HOYER) for bringing forward the resolution.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. I thank the gentleman from Mississippi (Mr. SHOWS) for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Mississippi and Susan Brita in particular, not because the gentleman from Mississippi is not the most important as the ranking member but Susan Brita has been at this forever. We have worked closely with her and she knows much more about the soap box derby, I think, than anyone else on our side of the aisle. I know on the other side of the aisle there is great knowledge about it. I want to thank the Committee on Transportation and Infrastructure committee for bringing this bill forward.

Mr. Speaker, the soap box derby is a tradition in America. It has become a tradition on Capitol Hill. Because it is Capitol Hill, we need to give authorization. Allowing this to occur on Capitol Hill is an appropriate action that we take every year, because this is the kind of event that makes Americans proud, it gives young people a sense of responsibility and enterprise and it gives them also a sense of competition, all of which will redound to their benefit and redound to the benefit of the Nation.

Again, I thank the committee for reporting this bill out in such a timely fashion, and I thank in particular Susan Brita who does such an extraordinary job for all of us.

Mr. Speaker, for the last eight years, I have sponsored a resolution for the Greater Washington Soap Box Derby to hold its race here on the Capitol grounds along Constitution Avenue.

Two weeks ago, I proudly introduced H. Con. Res. 47 to permit the 58th running of the Greater Washington Soap Box Derby, which is to take place on July 10, 1999. This resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for carrying out the running of the Greater Washington Soap Box Derby.

In the past, the full House has supported this resolution once reported favorably by the full Transportation Committee. I ask for my colleagues to join with me, and Representatives ALBERT WYNN, CONNIE MORELLA, JIM MORAN, and FRANK WOLF in supporting this resolution.

Each year since 1992, the Greater Washington Soap Box Derby has welcomed over 40 contestants which has made the Washington, DC race one of the largest in the country. Participants range from ages 9 to 16 and hail from communities in Maryland, the District of Columbia and Virginia. The winners of this local event will represent the Washington metropolitan area in the national race, which will be held in Akron, Ohio on July 31, 1999.

The soap box derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility.

These are positive attributes that we should encourage children to carry into adulthood. The young people involved spend months preparing for this race, and the day that they complete it makes it all the more worthwhile.

I would like to thank BOB FRANKS, the chairman of the Public Buildings Subcommittee, and BOB WISE the ranking member for moving this legislation.

Much credit also goes to Chairman SHUSTER and Ranking Member OBERSTAR for being so

supportive over the years. Finally, I would like to recognize Susan Brita who is such an asset to us all at the Public Buildings Subcommittee.

Mr. OBERSTAR. Mr. Speaker, the Soap Box Derby represents the best in ''voluntarism'', as volunteers from across the Greater Washington area, many of them parents of participating children, donate hours of time to provide an opportunity to learn, compete, and share in this family event.

Since 1992, this local event has tripled in size. Approximately 50 youngsters will join in the 58th running of the Soap Box Derby, here in Washington D.C., making this event one of the biggest in the country.

The 1997 super-stock DC winner came in second place at the national race.

Our thanks to the gentleman from Maryland, Mr. HOYER, for his attention to this event, and for his annual sponsorship of this resolution.

I support this resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 47, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANKS of New Jersey. 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. 751, H.R. 130, H. Con. Res. 52, H. Con. Res. 50, H. Con. Res. 44, and H. Con. Res. 47, the measures just approved by the House.

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

There was no objection.

FEDERAL RETIREMENT COVERAGE CORRECTIONS ACT

Mr. SCARBOROUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 416) to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 416

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 ''Federal Retirement Coverage Corrections Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Applicability.
Sec. 4. Restriction relating to future corrections.
Sec. 5. Irrevocability of elections.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employee Who Should Have Been FERS Covered, But Who Was Erroneously CSRS Covered or CSRS-Offset Covered Instead

Sec. 101. Elections.
Sec. 102. Effect of an election to be transferred from CSRS to FERS to correct a retirement coverage error.
Sec. 103. Effect of an election to be transferred from CSRS-Offset to FERS to correct a retirement coverage error.
Sec. 104. Effect of an election to be transferred from CSRS to CSRS-Offset to correct a retirement coverage error.
Sec. 105. Effect of an election to be restored (or transferred) to CSRS-Offset after having been corrected to FERS from CSRS-Offset (or CSRS).
Sec. 106. Effect of election to remain FERS covered after having been corrected to FERS from CSRS-Offset (or CSRS).

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, But Who Was Erroneously Social Security-Only Covered Instead

Sec. 111. Elections.
Sec. 112. Effect of an election to become FERS covered to correct the retirement coverage error.
Sec. 113. Effect of an election to become CSRS-Offset covered to correct the retirement coverage error.
Sec. 114. Effect of an election to become CSRS covered to correct the retirement coverage error.

Subtitle C—Employee Who Should Have Been Social Security-Only Covered, But Who Was Erroneously FERS Covered, CSRS-Offset Covered, or CSRS Covered Instead

Sec. 121. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously FERS covered instead.
Sec. 122. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously CSRS-Offset covered instead.
Sec. 123. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously CSRS covered instead.
Sec. 124. Corrected error: situations under sections 121–123.
Sec. 125. Vested employees excepted from automatic exclusion.

Subtitle D—Employee Who Should Have Been CSRS Covered or CSRS-Offset Covered, But Who Was Erroneously FERS Covered Instead

Sec. 131. Elections.
Sec. 132. Effect of an election to be transferred from FERS to CSRS to correct a retirement coverage error.
Sec. 133. Effect of an election to be transferred from FERS to CSRS-Offset to correct a retirement coverage error.
Sec. 134. Effect of an election to be restored to FERS after having been corrected to CSRS.
Sec. 135. Effect of an election to be restored to FERS after having been corrected to CSRS-Offset.
Sec. 136. Disqualification of certain individuals to whom same election was previously available.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, But Who Was Erroneously CSRS Covered Instead

Sec. 141. Automatic transfer to CSRS-Offset.
Sec. 142. Effect of transfer.

Subtitle F—Employee Who Should Have Been CSRS Covered, But Who Was Erroneously CSRS-Offset Covered Instead

Sec. 151. Elections.
Sec. 152. Effect of an election to be transferred from CSRS-Offset to CSRS to correct the retirement coverage error.
Sec. 153. Effect of an election to be restored to CSRS-Offset after having been corrected to CSRS.

Subtitle G—Additional Provisions Relating to Government Agencies

Sec. 161. Repayment required in certain situations.
Sec. 162. Equitable sharing of amounts payable from the Government if more than one agency involved.
Sec. 163. Provisions relating to the original responsible agency.

TITLE II—GENERAL PROVISIONS

Sec. 201. Identification and notification requirements.
Sec. 202. Individual appeal rights.
Sec. 203. Information to be furnished by Government agencies to authorities administering this Act.
Sec. 204. Regulations.
Sec. 205. All elections to be approved by OPM.
Sec. 206. Technical and conforming amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Provisions to permit continued conformity of other Federal retirement systems.
Sec. 302. Provisions to prevent reductions in force and any unfunded liability in the CSRDF.
Sec. 303. Individual right of action preserved for amounts not otherwise provided for under this Act.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CSRS.—The term ''CSRS'' means the Civil Service Retirement System.

(2) CSRDF.—The term ''CSRDF'' means the Civil Service Retirement and Disability Fund.

(3) CSRS COVERED.—The term ''CSRS covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than those that apply only with respect to an individual described in section 8402(b)(2) of such title.

(4) CSRS-OFFSET COVERED.—The term ''CSRS-Offset covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, that apply with respect to an individual described in section 8402(b)(2) of such title.

(5) EMPLOYEE.—The term ''employee'' means an employee as defined by section 8331 or 8401 of title 5, United States Code, and any other individual (not satisfying either of those definitions) serving in an appointive or elective office or position in the executive, legislative, or judicial branch of the Government who, by virtue of that service, is permitted or required to be CSRS covered,

CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(6) EXECUTIVE DIRECTOR.—The term ''Executive Director of the Federal Retirement Thrift Investment Board'' or ''Executive Director'' means the Executive Director appointed under section 8474 of title 5, United States Code.

(7) FERS.—The term ''FERS'' means the Federal Employees' Retirement System.

(8) FERS COVERED.—The term ''FERS covered'', with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(9) GOVERNMENT.—The term ''Government'' has the meaning given such term by section 8331(7) of title 5, United States Code.

(10) OASDI TAXES.—The term ''OASDI taxes'' means the OASDI employee tax and the OASDI employer tax.

(11) OASDI EMPLOYEE TAX.—The term ''OASDI employee tax'' means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(12) OASDI EMPLOYER TAX.—The term ''OASDI employer tax'' means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI TRUST FUNDS.—The term ''OASDI trust funds'' means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(14) PERIOD OF ERRONEOUS COVERAGE.—The term ''period of erroneous coverage'' means, in the case of a retirement coverage error, the period throughout which retirement coverage is in effect pursuant to such error (or would have been in effect, but for such error).

(15) RETIREMENT COVERAGE DETERMINATION.—The term ''retirement coverage determination'' means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(16) RETIREMENT COVERAGE ERROR.—The term ''retirement coverage error'' means a retirement coverage determination that, as a result of any error, misrepresentation, or inaction on the part of an employee or agent of the Government (including an error as described in section 163(b)(2)), causes an individual erroneously to be enrolled or not enrolled in a retirement system, as further described in the applicable subtitle of title I.

(17) SOCIAL SECURITY-ONLY COVERED.—The term ''Social Security-Only covered'', with respect to any service, means Government service that constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410), and that—

(A) is subject to OASDI taxes; but

(B) is not subject to any retirement system for Government employees (disregarding title II of the Social Security Act).

(18) THRIFT SAVINGS FUND.—The term ''Thrift Savings Fund'' means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Subject to subsection (b), this Act shall apply with respect to any retirement coverage error that occurs before, on, or after the date of enactment of this Act, excluding any error corrected within 1 year after the date on which it occurs.

(b) LIMITATION.—Nothing in this Act shall affect any retirement coverage or treatment accorded with respect to any individual in connection with any period beginning before the first day of the first applicable pay period beginning on or after January 1, 1984.

SEC. 4. RESTRICTION RELATING TO FUTURE CORRECTIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, any individual who, on or after the date of enactment of this Act, becomes or remains affected by a retirement coverage error may not be excluded from or made subject to any retirement system for the sole purpose of correcting such error.

(b) COORDINATION WITH OTHER LAWS.—

(1) IN GENERAL.—Nothing in this Act shall be considered to preclude any voluntary retirement coverage election made other than under this Act.

(2) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations which may be necessary to apply this Act in the case of any individual who changes retirement coverage pursuant to an election described in paragraph (1).

SEC. 5. IRREVOCABILITY OF ELECTIONS.

Any election made (or deemed to have been made) under this Act by an employee or any other individual shall be irrevocable.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employee Who Should Have Been FERS Covered, But Who Was Erroneously CSRS Covered or CSRS-Offset Covered Instead

SEC. 101. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead; or

(2) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1) to be FERS covered instead; or

(2) to remain (or instead become) CSRS-Offset covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has been corrected, the employee affected by such error may elect—

(1) to be CSRS-Offset covered instead; or

(2) to remain FERS covered.

(d) DEFAULT RULE.—

(1) IN GENERAL.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(2) CSRS NOT AN OPTION.—Nothing in this section shall be considered to afford an employee the option of becoming or remaining CSRS covered.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 102. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO FERS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 101(a)(1) who elects the option under section 101(b)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—

(1) EMPLOYEE CONTRIBUTIONS.—

(A) TRANSFER TO OASDI TRUST FUNDS.—There shall be transferred from the CSRDF to the OASDI trust funds an amount equal to the amount of the OASDI employee tax that should have been deducted and withheld from the Federal wages of the employee for the period of erroneous coverage involved.

(B) RULE IF THERE ARE EXCESS CSRDF CONTRIBUTIONS.—

(i) IN GENERAL.—Any excess amount described in clause (ii) that is attributable to an employee described in subsection (a) shall be forfeited.

(ii) EXCESS AMOUNT DEFINED.—The excess amount described in this clause is, in the case of an employee, the amount by which—

(I) that portion of the employee's lump-sum credit that is attributable to the period of erroneous coverage involved, exceeds (if at all)

(II) the total of the amount described in subparagraph (A) plus the amount that should have been deducted under section 8422 of title 5, United States Code, from the pay of the employee for the period of erroneous coverage involved.

(C) RULE IF LUMP-SUM CREDIT IS LESS THAN TOTAL EMPLOYEE CONTRIBUTIONS TO OASDI AND CSRDF THAT SHOULD HAVE BEEN MADE.—

(i) IN GENERAL.—

(I) SHORTFALL TO BE MADE UP BY AGENCY.—If the amount described in subparagraph (B)(ii)(I) is less than the total amount described in subparagraph (B)(ii)(II), an amount equal to the shortfall shall be made up (in such manner as the Commissioner of Social Security shall prescribe) by the agency in or under which the employee is then employed, out of amounts otherwise available in the appropriation, fund, or account from which any OASDI employer tax or contribution to the CSRDF (as applicable) may be made, except as provided in subclause (II) or clause (iii)(I).

(II) REDUCTION FOR DEPOSIT DUE.—In any case in which a deposit is required under clause (ii), the amount required to be made up under subclause (I) shall be reduced by the amount of the deposit so required (but not below zero).

(ii) DEPOSIT REQUIREMENT.—

(I) IN GENERAL.—To the extent that the shortfall under clause (i) is due to the any lump-sum credit received by the employee (for which an appropriate deposit under section 8334(d)(1) of title 5, United States Code, has not been made), the employee shall be required to repay an amount equal to the amount of such deposit, except as provided in clause (iii)(I).

(II) TREATMENT AS A DEBT DUE.—If an employee fails to pay the amount required under subclause (I), that amount shall be recoverable by the CSRDF under the same authorities (including to waive a right of recovery) as described in section 114(b)(2). For purposes of any exercise of authority under the preceding sentence, the Director of the Office of Personnel Management shall be considered the head of the agency concerned.

(iii) SPECIAL RULES.—

(I) DEPOSIT FOR FERS DEDUCTIONS NOT MANDATORY.—Nothing in this subparagraph shall, in any situation described in clause (ii), be considered to require any agency make-up payment (or employee repayment) of any portion of the lump-sum credit (beyond any amount necessary in order to permit the transfer described in paragraph (1)(A)) which would be assignable to amounts that should have been deducted under section 8422 of title 5, United States Code, from pay of the employee involved.

(II) AUTHORITY TO MAKE FERS DEPOSIT.—An employee under this section who has received a lump-sum credit (described in clause (ii)(I)) may not be credited, under chapter 84 of title 5, United States Code, with any period of service to which that lump-sum credit relates unless the employee deposits into the CSRDF an amount equal to the percentage of such employee's basic pay (for such period of service) that should have been deducted under section 8422 of title 5, United States Code.

(D) DEFINITION OF LUMP-SUM CREDIT.—For purposes of this paragraph, the term ''lump-sum credit'' has the meaning given such term by section 8331 of title 5, United States Code, except as the context may otherwise indicate.

(E) PROVISIONS RELATING TO THE APPLICATION OF THIS PARAGRAPH IN OTHER SITUATIONS.—

(i) GENERAL AUTHORITY.—To the extent necessary to permit the operation of this paragraph in any situation covered by any other provisions of this Act (which incorporate this paragraph by reference), any necessary technical and conforming amendments to this paragraph not otherwise specifically provided for (such as citations to appropriate provisions of law corresponding to provisions cited in this paragraph) shall be made under regulations which the Office of Personnel Management shall prescribe.

(ii) SPECIAL RULE.—

(I) DEPOSITS NOT PRECLUDED BY FERS RESTRICTION.—Nothing in section 8424(a) of title 5, United States Code, shall, in any situation covered by this Act, prevent the making of any deposit (and crediting, for retirement purposes, of service for the corresponding period of time) to the extent that the deposit relates to the period of erroneous coverage involved.

(II) EXCEPTION.—The preceding sentence shall not apply in any situation in which the employee involved was erroneously FERS covered, and remained FERS covered after the rectification provided for under this Act.

(2) GOVERNMENT CONTRIBUTIONS.—

(A) TRANSFER TO OASDI TRUST FUNDS.—There shall be transferred from the CSRDF to the OASDI trust funds the excess of—

(i) the amount of the OASDI employer tax that should have been paid with respect to the employee for the period of erroneous coverage involved, over

(ii) the amount of the OASDI employer tax that may be assessed under section 6501 of the Internal Revenue Code of 1986 in connection with such employee,

determined in such manner as the Secretary of the Treasury shall by regulation prescribe.

(B) RULE IF CSRDF CONTRIBUTIONS ACTUALLY MADE ARE LESS THAN TOTAL GOVERNMENT CONTRIBUTIONS TO OASDI AND CSRDF THAT SHOULD HAVE BEEN MADE.—

(i) IN GENERAL.—If the total Government contributions to the CSRDF that were made with respect to the employee for the period of erroneous coverage involved are less than the amount described in clause (ii), an amount equal to the shortfall shall be made up (in such manner as the Commissioner of Social Security shall prescribe) by the agency in or under which the employee is then employed.

(ii) DESCRIPTION OF AMOUNT.—The amount described in this clause is the total of—

(I) the amount required to be transferred under subparagraph (A), plus

(II) the amount that should have been contributed by the Government under section 8423 of title 5, United States Code, for such employee with respect to such period.

(iii) SOURCE OF PAYMENTS.—Any amount required to be paid by an agency under clause (i) shall be payable out of any appropriation, fund, or account available to such agency for making Government contributions to the CSRDF or the OASDI trust funds (as appropriate).

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—

(1) IN GENERAL.—An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf, in addition to any regular employee or Government contributions that would be permitted or required for the year in which the contributions under this subsection are made, an amount equal to the sum of—

(A) the amount determined under paragraph (2) with respect to such employee for the period of erroneous coverage involved;

(B) an amount equal to the total contributions that should have been made for such employee under section 8432(c)(1) of title 5, United States Code, for the period of erroneous coverage involved;

(C) an amount equal to the total contributions that should have been made for such employee under section 8432(c)(2) of title 5, United States Code, for the period of erroneous coverage involved (taking into account both the amount referred to in subparagraph (A) and any contributions to the Thrift Savings Fund actually made by such employee with respect to the period involved); and

(D) an amount equal to lost earnings on the amounts referred to in subparagraphs (A) through (C), determined in accordance with paragraph (3).

(2) AMOUNT BASED ON AVERAGE PERCENTAGE OF PAY CONTRIBUTED BY EMPLOYEES DURING PERIOD OF ERRONEOUS COVERAGE.—

(A) IN GENERAL.—The amount determined under this paragraph with respect to an employee for a period of erroneous coverage shall be equal to the amount of the contributions such employee would have made if, during each calendar year in such period, the employee had contributed the percentage of such employee's basic pay for such year specified in subparagraph (B) (determined disregarding any contributions actually made by such employee with respect to the year involved).

(B) PERCENTAGE TO BE APPLIED.—

(i) IN GENERAL.—The percentage to be applied under this subparagraph in the case of any employee with respect to a particular year is—

(I) the average percentage of basic pay that was contributed for such year under section 8432(a) of title 5, United States Code, by full-time FERS covered employees who contributed to the Thrift Savings Fund in such year and for whom a salary rate is recorded (as of June 30 of such year) in the central personnel data file maintained by the Office of Personnel Management; or

(II) if such average percentage for the year in question is unavailable, the average percentage for the most recent year prior to the year in question that is available.

(ii) PERCENTAGE CONTRIBUTED.—For purposes of clause (i)(I), the percentage of basic pay for each employee included in the average shall be determined by dividing the total employee contributions received into the Thrift Savings Plan account of that employee during such year by the annual salary rate for that employee as recorded in the central personnel data file (referred to in clause (i)(I)) as of June 30 of such year.

(C) LIMITATIONS.—In no event may the amount determined under this paragraph for an individual with respect to a year exceed the amount that, if added to the amount of the contributions that were actually made by such individual to the Thrift Savings Fund with respect to such year (if any), would cause the total to exceed—

(i) any limitation under section 415 or any other provision of the Internal Revenue Code of 1986 that would have applied to such employee with respect to such year; or

(ii) any limitation under section 8432(a) or any other provision of title 5, United States Code, that would have applied to such employee with respect to such year.

(3) LOST EARNINGS.—

(A) IN GENERAL.—Lost earnings on any amounts referred to in subparagraph (A), (B), or (C) of paragraph (1) shall, to the extent those amounts are attributable to contributions that should have been made with respect to a particular year, be determined in the same way as if those amounts had in fact been timely contributed and allocated among the TSP investment funds in accordance with—

(i) the investment fund election that was accepted by the employing agency before the date the contribution should have been made and that was still in effect as of that date; or

(ii) if no such election was then in effect for the employee, the investment fund election attributed to such employee with respect to such year.

(B) INVESTMENT FUND ELECTION ATTRIBUTED.—For purposes of subparagraph (A)(ii), the investment fund election attributed to an employee with respect to a particular year is—

(i) the average percentage allocation of TSP contributions among the TSP investment funds from all sources, with respect to that year, except that the investment fund election attributed to contributions in years prior to 1991 shall be the G Fund; or

(ii) if such average percentage allocation for the year in question is unavailable, the average percentage allocation for the most recent year prior to the year in question that is available.

(C) DEFINITION OF INVESTMENT FUND ELECTION, ETC.—For purposes of this paragraph—

(i) the term ''investment fund election'' means a choice by a participant concerning how contributions to the Thrift Savings Plan shall be allocated among the TSP investment funds;

(ii) the term ''participant'' means any person with an account in the Thrift Savings Plan, or who would have an account in the Thrift Savings Plan but for an employing agency error (including an error as described in section 163(b)(2));

(iii) the term ''TSP investment funds'' means the C Fund, the F Fund, the G Fund, and any other investment fund in the Thrift Savings Plan created after December 27, 1996; and

(iv) the terms ''C Fund'', ''F Fund'', and ''G Fund'' refer to the funds described in paragraphs (1), (3), and (4), respectively, of section 8438(a) of title 5, United States Code.

(4) MAKEUP CONTRIBUTION TO BE MADE IN A LUMP SUM.—

(A) IN GENERAL.—Any amount to which an employee is entitled under this subsection shall be paid promptly by the agency in or under which the electing employee is (as of the date of the election) employed, in a lump sum, upon notification to such agency under subparagraph (B)(ii) as to the amount due.

(B) BOARD FUNCTIONS.—The regulations under paragraph (6) shall include provisions under which—

(i) each employing agency shall be required to determine and notify the Federal Retirement Thrift Investment Board, in a timely manner, as to any amounts under paragraph (1)(A)–(C) owed by such agency; and

(ii) the Board shall, based on the information it receives from an agency under clause (i), determine lost earnings on those amounts and promptly notify such agency as to the total amounts due from it under this subsection.

(5) JUSTICES AND JUDGES; MAGISTRATES; ETC.—The preceding provisions of this subsection shall not apply in the case of any employee who, pursuant to the election referred to in subsection (a), becomes subject to section 8440a, 8440b, 8440c, or 8440d of title 5, United States Code.

(6) REGULATIONS.—The Executive Director of the Federal Retirement Thrift Investment Board shall prescribe any regulations necessary to carry out this subsection.

SEC. 103. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS-OFFSET TO FERS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 101(a)(2) who elects the option under section 101(b)(1).

(b) EFFECT OF ELECTION.—In the case of an employee described in subsection (a), the following provisions shall apply:

(1) Section 102(b) (relating to disposition of contributions to the CSRDF), but disregarding provisions relating to transfers to OASDI trust funds.

(2) Section 102(c) (relating to makeup contributions to the Thrift Savings Fund).

SEC. 104. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO CSRS-OFFSET TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 101(a)(1) who elects the option under section 101(b)(2).

(b) SAME AS IN THE CASE OF AN ELECTION TO RATIFY ERRONEOUS CSRS-OFFSET COVERAGE.—

(1) IN GENERAL.—The effect of an election described in subsection (a) shall be as described in section 101(b)(2), except that the provisions of section 102(b) shall also apply.

(2) APPROPRIATE PERCENTAGES TO BE USED IN DETERMINING EMPLOYEE AND GOVERNMENT CONTRIBUTIONS TO CSRDF.—For purposes of paragraph (1), section 102(b) shall be applied by substituting ''the relevant provisions of section 8334(k)'' for ''section 8422'' and ''section 8423''.

SEC. 105. EFFECT OF AN ELECTION TO BE RESTORED (OR TRANSFERRED) TO CSRS-OFFSET AFTER HAVING BEEN CORRECTED TO FERS FROM CSRS-OFFSET (OR CSRS).

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in paragraph (1) or (2) of section 101(a) who (after having been corrected to FERS coverage) elects the option under section 101(c)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—The provisions of section 102(b) shall apply in the case of an employee described in subsection (a), subject to paragraph (2).

(2) NO TRANSFERS FOR AMOUNTS ALREADY PAID INTO OASDI, ETC.—For purposes of paragraph (1), section 102(b) shall be applied in conformance with the following:

(A) NO DOUBLE PAYMENTS INTO OASDI.—To the extent that the appropriate OASDI employee or employer tax has already been paid for the total period involved (or any portion thereof), reduce the respective amounts required by paragraphs (1)(A) and (2)(A)(i) of section 102(b) accordingly.

(B) APPROPRIATE PERCENTAGES TO BE USED IN DETERMINING EMPLOYEE AND GOVERNMENT CONTRIBUTIONS TO CSRDF.—Substitute ''the relevant provisions of section 8334(k)'' for ''section 8422'' and ''section 8423''.

(C) APPROPRIATE LUMP-SUM CREDIT TO BE USED.—The appropriate lump-sum credit to be used under this subsection shall be determined in accordance with regulations to be prescribed by the Office of Personnel Management.

(D) PROVISIONS TO BE APPLIED WITH RESPECT TO THE TOTAL PERIOD INVOLVED.—Substitute ''total period involved (as defined by section 105)'' for ''period of erroneous coverage involved''.

(c) DISPOSITION OF EXCESS TSP CONTRIBUTIONS.—

(1) GOVERNMENT CONTRIBUTIONS.—All Government contributions made on behalf of the employee to the Thrift Savings Fund that are attributable to the total period involved (including any earnings thereon) shall be forfeited. For the purpose of section 8437(d) of title 5, United States Code, amounts so forfeited shall be treated as if they were amounts forfeited under section 8432(g) of such title.

(2) EMPLOYEE CONTRIBUTIONS.—The election referred to in subsection (a) shall not be taken into account for purposes of any determination relating to the disposition of any employee contributions to the Thrift Savings Fund, attributable to the total period involved, that were in excess of the maximum amount that would have been allowable under applicable provisions of subchapter III of chapter 83 of title 5, United States Code (including any earnings thereon).

(d) DEFINITION OF TOTAL PERIOD INVOLVED.—For purposes of this section, the term ''total period involved'' means the period beginning on the effective date of the retirement coverage error involved and ending on the day before the date on which the election described in subsection (a) is made.

SEC. 106. EFFECT OF ELECTION TO REMAIN FERS COVERED AFTER HAVING BEEN CORRECTED TO FERS FROM CSRS-OFFSET (OR CSRS).

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in paragraph (1) or (2) of section 101(a) who (after having been corrected to FERS coverage) elects the option under section 101(c)(2).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—The provisions of section 102(b) shall apply in the case of an employee described in subsection (a), subject to the same condition as set forth in section 105(b)(2)(A).

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—Section 102(c) shall apply, except that an agency shall receive credit for any automatic or matching Government contributions and any lost earnings paid by such agency as part of any corrections process previously carried out with respect to the employee involved.

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, But Who Was Erroneously Social Security-Only Covered Instead

SEC. 111. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1), (2), or (3) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1)(A) in the case of an error described in subsection (a)(1), to be FERS covered as well;

(B) in the case of an error described in subsection (a)(2), to be CSRS-Offset covered as well; or

(C) in the case of an error described in subsection (a)(3), to be CSRS covered instead; or

(2) to remain Social Security-Only covered.

(c) CORRECTED ERROR.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, there shall be submitted to the Congress a proposal (including any necessary draft legislation) to carry out the policy described in paragraph (2).

(2) POLICY.—Under the proposal, any employee with respect to whom the retirement coverage error described in paragraph (1), (2), or (3) of subsection (a) (as applicable) has already been corrected, but under terms less advantageous to the employee than would have been the case under this Act, shall be afforded a reasonable opportunity to obtain treatment comparable to the treatment afforded under this Act.

(3) JOINT ACTION.—This subsection shall be carried out by the Director of the Office of Personnel Management, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board and the Commissioner of Social Security.

(d) DEFAULT RULE.—In the case of any employee to whom subsection (b) applies, if the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 112. EFFECT OF AN ELECTION TO BECOME FERS COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 111(a)(1) who elects the option under section 111(b)(1)(A).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(1) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8422 of title 5, United States Code; and

(2) the Government contributions that should have been paid for the period of erroneous coverage involved under section 8423 of title 5, United States Code.

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—Section 102(c) shall apply in the case of an employee described in subsection (a).

SEC. 113. EFFECT OF AN ELECTION TO BECOME CSRS-OFFSET COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 111(a)(2) who elects the option under section 111(b)(1)(B).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(1) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code; and

(2) the Government contributions that should have been paid under section 8334 of title 5, United States Code, for the period of erroneous coverage involved.

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—

(1) IN GENERAL.—Makeup contributions to the Thrift Savings Fund shall be made by the employing agency in the same manner as described in section 102(c) (but disregarding subparagraphs (B) and (C) of paragraph (1) thereof, and the other provisions of section 102(c) to the extent that they relate to those subparagraphs).

(2) APPROPRIATE PERCENTAGES, ETC. TO BE USED.—For purposes of paragraph (1), section 102(c) shall be applied—

(A) by substituting ''section 8351(b)'' for ''section 8432(a)'' and by substituting ''CSRS covered and CSRS-Offset covered'' for ''FERS covered'' in paragraph (2)(B)(i) thereof; and

(B) by substituting ''section 8351(b)(2)'' for ''section 8432(a)'' in paragraph (2)(C)(ii) thereof.

SEC. 114. EFFECT OF AN ELECTION TO BECOME CSRS COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 111(a)(3) who elects the option under section 111(b)(1)(C).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(A) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code; and

(B) the Government contributions that should have been paid under such section for the period of erroneous coverage involved.

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Secretary of the Treasury, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation account from which the amount involved was originally paid.

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—In the case of an employee described in subsection (a), makeup contributions to the Thrift Savings Fund shall be made in the same manner as described in section 113(c).

Subtitle C—Employee Who Should Have Been Social Security-Only Covered, But Who Was Erroneously FERS Covered, CSRS-Offset Covered, or CSRS Covered Instead

SEC. 121. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD.

(a) IN GENERAL.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is FERS covered instead.

(b) AUTOMATIC EXCLUSION FROM FERS.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is FERS covered.

(c) DISPOSITION OF EMPLOYEE CONTRIBUTIONS TO THE CSRDF.—There shall be paid to the employee, from the CSRDF, any lump-sum credit to which such employee would be entitled under section 8424 of title 5, United States Code, to the extent attributable to the period of erroneous coverage involved.

(d) DISPOSITION OF TSP CONTRIBUTIONS.—

(1) GOVERNMENT CONTRIBUTIONS.—All Government contributions made on behalf of the employee to the Thrift Savings Fund that are attributable to the period of erroneous coverage involved (including any earnings thereon) shall be forfeited in the same manner as described in section 105(c).

(2) EMPLOYEE CONTRIBUTIONS.—Notwithstanding any other provision of this section or any other provision of law, any contributions made by the employee to the Thrift Savings Fund during the period of erroneous coverage involved (including any earnings thereon) shall be treated as if such employee had then been correctly covered.

SEC. 122. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD.

(a) IN GENERAL.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is CSRS-Offset covered instead.

(b) AUTOMATIC EXCLUSION FROM CSRS-OFFSET.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is CSRS-Offset covered.

(c) DISPOSITION OF EMPLOYEE CONTRIBUTIONS TO THE CSRDF.—There shall be paid to the employee, from the CSRDF, the lump-sum credit to which such employee would be entitled under section 8342 of title 5, United States Code, to the extent attributable to the period of erroneous coverage involved.

(d) DISPOSITION OF TSP CONTRIBUTIONS.—In the case of an employee described in subsection (a), section 121(d)(2) shall apply.

SEC. 123. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS COVERED INSTEAD.

(a) IN GENERAL.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is CSRS covered instead.

(b) AUTOMATIC EXCLUSION FROM CSRS.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is CSRS covered.

(c) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—In the case of an employee described in subsection (a), section 102(b) shall apply.

(2) IRRELEVANT PROVISIONS TO BE DISREGARDED.—For purposes of paragraph (1), section 102(b) shall be applied disregarding the provisions of paragraphs (1)(B)(ii)(II) (to the extent they relate to amounts that should have been deducted under section 8422 of title 5, United States Code) and (2)(B)(ii)(II) thereof.

(d) DISPOSITION OF TSP CONTRIBUTIONS.—In the case of an employee described in subsection (a), section 121(d)(2) shall apply.

SEC. 124. CORRECTED ERROR: SITUATIONS UNDER SECTIONS 121 THROUGH 123.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, there shall be submitted to the Congress a proposal (including any necessary draft legislation) to carry out the policy described in subsection (b).

(b) POLICY.—Under the proposal, any employee with respect to whom the applicable retirement coverage error (referred to in section 121, 122, or 123, as applicable) has already been corrected, but under terms less advantageous to the employee than would have been the case under this Act, shall be afforded a reasonable opportunity to obtain treatment comparable to the treatment afforded under this Act.

(c) JOINT ACTION.—This section shall be carried out by the Director of the Office of Personnel Management, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board and the Commissioner of Social Security.

SEC. 125. VESTED EMPLOYEES EXCEPTED FROM AUTOMATIC EXCLUSION.

(a) IN GENERAL.—Nothing in this subtitle shall, by reason of any retirement coverage error, result in the automatic exclusion of any employee from FERS, CSRS-Offset, or CSRS if, as of the date on which notice of such error is given (in accordance with section 201), such employee's rights have vested under the retirement system involved.

(b) VESTING.—For purposes of this section, vesting of rights shall be considered to have occurred if the employee has (by the date as of which the determination is made) completed at least 5 years of civilian service, taking into account only creditable service under section 8332 or 8411 of title 5, United States Code.

(c) ELECTIONS.—

(1) ERRONEOUSLY FERS COVERED.—Any employee affected by an error described in section 121 who is determined under this section to satisfy subsection (b) may elect—

(A) to be treated in accordance with section 121; or

(B) to remain FERS covered.

(2) OTHER CASES.—Any employee affected by an error described in section 122 or 123 who is determined under this section to satisfy subsection (b) may elect—

(A) to be treated in accordance with section 122 or 123 (as applicable); or

(B) to remain (or instead become) CSRS-Offset covered.

(d) EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO CSRS-OFFSET.—In the case of an employee affected by an error described in section 123 who elects the option under subsection (c)(2)(B), the effect of the

election shall be the same as described in section 104.

(e) DEFAULT RULE.—If the employee does not make any election within the 6-month period beginning on the date on which the appropriate notice is given to such employee, the option under paragraph (1)(B) or (2)(B) of subsection (c), as applicable, shall be deemed to have been elected as of the last day of such period. Nothing in this section shall be considered to afford an employee the option of becoming or remaining CSRS covered.

(f) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error to which the election relates.

(g) SPECIAL RULE IN CASE OF DISABILITY.—If, as of the date referred to in subsection (a), the employee is entitled to receive an annuity under chapter 83 or 84 of title 5, United States Code, based on disability, or compensation under subchapter I of chapter 81 of such title for injury to, or disability of, such employee, subsections (a) and (b) shall be applied by substituting (for the date that would otherwise apply) the date as of which entitlement to such annuity or compensation terminates (if at all).

(h) NOTIFICATION.—Any notice under section 201 shall include such additional information or other modifications as the Office of Personnel Management may by regulation prescribe in connection with the situations covered by this subtitle, particularly as they relate to the consequences of being vested or not being vested.

Subtitle D—Employee Who Should Have Been CSRS Covered or CSRS-Offset Covered, But Who Was Erroneously FERS Covered Instead

SEC. 131. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) FERS covered instead; or

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) FERS covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1)(A) in the case of an error described in subsection (a)(1), to be CSRS covered instead; or

(B) in the case of an error described in subsection (a)(2), to be CSRS-Offset covered instead; or

(2) to remain FERS covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has been corrected, the employee affected by such error may elect—

(1) to be FERS covered instead; or

(2)(A) in the case of an error described in subsection (a)(1), to remain CSRS covered; or

(B) in the case of an error described in subsection (a)(2), to remain CSRS-Offset covered.

(d) DEFAULT RULE.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 132. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM FERS TO CSRS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(1) who elects the option available to such employee under section 131(b)(1)(A).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the excess of—

(A) the amount by which—

(i) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code, exceeds

(ii) the amount that was actually deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8422 of such title (and not refunded), over

(B) the amount by which—

(i) the amount of the Government contributions actually made under section 8423 of such title with respect to the employee for the period of erroneous coverage involved, exceeds

(ii) the amount of the Government contributions that should have been made under section 8334 of such title with respect to the employee for the period of erroneous coverage involved.

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Commissioner of Social Security, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation, fund, or account from which the amount involved was originally paid.

(c) DISPOSITION OF EXCESS TSP CONTRIBUTIONS.—Section 105(c) shall apply in the case of an employee described in subsection (a).

SEC. 133. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM FERS TO CSRS-OFFSET TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(2) who elects the option available to such employee under section 131(b)(1)(B).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 105.

SEC. 134. EFFECT OF AN ELECTION TO BE RESTORED TO FERS AFTER HAVING BEEN CORRECTED TO CSRS.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(1) who elects the option under section 131(c)(1).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 102.

SEC. 135. EFFECT OF AN ELECTION TO BE RESTORED TO FERS AFTER HAVING BEEN CORRECTED TO CSRS-OFFSET.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(2) who elects the option under section 131(c)(1).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 103.

SEC. 136. DISQUALIFICATION OF CERTAIN INDIVIDUALS TO WHOM SAME ELECTION WAS PREVIOUSLY AVAILABLE.

Notwithstanding any other provision of this subtitle, an election under this subtitle shall not be available in the case of any individual to whom an election under section 846.204 of title 5 of the Code of Federal Regulations (as in effect as of January 1, 1997) was made available in connection with the same error pursuant to notification provided in accordance with such section.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, But Who Was Erroneously CSRS Covered Instead

SEC. 141. AUTOMATIC TRANSFER TO CSRS-OFFSET.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

(b) UNCORRECTED ERROR.—If the error has not been corrected, the employee shall be treated in the same way as if such employee had instead been CSRS-Offset covered, effective retroactive to the effective date of such error.

(c) CORRECTED ERROR.—If the error has been corrected, the correction shall (to the extent not already carried out) be made effective retroactive to the effective date of such error.

SEC. 142. EFFECT OF TRANSFER.

The effect of a transfer under section 141 shall be as set forth in regulations which the Office of Personnel Management shall prescribe consistent with section 104.

Subtitle F—Employee Who Should Have Been CSRS Covered, But Who Was Erroneously CSRS-Offset Covered Instead

SEC. 151. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who

should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in subsection (a) has not been corrected, the employee affected by such error may elect—

(1) to be CSRS covered instead; or

(2) to remain CSRS-Offset covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in subsection (a) has been corrected, the employee affected by such error may elect—

(1) to be CSRS-Offset covered instead; or

(2) to remain CSRS covered.

(d) DEFAULT RULE.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 152. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS-OFFSET TO CSRS TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 151(a) who elects the option available to such employee under section 151(b)(1).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the amount by which—

(A) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code (by virtue of being CSRS covered), exceeds

(B) any amounts actually deducted and withheld from the pay of the employee for the period of erroneous coverage involved under such section (pursuant to CSRS-Offset coverage).

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Commissioner of Social Security, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation, fund, or account from which the amount involved was originally paid.

(3) DEPOSIT TO BE BASED ON AMOUNT OF REFUND ACTUALLY RECEIVED.—For purposes of applying sections 8334(d)(1) and 8339(i) of title 5, United States Code, in the case of an employee described in subsection (a) who has received a refund of deductions that are attributable to a period when the employee was erroneously CSRS-Offset covered, nothing in either of those sections shall be considered to require that, in order to receive credit for that period as a CSRS-covered employee, a deposit be made in excess of the refund actually received for such period, plus interest.

SEC. 153. EFFECT OF AN ELECTION TO BE RESTORED TO CSRS-OFFSET AFTER HAVING BEEN CORRECTED TO CSRS.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 151(a) who elects the option available to such employee under section 151(c)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—In the case of an employee described in subsection (a), the provisions of section 102(b) shall apply, except that, in applying such provisions—

(1) ''the applicable provisions of section 8334'' shall be substituted for ''section 8422'' in paragraph (1)(B)(ii)(II) thereof; and

(2) ''the applicable provisions of section 8334'' shall be substituted for ''section 8423'' in paragraph (2)(B)(ii)(II) thereof.

Subtitle G—Additional Provisions Relating to Government Agencies

SEC. 161. REPAYMENT REQUIRED IN CERTAIN SITUATIONS.

(a) IN GENERAL.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this Act unless repayment of the amount so received by such individual is waived in whole or in part by the Office of Personnel Management, and any amount not waived is repaid.

(b) REGULATIONS.—Any repayment under this section shall be made in accordance with regulations prescribed by the Office.

SEC. 162. EQUITABLE SHARING OF AMOUNTS PAYABLE FROM THE GOVERNMENT IF MORE THAN ONE AGENCY INVOLVED.

The Office of Personnel Management shall by regulation prescribe rules under which, in the case of an employee who has been employed in or under more than 1 agency since the date of the retirement coverage error involved (and before its rectification under this Act), any contributions or other amounts required to be paid from the then current employing agency (other than lost earnings under section 163(a)(2)) shall be equitably allocated between or among the appropriate agencies.

SEC. 163. PROVISIONS RELATING TO THE ORIGINAL RESPONSIBLE AGENCY.

(a) OBLIGATIONS OF THE ORIGINAL RESPONSIBLE AGENCY.—

(1) EXPENSES FOR SERVICES OF FINANCIAL ADVISOR.—The Office of Personnel Management shall by regulation prescribe rules under which, in the case of any employee eligible to make an election under this Act, the original responsible agency (as determined under succeeding provisions of this section) shall pay (or make reimbursement for) any reasonable expenses incurred by such employee for services received from any licensed financial or legal consultant or advisor in connection with such election.

(2) SPECIAL RULE.—Such regulations shall also include provisions to ensure that, to the extent lost earnings under the Thrift Savings Fund are involved in connection with a particular error, the original responsible agency shall pay (or reimburse any other agency that pays) any amounts to the Thrift Savings Fund representing lost earnings with respect to such error.

(b) ORIGINAL RESPONSIBLE AGENCY DEFINED.—For purposes of this Act, the term ''original responsible agency'', with respect to a retirement coverage error affecting an employee, means—

(1) except in the situation described in paragraph (2), the agency determined by the Office of Personnel Management to have made the initial retirement coverage error (including one made before January 1, 1984); or

(2) if the error is attributable, in whole or in part, to an erroneous regulation promulgated by the Office of Personnel Management, such Office.

(c) PROCEDURES FOR IDENTIFYING THE ORIGINAL RESPONSIBLE AGENCY.—

(1) IN GENERAL.—For purposes of this section, the original responsible agency, in any situation to which this section applies, shall be identified by the Office of Personnel Management in accordance with regulations which the Office shall prescribe.

(2) FINALITY.—A determination made by the Office under this subsection shall be final and not subject to any review.

(d) IF ORIGINAL RESPONSIBLE AGENCY NO LONGER EXISTS.—If the agency which (before the application of this subsection) is identified as the original responsible agency no longer exists (whether because of a reorganization or otherwise)—

(1) the successor agency (as determined under regulations prescribed by the Office) shall be treated as the original responsible agency; or

(2) if none, this section shall be applied by substituting the CSRDF for the original responsible agency.

(e) SOURCE OF PAYMENTS IF ERROR DUE TO ERRONEOUS OPM REGULATIONS.—In any case in which the Office of Personnel Management is the original responsible agency by reason of subsection (b)(2), any amounts payable from the Office under this section shall be payable from the CSRDF.

TITLE II—GENERAL PROVISIONS

SEC. 201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations under which Government agencies shall take such measures as may be necessary to ensure that all individuals who are (or have been) affected by a retirement coverage error giving rise to any election or automatic change in retirement coverage under this Act shall be promptly identified and notified in accordance with this section.

(b) MATTER TO BE INCLUDED IN NOTICE TO INDIVIDUALS.—Any notice furnished under this section shall be made in writing and shall include at least the following:

(1) DESCRIPTION OF ERROR.—A description of the error involved, including a clear and concise explanation as to why the original retirement coverage determination was erroneous, citations to (and a summary description of) the pertinent provisions of law, and

how that determination should instead have been made.

(2) METHOD FOR RECTIFICATION.—How the error is to be rectified under this Act, including whether rectification will be achieved through an automatic change in retirement coverage (and, if so, the time, form, and manner in which that change will be effected) or an election.

(3) ELECTION PROCEDURES, ETC.—If an election is provided under this Act, all relevant information as to how such an election may be made, the options available, the differences between those respective options (as further specified in succeeding provisions of this subsection), and the consequences of failing to make a timely election.

(4) ACCRUED BENEFITS, ETC.—With respect to the (or each) retirement system by which the individual is then covered (disregarding the Thrift Savings Plan), and to the extent applicable:

(A) A brief summary of any benefits accrued.

(B) The amount of employee contributions made to date and the effect of any applicable disposition rules relating thereto (including provisions relating to excess amounts or shortfalls).

(C) The amount of any Government contributions made to date and the effect of any applicable disposition rules relating thereto (including provisions relating to excess amounts or shortfalls).

(5) THRIFT SAVINGS FUND.—With respect to the Thrift Savings Fund, the balance that then is (or would be) credited to the individual's account depending on the option chosen, with any such balance to be shown both in the aggregate and broken down by—

(A) individual contributions;

(B) automatic (1 percent) Government contributions; and

(C) matching Government contributions,

including lost earnings on each and the extent to which any makeup contributions or forfeitures would be involved.

(6) OASDI BENEFITS.—Such information regarding benefits under title II of the Social Security Act as the Commissioner of Social Security considers appropriate.

(7) OTHER INFORMATION.—Any other information that the Director of the Office of Personnel Management may by regulation prescribe after consultation with the Executive Director of the Federal Retirement Thrift Investment Board and such other agency heads as the Director considers appropriate, including any appeal rights available to the individual.

(c) COMPARISONS.—Any amounts required to be included under subsection (b)(4) shall, with respect to the respective retirement systems involved, be determined—

(1) as of the date the retirement coverage error was corrected (if applicable);

(2) as of the then most recent date for which those benefits and amounts are ascertainable, assuming no change in retirement coverage; and

(3) as of the then most recent date for which those benefits and amounts are ascertainable, assuming the alternative option is chosen.

(d) PAST ERRORS.—All measures required under this section shall, with respect to errors preceding the date specified in section 204(e) (relating to the effective date for all regulations prescribed under this Act), be completed no later than December 31, 2001.

SEC. 202. INDIVIDUAL APPEAL RIGHTS.

(a) IN GENERAL.—An individual aggrieved by a final determination under this Act shall be entitled to appeal such determination to the Merit Systems Protection Board under section 7701 of title 5, United States Code.

(b) NOTIFICATION APPEALS.—The Office of Personnel Management shall by regulation establish procedures under which individuals may bring an appeal to the Office with respect to any failure to have been properly notified in accordance with section 201. A final determination under this subsection shall be appealable under subsection (a).

SEC. 203. INFORMATION TO BE FURNISHED BY GOVERNMENT AGENCIES TO AUTHORITIES ADMINISTERING THIS ACT.

(a) APPLICABILITY.—The authorities identified in this subsection are:

(1) The Director of the Office of Personnel Management.

(2) The Commissioner of Social Security.

(3) The Executive Director of the Federal Retirement Thrift Investment Board.

(b) AUTHORITY TO OBTAIN INFORMATION.—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this Act. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) LIMITATION; SAFEGUARDS.—Each of the respective authorities under subsection (a)—

(1) shall request only such information as that authority considers necessary; and

(2) shall establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

SEC. 204. REGULATIONS.

(a) IN GENERAL.—Any regulations necessary to carry out this Act shall be prescribed by the Director of the Office of Personnel Management, the Executive Director of the Federal Retirement Thrift Investment Board, the Commissioner of Social Security, the Secretary of the Treasury, and any other appropriate authority, with respect to matters within their respective areas of jurisdiction.

(b) MATTERS TO BE INCLUDED.—The regulations prescribed by the Director of the Office of Personnel Management shall include at least the following:

(1) FORMER EMPLOYEES, ANNUITANTS, AND SURVIVOR ANNUITANTS.—

(A) IN GENERAL.—Provisions under which, to the maximum extent practicable and in appropriate circumstances, any election available to an employee under subtitle A, B, D, or F of title I shall be available to a former employee, annuitant, or survivor annuitant.

(B) SUBTITLE C SITUATIONS.—Provisions under which subtitle C of title I shall apply in the case of a former employee.

(C) SUBTITLE E SITUATIONS.—Provisions under which the purposes of this paragraph shall be carried with respect to any situation under subtitle E of title I.

(2) FORMER SPOUSES.—Provisions under which appropriate notification shall be afforded to any former spouse affected by a change in retirement coverage pursuant to this Act.

(3) PROCEDURAL REQUIREMENTS.—Provisions establishing the procedural requirements in accordance with which any determinations under this Act (not otherwise addressed in this Act) shall be made, in conformance with the requirements of this Act.

(4) AUTHORITY TO MAKE ACTUARIAL REDUCTION IN ANNUITY BY REASON OF CERTAIN UNPAID AMOUNTS.—Provisions under which any payment required to be made by an individual to the Government in order to make an election under this Act which remains unpaid may be made by a reduction in the appropriate annuity or survivor annuity. The reduction shall, to the extent practicable, be designed so that the present value of the future reduction is actuarially equivalent to the amount so required.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''annuitant'' means any individual who is an annuitant as defined by section 8331(9) or 8401(2) of title 5, United States Code; and

(2) the term ''former employee'' includes any former employee who satisfies the service requirement for title to a deferred annuity under chapter 83 or 84 of such title 5 (as applicable), but—

(A) has not attained the minimum age required for title to such an annuity; or

(B) has not filed claim therefor.

(d) COORDINATION RULE.—In prescribing regulations to carry out this Act, the Director of the Office of Personnel Management shall consult with—

(1) the Administrative Office of the United States Courts;

(2) the Clerk of the House of Representatives;

(3) the Sergeant at Arms and Doorkeeper of the Senate; and

(4) other appropriate officers or authorities.

(e) EFFECTIVE DATE.—All regulations necessary to carry out this Act shall take effect as of the first day of the first month beginning after the end of the 6-month period beginning on the date of enactment of this Act.

SEC. 205. ALL ELECTIONS TO BE APPROVED BY OPM.

Notwithstanding any other provision of this Act, no election under this Act (other than an election by default) may be given effect until the Office of Personnel Management has determined, in writing, that such election is in compliance with the requirements of this Act.

SEC. 206. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENT RELATING TO LIMITATION ON SOURCES FROM WHICH CONTRIBUTIONS TO THE THRIFT SAVINGS FUND ARE ALLOWED.—Section 8432(h) of title 5, United States Code, is amended by striking ''title.'' and inserting ''title or the Federal Retirement Coverage Corrections Act.''.

(b) DESCRIPTION OF AMOUNTS COMPRISING THE THRIFT SAVINGS FUND.—Section 8437(b) of title 5, United States Code, is amended by striking ''expenses).'' and inserting ''expenses), as well as contributions under the Federal Retirement Coverage Corrections Act (and lost earnings made up under such Act).''.

(c) ADMINISTRATIVE EXPENSES.—

(1) THRIFT SAVINGS PLAN.—Section 8437(d) of title 5, United States Code, is amended by inserting ''(including the provisions of the Federal Retirement Coverage Corrections Act that relate to this subchapter)'' after ''this subchapter''.

(2) CSRS, CSRS-OFFSET, FERS.—Section 8348(a)(2) of title 5, United States Code, is amended by striking ''statutes;'' and inserting ''statutes (including the provisions of the Federal Retirement Coverage Corrections Act that relate to this subchapter);''.

(3) MSPB.—Section 8348(a)(3) of title 5, United States Code, is amended by striking ''title.'' and inserting ''title and the Federal Retirement Coverage Corrections Act.''.

TITLE III—OTHER PROVISIONS

SEC. 301. PROVISIONS TO PERMIT CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) FOREIGN SERVICE.—The Secretary of State shall issue regulations to provide for the application of the provisions of this Act in a like manner with respect to participants, annuitants, or survivors under the Foreign Service Retirement and Disability System or the Foreign Service Pension System (as applicable), except that—

(1) any individual aggrieved by a final determination shall appeal such determination to the Foreign Service Grievance Board instead of the Merit Systems Protection Board under section 202; and

(2) the Secretary of State shall perform the functions and exercise the authority vested in the Office of Personnel Management or the Director of the Office of Personnel Management under this Act.

(b) CENTRAL INTELLIGENCE AGENCY.—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this Act in the same manner as if this Act were part of—

(1) the Civil Service Retirement System, to the extent this Act relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this Act relates to the Federal Employees' Retirement System.

SEC. 302. PROVISIONS TO PREVENT REDUCTIONS IN FORCE AND ANY UNFUNDED LIABILITY IN THE CSRDF.

(a) PROVISIONS TO PREVENT REDUCTIONS IN FORCE.—

(1) LIMITATION.—An agency required to make any payments under this Act may not conduct any reduction in force solely by reason of any current or anticipated lack of funds attributable to such payments.

(2) ALTERNATIVE REQUIRED.—In the circumstance described in paragraph (1), any cost savings that (but for this subsection) would otherwise be sought through reductions in force shall instead be achieved through attrition and limitations on hiring.

(b) PROVISIONS TO PREVENT UNFUNDED LIABILITY.—

(1) IN GENERAL.—For purposes of section 8348(f) of title 5, United States Code, any unfunded liability in the CSRDF created as a result of an election made (or deemed to have been made) under this Act, as determined by the Office of Personnel Management, shall be considered a new benefit payable from the CSRDF.

(2) COORDINATION RULE.—Paragraph (1) shall not apply to the extent that subsection (h), (i), or (m) of section 8348 of title 5, United States Code, would otherwise apply.

SEC. 303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS ACT.

Nothing in this Act shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this Act).

The SPEAKER pro tempore (Mr. BASS). Pursuant to the rule, the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SCARBOROUGH. 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. 416, as amended.

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

There was no objection.

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

Mr. Speaker, the bill before the House, the Federal Retirement Coverage Corrections Act, is critically important to thousands of Federal employees. It has strong bipartisan support, and it is substantially similar to legislation the House passed in Congress last year. The Senate, however, did not act on that bill.

I want to begin by thanking my distinguished ranking member of the Subcommittee on Civil Services, the gentleman from Maryland (Mr. CUMMINGS), for his leadership on this very important issue. I know he is truly dedicated to bringing real relief to the victims of these errors.

I also want to thank my good friend the gentleman from Florida (Mr. MICA), who brought this problem to light and sponsored the legislation which actually passed this House in the 105th Congress.

I also commend the distinguished gentlewoman from Maryland (Mrs. MORELLA) and the distinguished gentlewoman from the District of Columbia (Ms. NORTON) for their leadership on this very important issue.

I also want to thank the distinguished chairman and ranking member of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), for their support.

Mr. Speaker, let me explain why it is so important for the House to again pass this bill. An estimated 1,000 Federal employees have been placed in the wrong retirement system because Federal agencies have made mistakes. The vast majority of these errors involve assignments to the Civil Service Retirement System or the Federal Employees Retirement System, generally referred to as FERS, but other agency mistakes wrongly excluded some employees from both retirement systems. Still others were enrolled in retirement when they did not qualify at all.

Now, when these errors are discovered, and not all of them have yet been discovered, current law requires that agencies move employees into the proper retirement system. But unfortunately, the corrections themselves sometimes prove to be harmful, especially to employees who are moved from the Civil Service Retirement System into FERS.

Now, unlike the Civil Service Retirement System, which is a stand-alone system, FERS consists of three components: Social Security; the FERS defined benefit; and the Thrift Savings Plan, or TSP. Without adequate TSP accounts, employees will not have an adequate retirement income. But current correction procedures do not replenish the victim's TSP. As a result, unless this Congress acts again, the victims of these errors will unfairly bear the burden of their own government's mistakes.

H.R. 416 provides a comprehensive solution to all of these problems. It rests on a few simple, straightforward principles. This bill recognizes that most victims of agency errors have a legal right to participate in one of the Federal retirement systems. Therefore, each of these victims should have the opportunity to elect placement in that system. They also have the right to receive a benefit that is comparable to what they would have earned in the absence of the Federal Government's error. Victims should also have the choice to remain in the system in which they were mistakenly placed.

Mr. Speaker, every victim should have a realistic opportunity to the retirement correction that best addresses their unfortunate circumstances. Therefore, this legislation will provide relief that will make the relief whole.

In fashioning the make-whole provisions in this bill, our subcommittee was guided by IRS requirements for private-sector employees facing comparable retirement errors. IRS procedures place the burden of employee make-whole relief on the employer, and not the employee.

The importance of this make-whole relief cannot be overemphasized. Without it, the choices offered by this bill would be nothing but a cruel hoax for many employees. Many lower-income employees and those who have been in the wrong system for a lengthy period of time would be especially hard hit.

This legislation also protects the integrity of Social Security Trust Funds. The amended bill before the House today does not, however, include certain amendments to the Social Security Act and tax provisions that were in the bill reported out by the Committee on Government Reform.

□ 1300

Although desirable, these provisions were removed to expedite passage of this legislation in the House and to also facilitate the bill's consideration in the Senate. I will continue to work with my colleagues in the Senate to restore these provisions in the final legislation.

Mr. Speaker, H.R. 416 is critically important to Federal employees who have been victimized by these errors. I urge all Members to vote for it.

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

Mr. CUMMINGS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to congratulate the gentleman from Maryland (Mr. CUMMINGS) and thank the gentleman from Florida (Mr. SCARBOROUGH) who explained this bill. It is hard for me to thank Mr. Nesterczuk, but I want to do that—I say that facetiously—for his efforts on this legislation as well. This obviously is a position that our Federal employees found themselves in not through their own fault but through the administrative oversight of their employer. Obviously we ought to act to make them whole. I appreciate the action of the committee.

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

Mr. Speaker, I am pleased that the Subcommittee on Civil Service has moved quickly to schedule floor action on H.R. 416, the Federal Retirement Coverage Corrections Act. Though this bill passed the House during the 105th Congress, the Senate failed to act on it or its own bill, S. 1710, before adjournment. By moving expeditiously this year, we can get the bill through the House and have ample time left to work with the Senate to enact legislation that will bring relief to the hundreds of Federal employees who find themselves in the wrong retirement system. I want to give special thanks to the gentleman from Florida (Mr. SCARBOROUGH), the chairman of our subcommittee, for making sure that this bill came to the floor as fast as it has and for the bipartisan manner of cooperation that we have experienced.

This is a complex bill that up to now has included essential Social Security and tax provisions that fall within the jurisdiction of other committees. Unfortunately, these provisions cannot go forward at this time. Nonetheless, the gentleman from Florida and I have elected to bring the core of the bill to the floor now and will continue to work with our colleagues on the Committee on Ways and Means and the Senate Finance and Governmental Affairs Committees to iron out the differences between us.

Few things in life are more important to a working person than having an adequate and secure retirement plan in place to provide for their future or that of their loved ones. When a worker's retirement security is jeopardized by an employer's administrative error, tremendous emotional and financial pain can result, unless a remedy is available that assures its prompt and fair correction and avoids economic harm.

The Office of Personnel Management has a web site that explains the rationale for the Federal Government's establishment of the Civil Service Retirement System. It states, and I quote, ''A strong retirement system is a significant part of the attraction to work for an employer, and the Civil Service Retirement System has allowed the Federal Government to attract and retain a professional and dedicated workforce.''

The web site also conveys the words of a chairman of the former Civil Service Commission who noted that our retirement system should operate, and I quote, ''for the mutual benefit of the government and employees, contributing more effectively than ever to good government, to good working conditions, and to happy retirements.''

Employees caught in the wrong retirement system are far from happy. In 1997, the Subcommittee on Civil Service heard the testimony of four Federal employees who had been the victims of enrollment errors made by their employing agencies. In each case, the employee was initially placed in the Civil Service Retirement System, then years later informed that they should have been placed in the Federal Employees Retirement System. Afforded no recourse or options, these employees were dumped into FERS and confronted with the need to make thousands of dollars of retroactive payments into a newly established Thrift Savings Account.

I have seen the hurt and the pain this problem has caused. Let me put a real face on the issue for my colleagues. The Federal Times, a trade newspaper for Federal employees, recently featured Michael Garcia, acting chief information officer at the Minority Business Development Agency. Mr. Garcia's story provides a clear example of how your life can change when you are placed in the wrong retirement system. Mr. Garcia planned to retire in July 2000 at the age of 57. But like an estimated 18,000 other employees, his plans to retire are now uncertain because of a mistake his former agency made when it hired him 14 years ago. Garcia's former agency placed him in FERS when it opened in 1987. Garcia should have been placed in the older of the two retirement systems, CSRS. When the error was detected in 1993, he was moved to FERS. FERS participants can invest up to 10 percent of their salaries in the thrift plan, which includes a stock fund. The government matches their contributions up to 5 percent. Under current law, once an error is discovered, agencies are not allowed to leave employees in the system they thought they were in. Many who were moved to FERS late into their careers cannot afford to make up their missed investments with a lump sum payment. Garcia had been willing to borrow money to pay a lump sum. He said that he could never make up for the lost years with incremental catch-up contributions.

In the article, Mr. Garcia is quoted as saying, ''They were negligent. I'm just fed up.'' His agency was negligent, and he should be fed up. Why should he have to borrow money for a mistake not of his own making?

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

Mr. SCARBOROUGH. Mr. Speaker, I yield myself 3 minutes.

I want to thank the ranking member again. The gentleman from Maryland (Mr. CUMMINGS) is obviously gifted and a very articulate spokesman for the issues that are important to him. I certainly have enjoyed working with him on this issue and other issues even in the last session like the Hunter-Scott bill and certainly expect a very productive session this year.

I wanted to also, like the gentleman from Maryland, cite a few real-life examples of how the inequities of the current law inflicts damage upon Federal employees and their ability to provide for themselves, for their retirement and even their children's future.

I want to start by citing one example. It is a situation described by the American Foreign Service Association. For about 10 years, a foreign service officer was erroneously enrolled in the wrong system. Now, when the error was discovered, he was told that he was going to have to contribute between $65,000 and $70,000 in catch-up payments to his TSP account. In addition to that retroactive contribution, they also said he would also have to keep up current contributions to his TSP. Mr. Speaker, few Federal employees, few Americans, could afford to meet those kind of burdens without great sacrifices. I think most of us would be forced actually to be put in a position where we would have to choose whether we were going to contribute to our own retirement or take care of such things as our children's education. It is a choice we should not put our Federal employees in.

The experience of two workers at the Portsmouth Naval Shipyard in Maine also demonstrate the difficulties faced by thousands of other employees. One example is a 60-year-old who had been planning to retire at the age of 62. He learned that he owed back Social Security taxes of $10,000 and would have to contribute $600 a month to TSP for the rest of his working career, because the agency placed him in the wrong Federal retirement system. Now, because of the agency's mistake, he was told he would also have to work until the age of 65. The other example is an employee who is in his mid 40s and owes more than $10,000 in back Social Security taxes. Only by jeopardizing his ability to pay for his son's college education will he be put in a position to establish an adequate TSP account.

Mr. Speaker, forcing innocent victims of the Federal Government's mistake to make a Hobson's choice between their own retirement security and their children's education is intolerable. Yet that is what is happening today and it is what will continue to happen unless Congress includes adequate make-whole relief. Without such make-whole relief, most employees will have no real choice at all. They will be forced into one system or another. That is why the make-whole relief in H.R. 416 is so imperative to this bill.

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

Mr. CUMMINGS. Mr. Speaker, I was very pleased to hear the gentleman from Florida put a face on the issue because I think that is very, very important that we do that. It is interesting that he cited a story from Maine.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maine (Mr. ALLEN), one of the hardest working members of our subcommittee.

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 416, the Federal Retirement Coverage Corrections Act. I want to commend both the chair of the subcommittee the gentleman from Florida (Mr. SCARBOROUGH) and the ranking member the gentleman from Maryland (Mr. CUMMINGS) for their determination to

bring this bill to the floor at this time. The bill would provide relief to Federal employees who through no fault of their own were placed in the wrong Federal retirement plan. Some Federal agencies mistakenly placed thousands of Federal employees into the Civil Service Retirement System, or CSRS, when the employees should have been placed in the Federal Employees Retirement System, FERS. Often this error has not been discovered until an employee is on the verge of retirement. Once discovered, the employee faces a severe erosion of his retirement security.

I am going to come back to the two employees that the gentleman from Florida mentioned who work at the Portsmouth Naval Shipyard in Kittery, Maine. They were very surprised to discover this error, and they face a serious deterioration of their retirement reserves unless Congress passes this bill. These two employees were placed in CSRS 14 years ago but only recently did they discover that they should have been placed in FERS. Once they learned that, they were then required involuntarily to switch from FERS to CSRS, and, since they had not been making their Social Security payments, all their CSRS resources were transferred to Social Security to make up for what they would otherwise have been paying in FICA taxes. For one of the men, his $30,000 CSRS investment was all used to pay so-called back FICA taxes. Furthermore, these employees will likely have to pay FICA tax not withheld for overtime, awards and other compensation for which they had legitimately not paid FICA tax because they were in CSRS which did not require it. This may total another $10,000 to $15,000.

Finally, the FERS plan consists of three components, Social Security, a small defined benefit plan, and a Thrift Savings Plan contribution plan. Consequently, these employees will need to make substantial catch-up contributions to the Thrift Savings Plan if they want any sort of nest egg for retirement. These heavy TSP contributions and FICA tax payments quickly consume the paychecks of these employees. As a result, one employee will delay his retirement by 3 years and the other may have trouble financing his child's college education.

□ 1315

Mr. Speaker, H.R. 416 will offer vital relief to these employees by making the agency responsible for their mistakes. The agency made the mistakes; the agency should be responsible. The bill requires the agency to make up both the agency's and the employee's lost contributions to the TSP.

These hard-working employees do not deserve to have their retirement plans wiped out by a employer's mistake. H.R. 416 offers relief for a problem they did not cause.

I want to thank both the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) for their work on this and leadership on this issue, and I urge my colleagues to support the bill.

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

Mr. Speaker, a little earlier I mentioned Mr. Garcia, and Mr. Garcia had been placed, of course, in the wrong retirement system, and like numerous other federal employees, he had been forced to rearrange his life and his financial plans to address this problem.

Many without financial means have had to work beyond their retirement dates to build a full annuity. The Federal Retirement System was created to prevent just that, employees working into what should be their golden years, the years they rest, the years they travel, the years they take time out to spend with their grandchildren. The Federal Retirement Coverage Corrections Act would essentially permit those who have been the victims of an enrollment error to remain in the retirement system they were mistakenly placed in or to be covered by the system they should have been in. It would also hold the government financially responsible for making whole an effected employee's thrift savings account. Together these provisions would end the harm now being done by the existing rules governing the correction of these errors. To address my concern that the unanticipated costs of making an employee whole might cause agencies to rif its employees, I included a provision in the bill requiring that offsetting savings be realized through attrition and limitations on hiring.

There has been much debate over the cost to the government of making effected employees whole. The IRS Code requires that private sector employers bear the cost of correcting retirement errors. The Senate bill leaves it to the victimized employee to come up with the money to make themselves whole. That simply is not right. Our approach mirrors the private sector and is the fairest way to handle these problems. The longer it takes to enact this legislation, the more it is going to cause all effected parties. Federal employees who are in the wrong retirement system should not have to spend another year worrying about a problem that their agency created for them.

Mr. Speaker, I am committed to working with the Senate to reach agreement on the legislation that addresses all parties' concerns. These employees are waiting for us to act. Let us do so today, and again I want to thank the gentleman from Florida (Mr. SCARBOROUGH) and all the members of our subcommittee, our chairman, the gentleman from Indiana (Mr. BURTON), our ranking member of our full committee, the gentleman from California (Mr. WAXMAN).

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

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

Mr. Speaker, thousands of Federal employees, retirees and their families whose lives have been disrupted by bureaucratic errors are going to look again to this Congress to fix this problem. Many of them have suffered emotionally as well as financially, and I think it is time that we enact meaningful and fair relief during this Congress.

Mr. Speaker, H.R. 416 is strongly supported by the following employee organizations:

The American Federation of Government Employees,

The American Foreign Service Association,

The Federal Managers Association,

The Federally Employed Women,

The International Brotherhood of Boilermakers,

The National Association of Government Employees,

The National Federation of Federal Employees,

The Seniors Executives Association, and

The Social Security Managers' Association.

This is a bill that needs to pass in the best interests of every single Federal employee. It is the right thing to do, it is fair, and it is time that this House and, hopefully, this Senate, will step forward and do what is right.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and pass the bill, H.R. 416, 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 434

Mr. SHOWS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 434.

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

There was no objection.

SENSE OF HOUSE REGARDING FAMILY PLANNING PROGRAMS

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 118) reaffirming the principles of the Programme of Action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs.

The Clerk read as follows:

H. RES. 118

Whereas the United Nations General Assembly has decided to convene a special session from June 30 to July 2, 1999, in order to review and appraise the implementation of

the Programme of Action of the International Conference on Population and Development;

Whereas chapter II of the Programme of Action, which sets forth the principles of that document, begins: ''The implementation of the recommendations contained in the Programme of Action is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights.'';

Whereas section 7.12 of the Programme of Action states: ''The principle of informed [consent] is essential to the long-term success of family-planning programmes. Any form of coercion has no part to play.'';

Whereas section 7.12 of the Programme of Action further states: ''Government goals for family planning should be defined in terms of unmet needs for information and services. Demographic goals . . . should not be imposed on family-planning providers in the form of targets or quotas for the recruitment of clients.''; and

Whereas section 7.17 of the Programme of Action states: ''[g]overnments should secure conformity to human rights and to ethical and professional standards in the delivery of family planning and related reproductive health services aimed at ensuring responsible, voluntary and informed consent and also regarding service provision'': Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) no bilateral or multilateral assistance or benefit to any country should be conditioned upon or linked to that country's adoption or failure to adopt population programs, or to the relinquishment of that country's sovereign right to implement the Programme of Action of the International Conference on Population and Development consistent with its own national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights;

(2)(A) family planning service providers or referral agents should not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(B) subparagraph (A) should not be construed to preclude the use of quantitative estimates or indicators for budgeting and planning purposes;

(3) no family planning project should include payment of incentives, bribes, gratuities, or financial reward to any person in exchange for becoming a family planning acceptor or to program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(4) no project should deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any person's decision not to accept family planning services;

(5) every family planning project should provide family planning acceptors with comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method;

(6) every family planning project should ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and

(7) the United States should reaffirm the principles described in paragraphs (1) through (6) in the special session of the United Nations General Assembly to be held between June 30 and July 2, 1999, and in all preparatory meetings for the special session.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, H. Res. 118.

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

There was no objection.

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

This bill reaffirms the principles of the program of action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs. Mr. Speaker, I want to commend my good friend and colleague, the gentleman from Kansas (Mr. TIAHRT), for authoring this sense of the Congress resolution to affirm the voluntary family planning language that was adopted during House consideration of the fiscal year 1999 foreign operations appropriations legislation and later included as part of the Omnibus Appropriation Act of 1998.

As my colleagues know, the United Nations General Assembly will convene a special session from June 30 to July 2 of this year in order to review and appraise the implementation of the program of action of the International Conference on Population and Development. This resolution sends a message to that conference that it is the belief of the United States Congress that all family planning programs should be completely voluntary, avoid numerical targets and provide recipients complete information on methods and generally respect individual values and beliefs as well as national laws and development priorities.

Mr. Speaker, again I want to compliment my colleague from Kansas for offering this legislation. It is a timely resolution, it is well drafted, and it deserves the support of this House. I urge adoption of the resolution.

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

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

Over a year ago we had a debate on U.S. funding for family planning. Frankly, I was sad to see that a number of Members voted against that. About 17 of the original cosponsors of this resolution today, of the 23 Members who cosponsored this resolution, voted against the funding for AID to do family planning work. So I am happy to see them here today moving the abortion debate out of the family planning debate, and what is happening through the years all too often is people who oppose abortion end up opposing the funding for family planning, and it always confused me in the sense that, if we want to reduce the chances of abortion, make sure good family planning is available.

Mr. Speaker, there is nothing we can do for child survival, for the quality of life of especially some of the poorest countries, to make sure we maintain our leadership role in supporting family planning, and I am, frankly, hopeful by this resolution that we will see more cooperation on family planning and separate it from the debate on abortion. Some of us, like myself, are pro-choice and we think that that is obviously a woman has a right to decide with her doctor. We do not believe government ought to interfere with that. But if we can get an agreement on the family planning funds, we could certainly reduce the need for lots of abortions, and it is an area that we agree on.

Now, frankly, if I had written this resolution, I would have included other provisions than were included, but this resolution was written by the Republican majority. But for those of us on our side of the aisle, I think I speak for most of us that we want to make sure that child survival is increased and the space and number of children a mother has has a direct impact on child survival.

Mr. Speaker, voluntary family planning is at the heart of our program, and the folks at AID have done a great job historically in trying to lead that effort.

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

Mr. CHABOT. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I rise in support of House Resolution 118, and I want to thank the gentleman from Ohio (Mr. CHABOT) for yielding to me.

I have introduced this resolution in anticipation of the meetings being held at the United Nations this week to prepare for the 5-year review of the progress made since 1994 International Conference on Population and Development which was held in Cairo. The language of this resolution represents a compromise between myself and Population Action International. It is supported by Zero Population Growth, and it mirrors the language of the amendment I offered last year to the Fiscal Year 1999 Foreign Operations Appropriations Act. As my colleagues may recall, that language laid out the definition for ''voluntary'' in a context of U.S. funded family planning programs. That amendment was offered in the wake of disturbing news stories that spoke of women being forced to participate in family planning programs and

in some instances were sterilized against their will, as my chart indicates.

Here we have several stories that were covered by the New York Times, the Wall Street Journal, the Miami Herald and the Sacramento Bee talking about occurrences in Peru where women were forced into sterilization.

The voluntary family planning amendment I offered last year was adopted on a voice vote and later enacted into law as part of last year's Omnibus Appropriation Act. While the voluntary family planning amendment enacted into law last year prevents U.S. dollars from being spent in family programs that are not administered in a voluntary manner, many programs worldwide still employ these same methods of coercion, incentives, bribes and quotas. For example, in Indonesia family planning clinics rely on threats and intimidation to bring women into their clinics. In Mexico hundreds of forced sterilizations have been documented, and medical personnel have been fired for their refusal to perform sterilizations. In addition, women refusing sterilization have been denied medical treatment. In Peru, as we said earlier, family planning programs use coercion, misinformation, quotas and sterilization for food efforts.

These terrible violations of human rights are the reason I have introduced House Resolution 118. The resolution reaffirms the emphasis that the U.S. has taken on giving women a choice and stating that it is Congress' belief that all family planning programs should be completely voluntary, that they should avoid numerical targets and provide recipients with complete information on the methods, including telling recipients whether the methods are experimental, and I think we can all agree that we should respect individual values and beliefs as well as national laws and development priorities.

Mr. Speaker, it is my hope that the House will adopt this resolution and send a strong message to the United Nations that we believe every family planning program in the world should be carried out in a truly voluntary manner as described by the definition added to the Omnibus Appropriations Act last year. I would ask my colleagues to please support House Resolution 118.

[From the New York Times, Feb. 15, 1999]

USING GIFTS AS BAIT, PERU STERILIZES POOR WOMEN

(By Calvin Sims)

LIMA, PERU, FEB. 14—For Magna Morales and Bernadina Alva, peasant Andean women who could barely afford to feed their families, it was a troubling offer but one they found hard to refuse. Shortly before Chirstmas, Government health workers promised gifts of food and clothing if they underwent a sterilization procedure called tubal ligation.

The operation went well for Mrs. Alva, 26, who received two dresses for her daughter and a T-shirt for her son. But Mrs. Morales, 34, died of complications 10 days after the surgery, leaving three young children and a husband behind. She was never well enough to pick up the promised gifts, and the family was told it could not sue the Government over her death because she had agreed to the procedure.

''When you don't have anything and they offer you clothes and food for your kids, then finally you agree to do it,'' said Mrs. Alva, a neighbor of Mrs. Morales in the northern village of Tocache. ''Magna told them that her husband was against the idea, but they told her, 'Don't worry, we can do it right now, and tonight you will be back home cooking and your husband will never realize what happened.'''

Tales of poor women like Mrs. Morales and Mrs. Alva being pressed and even forced to submit to sterilization operations that have left at least two women dead and hundreds injured have emerged from small towns and villages across Peru in recent weeks in what women's groups, politicians and church leaders here say is an ambitious Government family planning program run amok.

Critics of the program, which was begun in 1995, charge that state health care workers, in a hurry to meet Government-imposed sterilization quotes that offer promotions and cash incentives, are taking advantage of poor rural women, many of whom are illiterate and speak only indigenous Indian languages.

The critics, who include many of the program's early supporters, say the health workers are not telling poor women about alternative methods of contraception or that tubal ligation is nearly always irreversible. They also charge that many state doctors are performing sloppy operations, at times in unsanitary conditions

''They always look for the poorest women, especially those who don't understand Spanish,'' said Gregoria Chuquihuancas, another Tocache resident. ''They make them put their fingerprint on a sterilization paper they don't understand because they can't read. If the women refuse, they threaten to cut off the food and milk programs.''

While it remains unclear whether such actions were sanctioned by the Government or were the work of overzealous health workers—the Government denies there are sterilization quotas, though it acknowledges goals for budgetary purposes—independent investigations by members of the Peruvian Congress, the Roman Catholic Church, local journalists and a United States Congressional committee have chronicled dozens of cases of abuse.

''The Government's program is morally corrupt because nurses and doctors are under pressure to find women to sterilize, and the women are not allowed to make an informed decision,'' said Luis Solari, a medical doctor who advises the Peruvian Episcopal Conference, which speaks for the country's Catholic bishops.

''No one has the right to intervene in people's life this way,'' Dr. Solari said. ''It's criminal.''

From its inception, Catholic church leaders have vigorously opposed the family planning campaign because it promotes artificial forms of birth control, which the church disavows. Augusto Cardinal Vargas Alzamora of Lima has warned Catholics that they will be committing a ''grave sin'' if they resort to sterilization. Tubal ligation is still only the third most practiced form of contraception in Peru, after abstinence and the I.U.D., family planning officials say. Abortion is illegal.

The Government has vehemently rejected charges that it is conducting a campaign to sterilize poor women and says that all its sterilization operations are done with the patient's consent, as required by law.

Health Ministry officials, who spoke on condition of anonymity, said that in the last year the program had suffered from ''lapses in judgment'' by individual health care workers and doctors, who had been reprimanded. But the officials said that such cases were isolated incidents that had been blown out of proportion.

Reached on his cellular telephone, Deputy Health Minister Alejandro Aguinaga, who oversees the program, said he did not wish to speak with The New York Times.

Three years ago, when President Alberto K. Fujimori announced plans to promote birth control as a way to reduce family size and widespread poverty in Peru, family planning experts, feminists and even many opposition politicians expressed broad support for the initiative. But the mounting criticism of the sterilization has tarnished the image of the family planning program, one of the most ambitious in the developing world.

In 1997, state doctors in Peru performed 110,000 sterilizations on women, up from 30,000 in 1996 and 10,000 in 1995. Last year they also performed 10,000 free vasectomies on men, a slight increase over 1996. However, women remain the main focus of the Government's program because men are less likely to agree to sterilization, on the mistaken ground that the procedure could impair their virility.

Health Ministry officials estimate that the 1997 sterilizations will result in 26,000 fewer births in 1998. This is good news, they say, in a country where the fertility rate—the average number of children born per woman—is 3.5, compared with 3.1 for Latin America in general and 2 for the United States.

The rate is 6.2 children for Peruvian women who have little or no education and 7 children for those who live in rural areas. That compares with a rate of 1.7 children for women who have at least some college education and 2.8 for urban residents of all educational levels.

Concern over reports of forced sterilization has led to an investigation by the United States Congressional Subcommittee on International and Human Rights Operations, which is seeking to determine if money from the United States Agency for International Development was used in the Peruvian Government's campaign.

Officials in Washington said in a telephone interview that the agency had no role in the Peruvian Government's family planning program. They said that money and training for family planning services went directly to nongovernmental agencies in Peru that have no connection with the Government's program.

The officials said that they had deliberately taken steps to disassociate the agency from the Peruvian Government's family planning program after it became clear that, while well intentioned, it was too hurried and ambitious to avoid the pitfalls that it has now encountered.

Joseph Rees, the subcommittee's chief council, said that after a recent fact-finding mission to Peru he was convinced that no United States money was directly used to finance the Peruvian Government's campaign.

But he expressed concern that some money may have trickled through in the form of infrastructure, management or training support. Because some United States-sponsored food programs are operated from the same Peruvian Government medical posts that administer family planning in rural areas, Mr. Rees said that it was possible that some of this food could have been used to bribe women to undergo sterilizations.

''The bottom line here is whether the Peruvian Government is more interested in doing family planning or population control and whether the United States wants to risk being associated with a program where that notion is so far unclear,'' Mr. Rees said.

Meanwhile, despite the reported abuses, the number of women undergoing sterilization in Peru has remained steady. Preliminary figures for January indicate that at least 10,000 women underwent free tubal ligations by state doctors.

The opposition Renovación Party, a conservative group that has always objected to the program, says it has collected more than 1,000 complaints from women who say they were either injured by Government sterilization or pressured into agreeing to the operation.

Arturo Salazar, a Renovación congressman, said the Fujimori Government had given no thought to the long-term effect of so many sterilizations, which if left unchecked, he said, will severely diminish Peru's rural population, deprive the nation of security on its frontiers and impede economic development in the countryside.

But those issues are of little concern to Martha Eras, also of Tocache, who is struggling to care for her new baby girl, who was born in August despite the Government-sponsored sterilization that Mrs. Eras voluntarily underwent eight months earlier. It appears that the doctor was in such a hurry that he did not check to see if Mrs. Eras was pregnant.

''My husband joked that it was immaculate conception,'' she said.

[Excepts from Population Research Institute Review]

PRI PETITIONS FOR NORPLANT WITHDRAWAL

(By David Morrison)

On 24 July 1994 Wyeth-Ayerst itself promulgated a revised and greatly expanded set of guidelines for doctors and clinics involved in the sale and insertion of Norplant. These new guidelines went far beyond those which had originally been issued, mentioning no fewer than 23 new, separate adverse health conditions related to Norplant, including pseudo tumor cerebri, stroke, arm pain and numbness. Unfortunately this new information on adverse health conditions is alleged not to have been provided to the hundreds of thousands of women currently using Norplant, nor, it is further alleged, were physicians or clinics required to inform prospective Norplant users of this new information.

STERILIZATION IN INDIA

Kathy Rennie, Bloomington, IL

Recently, I was able to spend seven weeks in India and was so surprised at what I learned. I was able to spend some time in a small village where the people were very poor and was appalled to learn that all the women had been sterilized. These were young women with one or two children. When I inquired further about this, I was told that the government had paid them a large sum of money to be sterilized.

These women felt they had no choice but to take the money because they were so poor and they felt as if they were doing their duty to lower the population.

NORPLANT ALLEGED TO CAUSE BLINDNESS—ABUSE OF WOMEN IN BANGLADESH AND HAITI DOCUMENTED

The side effects of having five-cylinders of synthetic progesterone implanted into one's arm were supposed to be minimal and to only occur in a few women. While Planned Parenthood Federation of America, in its fact sheet on Norplant, mentions ''irregular menstruation . . . headaches, and mood changes'' as ''possible side effects,'' another PPFA publication, Norplant and You, suggests that ''bleeding usually becomes more regular after nine to 12 months'' and ''[u]sually there is less blood loss with Norplant than with a normal period.''

NORPLANT LINKED TO BLINDNESS?

Nothing in the Population Council literature about Norplant describes the horrors Patsy Smith, a mother in Houston, Texas, experienced:

''Three months after having Norplant inserted I started getting horrible headaches . . . like somebody was just grabbing my head and just squeezing it together as tight as can be squeezed; like someone had put a bomb in there and it was going to go off. I'd noticed that [my vision] being kind of blurry and after the months it got a little bit more blurry and things started looking like they were on top of each other.''[1]

Although headaches are listed among the possible side effects for Norplant, the severity of the pain and the worrisome blurring of her vision led Patsy to visit noted neuro-opthalmologist Dr. Rosa Tang, who admitted her to a Texas hospital where she came to understand the seriousness of her condition

Patsy has a condition called pseudo-tumor cerebri, where increased fluid pressure in the brain crushes the optic nerve. The damage in Patsy's case is severe; blindness in one eye and partial blindness in the other. Another such episode could take away her sight entirely.

In reviewing Patsy's medical history Tang came to suspect that Patsy's condition was related to the use of Norplant. She wrote to all the other eye specialists in Texas to ask if any of their patients on Norplant had exhibited similar symptoms. Over 100 cases were brought to her attention, including 40 women with blurred vision and eight women with conditions identical to Patsy's. The numbers startled Dr. Tang:

''It was very surprising for me because I had not seen any reports in the literature at this time of such a link between Norplant and pseudo-tumor cerebri and I was surprised of the fact that there were so many patients that seemed to be having the condition related to Norplant. I think that there is enough out there that there is a possibility of a link between the two [and] that a larger-scale study should be done if Norplant is to be continued.''

If something as serious as pseudo-tumor cerebri was a possible side-effect of the implant, why weren't women being told? Why wasn't Wyeth-Ayerst, the company which produces Norplant for the Population Council, required to list this condition among the possible side-effects? Norplant is the result of almost 25 years of Population Council research. It has been tested on women in developing countries almost continuously since 1972. Surely something as serious as pseudo-tumor cerebri would have shown up during these lengthy and presumably rigorous trials. But how rigorous were the trials? Were they scientifically valid at all? Until recently no one was asking these questions. No one had heard of what had happened in trial sites such as Bangladesh and Haiti.

* * * * *

THE TRIAL OF THE POOR

The Norplant trial carried out in the slum areas near Dhaka, Bangladesh, according to recent reports, as anything but objective and rigorous. In fact, women were enrolled in the trial without their knowledge or consent. Dr. Nasreen Huq, a physician who works with several non-governmental organizations in the poorer areas of Bangladesh, states:

''Participation in a clinical trial requires that the person who is participating in that trial understand that it is a trial, that the drug they are testing out is still in experimental stages. This requires informed consent. This was categorically missing.''

Akhter reported that women who took Norplant ''. . . fainted quite often, you know, which was not the case before.'' Other women complained that ''[the family planners] were telling us we were supposed to be very happy after taking this Norplant, but why our life is like hell now?'' Not only were these adverse side-effects not noted, desperate cries from the women to have the implants removed were simply ignored according to several women:

''In 6 months [I went to the clinic] about 12 times. Yes, about 12 times, I went to the clinic and pleaded 'I'm having so many problems. I'm confined to bed most of the time. Please remove it.' My health broke down completely. I was reduced to skin and bone. I had milk and eggs when I could, but that did me no good.''

''I felt so bad, my body felt so weak, even my husband told me it was all very inconvenient . . . [My husband] says he'll get another wife tomorrow. I told the doctors. 'Please take it out, I'm having so many problems . . . I felt like throwing myself under the wheels of a car.''

Many women found their way out of the trial blocked for lack of funds:

''I went to the clinic as often as twice a week. But they said. 'This thing we put in you costs 5,000 takas. We'll not remove it unless you pay this money.' Of course I feel very angry. I went to several other doctors and offered them money to take those things out, but they all refused. I went to three or four of them and they said these can only be taken out by those who put them in. They said that if they tried they might go to jail.''

''One woman, when she begged to remove it, said 'I'm dying, please help me get it out.' They said 'OK, when you die you inform us, we'll get it out of your dead body,' so this is the way they were treated. In a slum area people are living in a very small, like 5 feet by 7 feet where at least five family members are living and these women are working outside. The most important resource they have is their own healthy condition.''

''We have . . . information where these women have told us that they have sold their cow or the goat which was the only asset they had for treatment because she had to get well, otherwise the family can't survive, so in order to save her, they had to, you know, sell the cow or if they didn't want to treat her then she suffered, so the family was suffering either way. In every sense these people were totally torn. Their economic condition was torn, their family happiness was totally gone.''

''I couldn't see. I couldn't look at things at a distance. I had trouble focusing. You know in the village we light oil lamps. I couldn't look at them. They looked like the sun, as red and large as the sun. If I looked into the distance, my eyes would water . . . If I went out of doors, my eyes became absolutely dark. I couldn't see anything at all as if my eyes had become affected by blindness.''

The 1993 report on the Bangladesh trial contained no hint of these problems. It blandly stated that: ''Norplant is a highly effective, safe and acceptable method among Bangladeshi women,'' claiming that less than 3 percent reported significant medical problems. The report did not mention women being denied removal of the implants or the problems with vision.

Haitian horror detailed similar problems were reported iN Haiti's Cit, Soleil (City of the Sun) by medical anthropologist Catherine Maternowska.

[1] All quotes in this story come from The Human Laboratory, a documentary produced by the British Broadcasting Corporation's Horizon series and aired in Britain on 8 November 1995.

GLOBAL MONITOR: POPULATION CONTROL'S QUESTIONABLE ETHICS

(By Ruth Enero)

But what exactly is all the fuss about? To begin with the so-called anti-pregnancy vaccine, Australia introduced this type of drug in 1986. The intent was to trigger a given woman's body into producing antibodies to hCG (human chorionic gonadotropin), a hormone essential to pregnancy. Because the drug affects the immune system, it poses health risks, including damage to pituitary and thyroid glands, inappropriate immune responses, possible infertility, and more. Women can't remove this vaccine or stop its effects once they've been given it. Violations of medical ethics regarding the use of this drug on Indian women were documented in 1993, including blatant disregard for informed consent. The 1992 Nov/Dec issue of Ms. relates that in 1951 India was the first country in the world to launch an official family planning program. India received a major component of its anticipated social change by testing contraceptives that were financed largely by the U.S. Indian women participated in the testing of (among other drugs) implants of (two rod) Norplant 2 and (five rod) Norplant. Most were not aware they were participating in an experiment. For these women, there were no cautions about Norplant's carcinogenicity and other side effects. Partly because drug studies seek long-term data, women who developed medical problems (hemorrhagic bleeding, dizziness, weight gain, heart problems) from their implants found that early removal was not part of their ''free'' care.

QUINACRINE IN INDIA

Dr. Biral Mullick has begun sterilizing women from Calcutta and surrounding villages with quinacrine, even though the World Health Organization and female health groups warn that the method is unapproved and risky. According to the Sunday Times of India, poor women in Calcutta are initially lured into trying the procedure because of its afforability—the paper quotes a price of 35 rupees—and relative ease of use. ''What these women do not know,'' the Times reports, ''is that they are guinea pigs being used to test the efficacy of the drug; that they have been subjected a method not approved by any drug regulatory agency in the world.''

According to Puneet Budim, an Indian gynecologist, none of these women in Mullick's and other clinics in the country are told they are part of a trial or what the risks might be. She alleges that they come into the clinics looking for a Copper T intrauterine device but walk out burned by the acid the tablets create when inserted into the womb. ''Scores of private doctors and NGO's across the country, including a prominent doctor politician from Delhi, are involved in this unethical practice,'' Budim said. ''It's a very disturbing development.'' (The Sunday Times of India, 16 March 1997.)

CUTTING THE POOR: PERUVIAN STERILIZATION PROGRAM TARGETS SOCIETY'S WEAKEST

(By David Morrison)

When the first sterilization campaign arrived in their little town of La Legua, Peru, Celia Durand and her husband Jaime were unsure they wanted to participate. Although they had discussed Celia's having the operation in the past, and had even researched its availability, they had begun to hear rumors about women damaged and even killed during the campaigns and Celia had decided she didn't want to be sterilized that way. Maybe sometime later she would do it; maybe in a hospital. Certainly not in the little medical post down one of La Legua's bare earth streets, with its windows opened wide to the dust, insects, and the smells from the pigs and other animals rooting and defecating the nearby streets and yards.

But then the campaign began and the Ministry of Health ''health promoters'' began to work her neighborhood. Going door to door, house to house, they repeatedly pressed the sterilization option. Interviewed later, her husband Jaime would recall the singular nature of the workers' advocacy. They wouldn't offer Celia any other contraceptive method, he reported. It was sterilization, nothing else. Many of the conversations centered around minimizing Celia's fears about having the procedure during the campaign. ''Do it now,'' they said. ''You may have to pay [to have it done] later.'' Other lines of argument included how ''easy,'' ''safe,'' and ''simple'' the procedure would be. And the workers persisted. Again and again they came to the family's home, refusing to accept 'no' for an answer, until finally Celia gave in and made an appointment. On the afternoon of July 3, 1997, she agreed, she would have the procedure.

Her mother, Balasura, worried and the two even quarreled about it. ''Don't go, daughter, there is always time later.'' Balasura remembers saying. But Celia wanted the daily visits to end and, besides, the health workers emphasized the procedure's easy nature. ''Don't worry, mama, I will be back in a couple of hours,'' she said as she left. That was the last time her mother saw her alive. Sometime during the procedure at the medical post, the surgeon caused enough damage to Celia that she slipped into a coma. Medical staff put off frantic visits from Celia's brother-in-law, mother and husband, finally moving her entirely out of the post and into a larger clinic in nearby Piura. It did no good. Celia died without every regaining consciousness.

Celia's story is just one of many which have resulted from a nationwide campaign which aggressively targets poor, working class and lower middle class women for surgical sterilization in often filthy circumstances and without adequately trained medical personnel. Although estimates of how many women may have been hurt in these campaigns are difficult to tabulate, a survey of reports about women who have suffered some injury, indignity, or coercion reveals a pattern stretching across Peru's length and breadth. Methods of coercion have included repeated harassing visits until women consent, verbal insults and threats, offers of food and other supplies made conditional upon accepting sterilization and making appointments for women to have the procedure before they have agreed to do so. Further, none of the Peruvian women interviewed by a PRI investigator reported having been adequately informed as to the nature, permanence, possible side-effects or risks of the procedure. ''All they told her was how easy it was,'' Jaime said later. ''No more.''

* * * * *

CAMPAIGN BACKGROUND

According to both high-and-low level Peruvian sources, the Ministry of Health's family planning program was a mostly quiet and somewhat moribund affair prior to 1995. ''It was just one of those things [the ministry] did,'' recalled one former high level official who served in the MOH when the sterilization campaign began. ''They would give their pills, maybe make some IUD's and give some shots and that was it.'' Everything changed, sources agree, when the Peruvian legislature changed the National Population Control Law to allow sterilization as a means of family planning.

According to Peruvian legislators, the Fujimori administration used a mixture of pressure and dirty tricks to change the law. Long-standing supporters of Fujimori, even if they did not want to vote in favor of a broad sterilization mandate, were told they had to support the administration or face political reprisal.

2. Using incentives to fill sterilization quotas

As with women in India, Bangladesh and Pakistan, Peruvian women also reported being offered food, clothing and other things for themselves or for their children as a condition or an inducement to sterilization. Ernestina Sandoval, poor and badly in need of assistance after a string of weather problems cost first her husband's livelihood and eventually her home, reported being offered food in a government hospital but then being told in order to qualify for the food she would have to accept a sterilization. ''They told me I had to bring a card from the hospital saying I had been ligated,'' she told a PRI investigator. ''If I didn't agree to do this they wouldn't give me anything.'' Maria Emilia Mulatillo, another woman, reported that her daughter's participation in a program that supported children of low birth weight was made conditional upon her acceptance of a sterilization procedure. Likewise, Peruvian papers like El Comercio and La Republica have published stories of how ''health promoters'' have been paid or rewarded with special prizes if they manage to bring more than their quota of women for the procedure.

3. Lack of informed consent

None of the over thirty sterilized Peruvian women whom a PRI investigator interviewed, which included a number of women who said they were happy they had the procedure, reported having given anything like informed consent. None of them were told of the procedure's possible side effects, particularly when performed under the time and other constraints that mark the campaigns. None were told of the risks. Universally what the women reported was being told over and over again about the procedure's eventual benefits, speediness and ease. But, as critics have pointed out, merely being told one set of facts about a potential medical procedure cannot be considered as having been adequately informed about the procedure.

4. Sterilization the only method offered

Although supposedly committed to offering Peruvian women a wide-range of family planning choices, including sterilization, PRI's investigation found that the government sterilization campaigns were single-minded. None of the women sterilized in the campaigns that we interviewed (as opposed to those sterilized, for example, in hospitals) reported being offered any options other than sterilization. Most were adamant on that point because, like Celia Durand, they were unsure if they wanted to be sterilized at all and would have welcomed a chance to take another option. Several women, particularly those who had already begun in other government family planning programs like those using Depo-Provera (which must be injected every three months), told of being instructed to have the sterilization procedure because their current program was being curtailed. Later, when asked directly about why women were pulled off Depo-Provera and pressured to accept sterilization, Dr. Eduardo Yong Motta, former Minister of Health and now President Fujimori's health advisor, replied that ''Depo costs too much,'' and that the Ministry had a problem with a method which a ''woman might forget'' or decide that she no longer wanted.

5. Medical histories not taken and post-operative care inadequate

None of the women sterilized in the campaigns that PRI interviewed reported having had any medical history taken prior to undergoing the sterilization procedure. This means that no one sat down with the women before the surgery to find out if any were experiencing medical conditions that might, in another circumstance, delay surgery. This is particularly important in light of the fact that the medical team was assembled and brought into a local area especially for the campaign. Familiar medical staff sterilized none of the women interviewed and thus, in some cases, no one was able to stop surgeries from proceeding in incidents where women were pregnant, menopausal or suffering from possibly complicating conditions. Post-operative care, particularly in cases leading to serious complications and even death, was sorely lacking. It was not uncommon for a woman to be rapidly sterilized in an unhygenic theatre in an afternoon and then sent home, feverish or still in pain, a few hours later.

THE OVRETTE PROGRAM IN HONDURAS: DID USAID ENDANGER HONDURAN CHILDREN WITH AN UNAPPROVED DRUG?

The Committee carried out an exhaustive investigation and discovered that the Health Ministry had issued a document entitled ''Strategy for Introducing Ovrette.'' This document stated: ''In order to avoid any misunderstandings which might jeopardize the distribution and harm family planning objectives, these instructions shall be implemented: 1) suppression of all literature from the boxes of medication at the central warehouse (prior to regional distribution) . . .''

In the Ovrette case in Honduras,USAID has been party to a flagrant violation of human rights through the imposition of a coercive and experimental population control program, has violated several Honduran laws and the constitutional rights of information, and has acted to the detriment of the health of Honduran mothers and children. The Ovrette incident should be thoroughly investigated in order to prevent such an imposition which can harm future generations not only in Honduras, but also in many other countries where such programs are implemented.

A DOCTOR SPEAKS OUT: WHAT HAPPENED TO MEDICINE WHEN THE CAMPAIGN BEGAN?

(Statement of Dr. Hector Chavez Chuchon)

My name is Hector Hugo Chavez Chuchon, and I am the president of the regional medical federation of Ayacucho, Andahuaylas, and Huancavelica in the Republic of Peru. This areas is the poorest in the country. I do not belong to any political group, and hope that the Peruvian government has as much success as possible in its enterprises. But, at the same time, I have the moral obligation to come forward and denounce wrongs there, where they are done.

I'd like to describe my work since the start of the tubal ligation and vasectomy sterilization campaign. There are approximately 200 doctors in my region. Some of them have come to declare and demand that the federation step forward to defend and to protest the ''inhumane,'' massive, and expanding sterilization campaign, a campaign which imposes quotas on medical personnel. As proof of these quotas, I have this document which is available in the information packet that you have. These doctors do not like the way in which people are brought in for these surgical procedures, where information is poor, incomplete, and generally deficient. Also, the places where these operations are performed are, for the most part, unsuitable, and the personnel often insufficiently trained.

The Ministry of Health denies that there are campaigns and quotas referring to sterilizations, and absolves itself of its responsibility, without taking into account, among other things, that the doctors work under their orders. Doctors work under pressure from their superiors, are given quotas and submitted to other more subtle forms of pressure. It is also true that doctors work under very unstable employment conditions, and could easily lose their posts.

I would like to have the people of the United States understand what their government is doing in Peru. My country is very large, and we do not have more than 25 million inhabitants, which in no way calls for a brutal birth control campaign, especially not one of sterilization. The facts show that prosperous countries like Japan have a high population density. Even though they are geographically much smaller, and lack the natural resources of my country, they live prosperously. So, we can see that the most important thing for a country is its human resources, which can generated wealth and well-being. Therefore, I would like especially to say that if you want to help my country, do so by investing in education and job creation, and not using these millions of dollars for population control programs.

''PRACTICALLY BY FORCE''

(Statement of Avelina Nolberto)

As a poor mother of five underage children and separated from my husband who also lives in the city of Andahuaylas, I wash clothes to support myself and the children. During my work activities I got to know an obstetrician who works in the Social Security hospital of Ayacucho. I confided in her about the problems I had run into with my husband. Then she spoke to me about tubal ligation and, of course, I was against it, but after so many demands she convinced me, adding that my husband could come back at any moment and would once gain fill me with children.

So on 16 October 1996 a worker, the sister of the obstetrician, arrived at my house telling me that it was free and I should take advantage of the opportunity since specialists from the Social Security hospital in Lima had arrived. I resisted, saying that I had to go to the market to cook lunch for my small children who were studying in school. I went to the market and stayed a long time. Upon my return I found her outside my house and she intercepted me saying that I was already scheduled for a ligation and that they would take me by taxi. That is how I arrived at the hospital practically against my will without any of my girls going in with me. This lady took charge of all the business in the hospital. This was the way I had the surgical intervention of a tubal ligation.

After the operation I was not able to recover. My stomach swelled and I had the sensation that all my intestines were burning. I could not expel intestinal gas. It was three in the afternoon on October 17, 1996. Then I began to worry because I entered the hospital totally healthy. When I went to the obstetrician to complain about my state of affairs, she became very insolent and said that she had nothing to do with this, and she had the audacity to tell me, ''Don't be bothering me, as if I had dragged you in.'' After that, my children came searching for me desperately when they did not find me home. They found me in the hospital and that is how I left still very sick.

In the night of October 17, 1996 I had terribly strong colic and my entire stomach swelled with a terrible burning sensation that I could not stand. So when I woke up, my oldest daughter took me back to the Social Security hospital where they intervened on me again on October 18, 1996. When my family started to inquire about my health status, what was the problem I really had, no one could tell them anything concrete. When I was supposed to be asleep I heard the nurses whispering among themselves that when they operated to do the ligation they had cut my intestines. I was not able to recuperate so they tried again on November 10, 1996, but my condition kept deteriorating so they decided to send me on November 15, 1996 to the Social Security hospital of Lima at my daughter's insistence. There they did a complete cleaning of my intestines because a greenish liquid had formed and the doctor told me that I had septicemia. I left there on December 12, 1996 returning to my city without medicines to continue my treatment.

The doctors treating me refused to give me medicines when I asked because I have no insurance.

From that time I have not been able to recover, and given my precarious financial situation, I had to return to my husband so that he could look after the children. I still cannot go back to work like before. Relapsing again, I went to the hospital Maria Auxiliadora de San Juan de Miraflores in Lima on November 4, 1997. I stayed there to be treated for what the doctor said was a perforated intestine. This was very expensive and I owe the hospital but do not have the ability to pay them back or to continue my treatment because of the expensive medicines needed. I am desperate from this situation. I cannot work to support my younger children. My oldest daughter, 20 years old, is studying and doing domestic work and is supporting me as much as she can. Now I am staying in the house where she works and the lady here has very kindly agreed to receive me with my young girls of 7 and 11 years old, and I have been given a great deal of help to recuperate.

FAMILY PLANNING BY THE NUMBERS: QUOTAS HAVEN'T GONE AWAY, THEY HAVE MERELY CHANGED THEIR NAME

(By David Morrison)

Although officials with the US Agency for International Development deny the practice, current documents and training programs indicate that the Agency still uses quotas to evaluate so-called ''family planning program.''

WHY ALL THIS MATTERS

This entire issue can seem like mere numbers on a page until a situation like that of Peru appears. Then it becomes clear what USAID's continuing reliance on quotas has wrought. Hundreds of thousands of women in Peru and elsewhere have had to confront workers from government and other organizations who view them not as human being but rather as numbers to be entered into a report or a means of filling a quota.

REFUGEE POP CONTROL ADVANCES: DESTRUCTIVE GUIDELINES REMAIN IN PLACE DESPITE ALTERATIONS

(By Kateryna Fedoryka)

As human rights activists and humanitarian aid workers contend against the tide, the United Nations moves closer to promulgating guidelines that would subject refugee women to clinically irresponsible and dangerous procedures of fertility regulation and abortion. Scheduled for completion in April, UNHCR guidelines for ''Reproductive Health in Refugee Situations'' has been the center of a protracted struggle between the UNHCR, concerned NGOs, and US Congressman Chris Smith.

Initial drafts of the guidelines called for the introduction of a specifically reproductive health component into the emergency

health care kits for refugee camps. Concern first arose among NGO participants in the preliminary drafting sessions when it became evident that the reproductive health kits were to include the so-called 'emergency contraceptive pill' (ECP), and a manual vacuum aspirator for use in early-term abortions. Objections centered on poor general hygiene, unskilled practitioners, and the lack of all but the crudest of operating facilities, which make safe and responsible administration and management of such procedures virtually impossible.

Following promulgation by the UNHCR, there will be a waiting period before the guidelines are submitted to the WHO, which has final oversight for medical operations in refugee camps. If signed into policy by the WHO, the regulations will go into effect immediately. Conditions in refugee camps will render impossible any attempt to prevent abuse. Population control will be imposed on poor refugees.

The aborting of refugee women under the euphemisms of ''emergency contraception'' and ''uterine evacuation,'' as well as the maternal deaths that are an inevitable result of carrying out these procedures in unsanitary and inadequate medical conditions, will undoubtedly reduce the numbers of ''vulnerable peoples'' suffering in refugee camps. If the present efforts to halt ratification of these guidelines do not succeed, there will in fact be no more place of refuge for those who have until now been able to turn to the international community in their moments of greatest need.

AIDING A HOLOCAUST: NEW UNFPA PROGRAM DESIGNED TO TIDY UP ONE-CHILD HORROR

(By Steven W. Mosher)

The United Nations Population Fund's (UNFPA) love affair with China's ruthless one-child policy continues. Despite overwhelming evidence of massive human rights violations stretching back two decades—and in violation of its own charter—the UNFPA has just quietly embarked upon a new $20 million program in China to assist its so-called ''family planning program.''

The program, which will be carried out in 32 Chinese counties, is being billed as an effort to replace direct coercion with the more subtle forms of pressure that the UNFPA commonly employs to stop Third World families from having children. Beijing has signed off on the four-year experiment. In the delicate phrasing of Kerstin Trone, UNFPA program director, ''The Government of China is keen to move away from its administrative approach to family planning to an integrated, client-centered reproductive health approach . . .''

As well it might. For except within the population control movement itself, which continues to celebrate China's forceful approach, the one-child policy has become a byword for female infanticide, coerced late-term abortions, forced sterilization/contraception, not to mention a host of other horrific abuses that rival in sheer barbarity the worst of Nazi Germany.

Recent examples of such abuses abound. In the August 1997 edition of Marie Claire magazine, for instance, we find a report that China has ''implemented [its] harsh birth control policy'' in Tibet, including ''forced abortions and sterilizations of Tibetan 'minority' women.'' Tibetan families are allowed one child in urban areas, two in rural areas. ''Excess births'' are illegal. As throughout China, it is legal to kill such ''illegal'' Tibetan babies in utero for the entire nine months of pregnancy, even as they descend in the birth canal. In sparsely populated Tibet, such a ''family planning'' program may properly be called genocidal.

Then, as reported in a previous issue of the Review, there is China's latest weapon in the war it is waging on its own people: Mobile abortion vans, each of which will be equipped with operating table, suction pumps, and . . . body clamp. According to Chinese officials, the government has plans to make 600 such vans to travel around the countryside doing abortions. Presumably such vehicles will be banned from the 32 counties in which the UNFPA will be responsible for keeping the birth rate down with its ''integrated approach,'' but who can be sure?

Nafis Sadik, the Executive Director of the UNFPA, has let it be known that the Chinese government has agreed to suspend the one-child policy in the 32 counties during the four-year experiment. In her words, ''In the project counties couples will be allowed to have as many children as they want, whenever they want, without requiring birth permits or being subject to quotas.''

Whatever the truth of this statement, it is by itself a remarkable admission. For it has been the steadfast position of the Chinese government—and the UNFPA itself—that the one-child policy does not rely upon birth quotas and targets, nor does it require parents to obtain birth permits prior to having children. Targets and quotas, it should be noted, were banned by the Cairo population conference because they always lead to abuses.

But lest the Chinese people living in these counties take their newfound freedom to have children seriously, the Chinese government has retained the right to use economic pressure. Sadik: ''[T]hey may still be subject to a ''social compensation fee'' if they decide to have more children that [sic] recommended by the policy.'' In other words, overly procreating parents will be fined into submission. That's hardly reproductive freedom.

And what of the ill-favored people in China's 2000 other counties? Counties where—we have it on the authority of Nafis Sadik herself—birth targets and quotas will continue to be imposed in defiance of world opinions. Counties where parents, on pain of abortion, must obtain birth permits for children prior to conceiving them. Counties where mobile abortion vans roll up and down rural roads, snuffing out the lives of wanted children while their mothers lie helpless in body clamps. And counties in oppressed Tibet, whose sparse populations of nomadic herdsmen are about to be further depleted by ''family planning.''

The Founding Charter of the UNFPA says ''couples have the right to decide the number and spacing of their children.'' The Executive Director of that organization has now admitted that China's population-control dictators deny that right. Until that changes, until China abandons the whole oppressive apparatus of targets, quotas, and birth permits, the UNFPA should get out—and stay out—of China.

FROM THE COUNTRIES: AGING JAPANESE; BIRTH-CONTROL TRAINS AND STERILIZATIONS EVERYWHERE—JAPANESE TO BE WORLD'S OLDEST

Meanwhile, more than 16,500 handicapped Japanese women were involuntarily sterilized with government approval during the period from 1949 to 1995, government officials now have admitted. However, unlike other nations whose own sterilization agendas have recently come to light, Japan does not plan to apologize, offer compensation to the victims, or conduct an investigation.

Japan legalized sterilization in 1948 (while under American occupation) as a means of improving the race through control of hereditary factors. The law, which was revoked only last year, allowed doctors to sterilize people with mental or physical handicaps without their consent, after obtaining the approval of local governments.

(Sources: ''Japan braces for life as world's oldest nation,'' Associated Press, 11 December and ''Japan acknowledges sterilizing women,'' The Washington Post, 18 September, A 26.)

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AUSTRALIAN STERILIZATIONS

Surgeons in Australia's public health system have illegally sterilized more than 1,000 retarded women and girls since 1992, a government-commissioned report said.

The chief justice of Australia's family court, Alastair Nicholson said, ''The research points to an irresistible conclusion that doctors are performing unlawful sterilizations on girls and young women with disabilities.''

In 1992, Australia's High Court made such sterilizations illegal if they were not medically required, unless a court or tribunal granted permission. Since then, such permission has been granted only 17 times, the report for the federal Human Rights and Equal Opportunity Commission said. However, at least 1,045 women and girls were sterilized during that period, the commission said. The government Health Ministry called the figure ''overstated,'' claiming that the true number of cases was only ''one-fourth or one-fifth that.''

(Source: The Washington Post, 16 December, A22.)

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AUSTRIAN STERILIZATIONS

The Austrian Ministry of Justice, following allegations by member of parliament Theresia Haidlmayr that thousands of women in mental institutions were being forcibly sterilized, promised on 28 August to curtail the rights of parents to authorize the sterilization of their handicapped children.

The judiciary's action was also in response to rumors in medical circles that Ernst Berger of the Rosenhugel Psychiatric Hospital for the Young in Vienna, was preparing a paper which would examine the questionable due process involved in the forced sterilization of young handicapped children in Austria. Berger's paper includes a case study of a 16-year-old mentally handicapped girl who was sterilized 4 years ago on the authority of her father, who was later found to have been sexually abusing her.

The administrative processing of such sterilizations, said Berger, ''had a professionally unsound cynical character differing only superfically from the forced measures legitimized by the the [Nazi] laws to prevent hereditarily ill future generations.

(Source: The Lancet, 6 September, 723.)

CHINESE UNVEIL ''MOBILE ABORTION CLINICS''

Delegates to the 23rd annual meeting of the International Union for the Scientific Study of Population (IUSSP) were treated to a macabre sight during their 11–17 meeting in Beijing. Chinese government officials drove one of the brand new ''mobile abortion clinics'' up to the parking lot of the building where the conference was being held. Delegates leaving their session were able to stop by the van's open rear doors and behold its small bed, suction pumps and body clamps up close.

''We plan to make 600 of these buses to travel around the countryside,'' said Zhou Zhengxiang,'' the ''vice general manager'' of the van's manufacturing company.

Human Rights advocates fear that the mobile clinics represent a further escalation in China's war against its own people's fertility, a war which has been characterized by

forced abortion, sterilization and IUD insertion.

''I think the need for body clamps in this thing speaks for itself,'' said Steven Mosher, President of the Population Research Institute. ''Women doing something voluntarily do not need to be held down with clamps.''

Chinese government officials, as usual, denied the practice of forced abortion in the countryside, but this time their denials flew in the face of more candid admissions by the Chinese government from only a few months ago.

The news of 600 mobile abortion clinics may indicate a split policy on population control in China.

THE DISASSEMBLY LINES, PART II: INDIAN WOMEN STERILIZED UNDER INDUSTRIAL CONDITIONS

(By James A. Miller)

AIR PUMPS AND ERRORS

The all-too-common primitive conditions at the camps were reported: air pumps for pneumoperitoneum, bricks to elevate the operating tables, gowns changed only at rest breaks, the lack of an anesthetist as part of the surgical team, the inadequate ''sterilization'' of instruments, the non-monitoring of patients' pulse and blood pressure during surgery, and the ignoring of regulations concerning the number of sterilizations to be performed per surgical team per day.

The report noted that the ''government sponsored campaign to meet [quota] targets set for each state by end of the fiscal year . . . [led to] a uniformly high risk of deaths in camps [during the] campaign season and a markedly reduced risk in the balance of the year.'' Another factor contributing to ''unsatisfactory outcomes'' was the ''speedy completion of the sterilizations . . . by the surgical teams who are anxious to return to their home base.''

Although one could go on and on in like vein, perhaps the best overall summation of what is really going on in India's sterilization camps was the devastating reply of two Indian physicians to a glowing Lancet editorial endorsing the camps.

The doctors noted that in some cases ''a bicycle pump [was] being used to create a pneumoperitoneum'' for laparoscopic sterilization—a grim symbol of how medical standards have been lowered in the zeal to meet national sterilization targets.''

They wrote of laparoscopes being ''reused after a quick wash,'' of ordinary, non-sterile ''air (not carbon dioxide)'' being used to create a pneumoperitoneum, of the ''high incidence of uterine perforations,'' of complications which ''are rife'' and a ''case fatality rate as high as 70 per 100,000.'' [See above] They condemned the system in which ''local authorities are under pressure to achieve set targets and the doctors are paid on a case basis,'' while ''inducements (cash or otherwise) are routinely sanctioned to candidates for sterilization and the motivator is similarly rewarded.''

Under such conditions, the doctors declared, ''informed consent is certainly not obtained.''

POST DOCUMENTS INDIAN HORROR

PRIZES

In the yard outside the sterilization center were ''tables of prizes for the government workers who had brought in the most women. Three patients won the worker a wall clock, 5 a transistor radio, 10 a bicycle and 25 a black-and-white television.''

At another camp in neighboring Saharanpur, the reporter noted that prior to the sterilization, blood samples were taken by a medical assistant who ''pricked each woman's finger—using the same needle on all the women. . . .''

But how voluntary have been the individual decisions made by these millions to submit to being sterilized? During the 1970s, several million Indian men were forcibly vasectimized. Now, critics of India's sterilization program say it is still ''inhuman because it relies on quotas, targets, bribes and frequently coercion. . . .''

These critics note that most of the women who are sterilized are poor and illiterate, and have been ''lured to the government sterilization clinics and camps with promises of houses, land or loans by government officials under intense pressure to meet sterilization quotas.''

V.M. Singh, a legislator from the State of Uttar Paradesh, declared that ''[e]very single thing in my district leads to one wretched thing: Will the woman be sterilized?'' Singh explained that ''[p]eople are told if they want electricity, they will have to be sterilized. If they want a loan, they have to be sterilized.''

Singh, who has complained about the situation to the state government, said that officials in his district and others along the border with Nepal, in order to meet their quotas, often ''resort to bribing Nepalese women to travel to India for sterilizations.''

The Post noted that the pressure for sterilization is especially acute in India's poor northern states, which ''impose sterilization quotas on virtually every government employee in the district, from tax collectors to schoolteachers. If they don't meet the quota, they don't get paid,'' explained V.M. Singh.

For most village women, months of negotiation precede the trip from their simple mud huts to the stained sheets of the makeshift operating table. The discussions do not begin with medical personnel, however. Rather, it usually begins with a local government bureaucrat, the ''motivator'' who will be paid for each woman he can deliver, telling the husband that ''if his wife undergoes a sterilization she will receive 145 rupees (about $4.60) and the family may qualify for materials for a new house, or a loan for a cow, or a small piece of land.'' And so another woman is off to a sterilization camp where she too can wind up on the ''recovery room'' floor.

THE DISASSEMBLY LINES; INDIAN WOMEN STERILIZED UNDER INDUSTRIAL CONDITIONS

(By James A. Miller)

Editor's note: Population control is literally and figuratively dehumanizing. In India, thousands of women are being herded into mass sterilization camps, where surgeons mutilate their reproductive organs in assembly line-fashion under unsanitary conditions, sometimes using bicycle pumps as medical instruments, and where mortality rates reach as high as 500 per 100,000 sterilizations. This article, the first of two parts, focuses on one such sterilization camp in Kerala, India.

Written consent was obtained at this time and the women were seen affixing their signatures to some printed forms. However, very little about the sterilization procedure was explained to them, nor were any alternative options offered.

On average, it took just four to five minutes for the completion of this three-stage procedure. Since three women were going through the different stages simultaneously, the total time taken for all 48 women was just 128 minutes—i.e., two hours and eight minutes. The surgeon thus spent an average of only two minutes and 40 seconds per sterilization.

The linen on the three makeshift operating beds was never changed during the course of the day's surgeries. Moreover, the surgeon never once changed his gloves during the course of the 48 surgical procedures he performed. Unfortunately, this disregard for aseptic conditions is quite common in the Indian sterilization camps and has been reported often through the years.

POST-OPERATIVE CARELESSNESS

All of women who were sterilized had to walk by themselves back to hall, which now served as the post-operative ward. They lay on the nine available cots, usually two per cot. The rest were accommodated on bed sheets spread out on the unswept floor, five women per sheet.

As each woman lay down on a cot or a sheet, a nurse sprayed the area around the abdominal incisions with an antiseptic and dressed the small wounds. The women were provided with an antibiotic and a pain killer and were instructed to contact the local JPHN in case of any problems. No doctor examined or counseled the women after surgery.

As the number of women of women who had been operated on increased, the available space in the hall begin to shrink. The last of the women had to lie on a bed sheet at the entrance to the bathroom, which was being used extensively by the women and their attendants. Extensive seepage from this overused bathroom barely missed the feet of the women lying on the bed sheet near it.

While the operations were proceeding, the District Medical Officer (DMO) came to inspect the hospital. He condemned certain items of equipment which were being used. The JPHNs and JHIs at the camp took the opportunity to inform the DMO about the problem of non-payment of incentive money to their clients during the previous months. (An incentive payment of 145 Rs is paid to sterilization acceptors.) The JPHNs and JIHIs knew that the people they served were upset that the incentive payments had not been immediately disbursed, and they were worried that as word spread in the community they would find it difficult to ''motivate'' future clients.

The surgeon and his team left the camp by 3:45 p.m., shortly after completion of the operations. Most of the JPHNs and JHIs also left the camp immediately, leaving the women and their attendants to fend for themselves. By 4:30 p.m., many of the women began leaving the premises, although they could barely walk; none of them were permitted to stay in the building beyond 5 p.m.

DARK AND DIRTY BUSINESS

As for the operating theatre, sometimes the ''flooring was dusty and unclean [and] the lighting . . . was very poor. . . .'' At many places the artificial light which was available was ''insufficient and uncertain because of drop[s] in voltage or power out[ages].'' Nonetheless, at some of the camps the surgeons operated ''round the clock through day and night with very scanty light—only one torch for two tables or so.''

Usually there was a shortage of linen required for the numbers of women to be operated on, and the sterilization of instruments and linen was inadequate. Often the local nursing staff who assisted the operations seemed to be ''assisting for the first time,'' which in fact was the case, as subsequent inquiry discovered. Moreover, the pre-operative preparation of the patients was so unsatisfactory that some of the women had apparently eaten recently and/or had not properly evacuated themselves, resulting in some even voiding on the operating table, causing a postponement in their sterilization.

Although the team of observers found the Kerala camp conditions ''appalling,'' they

were ''not as bad as elsewhere in the country.''

In many instances the sterilization camps were conducted in makeshift locations without even a thought to aseptic conditions. School classrooms have been used without any effort to disinfect them, and ''rusted, broken down tables draped with soiled rubber sheets have been used as operating tables.'' Surgeries have been performed with ''just one bucket of water for the surgeons to 'disinfect' their hands before operating.'' The same syringe has been used on all the clients.

WITH FRIENDS LIKE THESE: FERTILITY REDUCTION FAILS TO MAKE BANGLADESH RICH

(By Jacquelin Kasun)

The government does well to take very seriously what Messrs. Merrill and Piet say; according to US law, countries which receive US foreign aid must take steps to reduce their rate of population growth.

And the evidence suggests that the country is making a good faith effort in this regard. Fifty-three thousand family planning workers provide doorstep delivery of birth control services. Although the law restricts abortion to the saving of the mother's life, ''menstrual regulation''—removal of the womb's contents without a prior test for pregnancy—is widely available, often performed by person with only ''informal'' training. The press also reports that government doctors perform illegal abortions in clinics without anesthesia or sanitation.

The government pays women about $3 each, plus a new saree, to be sterilized. Men receive $4 plus a new lungi. The Sun reports that the numbers go up just before the rice harvest, probably because people are hungriest then. The Sun also reported that women's sterilizations were being performed with quinacrine, which severely burns the fallopian tubes. The women are unaware of the risks until they suffer the consequences.

An aid-dependent poor country whose people are mostly illiterate, Bangladesh is an ideal place to test birth control methods. Eager grant seekers in the United States can support their research and their professional advancement by doing experiments in Bangladesh. Local women's rights groups, such as UBINIG and its intrepid leader Fairda Akhter, give evidence that Norplant providers refuse to remove the implant even when the women suffer debilitating side effects. Losing subjects from the sample spoils the results of the research. Removing implants also uses resources that could be used to insert them and meet the quotas.

CHINESE ADMIT POLICY IS COERCIVE

Urban couples generally comply with the policy, the article reports, because they pay high fines and risk losing important benefits by having more than one child. In the countryside, where most Chinese live, enforcement is more difficult, the article maintains.

Rural officials are responsible for meeting family planning quotas. Some take bribes to neglect to report births. Some resort to terror and force to make sure the rules are followed. 'It would be better to have blood flow like a river than to increase the population by one' reads one rural slogan, according to a report by the Chinese newspaper International Trade News.

Women must get regular checkups and certificates to prove they are not pregnant. Those with unauthorized pregnancies are ordered to have abortions, the article reported.

The article declared that the highest birth rates are in China's poorest counties, where farmers still need their children's labor and rely on their support in old age. Those who have extra children are fined, but some are unable or unwilling to pay.

In many areas, the article declared, officials are turning to economics to help make their arguments. ''If you want to get rich have fewer kids and raise more pigs,'' says one sign painted on a wall.

FROM THE COUNTRIES: QUINACRINE IN INDIA, ESTONIANS DECLINE, MORE CONDOMS FOR UGANDA, QUINACRINE IN INDIA

Thousands of illiterate women in India and Bangladesh have been used as ''guinea-pigs'' without their knowledge in unauthorized trials of quinacrine, a derivative of quinine used to perform chemical sterilization by scaring and burning a women's fallopian tubes.

Although the ''Q method'' is illegal in India and has ''no medical sanction'' in Bangladesh, more than 10,000 women have been sterilized with quinacrine by a single medical practitioner in India's West Bengal state alone, with similar trials going on in Mumbai, Bangalore and Baroda; in Bangladesh's southeastern Chittagong district more than 5,000 women have been sterilized with quinacrine. In a documentary film on the ''Q Method,'' a doctor at Delhi's Lady Hardinge Medical College admitted using quinacrine on women in Delhi.

A group of doctors under the aegis of the Contraceptive and Health Innovations Project (CHIP) in Karnataka, South India, completed a quinacrine sterilization trial on 600 women in July 1996, and are currently involved in a 2-year project Ato sterilize 25,000 women.

Health activists claimed that the U.S. Agency for International Development has ''funded quinacrine supplies to India,'' along with a ''zealous population control at any cost'' international lobby. Since the quinacrine method requires no surgery or anesthetic, and no real follow-up, and costs only one dollar per case, it has become a favorite weapon for such groups.

TOO MANY PEOPLE? NOT BY A LONG SHOT

(By Steven W. Mosher)

The most notorious example is China, where for a decade and a half the government has mandated the insertion of intrauterine devices after one child, sterilization after two children, and abortion for those pregnant without permission.

Btu the use of force in family-planning programs is not limited to China. Doctors in Mexico's government hospitals are under orders to insert IUDs in women who have three or more children. This is often done immediately after childbirth, without the foreknowledge or consent of the women violated.

Perhaps the practice in Peru, where women are offered 50 pounds of food in return for submitting to a tubal ligation, cannot properly be called coercive. Still, there is something despicable about offering food to poor, hungry Indian women in return for permission to mutilate their bodies. And the potential for direct coercion is ever present, given that Peruvian government doctors mut meet a quota of six certified sterilizations a month or lose their jobs.

THIRD WORLD POPULATION GROWTH: FIRST WORLD BURDEN?

(By Steven W. Mosher)

At the time the NSC report was written, India was in the middle of its infamous ''compulsuasion'' campaign. Although this strange word was an amalgam of compulsion and persuasion, the emphasis was definitely on the former. No longer was our congenial Indian villager merely to be given boxes of contraceptives with which to build temples. Instead, he was to be sterilized. Governments officials were assigned vasectomy quotas, and denied raises, transfers and even salaries until they had sterilized the requisite number of men.

At the same time it was privately commending India's programs, the NSC strongly cautioned against public praise. ''We recommend that US officials refrain from public comment on forced-paced measures such as those currently under active consideration in India . . . [because that] might have an unfavorable impact on existing voluntary programs.''

STATEMENT OF M. GRACIELA HILIARIO DE RANGEL OF MEXICO

My name is Maria Graciela Hilario de Rangel. I am from the city of Morelia. I have had IUD's placed into me twice. The first time was ten years ago, when one was placed in me before I was released from the clinic. I later had it removed.

The second one was placed in me eight months ago after the birth of my baby. On this occasion, I repeatedly told the doctor that I did not want the device placed in me. He did not pay any attention to me and ignored my protests. He placed the device in me anyway.

Afterwards, the chief physician of the clinic told me he accepted responsibility for this act. I could place a complaint after I left the clinic, he said, but that his actions were protected by law. He did not tell me which law or when it was issued. I asked him for his name and he replied that he was Doctor Ildefornso Ramos Aguilar and that his office was in Morelia. He insisted that his doctors were authorized by law to place the devices and that the reason was to ''protect'' women.

I had the IUD removed 40 days later, but only after great difficulty. I went to the clinic several times, asking to have it removed, but each time I was sent away under the excuse that they did not thave the proper personnel to do it, or did not have the right instruments, or they had too many patients, or some other excuse. I finally told them I would not leave the clinic until they removed it. Only then did they remove it. I did not file a complaint against the clinic because the chief physician had told me that their actions were protected by law.

FAMILY PLANNING: POPULATION CONTROL IN DRAG

(By David Morrison)

Later that decade, according to the US Agency for International Development, the military government of Bangladesh employed soldiers to round up women for IUD insertions, besides threatening to withhold schoolteachers' wages unless they began using contraception.

In the eighties, according to a British Broadcasting Corporation documentary, another US-funded ''family planning'' organization used US tax dollars to mislead Bangladeshi and Haitian women about Norplant's side-effects prior to insertion. Then, when the women became seriously ill, removal was refused.

During the same decade targets became common. Twenty-five countries, ranging from the Philippines to El Salvador, set monthly quotas for numbers of sterilizations. As they invariably do, these quotas led to US women being sterilized without their consent or under false pretenses as workers scrambled to meet them. In Bangladesh, women whose families were driven from their homes by flooding were told they would not receive international humanitarian assistance until they submitted to sterilization.

During the nineties, right to the present day, some Mexican government hospitals, according to sworn depositions collected by

human rights activist Jorge Serrano, routinely sterilize or insert IUDs into women delivering their second or third child without their foreknowledge or consent, and (sometimes) even over their objections, immediately after giving birth. With the uterus expanded from childbirth, it is impossible to correctly size an IUD, which can embed in the uterine walls as the womb contracts. Then there is the well documented horror of forced abortion and sterilization promoted by the Chinese ''one-child'' policy, and supported by ''family planners'' like the United Nations Population Fund (UNFPA) and the International Planned Parenthood Federation (IPPF).

SRI LANKAN POPULATION ATROCITIES

In the Indian Ocean island state of Sri Lanka, female plant workers are being forced to undergo sterilization at government run clinics by health workers who are ''concerned only with meeting official [population] targets.''

Researcher Padma Kodituwakku of the Colombo-based ''Women and Media Collective,'' produced the study which discovered the ''dark side'' to the government's program to keep the country's birth rate in check. Each of the sterilized women was paid 500 Rupees—US $12.50—to undergo the surgery, ''ligation and resection of the [fallopian] tube.''

Kodituwakku's research revealed that the predominately Sinhalese speaking health workers used ''subtle coercions'' to force minority Tamil-speaking women to agree to the operation to foil the birth of their third child. In every case investigated the woman was made to feel guilt for having so many children; they were ''ignorant and irresponsible breeders'' whose reproduction needed to be curbed.

BAD BLOOD IN THE PHILIPPINES? POSSIBLY TAINTED VACCINE MAY BE TIP OF THE ICEBURG

(By David Morrison)

Philippine women may have been unwittingly vaccinated against their own children, a recent study conducted by the Philippine Medical Association (PMA) has indicated.

The study tested random samples of a tetanus vaccine for the presence of human chorionic gonadotropin (hCG), a hormone essential to the establishment and maintenance of pregnancy.

The PMA's positive test results indicate that just such an abortifacient may have been administered to Philippine women without their consent.

Individual women who have lost children to miscarriage after accepting the anti tetanus vaccine have already been found to have antibodies to hCG. Dr.Vilma Gonzales had two miscarriages after receiving the tetanus vaccine and became suspicious. She had her blood tested for anti-hCG antibodies and found, to her great sorrow, that these were present ''in high levels.'' As she later told a British Broadcasting reporter:

''Women should have been told that the injection would cause miscarriage and, in the end, infertility. The Department of Health should have asked beforehand, so that only those who didn't want to have children had the injection. I really hope and pray to God that I will still have a baby and get a normal pregnancy. And I am still hopeful that the Department of Health will find an antidote to the antibodies as well.''

The possibility that Philippine women were being covertly dosed with an abortifacient vaccine got widespread attention after Human Life International, an international pro-life group, reported on peculiar tetanus vaccination programs in the Philippines, Mexico and Nicaragua.

Current WHO-funded research in the United States, according to a leading researcher, has ''moved on'' from tetanus to diphtheria as the antigen link. For even greater efficiency and wider reach, the possibility of doing away with the antigen link altogether is also being explored.

But from the point of view of numerous Filipinas, the most disturbing allegation against Talwar is that he has, in the past, tested his abortifacient vaccines on women without first testing them on animals. Both Indian researchers and WHO officials are on record as declaring that such abuses have occurred. Their testimony has helped fire opposition to the vaccine, especially on the part of women's groups.

MEXICAN STERILIZATIONS

More than 300 Mexican women have documented their experiences with forced sterilization at the hands of Mexican population controllers, and an activist group claims to have gathered evidence of ''thousands'' more.

''Women are being trampled. Their rights are being trampled,'' said Jorge Serrano Limon, director of Pro-Vida, the Mexican group which has been investigating the issue.

''Sterilizing our population against its will is a complete violation of human rights,'' he said. ''We want to make an anguished appeal to the President to stop this genocide,'' he said. ''We can't let it happen that after these campaigns we are going to have a sterile Mexico.''

Pro-Vida held a press conference in Mexico City at which Rocio Garrido, a woman from the Puebla State, told of how she had been threatened with sterilization when she went to the hospital to deliver a baby.

Rocia reported that she later discovered an Intra-Uterine Device had been inserted into her womb without her consent. Hospital records back up her account. More than 40 other women from Puebla state sued the state health institute earlier this year for allegedly planting IUDs in them without their consent or knowledge. Some claimed to have been infected during the unauthorized procedures.

A spokesman for the Mexican Ministry of Health denied any government campaign to force women to be sterilized. (Mexico forcibly sterilizing, Reuters, 11 October 1996.)

BURN, BABY, BURN: QUINACRINE STERILIZATION CAMPAIGN PROCEEDS DESPITE RISKS

(By David Morrison)

This interpretation is supported by the coercion and dissembling that has surrounded quinacrine trials to date.

The largest clinical trial of the drug has taken place in Vietnam—a nation governed by a one-party dictatorship which is currently making a concerted push to lower the birth rate. Did Vietnamese women participate voluntarily in clinical trials, or were they coerced? There are allegations, made in a Vietnamese language publication called The Woman, that at least 100 of the participants in the Vietnamese study had quinacrine inserted without their knowledge during pelvic examinations. Faced with these and many other charges this study was suddenly halted in 1993.

There are also credible reports that ever-growing numbers of women are being sterilized without any standard drug trial protocol at all.

In Pakistan, for example, a Dr. Altaf Bashir of the Mother and Child Welfare Association in Faisalabad has reported sterilizing women with quinacrine at the rate of 100 a month. Most of the women were found in ''street camps'' or were otherwise tracked down and ''motivated'' by Bashir's staff.

Because so many women did not return to the clinics for the second insertion of the drug Bashir took up a single insertion approach, even though much of the available research so far argues against a single insertion being sufficient to cause complete sterility. An independent nurse practitioner who observed Bashir's work had this to say about it:

''Some patients are recruited at 'street camps' and given little information or time to fully understand and think about the implications of this type of procedure. Patients receiving treatment at regular clinic facilities receive a bit more information, but are not informed that this method has not been formally sanctioned for use in Pakistan. Insertions are primarily conducted by lady health workers (not doctors) with limited clinical skills necessary to rule out any underlying pathology. Essentially no follow up of these patients is conducted. The patient is told to 'return if she has any problems.' Those that don't return are assumed to have no problems, no pregnancies, etc. There is no mechanism established for follow up of these patients.''

THE CASE OF THE DALKON SHIELD

(By James A. Miller)

Government officials, A.H. Robins executives and Pathfinder Fund administrators (among others) conspired in the early 1970's to dump hundreds of thousands of dangerous unsterilized contraceptive devices—unmarketable in the United States—into the developing world, according to a recent analysis of government and other documents. These devices were Dalkon Shields.

Robins' international marketing director wrote to USAID to interest it in placing ''this fine product into population control programs and family planning clinics throughout the Third World.'' The deal was sweetened with a special discount: the company offered USAID the Shield in bulk packages, unsterilized, at 48 percent off the standard price!

One of the greatest hazards associated with the use of any IUD is the possibility of introducing bacteria into the uterus. Accordingly, all IUDs sold in the United States come in individual sterilized packages, with a sterile, disposable inserter for each device. The sale of non-sterile IUDs would be highly irregular in the United States, and would probably result in product liability suits.

Careful to preserve its image and to protect itself legally, Robins emphasized that USAID could not distribute the nonsterile Shields in the United States. A January 1973 Robins memo declared that the nonsterile form of Shields ''is for the purpose of reducing price . . . [and] is intended for restricted sale to family planning/support organizations who will limit their distribution to those countries commonly referred to as 'less developed.'

Robins expected practitioners in such countries to sterilize the Shields by the old-fashioned method of soaking them in a disinfectant solution, a procedure which, in the U.S., would border on malpractice. Moreover, Robins provided only one inserter for every 10 Shields, thus greatly increasing the possibility of infection.

Robins included only one set of instructions with every 1,000 Shields, and those were printed in just three languages, English, French and Spanish. Although the devices were destined for distribution in 42 countries, many of them Moslem and Asiatic, it is highly unlikely that they were read by more than a small number of people.

When USAID officials asked whether Dalkon Shields could be safely inserted by staff workers of remote family planning clinics, who would not have had the benefit of an American medical education, Robins replied

that was no problem. This was not what the company had argued in the U.S., where it customarily countered reports of adverse medical reactions by blaming unqualified personnel, such as the occasional general practitioner, for inserting the device.

Ravenholt approved the deal. Hundreds of shoe box-sized cardboard cartons, each filled with 1,000 unsterilized Dalkon Shields paid for by the U.S. Treasury, left the America's shores bound for clinics in Paraguay, El Salvador, Thailand, Israel and 38 other countries. The big Dalkon dump was on.

Altogether, USAID purchased and shipped more than 700,000 Dalkon Shields for use in the Third World. Slightly more than half of the Shields went to IPPF. The rest were provided to the Pathfinder Fund, the Population Council, and Family Planning International Assistance, all of whom were major grant recipients of USAID.

Although records are sparse and incomplete, Pathfinder's annual reports for fiscal years 1973 and 1974 disclose that it distributed at least 37,602 Dalkon Shield IUDs into the following countries: Indonesia (500), Kenya (5,000), Nigeria (1,000), Tunisia (5,200), Dominican Republic (4,000), El Salvador (2,000), Haiti (350), Jamaica (1,000), and Venezuela (5,000): Israel (500), Senegal (200), Indonesia (500), Tunisia (7,500), Mexico (1,152), Brazil (1,200), Chile (1,500), and Colombia (1,000).

Substantial but unknown quantities of Shields were also shipped by Pathfinder to India, Paraguay, Egypt, Singapore, and Thailand. Since the Dalkon dump of the early 1970's passed without notice, there is reason to be concerned that similar incidents could happen in the future, perhaps with Norplant.

''MARIA GARCIA'': I HAVE WITNESSED MANY ABUSES

I am a medical professional who has worked in Mexican hospitals for several years. I am here today to tell you about the devastating results of U.S. family planning funding sent to Mexico.

Here in the United States, family planning is voluntary. But in Mexico, it is often literally forced on vulnerable women. I have witnessed many abuses.

One common practice I have seen is coerced IUD insertion. This occurs when a woman is about to have a baby. When she comes to the hospital, she is separated from her husband. She is not allowed to see him from the time of the initial exam until she is discharged six hours after delivery.

At the time of her initial exam, doctors ask ''Que vas a hacer para que no te embarasas otra vez?'' ''What are you going to do so you don't become pregnant again?'' If she answers, ''I plan to have more children'' or ''I plan to use the Billings Ovulation Method,'' this is not acceptable. The doctors will continue to harass her throughout her labor and delivery until she says that she agrees to use contraception or have a tubal ligation.

If she says that she is willing to use contraception or have a tubal ligation, this is noted in her medical chart so that medical personnel can reinforce her statement throughout her stay.

If she says ''I don't know,'' she is offered two choices: an intrauterine device, known as an IUD, or sterilization. No other options are given.

None of the risks and complications of these two methods are explained to her. Therefore the patient who agrees cannot be said to have given her ''informed consent.''

The patient is also not asked her gynecological history. A history of repeated Population Research Institute Review 10 March/April 1997 vaginal infections, multiple sex partners, etc., are contraindications to the use of an IUD. But since there is no history taken these women are given IUDs regardless.

If a woman refuses to submit to either an IUD insertion or a tubal ligation, a steady stream of medical personnel, including doctors, nurses, and even social workers, pressures her to choose one of the two options. This pressure steadily increases as the time of the delivery approaches.

All this pressure occurs at a time when the woman is extremely vulnerable. The pain of labor she is experiencing weakens her resistance. I have seen women refuse to accept an IUD or sterilization four or five times during early stages of labor, only to give in when the pain and the pressure becomes too intense. In this way the woman is subjected to a form of torture, without actually having to torture her.

Any women in the audience who have gone through labor will agree that this practice is inhuman. Labor is not the time to be coerced into making possibly irreversible decisions about childbearing, especially when the husband cannot participate.

The more children a woman has, the more she will be pressured to submit to sterilization. After the third child, the pressure to accept tubal ligation is very intense.

Why are the IUD and sterilization the only options offered to women? Because these are once-and-done procedures. They do not require the continuing voluntary participation of the women in question. No further visits to the doctor are required.

The complaints of Mexican women suffering from IUD side effects are frequently ignored. Requests for removal are dismissed. Recently, a woman came to a clinic where I was working to ask that her IUD be removed. It had been inserted the previous month after the birth of her baby. The doctor in charge told her that the pain and abnormal bleeding that she was experiencing would disappear within several months. He refused to remove the IUD or even examine her. She came back the following week, begging to have it removed. I took it upon myself to remove it. Infection was already apparent. This woman is now faced with the possibility of further complications such as adhesions, pelvic inflammatory disease, or sterility serious side effects that may not be discovered until later, if ever.

Women have also been refused medical treatment unless they allow themselves to be sterilized. I recently saw a pregnant woman with a painful umbilical hernia. When she came to the hospital to deliver her baby, she wanted her hernia fixed at the time of delivery. The attending doctor refused to fix the hernia unless she agreed to have a tubal ligation. In other words, the threat of withholding medical attention was used to coerce her assent. The woman insisted that her husband did not want her to be sterilized. The doctor replied that her husband would never know. This conversation occurred in the delivery room just minutes before her baby was born. Can you imagine her dilemma? Despite her desire for more children, she agreed to be sterilized in order to receive much needed medical care.

What makes doctors and other medical personnel willing to violate women's rights and engage in substandard medical practices? Because they risk losing their jobs if they don't conform. Those who refuse to perform tubal ligations or involuntary IUD insertions are fired.

DR. STEPHEN KARANJA: HEALTH SYSTEM COLLAPSED

Our health sector is collapsed. Thousands of the Kenyan people will die of malaria whose treatment costs a few cents, in health facilities whose stores are stocked to the roof with millions of dollars worth of pills, IUDs, Norplant, Depoprovera, most of which are supplied with American money.

Special operating theatres fully serviced and not lacking in instruments are opened in hospitals for sterilization of women and some men. In the same hospitals, emergency surgery cannot be done for lack of basic operating instruments and supplies. Most of the women are sterilized without even knowing it is final. Some with only one child. Some are induced with financial assistance to accept sterilization. Horrified sterilized women now trot from hospital to hospital looking for reversal of the tubal ligation. This is breaking marriages especially when the single child or two succumb to the myriad tropical diseases with easy treatment that is not available.

Millions of dollars are used daily to deceive, manipulate and misinform the people through the media about the perceived good of a small family—while the infant mortality rate skyrockets. Some of this money is not used to educate people on basic hygiene, proper diet or good farming methods that would be useful development, but it appears that the aim of population controllers is to decimate the Kenyan people.

I am a practicing gynecologist in Kenya and I would like to share with you facts about some of the patients I see daily:

A mother brought a child to me with pneumonia, but I had not penicillin to give the child. What I have in the stores are cases of contraceptives.

Malaria is epidemic in Kenya. Mothers die from this disease every day because there is no chloroquine, when instead we have huge stockpiles of contraceptives. These mothers come to me and I am helpless.

I see women coming to my clinic daily with swollen legs—they cannot climb stairs. They have been injured by Depoprovera, birthcontrol pills, and Norplant. I look at them and I am filled with sadness. They have been coerced into using these drugs. Nobody tells them about the side effects, and there are no drugs to treat their complications. In Kenya if you injure the mother, you injure the whole family. Women are the center of the community. The wellbeing of the family depends on the wellbeing of the mother.

Why do you not stop this money being used for contraceptives and use it instead to provide clean water, good prenatal and postnatal care, good farming methods and rural electrification. Do the American people know that the millions of dollars spent for population control are used in the ways I have described? Why does your government not deal directly with our government but instead uses a third party like IPPF, which has no respect for the values of our people and our laws?

USAID is the single biggest supporter and promoter of population control in Kenya. The programs it funds are implemented with an aggressive and elitist ruthlessness. In Kenya the target are always the poor and the illiterate who are pressured and tricked into using dangerous drugs which are often banned in the west, or who are sterilized during childbirth without either their knowledge or consent.

If the funds you use to kill, maim, subjugate, dominate and break us to nothingness were used to cultivate our extraordinary resources, Kenya alone could feed more than half the African continent. Dear Americans, you cannot build your own security on the insecurity and degradation of others. You cannot build your own wealth on the poverty and destitution of people in the least developed nations.

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[From the Wall Street Journal, Feb. 27, 1998]

IN PERU, WOMEN LOSE THE RIGHT TO CHOOSE MORE CHILDREN

(By Steven W. Mosher)

When a government team held a ''ligation festival'' to register women for sterilization in La Legua, Peru, Celia Durand resisted.

According to Mrs. Durand's now-widowed husband, Jaime, the 31-year-old mother of three was appalled at the pressure tactics government health workers used to induce women to have tubal ligations. Not only did they go house-to-house to round up candidates, but they paid repeated visits to those who refused to comply. Mr. Durand says they reassured his wife that the operation was ''simple and quick,'' adding that she could ''go dancing the same night.''

Even though Mrs. Durand knew that the local health station was equipped with little more than an examination table, pressure from government health workers finally wore her down. On July 4, 1997, she reluctantly underwent surgery. Two weeks later she died from complications.

Celia Durand was part of a massive sterilization campaign by the government of President Alberto Fujimori. It is a classic case of the conflicts of interest and potential for ethical violations inherent in a government sponsored ''family planning'' program. What was originally sold to Peruvians as an altruistic program aimed at helping poor Peruvian women has evolved into an orchestrated attempt to control reproduction and to meet a goal of fewer Indian children in the countryside.

In June 1995 Mr. Fujimori announced that his government would ''disseminate thoroughly the methods of family planning to everyone'' in order to make ''the women of

Peru . . . owners of their destiny.'' What has happened since belies Mr. Fujimori's feminist sentiments.

Until October 1995, even voluntary sterilization was illegal in Peru. With Mr. Fujimori's backing, the Peruvian Congress legalized it. Soon the Ministry of Health, then headed by Eduardo Yong Motta, made sterilization its main method of ''family planning.''

In a Jan. 29 interview with David Morrison of the Population Research Institute, Dr. Yong Motta, now President Fujimori's health adviser, defended the practice of sterilizing women even if they had previously been using other contraceptives such as the injectable Depo-Provera. ''Depo costs too much,'' Dr. Yong Motta said. ''In addition. . . . a women might forget to come in for her shot or might not want to.'' (emphasis added)

By spring 1996 the Ministry of Health had set national targets for sterilizations, and health workers were being given individual quotas. The ministry has been aggressively targeting poor women in rural areas—which in practice means those of Indian or mixed descent—for sterilization. The medical director of the Huancavelica region, for instance, ordered in a written communiqué that ''named personnel have to get 2 persons for voluntary surgical sterilization per month.'' According to this directive. ''At the end of the year thee will be rewards for the site that has . . . the greatest effort to bring in people.''

To meet these targets, mobile sterilization teams travel throughout the countryside, holding ''ligation festivals'' and practicing the kind of coercion that Celia Durand experienced. In many areas health workers receive a bonus for each additional procedure, while they can lose their jobs if they fail to meet their quotas. As the Huancavelica directive notes, ''At the end of the year each person will be evaluated by the numbers of patients captured.''

Dr. Yong Motta openly defends quotas. ''Of course the campaign has targets. . . . [Success is measured] through many methods, including numbers of acceptors verus nonacceptors.'' He admits the dangers of setting targets, but insists that ''the campaign has been a success.''

That Peruvian medical workers under heavy pressure to meet sterilization quotas should resort to coercion is hardly surprising. Knowing full well this danger, the 1994 Cairo Population Conference condemned the use of quotas or targets in birth control campaigns, an admonition Mr. Yong Motta and other Peruvian officials have now admitted ignoring.

Coercion takes various forms. First, there are repeated visits to the homes of holdouts. As one woman in La Quinta remarked, the workers came ''day and night, day and night, day and night to urge me to undergo the operation.''

Various bribes and threats are also employed. According to interviews in villages and press accounts in El Commercio, hungry women are offered the opportunity to participate in food programs, including programs supported by the U.S., if they agree to sterilization. Women already participating in food programs have been threatened with expulsion.

Rural women report that no mention is made of sterilization's health risks. Nor are they given the opportunity to choose alternative methods of family planning; indeed, women using contraceptives have been refused additional supplies. There have even been sterilizations performed on women without their consent, often during the course of other medical procedures. Victoria Espinoza of Piura has testified before a U.S. congressional committee that doctors at a government hospital told her she was sterilized—without warning or permission—during a Caesarean delivery. Her baby later died.

Dr. Yong Motta attempts to defend the pressure tactics. ''If the Ministry of Health did not do the campaign house-to-house, people would not come,'' he asserts. As far as the repeat visits are concerned, ''It was a doctor's responsibility to convince the patient into doing what was best and having [a tubal ligation]. Women in Peru have many children.''

The U.S. has some responsibility for all this. It has been pushing population control in Peru for three decades. As congressional staffer Joseph Rees remarks, ''We have enriched, encouraged, and thus emboldened the Ministry of Health to take decisive action where population growth was concerned.''

Dr. Yong Motta is more blunt, saying that the U.S. Agency for International Development ''is disqualified from objecting [to the sterilization campaign] because they have been helping in the family planning program from the first.''

To understand how oppressive and intrusive Peru's family-planning program is, imagine how you'd feel if someone from the Department of Health and Human Service showed up on your doorstep bearing contraceptives—let alone an order to report for sterilization. Not all government-sponsored family planning programs are this coercive. But there is an element of intrusiveness common to them all. Instead of making poor women in Peru ''owners of their destiny,'' Mr. Fujimori's birth control campaign paternalistically decides their reproductive destiny for all time.

STERILIZATION HORROR STORIES

Bangladesh—Women receiving sterilization and contraception were offered payment incentives of $3 each, plus a new saree. The government also pays incentives to providers for signing up women. Women consent to sterilization out of desperation for food. USAID endorses coercive incentives.

Honduras—USAID funds help implement coercive program for experiments with Ovrette, an unapproved contraceptive bill. Warnings about the experimental drug's side effects on nursing mothers were hidden from the women in the program.

India—Family planning programs depend on quotas, targets, bribes and coercion. USAID funds sterilizations using Quinacrine which is illegal in India and scars/burns the fallopian tubes. Conditions are miserable at the USAID funded sterilization camps, there are primitive, unsanitary conditions and appalling mortality rates.

Indonesia—Family planning clinics rely on threats and intimidation to bring women into the clinics. Studies have shown that IUDs are inserted at gunpoint. The programs employ life-threatening denials of treatment and follow up care and offer an informed consent.

Kenya—Women are coerced into Norplant implantation and sterilization. Sterilized women are denied health care for debilitating complications. USAID is the biggest supporter of population control in Kenya.

Mexico—Hundreds of forced sterilizations are documented. Medical personnel are fired for their refusal to perform sterilizations. Women refusing sterilization are denied medical treatment.

Peru—Family planning programs are coercion, misinformation and quotas and sterilization-for-food efforts. Medical personnel must meet sterilization quotas and surgical staff are insufficiently trained and work under poor conditions. USAID sponsors family planning billboards signaling to Peruvian women that the family planning methods employed are U.S. sanctioned.

Phillipines—USAID targets local governments with quotas as a condition for funding and encourages pharmaceutical companies to push contraceptives on unsuspecting Filipinos. Women are secretly injected with abortifacient while receiving tetanus vaccines.

TEXT FROM EMAILED ARTICLES AND OTHER TEXTUAL EXCERPTS

[From the Latin American Alliance for the Family—Press Release, Feb. 11, 1998]

U.S. GOVERNMENT ASKED TO WITHDRAW POPULATION CONTROL FUNDS FROM PERU FOLLOWING REPORTS OF MASSIVE HUMAN RIGHTS ABUSE

Amid ever-increasing evidence documenting coercive government population control efforts and sterilization campaigns in Peru, the Latin American Alliance for the Family (ALAFA) has called for the U.S. government to withdraw its financial support for Peru's population control efforts which have resulted in the deaths and injury of numbers of Peruvian women, mostly in very poor areas of the country.

Daniel Zeidler, director of the U.S. office of the Latin American Alliance for the Family, an international advocacy organization, following its own investigative efforts in Peru, said ''Peru's population program is seriously violating human rights by pressuring and coercing poor women to be sterilized. Reports and testimonies abound of women being offered food in exchange for agreeing to be sterilized, health workers being pressured to reach government sterilization goals, women being sterilized without their consent or without full knowledge of the implications.''

Numbers of women have died following sterilization procedures. Many women complain that after receiving a free sterilization they suffer serious medical complications and many times are not treated or are told by representatives of the same health system that gave them a free sterilization that the women must buy expensive medications that they cannot afford.

Medical experts have stated that the deaths and complications are due primarily to the poor sanitary and medical conditions under which these operations are performed.

Feminist and campesino leaders as well as Church and human rights leaders within Peru have denounced these campaigns.

Recently, a prestigious independent Peruvian human rights watchdog organization, the ''People's Defender'' recognized the validity of the human rights abuses and called upon the government to immediately reform the program.

The Peruvian government has denied the existence of a sterilization campaign and has minimized the complications, but has indicated it will make changes if necessary.

The involvement of US funds in Peru's population control programs is currently being investigated by Congress. The chief staff person of the U.S. House of Representtives subcommittee on International Operations and Human Rights, Joseph Rees, recently returned from Peru following a fact-finding mission in January. Rees met with feminist, human rights, religious and governemnt leaders as well as interviewing numbers of victims. His official report to the subcommittee, issued February 10, 1998, was critical of USAID's involvement in Peru's family planning programming and recommends that the U.S. ''discontinue all direct monetary assistance to the Government of Peru family planning programs until it is clear that the sterilization goals and related abuses have stopped and will not resume.''

The report also calls for the U.S. to ''discontinue in-kind assistance'' which might directly or indirectly facilitate the sterilization campaigns, and to ''publicly'' disassociate itself from the campaigns.

Zidler called on all those interested in human rights to contact both Congress and the President to urge them to publicly denounce these abuses to the government of Peru and to immediately suspend US populatin funds to Peru.

FACT SHEET NO. 1

SOME OF THE DEATHS RESULTING FROM STERILIZATIONS

Case of Juana Gutierrez Chero (La Quinta, Piura, Peru)—died at home approximately 10 hours after being sterilized; according to her husband she did not want to be sterilized, but the health workers kept coming to their house repeatedly to encourage her to be sterilized. Once she even hid from them. They came for her one day after her husband had left for work. They sent her home shortly after the operation. When her husband returned from work he found her very ill and in bed; he went off to the clinic to see if he could get help, but no one was there; Juana died that night at home about 2 am. (Testimony on video)

Case of Celia Ramos Durand (La Legua)—died about two weeks after undergoing a sterilization to which both she and her husband consented after being told it was a simple operation. According to the family, when she didn't return home from the clinic, the family went to look for her and were told she had been transferred to a hospital. They later found out she had gone into a coma as a result of the operation. (Testimony on video.)

Case of Magna Morales Canduelas (Tocache)—died 12 days after being sterilized. (El Comercio, Dec. 19, 1997)

Case of Alejandrina Tapia Cruz (Cajacay)—died one week after a sterilization operation. (La Republica, Dec. 7, 1997)

Case of Reynalda Betalleluz (Huamanga)—died day after sterilization (La Republica, Dec. 30, 1997)

Case of Josefina Vasquez Rivera (Paimas)—died day after sterilization (La Republica, Dec. 30, 1997)

STERILIZATION WITHOUT KNOWLEDGE OR CONSENT

Example: Case of Victoria Espinoza (Piura). Sterilized following a C-section. Baby also died. (Testimony on video)

FREE STERILIZATIONS, BUT PATIENT MUST PAY FOR COMPLICATIONS

Numbers of newspaper articles reported that women who suffered physical complications were required to pay for their medications. Many reported there was no follow-up by health workers.

FOOD IN EXCHANGE FOR STERILIZATIONS

Example: Case of Ernestina Sandoval (Sullana). She had been told by health workers that she could get free food by going to the local hospital. When she got there, she was told she had to be sterilized in order to receive the food. She refused. She was told she could get the food this month, but that next month she should not come back unless she was sterilized. (Testimony on video) Similar accounts of offering food in exchange for sterilizations have been reported in press accounts.

UNDERWEIGHT CHILD WITHDRAWN FROM GOVT. FOOD PROGRAM BECAUSE MOTHER REFUSED TO BE STERILIZED

Example: Case of Maria Emilia Mulatillo (Sullana). Her 2 year-old daughter was participating in a government food program, but after about two months, Maria was told she should be sterilized. She said she didn't want to be, yet the pressure on her continued, till finally she was told if she didn't get sterilized her child would be withdrawn from the program. She still refused to be sterilized and her child was then withdrawn from the program. (Testimony on video)

In order to get women to accept sterilization, health workers told women their contraceptive would no longer be available and they should get sterilized. (La Quinta)

YOU CAN'T LEAVE THE HOSPITAL UNLESS YOU'RE ON BIRTH CONTROL

Example: Case of Blanca Zapata Aguirre (Sullana). After giving birth she was told she had to have some type of birth control. She said she didn't want anything, but she was given a shot when she was sleeping. She was later told it was for birth control. (Testimony on video) Peru's government manual ''Reproductive Health and Family Planning 1996–2000'' calls for 100% birth control usage by women who have just given birth.

Charges of health workers go house to house, and then back, and back again pushing sterilization are common.

Health workers are reportedly pressured to meet their goals.

Some Health workers received 15–30 soles per sterilized woman (US $6–$12) according to Giulia Tamayo of Flora Tristan feminist organization. (La Republica, Dec. 30, 1997)

FACT SHEET NO. 2

LOTS OF NEWS COVERAGE IN PERU

16 major newspaper articles including numbers of investigative reports over a period of about one month (mid-Dec '97 to mid Jan '98) in the major newspaper EL COMERCIO. Other major newspapers also had significant coverage.) ALAFA has copies of many of these articles. It is impressive just to see the quantity of articles written.

SELECTED NEWSPAPER HEADLINES FROM EL COMERCIO, DEC., '97–JAN., '98

''Nurses Deceived Women in Order to Sterilize Them'' (El Comercio, Jan. 26, 1998).

''Widowers Were Paid Not to Denounce Deaths of Sterilized Wives'' (El Comercio, Jan. 24, 1998).

''Woman hospitalized for 3 months due to infection caused by sterilization'' (El Comercio, Dec. 24, 1997).

''They sterilized woman who was one month pregnant'' (El Comercio, Dec. 23, 1997).

''Woman received clothes for her children in exchange for sterilization'' (El Comercio, Dec. 23, 1997).

''Food Programs Used to Get Women to be Sterilized'' (El Comercio, Dec. 20, 1997).

''They Deceived Me'' (Nurse comes to woman's house after husband had left for work and told the woman that her husband had said she should be sterilized; woman refused to believe it, and refused to go; when her husband returned he denied he had told the nurse that.) (El Comercio, Dec. 20, 1997).

''Children of Woman Who Died Following a Tubal Ligation Are in Total Abandon'' (El Comercio, Dec. 19, 1997).

''Magna Morales Wasn't Sure, But the Donated Food Convinced Her'' (El Comercio, Dec. 19, 1997) (Magna Morales died 12 days later following her sterilization.)

SOME OF THE INTERNATIONAL COVERAGE

LeMonde.
Miami Herald,
Assoc. Press.
France Press(?).
Radio Nederland.
BBC.

[From World, Feb. 20, 1999]

IT TAKES MORE THAN A VILLAGE TO DEPOPULATE ONE

SPECIAL REPORT FROM INSIDE KENYA'S TWO-CHILD POLICY: CONTRACEPTIVE FAMILY PLANNING AND ABORTION ADVOCACY MARK THE KIND OF ''RELIEF'' INTERNATIONAL RELIEF ORGANIZATIONS ENERGETICALLY IMPORT TO EAST AFRICA

(By Mindy Belz)

A large, dusty sign hovering over the used-clothing stalls of Kenyatta Market reads, ''Marie Stopes International—family planning/laboratory services, maternal health, counseling services, curative services, gynecological consultation.'' Steps beckon to a second-floor clinic. It offers extended hours, six days a week, and the door is always open.

Inside, an American woman can inquire about receiving an abortion, if she will be discreet. ''Do you have all forms of family planning here, or do you refer patients to a hospital or somewhere else?''

''Yes, all forms,'' replies a friendly African receptionist.

''If a person were pregnant, but wasn't sure she could go through with it . . .''

''You have to just say what it is you want,'' the receptionist interjects, leaning into the counter and lowering her voice.

''Could a pregnancy be terminated or would that have to be done somewhere else?''

''It can be done here.''

Never mind that abortion in Kenya is illegal. Overseas charity organizations like the British organization Marie Stopes are the van-guard in changing Kenya's cultural reticence to killing unborn babies and limiting family size. They use enticing come-ons promoting ''maternal health'' and ''comprehensive family planning.'' In East Africa and other developing regions of the world, they receive outsized budgets from multilateral agencies in the name of empowering women, improving health conditions, and preserving the environment.

At the behest of the UN Family Planning Association (UNFPA) and international groups including Marie Stopes, the International Planned Parenthood Federation (IPPF), and others, Kenya is embarking on an aggressive family planning program. The UNFPA was denied funding by the United States from 1985 until 1993 for support of China's coercive one-child policy. Its allocation from Washington restored in 1993 by the Clinton administration, the UNFPA is in the middle of a five-year, $20 million program to control Kenya's population. Not content with the dramatic reduction in Kenya's birth rate—which modern contraceptives already have achieved (from 8 children per woman in 1979 to just over 4 children per woman today)—the UNFPA and others are looking to reduce fertility further, to 2 children per woman by 2010.

''We have a two-child policy except in law,'' said Margaret Ogola, a Nairobi physician. ''Practically the only kind of health care you get in this country centers on reproductive health and family planning.''

UNFPA papers refer to a ''decentralized'' national population policy driven by the Kenyan government's National Council for Population and Development. But local direction is not the case, according to Dr. Ogola, who, as a representative for Kenya's Catholic Secretariat, is involved in regular consultations with NCPD. Funding for the NCPD, as for all Kenya's population projects, begins with funding from UNFPA, the World Bank, the World Health Organization, and overseas developers like the State Department's U.S. Agency for International Development (USAID).

From those sources also flow grant and contract awards to groups like Marie Stopes

and to Kenya's IPPF affiliate, Family Planning Association of Kenya (FPAK). USAID does not list Marie Stopes as one of its beneficiaries, but FPAK received direct funding by USAID until 1997, according to FPAK director Stephen K. Mucheke. Mr. Mucheke told WORLD, ''We work in collaboration with other organizations, and sometimes we may be funded by the same donor that is funded by USAID. We share the same implicit plans.''

A little noticed amendment to last year's congressional budget bill should have put U.S. funding for UNFPA's quota-based program out of bounds. The Tiahrt amendment forbids U.S.-funded family planning programs from setting targets or quotas for number of births, sterilizations, or contraceptive prevalence.

Abortion, according to Mr. Mucheke, ''is happening down the street. . . . From an official point of view, I am not supposed to say that there are groups like Marie Stopes performing abortions. What I would say is, if you want to know about products and procedures, ask a consumer.''

In the UN lexicon, so-called private groups like FPAK are referred to as NGOs, or nongovernmental organizations. The NGO consensus holds that most of the problems in the developing world can be solved with more contraceptives. Private pharmaceutical companies also get a piece of the action by contracting with NGOs and government agencies to supply the contraceptives. Groups like IPPF, which cried foul when U.S. judges tried to force Norplant on convicted drug users and child abusers, don't have a problem when it is women in the developing world under not government coercion, but their persuasion.

Common among NGOs, particularly in controversial issues involving family planning, is a practice of ''stripping off'' portions of a large grant to other organizations, in effect subcontracting services in a way that makes following the money a challenge. More common, contraceptive programs reside in programs with blander names.

Thus, even when the Christian relief organization World Vision surveyed its health officers worldwide on family planning issues last year, it found: ''All responding NOs [national offices] are engaged in some type of family planning—related activity, either as a straightforward family planning or reproductive health project or buried within child survival, maternal health or women's health activities.''

As a result of the contraceptive campaign, Nairobi residents are streetwise about birth control. Women who wear Norplant are teased on city buses for the ''battery pack''; the six-capsule implant, just inside a women's upper arm, is revealed when a woman reaches for an overhead strap during crowded commutes.

Shoppers at Kenyatta, a busy nexus between the slum area of Kibera and lower-to-middle class neighborhoods near the downtown area, know where to go for an abortion. They know about the ''copper T'' and ''the loop,'' two different kinds of IUDs. And, like people everywhere, they dismiss much-touted condoms as impractical.

Even Christian women looking for inexpensive, safe, and acceptable contraceptives may be unknowingly referred to Marie Stopes, because it has been known to do some procedures, like tubal ligation, free of charge. The London-based organization gained a reputation for increasing the availability of both sterilization and abortion services in Bosnia and Croatia, countries that now report negative fertility rates.

In addition to performing actual abortions, Marie Stopes and other clinics, along with up to 90 percent of private OB-GYNs, peddle an abortifacient procedure called ''menstrual regulation.'' Similar to what is known in the United States as dilation and curettage (D&C), in Kenya menstrual regulation can be performed as an office or clinic procedure. It is done when a woman misses a menstrual period but without benefit of a pregnancy test. No one knows how many abortions result from menstrual regulation. Even without that tally, in Kenya, according to UN statistics, ''40 percent of all documented schoolgirl pregnancies terminate in abortion.''

But none of it means that women who need help are well informed, according to Stephen Karanja, a long-time Nairobi gynecologist. Dr. Karanja, a Roman Catholic, served as secretary of the Kenya Medical Association and has practiced obstetrics and gynecology at Kenyatta National Hospital, Nairobi's largest public facility, as well as at Mather Hospital, a smaller, private, and Catholic facility. Dr. Keranja helped organize the city's Family Life Counseling Center and has been an activist in upholding Kenya's law banning abortion. In 1992 he opened a clinic at Kenyatta Market—50 yards from the entrance to Marie Stopes. He named it St. Michael's, in honor of the patron saint that does battle with forces of evil.

Most of the women Dr. Karanja sees at St. Michael's have been given no information and little follow-up in connection with the methods of birth control they are using. Last year at the clinic, he removed approximately 200 IUDs.

''Word of mouth has spread, and when women begin to have problems with IUDs, someone tells them to go to 'that crazy man on the hill and he will remove it,'' he said.

He keeps a sampling of those reclamations in a screwtop jar, and when he wants to give a graphic depiction of how women are served by Nairobi birth control providers, he spills the jar's contents across his desk. To a trained medical eye, the devices are throwbacks, copper coiled or loop-shaped IUDs that were taken off the U.S. market at least five years ago. The T-shaped devices had an extremely high failure rate; another IUD, copper 385, contained enough copper wire to be deadly toxic to a developing, tiny unborn child.

Dr. Karanja's patients tell him, in most cases, that the birth-control clinics that inserted the devices are not willing to remove them. ''The services encouraged for poor women are those that are not repetitive,'' he said. ''They are not something the women can decide themselves to change.''

Catholics and evangelical Protestants disagree on where to draw the line on contraceptives. Both, however, see the pitfalls of a national family planning plan. ''In our culture, that is why the message and the messenger have to go together. The church is still custodian of morality in Africa. These are deep-seated issues, and people need to be able to trust the messenger,'' said Peter Okaalet, Africa director of MAP International, a Christian medical relief group based in Brunswick, Ga.

''NGO work has come into acceptance because the government has let us down,'' Mr. Okaalet told WORLD. ''We talk about Kenya as a country with 10 millionaires and 10 million beggars. With half the population living below the poverty line, NGOs are perceived as an answer.''

Dr. Ogola agrees: ''No individual, not even combined force of the churches—and it is a force to be reckoned with in this country—can compete with the massive propaganda and funding. The government has to wake up to the fact that its people are important and its policies have to be home-grown.

''We have to tell the government to resist. That is very hard when the government is broke and the donors are offering millions for family planning.''

□ 1330

Mr. CHABOT. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in support of House Resolution 118, a resolution to reaffirm that this Congress is committed to the principle that all family planning, both in the United States and, as we are addressing in this resolution, abroad should be voluntary.

It is critical that we affirm this commitment to voluntary family planning because even this week there is a gathering at the United Nations to discuss a 5-year review of family planning and population development progress since the same Cairo conference 5 years ago.

Since this conference 5 years ago, we have heard some disturbing accounts of women around the world becoming victims of coercion by agents of the United Nations. These women's choices are being limited against their will.

Is this what so-called population control advocates really want, to tell these women, many of whom are poor and scared, that they can never again bear more children? Well, we have seen the evidence, and that is why it is important for Congress to speak up about this today.

For instance, in Peru, what has population control come to mean? Education? Money to buy clean sanitary medical conditions? Even lessons about potential contraception?

No. Instead, population control and family planning has come to mean forced, mandatory and coerced sterilization of poor Peruvian women.

Have these women chosen such paths for their reproductive futures? Have they been able to discuss options with their husbands and families?

No. Without notification and without consent, the international community has strayed from voluntary family planning and is instead actively pursuing targets and quotas and deciding for poor women what is best for them.

In Peru, as in many other locations around the globe, this has resulted in sterilizations, sterilizations in filthy, primitive conditions, just to meet a mandated quota.

Similarly, in the BBC documentary ''The Human Laboratory,'' women told their stories about how U.S. taxpayer dollars were being used for family planning in Bangladesh, in Haiti. One woman begged to have a Norplant removed. She said, quote, ''I am having so many problems. I am confined to bed most of the time. Please remove it. My health broke down completely.'' She eventually resorted to pleading, ''I am dying, please help me get it out.''

Here was the response. The clinic worker told her, quote, okay, when you die, you inform us and we will get it out of your dead body, end quote.

Many other women have complained of severe bleeding, blindness, migraine

headaches. According to Farida Akhter, executive director of the Research for Development Alternatives in Bangladesh, quote, it is cheaper to use Third World women for such birth control experimental devices and methods than to use an animal in the laboratory in the West, end quote.

Through such grossly unjust experimentation, poor women have been robbed of the most important resource they have, their own healthy bodies. A woman's health is key to the survival of her entire family in many of these countries, and this must come to an end.

In the name of population control and under the guise of family planning, America and the United Nations have exported horror to women abroad. And our family planning advocates call this progress?

Mr. Speaker, we should be calling it by the most descriptive and accurate term that it is: Slavery.

I urge my colleagues to join in support of the Tiahrt resolution today. Reaffirm that all family planning programs should be completely voluntary. Help maintain the dignity of women around the world.

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

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

Mr. Speaker, we would urge adoption of the resolution. I think it is a very good resolution. I want to again thank the gentleman from Kansas (Mr. TIAHRT) for proposing it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I join my colleagues in support of House Resolution 118, which reaffirms the principles of the Programme of Action of the International Conference on Population and Development. This Programme of Action addresses the sovereign rights of countries and the rights of informed consent in family planning programs.

This resolution states that all family planning programs should be voluntary and completely informative on the various planning methods. Informed consent and voluntary participation are essential to the long-term success of any family planning program.

Family planning programs are an essential part of reproductive health care. Each year an estimated 600,000 women die as a result of pregnancy and childbirth most in developing countries, where pregnancy and giving birth are among leading causes of death for women of childbearing age.

With the current world population at over 5 billion and growing, we must support international family planning programs. Women in under-developed countries must have access to information that will allow them to make informed reproductive health decisions concerning contraception and the spacing of their children.

In supporting this Programme of Action, we support international reproductive health services and the sovereign right of other countries to make decisions concerning the well-being of their citizens.

Mrs. LOWEY. Mr. Speaker, I am pleased that the resolution we are debating today quotes from the Programme of Action of the International Conference on Population and Development. As many of my colleagues know, the ICPD met in 1994 and reached a consensus on a 20-year Programme of Action that makes an unprecedented commitment to women's rights and concerns in international population and development activities.

I applaud my colleagues for supporting the implementation of the Programme of Action. But since the authors of this resolution left out a good portion of the Programme. I'd like to fill in our colleagues about the rest of it, because it also deserves our strong support.

The Programme of Action calls for universal access to a full range of basic reproductive health services. It also calls for specific measures to foster human development, with particular attention to the social, economic, and health status of women. It supports integrating voluntary family planning activities with other efforts to improve maternal and child health to make the most effective use of our limited resources.

The resolution we are debating here today discusses the need to respect the religious and cultural realities of the countries in which we fund family planning activities. I agree. I also believed that we need to respect the rights of women around the world to make free and informed choices about their own reproductive health. And we need to help educate women and men to ensure that they have the information and resources they need to stay strong and healthy and to nurture healthy children.

In addition to supporting the portions of the Programme of Action included in the resolution we are debating today, the United States also must live up to the financial commitments it made at the ICPD.

To reach the Programme's year 2000 goal of providing $17 billion for international family programs worldwide—one-third of which would come from donor countries like the United States—the United States would have to triple its international family planning assistance.

Mr. Speaker, I am pleased that the authors of this resolution support the ICPD's Programme of Action. Now I look forward to working with them to implement all aspects of the Programme.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, House Resolution 118.

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.

SENSE OF HOUSE REGARDING HUMAN RIGHTS IN CUBA

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 99) expressing the sense of the House of Representatives regarding the human rights situation in Cuba, as amended.

The Clerk read as follows:

H. RES. 99

Whereas the United Nations Commission on Human Rights in Geneva, Switzerland, is an international mechanism to express support for the protection and defense of the inherent natural rights of humankind and a forum for discussing the human rights situation throughout the world and condemning abuses and gross violations of these liberties;

Whereas the actions taken by the United Nations Commission on Human Rights establish precedents for further courses of action and send messages to the international community that the protection and promotion of human rights is a priority;

Whereas the Universal Declaration of Human Rights which guides global human rights policy asserts that all human beings are born free and live in dignity with rights;

Whereas international human rights organizations, the Inter-American Commission on Human Rights, and the Department of State all concur that the Government of Cuba continues to systematically violate the fundamental civil and political rights of its citizens;

Whereas it is carefully documented that the Government of Cuba propagates and encourages the routine harassment, intimidation, arbitrary arrest, detention, imprisonment, and defamation of those who voice their opposition against the government;

Whereas the Government of Cuba engages in torture and other cruel, inhumane, and degrading treatment or punishment against political prisoners including the use of electroshock, intense beatings, and extended periods of solitary confinement without nutrition or medical attention, to force them into submission;

Whereas the Government of Cuba suppresses the right to freedom of expression and freedom of association and recently enacted legislation which carries penalties of up to 30 years for dissidents and independent journalists;

Whereas religious freedom in Cuba is severely circumscribed and clergy and lay people suffer sustained persecution by the Cuban State Security apparatus;

Whereas the Government of Cuba routinely restricts workers' rights including the right to form independent unions;

Whereas the Government of Cuba denies its people equal protection under the law, enforcing a judicial system which infringes upon fundamental rights while denying recourse against the violation of human rights and civil liberties;

Whereas in recent weeks the Government of Cuba has carried out a brutal crackdown of the brave internal opposition and independent press, arresting scores of peaceful opponents without cause or justification;

Whereas the internal opposition in Cuba is working intensely and valiantly to draw international attention to Cuba's deplorable human rights situation and continues to strengthen and grow in its opposition to the Government of Cuba;

Whereas at this time of great repression, the internal opposition requires and deserves the firm and unwavering support and solidarity of the international community;

Whereas the Congress of the United States has stood, consistently, on the side of the Cuban people and supported their right to be free: Now therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest possible terms the repressive crackdown by the Government of Cuba against the brave internal opposition and the independent press;

(2) expresses its profound admiration and firm solidarity with the internal opposition and independent press of Cuba;

(3) demands that the Government of Cuba release all political prisoners, legalize all political parties, labor unions, and the press, and schedule free and fair elections;

(4) urges the Administration, at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, to take all steps necessary to secure international support for, and passage of, a resolution which condemns the Cuban Government for its gross abuses of the rights of the Cuban people and for continued violations of all international human rights standards and legal principles, and calls for the reinstatement of the United Nations Special Rapporteur for Human Rights in Cuba;

(5) declares the acts of the Government of Cuba, including its widespread and systematic violation of human rights, to be in violation of the charter of the United Nations and the Universal Declaration of Human Rights;

(6) urges the President to nominate a special envoy to advocate, internationally, for the establishment of the rule of law for the Cuban people; and

(7) urges the President to continue to actively seek support from individual nations, as well as the United Nations, the Organization of American States, the European Union, and all other international organizations to call for the establishment of the rule of law for the Cuban people.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

(Ms. ROS-LEHTINEN asked and was given permission to revise and extend her remarks.)

GENERAL LEAVE

Ms. ROS-LEHTINEN. 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. 99.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 99, a resolution detailing the systematic violations of human rights by the Castro regime; a resolution rendering our unwavering support to the dissidence and internal opposition in Cuba; a resolution that restates the U.S. commitment to freedom, to democracy in Cuba; a resolution which calls for further U.S. and international resolve against the oppression and subjugation of the Cuban people.

As the U.S. delegation begins its work in Geneva for the 55th session of the United Nations Human Rights Commission, Mr. Speaker, it is imperative that they be empowered by the passage of this resolution, which is a bipartisan effort and a bipartisan message that the United States Congress cannot be silent on this issue and will not tolerate the abuses inflicted by the Castro regime against its own citizens.

This message we hope will be heard and received by the international community as a call to action against the deplorable human rights situation in Cuba. There is never a wrong time to condemn abuses inflicted upon our fellow human beings. It is always correct to speak out against injustice. There is never a wrong time to underscore the plight of hundreds of thousands of political prisoners or to underscore widespread cases of torture, of executions, of disappearance, of intimidation, of persecution, of forced exile throughout the four decades that Cuba has been under the brutal totalitarian dictatorship.

It is not only our moral obligation but the duty of the United States as a global leader and a vanguard of democracy.

My dear colleagues, the Castro regime has not changed. Let us not allow ourselves to be fooled by the facade created by the regime and its apologists. As Juan Tellez Rodriguez, independent Cuban journalist for the Freedom Agency, said earlier this year, ''The government in Havana continues to close itself off to the world. It insists on its closed, oppressive political system. It does not even open up to its own people who suffer and die slowly.''

Indeed, it seeks to silence the independent voices on the island because it realizes the power of the human spirit, of what individuals can accomplish when they are able to exercise their natural rights.

He goes on to say the Castro regime understands all too well the meaning of President Ronald Reagan's words when he said, ''No arsenal and no weapon in the arsenals of the world are so formidable as the will and moral courage of free men and women.''

So the Castro regime continues to use any method, any strategy, any action to stifle freedom of expression in an attempt to undermine the Cuban people's struggle for liberty and democracy in their island nation.

One of the most recent examples illustrating the repressive nature of the Castro dictatorship is the imprisonment, the trial and the sentencing of Cuba's best known dissidents, and they appear for our colleagues in the posters right in front of the well. Marta Beatriz Roque Cabello, Felix Bonne Carcases, Rene Gomez Manzano and Vladimiro Roca Antunez. These four brave Cubans were arrested in 1997 after petitioning the regime for immediate reforms and publishing a pamphlet entitled ''The Homeland Belongs to Us All,'' whereby they describe their hopes for a free and democratic Cuba.

These four pictured above us languished in Castro's jails for more than 600 days without any charges filed against them, surviving inhumane treatment for almost 2 years, preparing to begin a hunger strike on March 16 if they were not brought to trial. So the Castro regime initiated the facade of a trial on March 1 amid a roundup and detention of dissidents. Last week, the regime sentenced Marta Beatriz, Felix, Rene and Vladimiro to varying prison terms merely for exercising their rights and for seeking to secure the rights for their fellow countrymen.

As we consider this House Resolution 99, I would like my colleagues to think about these four brave men and women. I would like for us to ponder upon the words written by Marta Beatriz Roque in a letter dated February 7 of this year and smuggled out of her prison cell. In it, she said, ''I remain in my belief that the homeland belongs to all of us. Sufficient time has passed and there have been enough postponements. The time for liberty in this small prison will not wait. My brothers, I believe that we should not fear the shadows because their presence means that a light shines from a place not far away. Our struggle for our Nation's democratization already has been marked by this imprisonment. We have endured and passed the difficult test that will make us more persistent in our demands.

''I will be convinced of our cause's justice to my last breath. Even if we are sent to our deaths,'' she writes, ''we already have made a mark in life and we always will be a symbol to all of the world of repression, despite the laughable defamation to which we have been subjected to by this regime.''

From her jail cell, Marta Beatriz Roque closes her letter to her fellow dissidents by saying, ''May God permit us to be together forever in the struggle.''

With the sentencing of these four dissidents, Marta Beatriz, Felix, Rene and Vladimiro, the Castro regime thought that it would intimidate the internal opposition into silence and submission. Assuming it could stifle the struggle for freedom and muzzle self expression of the people, the regime believed that it would be able to continue manipulating public opinion in its favor in order to generate greater commercial ventures with foreign investors and governments that would help prolong its hold on power.

Perhaps others could turn a blind eye to the words of Marta Beatriz and other dissidents; to the articles by independent journalists which document the human rights abuses and the violations of civil liberties. The U.S. Congress, however, could not and must not.

The Cuban people need our unconditional support now more than ever. They need to know that the U.S. is unwavering in our commitment to a free and democratic Cuba; that we will not weaken our resolve amidst international pressure; that a superpower and global leader, as is the United States, will defend the rights of the oppressed against the oppressor.

Let us be the light that Marta Beatriz spoke of in her letter. Let us render our unequivocal support to her and to the fellow dissidents sentenced recently by the Castro regime merely for exercising their rights.

My dear colleagues, I ask that we protect the sanctity of the basic rights endowed upon all human beings; to

support the Cuban people in their struggle to live free as individuals and as citizens, and I ask for a vote in favor of this resolution today.

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

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

Mr. Speaker, after I conclude, I ask unanimous consent that the remainder of my time be given to the gentleman from New Jersey (Mr. MENENDEZ) for purposes of control.

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

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I rise in strong support of this resolution, and commend my colleagues from Florida and New Jersey for their leadership effort here.

As bad as our entire Cuba policy is, this is a resolution that makes sense. The four dissidents should never have been arrested in any way, and I join my colleagues in condemning the Cuban government for their continued failure to recognize what are internationally accepted standards for human rights.

Cuba is a country without a free press, without free labor unions, with no independent judiciary and no freedom of association. We might want to take our lead, though, for a general policy from the Catholic church, and that is that engagement can pay better dividends than the present confrontation which now goes on for better than 30 years.

In that 30 years, I think Fidel Castro has been able to use the embargo as an excuse for his failed policies and police state. Nothing will bring down Castro's government faster than direct contact with Americans on a daily basis.

I believe this resolution is right because we need to speak out every time Castro tries to slam the door on freedom and of expression in his country.

□ 1345

But I think the policy is wrong, because it gives Castro cover. We ought to join together and do what we did in the former Soviet Union and other places where there were repressive governments: Condemn their oppressive acts, and send Americans there to engage them, to show them the contrast of a great, free, and open society.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. GOSS).

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentlewoman from Florida for yielding time to me.

Mr. Speaker, anyone who has followed the long, tragic, sad history of the Castro regime in Cuba knows all too well the systematic violation of human rights employed by Castro to maintain his grip on power, his deadly grip on power.

The resolution before us calls on the Clinton administration to secure passage of a resolution at the United Nations Human Rights Commission that condemns the Cuban government for its gross abuses of human rights of the Cuban people.

Since the U.S. State Department agrees that ''The human rights situation in Cuba remains deplorable,'' and recognizes that ''the Cuban government has taken no significant steps towards political change,'' it seems to me that the Clinton administration would be eager to back up its rhetoric with some solid action. Making sure the international community does not let Castro's human rights abuses go unchallenged would be a very good place to start.

I encourage my colleagues to support this resolution, and I commend the sponsors for bringing this issue before the House. It is long overdue.

Mr. MENENDEZ. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN), who has been a strong supporter on behalf of human rights and democracy in Cuba.

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding time to me. Also, I thank the sponsor, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Mr. Speaker, I rise today in support of House Resolution 99, expressing the sense of the United States House of Representatives regarding the human rights situation in Cuba. I am proud to be an original cosponsor of this resolution.

The wrongful imprisonment by Fidel Castro of the group of four, four Cuban citizens who were speaking out about the need for peaceful change, peaceful transformation to a democracy in Cuba, and were jailed by Fidel Castro, is only the latest example of Fidel Castro's efforts to suppress the most basic human rights of the Cuban people. Jailing Cubans for speaking their conscience is unjust, it is wrong, and it is important for the United States of America and our Congress to condemn such actions.

However, let us step back for a minute, because not every American follows what is going on in Cuba every day, and ask ourselves, why are there human rights violations going on in Cuba? The answer is simple: Fidel Castro. Fidel Castro, a dictator, a totalitarian ruler, has decided that for the last 40 years, only he and he alone can decide the fate of the Cuban people. He says he is the only person in Cuba who God has given the right to rule over and decide the basic human rights of the Cuban people.

It is fundamentally undemocratic. It is fundamentally wrong. He is the last surviving totalitarian dictator in the Western Hemisphere. That is who Fidel Castro is. Even after 40 years of totalitarian rule, Fidel Castro will not give his people freedom.

All Fidel Castro has to do is hold free elections. If he is so popular, if his policies are so wise, then the people of Cuba will elect him. Why is he afraid to hold free elections? Because he is a totalitarian dictator who does not have the support of his people, and he knows it.

I am proud to be a supporter of this resolution that focuses the world's attention where it should be, on the refusal of one man, Fidel Castro, to give the millions of people in his country their freedom, the last totalitarian dictator in the Western Hemisphere.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentlewoman from Florida for this important resolution.

Mr. Speaker, I was thinking, as I heard the last speaker talk about the possibilities of challenging Castro on free elections, how we could challenge our president to build a bridge to the 21st century in Cuba, building a bridge on the foundation of free speech and free elections in Cuba.

As the gentleman from New Jersey said, let us talk about the 21st century. Let us talk about bringing Cuba into the world community. Let us be reminded of the long, long struggle for a free Cuba. Unfortunately, real progress is being threatened by businesses, by baseball owners, and by government officials who are too willing to engage in an appeasement policy in exchange for quick cash.

The arrest and recent sentencing of the ''group of four'' underscores what the Miami Herald has described as ''a draconian new law setting 20-year sentences for dissidents who dare to support United States policies regarding Cuba.''

The arrests also show the failure of this appeasement policy. Innocent people have been denied their most basic rights, their ability to speak freely and think freely about the government of Fidel Castro. So much for an engagement policy. Once again a permissive engagement policy has failed, just as our misguided engagement policy towards Communist China has failed, because the totalitarian police state of Castro must be toppled, not by trade but by a strong resolve.

Baseball owners, business owners and our own government officials should turn their backs on a quick financial gain and instead, fight for freedom in Cuba by maintaining a strong resistance against the policies of Fidel Castro. They are policies of dying decades, not the 21st century. Our vision must project forward, toward a free, strong, liberated Cuba.

Mr. MENENDEZ. Mr. Speaker, I yield 2 minutes to one of the leading human rights advocates in this Congress, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding time to me. I want to thank my friend, the gentleman from New Jersey (Mr. FRANKS) and commend my good friend and colleague, the gentlewoman from Florida

(Ms. ROS-LEHTINEN) for introducing this resolution.

Mr. Speaker, like many others in this body, I would be more than ready to start changing our policy towards Cuba if the pattern of human rights violations would not continue. It is an appalling phenomenon that Castro continues his policy of suppression, oppression, and persecution of the Cuban people, particularly those Cuban people who are crying out for a modicum of democracy and freedom. This resolution properly calls on our government to carry the ball in Geneva in denouncing the human rights violations of Cuba.

When I visited Cuba sometime ago, we had high hopes that the Castro government will recognize at long last that its policy of suppression, totalitarianism, and dictatorship are counterproductive. We were hoping that there might be some loosening, that there might be some opening up, that there might be some concessions towards a free press.

When the Pope visited Cuba we had high hopes that the precedent of his visit would lead to modification of policies. None of these things have happened, and given the circumstances, Mr. Speaker, I strongly urge all of my colleagues to join the sponsors of this resolution, of which I am one, in calling for freedom for the Cuban people, and denouncing Castro's continuing human rights violations.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to our colleague, the gentleman from Florida (Mr. MCCOLLUM).

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

Mr. MCCOLLUM. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, it is almost unbelievable that just 90 miles from the coast of the United States, one of two Communist dictators still existing in the world is present and still committing human rights atrocities, but that is a fact. Fidel Castro and his regime have been there for 40 years or so doing the same things they are doing today, and we in the United States and a lot of the others around the world still have not come to grips with this reality. Some want to engage in some false hope that they can have trade or communications or economic support in some way that will change the regime.

The fact is that that is not going to change. Nothing is going to change to give freedom of press, freedom of association, freedom of speech in Cuba until Fidel Castro is gone, until he is out of office.

The resolution we have before us today should be embraced by every member of this body. It is a simple resolution condemning Castro for another time, as we have done in the past, for all of his human rights atrocities, and reminding the world that he still is doing it.

What is more troubling to me than simply the fact that we are reminding folks and talking about it today is the fact that the administration has not come to grips with this; that there is still a failure and unwillingness to fully support the Helms-Burton law, to allow those who had lost their property to recover the cost and the losses when Castro took over, who still own that property; failure to recognize the true gravity of the Brothers to the Rescue operation, and the losses the victims and the families of those folks who lost their lives there suffered, and to allow, I hope they will allow this administration the collection of the recent judgment; the failure to recognize that Castro is truly a criminal in so many ways. Instead, we are going down a road so frequently of engagement that is not working.

We should internationally condemn him, the United States should condemn him, certainly this body today should condemn him for the human rights violations he continues to perpetrate.

In the strongest of words, I urge my colleagues to vote for this resolution, and to send a solid message of bipartisanship in condemnation of Fidel Castro and his regime and his human rights atrocities.

Mr. MENENDEZ. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, allow me to take this unpopular position. I rise today to ask my colleagues to put aside some of the rhetoric and to begin to focus on the facts.

We are but 90 miles from Cuba, and we have countries from all over the world who have developed relationships now with Cuba and with Fidel. They are developing great resorts and they are doing business. Cuba wants to do business with the United States.

I do not know why we allow China and Germany and Great Britain and Canada and other places to be there doing business, helping to promote economic development in their own countries, while we stand and we cannot figure out how to work out some kind of a peaceful coexistence with Cuba and with Castro.

I think the time has come for us to recognize, we have to be about the business of talking about normalizing relations between the United States and Cuba. I met with dissidents on my trip there just 4 weeks ago.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to our colleague, the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, last month Fidel Castro pulled on the tattered scraps of his aging iron curtain to impose new restrictions on the rights of the Cuban people. Since then, nearly 100 dissidents have been arrested and detained. They have been held merely for speaking out against the Cuban dictatorship or discouraging the foreign investment that serves only to strengthen Castro's hand.

At the same time Castro is rounding up dissidents he is providing a safe haven for some of America's most heinous and cold-blooded fugitives. It is a tragic irony that a cop killer like Joanne Chesimard can live freely as a guest of the Castro regime while scores of Cuba's native sons and daughters languish in Cuba's gulags for violations of free speech.

This Congress must continue to voice our strong opposition to the degradation of human rights under Fidel Castro. I strongly urge my colleagues to support House Resolution 99, and I thank the gentlewoman from Florida for her continuing leadership.

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

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

Mr. MENENDEZ. Mr. Speaker, I rise to support House Resolution 99, and to ask my colleagues, Republicans and Democrats, to do the same. This resolution concerns the forthcoming meeting of the U.N. Commission of Human Rights in Geneva, and support for a resolution at the Commission condemning Cuba's record on human rights.

□ 1400

In 1996, I successfully presented the U.S. resolution on Cuba and Geneva at President Clinton's request, and I am pleased to come to the floor today to advocate support amongst my colleagues for this very important resolution.

Human rights is one issue for which there should be no division among Members of Congress. Regardless of my colleagues' views on U.S. policy towards Cuba, I believe that every Member of this institution believes that the Cuban people deserve the opportunity to exercise their basic human and civil rights: the right to peaceful dissent, the right to organize labor unions, the right to speak freely without fear of reprisal, and, most importantly, the right to choose their leaders. For 40 years Cubans have been denied those very basic human and civil rights by one man, Fidel Castro.

In recent weeks Castro has once again cracked down on human rights and democracy activists in Cuba. He announced a new law, the law called the ''Law for the Protection of Cuba's National Independence and Economy,'' which authorizes extensive prison terms, up to 20 years, for dissidents and journalists found to be working ''against the Cuban state.'' Just simply the writing of articles that may be at difference with the regime's view could cause them to be jailed and sentenced for two decades.

Last Monday, despite international appeals for their release, including an appeal from the Vatican, Castro's kangaroo court system sentenced the four well-known members of the Internal Dissident Working Group to prison terms ranging from 3½ to 5 years for

their simple publication of a document entitled, ''La Patria Es de Todos,'' The Homeland Belongs to All.

The entirety of their crime was to write this document and to share it with the diplomatic community and the foreign media. The document did not call for Cubans to take up arms or to violently oppose the regime. In fact, quite the contrary, the document suggested that Cuba needs to make space for civil society and embrace democratic institutions to avoid the spontaneous social violence that is likely to occur without such changes.

For this simple act, Vladimiro Roca, the son of the prominent communist leader and former combat pilot Blas Roca, was sentenced to 5 years in prison; lawyer and human rights activist Rene Gomez Manzano received 4 years in prison, as did Felix Bonne, an Afro-Cuban; and Marta Beatriz Roque, who suffers from breast cancer and has been denied medical treatment, sentenced to 3½ years. That was their crime, a simple document suggesting that peaceful change can take place in their country.

This resolution recognizes the ongoing abuses of human rights in Cuba, including restrictions on religious freedom. Some confuse that the Pope's visit has now suddenly permitted all religious freedom to take place inside of Cuba, and the answer is, that is clearly not the case. Even the Vatican has expressed their disappointment at the subsequent restrictions that continue to exist on the Catholic church and other denominations who do not even enjoy the opportunities of the Catholic church, limited as they are, that have been presented.

Arbitrary arrests and routine harassment of human rights activists and the torture and confinement, without adequate nutrition and medical care, of prisoners.

The resolution condemns Cuba's flagrant abuses of human rights and urges the administration to work toward a strong resolution condemning the Cuban regime for these abuses at the meeting of the UN Commission on Human Rights in Geneva this spring.

Lastly, the resolution calls on the administration to appoint a Special Rapporteur, one that has existed in the past, to advocate for the establishment of the rule of law for the Cuban people.

The point of this resolution is to send a message to Fidel Castro that the United States will not stand idly by when faced with intensifying violation of human rights in Cuba. But more importantly, this resolution is intended to send a message to the Cuban people that the United States stands in solidarity with them as they struggle to exercise the basic freedoms and rights that are guaranteed to them, not by the United States but by virtue of Cuba's signature on the Universal Declaration of Human Rights.

Lastly, and let me just say that I do not ask that Members take my word about the situation in Cuba, I just want to read to my colleagues a few excerpts from the State Department's Human Rights Report for last year.

It says: ''The Government's human rights record remained poor. It continued systematically to violate fundamental civil and political rights of its citizens. There were several credible reports of death due to excessive use of force by the police. Members of the security forces and prison officials continued to beat and otherwise abuse detainees and prisoners. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed such abuses. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of the independent professional associations'' struggling to create civil society inside of Cuba, ''including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving'' their own country.

''Prison guards and state security officials also subjected human rights and prodemocracy activists to threats of physical violence; systemic psychological intimidation; and with detention or imprisonment in cells with common and violent criminals, aggressive homosexuals, or state security agents posing as prisoners. Political prisoners are required to comply,'' political prisoners, these are just people who speak up for democracy and human rights, who do not enjoy what we are doing in this Chamber at this very moment, at this time, regardless of my colleagues' views, individuals who just simply speak up their mind are routinely put with common criminals and often are punished severely if they refuse.

''Detainees and prisoners often are subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims.''

One of them, Wilfredo Martinez Perez, died as a result of his opposition to the Cuban regime. This is all the State Department Human Rights Report being quoted: ''On March 30, police detained Wilfredo Martinez Perez, a member of a human rights organization, for disorderly conduct at a public festival near his home in Havana. Martinez's body was delivered to a funeral home in Guines the next day where his family and other witnesses claimed that his body showed contusions and bruises, which suggested that he died as a result of a beating while in police custody.''

How convenient for the Cuban authorities, arresting someone who is simply at a public festival and delivering his body dead home the next day to his family.

That is the evidence, among others, that our colleagues need to decide on. That is the way in which they should cast their votes on this resolution. I cannot believe that those who support human rights in other parts of the world cannot support human rights inside of Cuba. Therefore, I expect them, as they speak in other parts of the world, to speak up today and to also cast their vote with us.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART), a prime sponsor of this legislation.

Mr. DIAZ-BALART. Mr. Speaker, what is it that we are condemning today? Among the many things that have already been mentioned in terms of human rights violations, we must add the law that Castro and his puppet parliament passed last month that the Cuban people, by the way, have coined with the definition of the ''Titanic Law'' because they know that the regime, as the tyrant knows as well and those around him, that the regime dictatorship is going down. So Cuban people have called it the ''Titanic law,'' but, nevertheless, it is a savage law.

It threatens with up to 30 years of imprisonment anyone who cooperates with the United States, whatever that means; in other words, anyone who peacefully, according to the slanderous regime, advocates or works for a democratization of Cuba.

In addition, the regime arrested March 1 over 100 dissidents and journalists and took to trial the four best-known opposition leaders in the country and then sentenced them, as my colleagues have mentioned.

So these specifically are among the actions that we in Congress are condemning formally today. How are we doing it? We are condemning in the strongest possible terms the ongoing crackdown on internal opposition in the independent press, specifying that actions such as the sentencing of Rene Gomez Manzano and Vladimiro Roca and Marta Beatriz Roque and Felix Bonne, the sentencing of those four best-known opposition leaders and the crackdown must be condemned in the strongest possible terms, as also the crackdown on the brave independent press.

We also reaffirm the profound admiration and strong solidarity in support of the Congress of the United States of the internal opposition. We reaffirm our support for the Cuban people's right to be free by demanding three very clear specific actions of the Cuban dictatorship.

We demand that the Cuban dictatorship liberate all political prisoners, legalize all political parties, the press and labor unions, and agree to free and fair elections.

We, as my colleagues have stated, urge the administration as well to increase its efforts to secure a resolution of condemnation of the regime for its human rights violations in Geneva, and ask that the administration also appoint an official to advocate throughout the international community for the reestablishment of the rule of law in Cuba.

Today, the House of Representatives, Mr. Speaker, reaffirms its historic support for the Cuban people's right to be free, something that, to the credit and honor of this Congress, that Congress has done since 1898. So in the best tradition of the United States Congress, we stand once again with the Cuban people, demand freedom, free elections, democracy for the Cuban people, and reiterate to the world that we will continue to stand with the Cuban people until they are free, and they will soon be free.

Mr. MENENDEZ. Mr. Speaker, I ask the Chair what the remaining time is between the parties.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. MENENDEZ) has 3½ minutes remaining. The gentlewoman from Florida (Ms. ROS-LEHTINEN) has 3½ minutes remaining.

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

Mr. Speaker, let me just say that, as we close this debate, I want to take note of the controversy that has been brewing throughout the last couple of weeks, and that is the issue of the Baltimore Orioles seeking to play baseball inside of Cuba.

It is ironic that, as we are debating human rights and democracy in Cuba here in this Chamber, that America's national pastime, which is one of the symbols of this country, would be used in such a way at a time in Cuba in which these four leading human rights activists have been imprisoned simply for peacefully speaking their mind in a document; at a time in which Castro passes a new law that is more repressive both in the civil rights of the Cuban people as well as to foreign journalists; at a time in which he expands the spy station in Lourdes which is used by Russians, who pay the Cuban regime to use their satellite monitoring facilities to monitor commercial and military activities in the United States; at a time that all these things take place, we are going to send a message to the world that it is okay to play ball with the dictatorship.

In terms of those ball players, I will echo once again what I have personally, along with some of my colleagues, have said to them; that the very rights that major league baseball players have in this country, the rights to collective bargaining, the rights to negotiate their contract and the conditions under which they work, the rights for which they even have the right to strike on and for which they have exercised those rights in this country in order to ensure the benefits that they believe that they are justly due, none of those rights exist for the Cuban people or for Cuban baseball players.

The Cuban national team is not there by choice. They are there ultimately because they must be there. They have no ability to negotiate any contract. They have no ability to be able to determine the nature under which they play. They have no ability to determine whether or not they will have the right to strike. None of that exists for them or for any Cuban worker.

Foreign companies that actually invest inside of Cuba, such as those that were mentioned by a previous speaker, that are doing business inside of Cuba are doing it with slave labor because they cannot hire a Cuban worker directly.

Those of us who stand here and are proud of our AFL–CIO voting records, are proud of standing on behalf of organized labor, are proud of the rights that working women have in this country to organize and collectively bargain and to seek a fair and decent wage on behalf of their work, those opportunities do not exist for the Cuban people, who ultimately are hired not by the companies that invest inside of Cuba, but the state sends the workers to the employer. The worker is paid with useless Cuban pesos while the state, the regime, gets paid by the foreign companies in hard dollars, and they are given a fraction of their wages which, in essence, is slave labor.

□ 1415

So I hope that major league baseball understands that they are not promoting democracy inside Cuba when they go play ball. On the contrary, they are playing ball with a dictatorship.

Ms. ROS-LEHTINEN. Mr. Speaker, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my colleague for bringing up that game, and perhaps our colleagues would be interested in knowing that in fact every Cuban-born baseball player now playing on our American teams have said, ''We will not go to Cuba. We do not think that this is the correct signal.'' Because they have been there. They know the first person to politicize this national pastime of both the U.S. and the Cuban people is Fidel Castro himself. In fact, many of these players had been banned from playing baseball because Castro did not want them to participate in that sport. He feared for their defection.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. GILMAN), the chairman and the engine in our Committee on International Relations and proud sponsor of this resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me, and I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished chairman of our Subcommittee on International Economic Policy and Trade of the Committee on International Relations, for having introduced this important resolution, H. Res. 99, which condemns the repressive crackdown by the government of Cuba against the internal opposition and the independent press in Cuba.

This resolution expresses our solidarity with those brave individuals and calls on Cuba to release all political prisoners, to legalize the political parties, labor unions, the press, and to schedule free and fair elections in Cuba. And I am pleased to be among such a strong bipartisan list of cosponsors on this resolution.

East European diplomats have noted that Fidel Castro's Cuba reminds them of Stalin's Russia. And last week Fidel Castro reminded the world that they are right when a Communist court convicted and sentenced the four authors of the manifesto ''The Homeland Belongs to Everyone'' to hard time in prison. In a March 2 editorial the Washington Post wrote, ''If the four are convicted and sentenced, it will show that the regime won't permit any opposition at all. What then will the international crowd have to say about the society-transforming power of their investments?''

The trial of these four was accompanied by the arrest of dissidents and the blocking of international access to the court.

This travesty follows closely on the heels of a so-called ''Law to Protect the National Independence and Economy of Cuba.'' The Catholic lay group, Pax Chrisiti Netherlands, reported last month that the law ''bans a broad range of civil activities, violates the right to freedom of press, assembly, opinion and expression. It brings the Iron Curtain back to Cuba. The new steps of the Cuban government shows its contempt for the numerous requests by the international community to give a clear signal of its commitment to internationally recognized human rights law and to reform the Cuban criminal code accordingly.''

International reaction to the sentencing of these four dissidents has begun to take shape. Last year, during a high profile trip to Havana, Canada's Prime Minister Jean Chretien asked Castro to release the four. Last week, Canada's Foreign Minister, Lloyd Axworthy, faced sharp questions in the House of Commons with regard to this issue. Opposition leader Bob Mills demanded, ''How can this government deny that its 20 years of soft power policy toward Cuba has been anything but a total failure?'' And in his response, Axworthy suggested that developments like the jailing of the dissidents were ''bumps on the road.''

I think it is time for our Canadian and European allies to acknowledge Fidel Castro's contempt for them and to take a real stand. Their opportunity will come at Geneva sometime in early April.

The SPEAKER pro tempore (Mr. BASS). The time of the gentlewoman from Florida (Ms. ROS-LEHTINEN) has expired.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent for an additional 2 minutes.

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. Speaker, it is time for our Canadian and European allies to acknowledge Fidel Castro's contempt for them and to take a real stand. Their opportunity will come in Geneva sometime in early April when the U.N. Human Rights Commission is going to consider a resolution condemning Cuba's abuses.

I hope that our allies will not only vote for a strong resolution reinstating the special rapporteur, but will also sign on as cosponsors and help with the effort to win the necessary votes for passage of that resolution.

Regrettably, last year's U.S. sponsored resolution condemning Cuba was defeated. This was a major setback which the administration vowed to reverse. H. Res. 99 has strong support from both sides of the aisle and will send a loud clear signal to back our U.S. delegation to the 55th meeting of the U.N. Human Rights Commission.

On February 7, one of the four jailed dissidents, Marta Beatriz Roque, who suffers from untreated cancer, wrote to her fellow prisoners of conscience, ''My brothers, I believe we should not fear the shadows because their presence means that a light shines from a place not far away.''

With the news of Cuba's best known dissidents being sentenced fresh in our minds, all eyes should be on how the community of nations conducts itself at Geneva. Let a good resolution from the U.N. Human Rights Commission provide the light that Marta Beatriz Roque invoked.

Mr. Speaker, I urge my colleagues to unanimously support this resolution.

Ms. LEE. Mr. Speaker, I rise in strong opposition to H. Con. Res. 99. As one who historically has been an advocate for human rights and justice worldwide, I have serious concerns about H. Res. 99. I am fearful that this resolution, with its extreme and provocative language, will only introduce further tension into US–Cuba relations at this particularly unstable time.

The resolution will do nothing to improve the lives of the Cuban people and it will do nothing to improve relations between our two countries. It is more of the ''tit for tat'' policy that has been the map of failure in the past and represents more of the same for the future.

No one can justify or condone human rights violations anywhere in the world. Certainly, Cuba's recent crack down on its independent journalists and dissidents provokes serious concerns and criticism here and within the international community. However, like other nations, we need to take a rational approach to the current situation in Cuba, rather than support the extremist language in this resolution.

Since this resolution addresses the United Nations Human Rights Commission in Geneva, Switzerland, it is also important to recognize that last year, for the seventh year in a row, the UN General Assembly condemned the US economic embargo on Cuba by a vote of 157–2 and called on Washington to end its sanctions. Instead of discussing more legislation which increases the hostility between the US and Cuba and further isolates us from the United Nations and the rest of the world, we should be discussing legislation which addresses human rights for Cubans in total. This would include addressing one of the most egregious human rights offenses: the US's denial of food and medicine to the Cuban people.

If we are truly serious about assisting the Cuban people, we need to cultivate a sphere of influence on the island and a diplomatic relationship with the Government of Cuba. The unreasonable language in this resolution will only exacerbate hostility and further anti-American sentiment in Cuba, which will get us nowhere.

We should listen to Elizardo Sanchez, Cuba's leading human rights activist as he states: ''The more the US pressures and threatens the Cuban government, the more defensive and recalcitrant it becomes. This is not the way to encourage an atmosphere that favors change.''

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to talk about human rights. Not only in Cuba, but also in this country.

I believe in civil rights for all people, here and abroad. However, I want to caution my Colleagues who have come to this floor today to ''Condemn Castro's Cuba'' for his human rights record and remind my colleagues that we have yet to pass a resolution on the human rights of those victims of police brutality.

I ask my colleagues why it is so easy to ''beat up'' on Cuba and yet at the same time grant mainland China most favored nation status.

There is no doubt that Cuba needs improvement in realizing economic, social, civic, political and cultural rights. However, I remind my colleagues of the phrase, ''those who live in glass houses . . .''

Furthermore, I ask my colleagues how this condemning resolution and how American hostility will actually help Cuba realize a better human rights record. How does that embargo assist Castro in realizing civil liberties of its citizens?

For the record, I want to make it clear that Human Rights Violations in this country are just as threatening to democracy as those in Cuba or anyplace else on the face of the earth.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, House Resolution 99, 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.

COMMEMORATING THE 20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 56) commemorating the 20th anniversary of the Taiwan Relations Act.

The Clerk read as follows:

H. CON. RES. 56

Whereas April 10, 1999, will mark the 20th anniversary of the enactment of the Taiwan Relations Act, codifying in public law the basis for continued commercial, cultural, and other relations between the United States and Taiwan;

Whereas the Taiwan Relations Act was advanced by Congress and supported by the executive branch as a critical tool to preserve and promote ties the American people have enjoyed with the people of Taiwan;

Whereas the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979;

Whereas when the Taiwan Relations Act was enacted in 1979, it affirmed that the United States decision to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas officials of the People's Republic of China refuse to renounce the use of force against democratic Taiwan;

Whereas the defense modernization and weapons procurement efforts by the People's Republic of China, as documented in the February 1, 1999, report by the Secretary of Defense on ''The Security Situation in the Taiwan Strait'', could threaten cross-Strait stability and United States interests in the Asia-Pacific region;

Whereas the Taiwan Relations Act provides explicit guarantees that the United States will make available defense articles and services necessary in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability;

Whereas section 3(b) of the Taiwan Relations Act requires timely reviews by United States military authorities of Taiwan's defense needs in connection with recommendations to the President and the Congress;

Whereas Congress and the President are committed by Article 3(b) of the Taiwan Relations Act to determine the nature and quantity of Taiwan's legitimate self-defense needs;

Whereas it is the policy of the United States to reject any attempt to curb the provision by the United States of defense articles and services legitimately needed for Taiwan's self-defense;

Whereas it is the policy set forth in the Taiwan Relations Act to promote extensive commercial relations between the people of the United States and the people of Taiwan and such commercial relations would be further enhanced by Taiwan's membership in the World Trade Organization;

Whereas Taiwan today is a full-fledged multi-party democracy fully respecting human rights and civil liberties and serves as a successful model of democratic reform for the People's Republic of China;

Whereas it is United States policy to promote extensive cultural relations with Taiwan, ties that should be further encouraged and expanded;

Whereas any attempt to determine Taiwan's future by other than peaceful means, including boycotts or embargoes, would be considered a threat to the peace and security of the Western Pacific and of grave concern to the United States;

Whereas in the spirit of the Taiwan Relations Act, which encourages the future of democratic Taiwan to be determined by peaceful means, Taiwan has engaged the People's Republic of China in a cross-Strait dialogue by advocating that peaceful reunification be based on a democratic system of government being implemented on the mainland; and

Whereas the Taiwan Relations Act established the American Institute on Taiwan

(AIT) to carry out the programs, transactions, and other relations conducted or carried out by the United States Government with respect to Taiwan and AIT should be recognized for the successful role it has played in sustaining and enhancing United States relations with Taiwan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

That it is the sense of the Congress that—

(1) the United States should reaffirm its commitment to the Taiwan Relations Act and the specific guarantees for the provision of legitimate defense articles to Taiwan contained therein;

(2) the Congress has grave concerns over China's military modernization and weapons procurement program, especially ballistic missile capability and deployment that seem particularly directed toward threatening Taiwan;

(3) the President should direct all appropriate officials to raise these grave concerns about new Chinese military threats to Taiwan with officials from the People's Republic of China;

(4) the President should seek from leaders of the People's Republic of China a public renunciation of any use of force, or threat to use force, against Taiwan;

(5) the President should provide annually a report detailing the military balance on both sides of the Taiwan Strait, including the impact of procurement and modernization programs;

(6) the executive branch should inform the appropriate committees of Congress when officials from Taiwan seek to purchase defense articles for self-defense;

(7) the United States Government should encourage a regional high-level dialogue on the best means to ensure stability, peace, and freedom of the seas in East Asia;

(8) the President should encourage further dialogue between democratic Taiwan and the People's Republic of China; and

(9) it should be United States policy in conformity with Article 4(d) of the Taiwan Relations Act to publicly support Taiwan's admission to the World Trade Organization as soon as possible on its own merits and encourage others to adopt similar policies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) 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 House Concurrent Resolution 56.

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, I am pleased to rise in support of House Concurrent Resolution 56, commemorating the 20th anniversary of the Taiwan Relations Act, and I want to thank the distinguished chairman of our Subcommittee on Asia and the Pacific of the Committee on International Relations, the gentleman from Nebraska (Mr. BEREUTER), as well as the gentleman from California (Mr. ROHRABACHER) and all the other cosponsors for their efforts in helping to bring this resolution to the floor today.

Mr. Speaker, I am proud to have introduced this resolution commemorating this landmark piece of foreign policy regulation. It is only appropriate that the House make note of the Taiwan Relations Act, which serves as a basis for continued commercial, cultural, security and other relations between our Nation and Taiwan.

The Taiwan Relations Act was adopted into law on April 10, 1979, and has served as a critical element in preserving and promoting ties between our Nation and Taiwan. The TRA has been instrumental in maintaining peace and stability across the Taiwan Strait since it was enacted in 1979, and it is my hope that the TRA will continue to serve to ensure that the future of Taiwan be determined by peaceful means. Regrettably, the People's Republic of China has refused to renounce the use of force against Taiwan.

Our Nation is pleased with the flourishing on Taiwan of a fully-fledged, multi-party democracy which respects human rights and civil liberties. It is hoped that Taiwan will serve as an example to the PRC and to others in the region in that regard and will encourage progress in the furthering of Democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with Taiwan in the years ahead for the mutual benefit of the peoples of the United States and for the peoples of Taiwan.

Mr. Speaker, this resolution has an impressive list of cosponsors, and I urge my colleagues in the House to support H. Con. Res. 56 commemorating this distinctive piece of legislation and the unique ties between the peoples of the United States and Taiwan.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I first want to congratulate the distinguished chairman of our Committee on International Relations, the gentleman from New York (Mr. GILMAN), for introducing this legislation, as well as the chairman of the Subcommittee on Asia and the Pacific, my good friend from Nebraska (Mr. BEREUTER), and all other colleagues who have cosponsored this legislation.

This legislation, Mr. Speaker, was necessary when the United States broke diplomatic relations with the Republic of China in Taiwan after establishing full diplomatic relations with the People's Republic of China 20 years ago.

The Taiwan Relations Act provides us with the mechanism for maintaining continued security, economic, cultural and political relations between the United States and Taiwan. It has been the key to maintaining close relationships between the American people and the people of Taiwan.

In the past 20 years, Mr. Speaker, Taiwan has undergone perhaps more dramatic change than any other country on the face of this planet. Taiwan has emerged from a long tradition of authoritarian rule and it has become a full-fledged political democracy, with free elections, free press, freedom of religion, and a multi-party democracy. Just a few years ago, the people of Taiwan participated, in the first time in the history of the Chinese people, in the direct and Democratic election of a president.

Taiwan has made incredible progress in the economic sphere. It is now viewed, properly, as one of the most successful economies on the face of this planet and is one of our key trading partners.

It is intriguing to note, Mr. Speaker, that while we are celebrating and commemorating the 20th anniversary of the Taiwan Relations Act, the 20th year of establishing full diplomatic relations between the People's Republic of China and the United States passed almost unnoticed. The reason, of course, is that the American people have severe reservations about the continuing oppression of human rights on the mainland of China.

House Concurrent Resolution 56 calls particular attention to the provisions of the Taiwan Relations Act which guarantee that the United States will continue to make available defense articles that are necessary for Taiwan's offense. In light of China's ominous military buildup in recent times of ballistic missile capabilities and other military resources directed at Taiwan, this provision is extremely important and I welcome that our resolution reaffirms our commitment to Taiwan's defense.

We also need to assure, Mr. Speaker, that Taiwan is able to participate in all international organizations. We particularly need to support the participation of Taiwan in the World Trade Organization. By every conceivable yardstick, Taiwan has earned the right to full and unrestricted membership in the World Trade Organization, and I call on our government to support Taiwan's membership.

I urge my colleagues to adopt this resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of our Committee on International Relations.

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

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me

this time, and as chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations, this Member rises in support of H. Con. Res. 56, the resolution before the House commemorating the 20th anniversary of the Taiwan Relations Act.

Following President Carter's decision in 1979 to terminate relations with the Republic of China and diplomatically recognize the mainland People's Republic of China, a new American relationship with Taiwan was necessitated. As a result, the Taiwan Relations Act, often referred to as the TRA, was enacted on April 10, 1979, and continues today to serve as the basis for continued commercial, culture, and other relations between the United States and Taiwan.

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Much has changed since the enactment of the TRA. Taiwan has developed into a full-fledged multiparty democracy that respects human rights and civil liberties. Taiwan has grown into one of the strongest and most developed economies in East Asia and it is America's seventh largest export market.

Unfortunately, the rhetoric and military threats to Taiwan from the People's Republic of China have not abated. Indeed, from a technical military perspective that threat has actually increased, especially, it appears, in the last several months. Significant Chinese military exercises in the region have included live-fire exercises in March 1996 and the firing of two missiles that impacted near Taiwan.

Now there is an increased deployment of such offensive ballistic missiles in Fujian province, just across the strait from Taiwan. They clearly are there to threaten or act against Taiwan. Actually, according to recent newspaper reports, China has deployed more than 100 additional ballistic missiles in mainland provinces close to the Strait of Taiwan. This would more than triple the number of missiles previously positioned in that area.

House Concurrent Resolution 56 makes note of the Congress' grave concerns about these threats, seeks from the leaders of the People's Republic of China a public renunciation of the use of force or threat to use force against Taiwan, and reaffirms the United States' commitment to the TRA and the specific guarantees for the provision of legitimate defense articles to Taiwan contained therein. On this, the Congress and the U.S. Government should be clear. The resolution reaffirms that the policy of the United States remains the rejection of any attempt to curb the provision of defense articles and services by the United States which are legitimately needed for Taiwan's self-defense.

From diplomatic and legal perspectives, the relationship of the United States which it has maintained with Taiwan since 1979 is certainly unique. Yet in many ways our ties remain very normal and comprehensive. Indeed, they have been strengthened over the years, thanks to the solid foundation provided over the past 20 years by the Taiwan Relations Act and to the democratization of Taiwan by its leaders and its people. Thus, it is appropriate on the 20th anniversary for Congress to take the time to commemorate and reaffirm its commitment to the TRA and to Taiwan and its people.

This Member wants to thank the chairman of the Committee on International Relations, the distinguished gentleman from New York (Mr. GILMAN), for his interest in working with this Member on this 20th year resolution.

Mr. Speaker, I ask unanimous consent that I may claim the time of the gentleman from New York (Mr. GILMAN).

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

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

Mr. Speaker, like this Member, the chairman, of course, was here in 1979 and voted for enactment of the TRA. This Member also certainly welcomes the opportunity to work with the gentleman from New York (Mr. GILMAN) and with the gentleman from California (Mr. ROHRABACHER) in crafting House Concurrent Resolution 56. All three of us independently, I think, had resolved to raise this issue by our own initiatives, and in this legislative product we are joined by colleagues from both sides of the aisle.

The SPEAKER pro tempore. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Mr. Speaker, for example, and with emphasis, this Member wants to express his appreciation for the interest and support of the distinguished gentleman from California (Mr. LANTOS), the ranking Democrat on the Subcommittee on Asia and the Pacific, for cosponsoring H.Con.Res. 56 and for assisting this Member to facilitate our expeditious markup in both the committee and the subcommittee.

Mr. Speaker, H.Con.Res. 56 is a very timely resolution, given the concerns that many Members of the House, including this Member, have about the current direction in Sino-American relations. Our relations with Beijing are increasingly problematic. However, it is important for all to know, especially for Beijing to know when making its foreign policy calculations, that when it comes to U.S. relations with Taiwan there has been no weakening in our resolve to help the Taiwanese provide for their defense. The solid direction provided for by the TRA has helped provide consistency in the demonstration of our resolve.

Therefore, Mr. Speaker, this Member urges passage of H.Con.Res. 56.

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

Mr. BEREUTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for adding his prestige to this important resolution, and I thank the gentleman from New York (Mr. GILMAN), of course, for taking the lead in the sponsorship role and in expediting today's markup.

I thank the gentleman from California (Mr. LANTOS), of course, for his longtime support of human rights everywhere, but especially here concerning the Taiwan Relations Act and our confrontation with China on these very important and all-important human rights issues.

House Concurrent Resolution 56, commemorating the 20th anniversary of the Taiwan Relations Act, was originally introduced in the Senate by Senator FRANK MURKOWSKI and by myself in the House as House Concurrent Resolution 53, to send an unmistakable message from the United States Congress to the people of democratic Taiwan. The bipartisan cosponsorship also sends a strong message to the communist Chinese that Congress is unified in its stand to steadfastly stand by our democratic allies in Taiwan under the carefully crafted terms of the Taiwan Relations Act.

In recent years the balance of power in the Taiwan Strait has been altered by the unprecedented military modernization and missile buildup by the communist Chinese, who continue to threaten to take over Taiwan by force despite the fact that the Taiwan Relations Act commits them not to commit that act of force and violence in order to reunify Taiwan with the mainland.

This resolution calls for the United States to continue to provide adequate defense materials and support to Taiwan in order to assure that the future of Taiwan is determined by peaceful and democratic means. This is totally consistent with the letter and the spirit of the Taiwan Relations Act which, of course, was brought about 20 years ago today.

In effect, the resolution supports the cost of a cross-strait dialogue negotiating position of Taiwan President Lee that in order for a peaceful reunification to occur, Beijing must stop its threats of force and must implement real democratic government in mainland China.

This House Resolution does not explicitly state the need for Taiwan to be included in a regional missile defense system. However, due to the communists' growing missile arsenal, the inclusion of Taiwan in regional defense forums and in missile defense programs I believe is essential.

Having been in Taiwan during the recent legislative elections, I observed the enthusiastic participation of the majority of people in Taiwan in the

democratic process. There should be no mistake, whether in the United States or in China, that we value the friendship of the courageous, democracy-loving people in Taiwan and, yes, those democracy-loving people on the mainland of China as well. We are committed to standing by them, and no matter what the bluster and bully of the communist regime that now controls the mainland, we will now stay true to these principles as were laid out in the Taiwan Relations Act.

The Taiwan Relations Act laid the foundation for peace and set in motion at the same time, 20 years ago, a democratization process. In Taiwan that democratization resulted in what even its former critics agree is now a full-fledged Western style democracy. This is a magnificent accomplishment for the people of Taiwan and something that we tip our hats to as well today.

Unfortunately, on the mainland of China there seems to have been a backsliding in just the opposite direction. Since the Tiananmen Square massacre of China's democratic movement, the mainland has retrogressed and has slid deeper and deeper into repression, militarization and belligerence.

The communists in Beijing have tried to sabotage the Taiwan Relations Act which, as I say, was the foundation laid for peace and democratization, and they tried to sabotage it through subtle changes, subtly implying that this does not apply any longer to the Taiwan Relations Act, and in some cases with some language that is just out and out confrontational, saying that the Taiwan Relations Act does not apply.

We are putting the communist Chinese on notice today that the Taiwan Relations Act has brought peace, has brought stability to that area of the world, and we expect it to be followed to the letter. We will not see it changed subtly, we will not see it changed through confrontation, and any attempts to change the Taiwan Relations Act without another consultation agreement with all parties is considered an act of belligerency against the United States and an aggression upon the cause of peace in that part of the world.

We hope that by reaffirming this 20th anniversary, that we can step forward again with peace for another 20 years and hopefully a new democratization process that will include all of China.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution, which expresses the sense of Congress that the United States should reaffirm its commitment to the Taiwan Relations Act and the specific guarantees for the provision of legitimate defense articles.

The Taiwan Relations Act of 1979 linked the security interests of Taiwan to those of the United States. Since the adoption of this Act, the United States has made available to Taiwan those articles necessary for its self-defense.

In 1996, China displayed a show of force in the Taiwan Strait, it was not just the people of China and Taiwan that were ill at ease, but it was unsettling for the entire region. The balance of power in the Taiwan Strait has been of concern to the Congress. I have grave concerns over China's military modernization and weapons procurement program. China's ballistic missile capability and the deployment of these systems poses a present danger to the future stability in Asia. There is little doubt that the fragility of this situation poses a significant threat to the stability of the Pacific Rim and to American interests in the region.

The Taiwan Relations Act was enacted by Congress to promote the American relationship with Taiwan and to ensure that the future of Taiwan would be determined by peaceful means. I understand that the relationship Taiwan and the Chinese government is a tense one. Rather than taking sides between the two governments, this resolution seeks to reduce that tension by asking China to abstain from the use of military force in resolving the dispute.

I encourage the President to express to China our concerns for the stability of the region, and the importance that any dispute be resolved in a peaceful manner.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 56, commemorating the 20th anniversary of the Taiwan Relations Act.

Mr. Speaker, the Taiwan Relations Act has provided a stable foundation for peace and security in the Taiwan strait for 20 years. Since 1979, when the Taiwan Relations Act was passed, Taiwan has grown into a full fledged, multi-party democracy with a free press and respect for human rights.

Additionally, the TRA has served both the United States and Taiwan well as the framework for our commercial relations. During the same twenty years, Taiwan has grown into an economic powerhouse and a major player in the global market. Even in the face of the Asian financial crisis, Taiwan continues to post impressive economic growth numbers. Through prudent economic policies that have kept foreign debt low and foreign exchange reserves high, Taiwan managed to post a 4.8% GDP growth rate last year.

Mr. Speaker, the Taiwan Relations Act also speaks to the commitment of the United States to support Taiwan's Legitimate self-defense needs and recognizes that Taiwan's future must be decided by peaceful means only. The resolution before us today notes that cross-strait discussions are ongoing and urges the People's Republic of China to renounce the use of force as a means.

Mr. Speaker, the Taiwan Relations Act has served the United States and Taiwan well as the policy framework that guides our relationship. I urge all my colleagues to recognize the success of the TRA and to support the resolution.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 56, a resolution commemorating the 20th anniversary of the Taiwan Relations Act and reaffirming Congressional support for that law.

For many years, I have been a strong supporter of the Taiwanese people. In the last Congress, I was proud to have cosponsored legislation urging Taiwan's membership in the World Health Organization and a resolution calling on Beijing to renounce the use of force in the Taiwan Strait. This year I look forward to playing a role in additional Congressional efforts to demonstrate America's continued strong support for Taiwan.

Taiwan's transition to a democratic state with a vibrant free market economy continues to be the rock on which Congressional support is based. Nothing in Asia has been more spectacular than the rapid, democratic political evolution in Taiwan. the formation of the opposition Democratic Progressive Party in 1986, President Chiang Ching-kuo ending martial law in 1987, President Lee Teng-hui's ending the state of civil war with China and the special emergency powers which controlled dissent in Taiwan in 1991, and electing a new National Assembly in 1992 were all dynamic milestones on the road to Taiwan's complete political reformation. Since then, elections, including last December's legislative and municipal elections, have further demonstrated the political sophistication of the Taiwanese electorate.

The emergence of a democratic Taiwan is one of the most encouraging developments in Asia, demonstrating to other states in the region which still linger under the control of one man or one party that the people can rule for themselves. Taiwan's success in managing the turbulence of last year's Asian economic crisis provides additional testimony to the strength of its institutions and people.

Last year's elections sent a strong signal to Beijing that a change in relations between Taiwan and China cannot be imposed by China's self-appointed rulers. I believe that China should renounce the use of force as a means to bring about unification.

I applaud the high level dialogue which has resumed between Taiwan and China. As we all know, Taiwan has extremely important economic and social ties with China. It would benefit both governments to take additional steps towards reducing cross Strait tensions. President Clinton's policy of engagement with China is the right policy. China is a critically important world power. We must engage China on economic, political, and security issues with the expectation that we can find a common ground for solving the world's problems. We need China's support if we are going to create an open international trading regime in which all countries benefit. We need China's support if we are going to prevent the proliferation of weapons of mass destruction. And we need China's support if we are going to ensure that the Asian region remains peaceful.

But as we seek to engage China and deepen our relations with China, our search for common ground should not come at the price of our commitment to Taiwan's democracy and prosperity. I have urged and will continue to urge the Administration to fulfill the commitment it made in its 1994 Taiwan policy review to seek membership for Taiwan in appropriate international organizations. Taiwan's singular political and economic achievements give it the potential to play a tremendous constructive role in the international community. Taiwan has offered to assist its neighbors in the recent Asian financial crisis. It could play more of a role if given the chance.

I would urge special consideration be given to finding a role for Taiwan in the World Bank, International Monetary Fund, and World Health Organization. But this year I think special emphasis should be placed on gaining

Taiwan's membership in the World Trade Organization.

There has been much talk in recent weeks about the conclusion of a WTO accession agreement with China. I think we would all welcome a solid commitment by China to open its economy to fair trade and investment, but if such an agreement is not forthcoming, I think we should no longer hesitate to conclude an agreement with Taiwan. From all reports, Taiwan is just sentences away from completing the requirements for a WTO accession agreement with the United States. We should move rapidly to dot the ''I's'' and cross the ''t's'' for concluding the agreement and then press the other states to admit Taiwan even if China is not yet ready. If China does not want to be part of the international trading community, that is China's problem. It is not Taiwan's! And China should not be allowed to prevent Taiwan's entry into the WTO.

Just as it made no sense for the United States to pretend that China did not exist during the Cold War, it is equal nonsense to pretend that Taiwan does not exist in the post Cold War period.

As a senior member of the House International Relations Committee and as a Member on the Asia and Pacific Subcommittee, I promise to do everything I can to see that Taiwan and the Taiwanese people are not forgotten by the international community.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of the legislation before the House, which commemorates the 20th anniversary of the Taiwan Relations Act (TRA) while reaffirming the strong commitment of the United States to provide for the legitimate defense needs of Taiwan under the TRA.

I commend the author of the resolution, the gentleman from New York, Mr. GILMAN, Chairman of the House International Relations Committee, and the Democratic Ranking Member, Mr. GEJDENSON, for moving this important resolution to the floor. I also recognize the Chairman and Democratic Ranking Member of the House International Relations Subcommittee on Asia-Pacific Affairs, Mr. BEREUTER and Mr. LANTOS, as well as Mr. ROHRABACHER, for their substantial contributions to formulation of the resolution. I am honored to join my colleagues on the House International Relations Committee as a co-sponsor in support of House Concurrent Resolution 56.

Mr. Speaker, the United States has had a long, close and enduring relationship with Taiwan dating back to the end of World War II. With our support, Taiwan has risen from the region's ruins of war to become one of the world's strongest economies and most vibrant democracies in Asia.

Clearly, Mr. Speaker, the people of Taiwan must be congratulated for the outstanding accomplishments of their thriving and prosperous democracy of 22 million people. All Americans should take pride in and share the achievements of our close friends.

At the heart of the relationship between Taiwan and the United States is the Taiwan Relations Act, which for two decades has laid the foundation for peace and stability in the Taiwan Strait.

When the security of our friends in Taiwan was threatened by the People's Republic of China (PRC) in Spring of 1996, I supported the Clinton Administration in sending the Nimitz and Independence carrier groups to the Taiwan Strait to maintain peace. China's missile tests and threatened use of force contravened the PRC's commitments under the 1979 and 1982 Joint Communiques to resolve Taiwan's status by peaceful means. The Joint Communiques, in concert with the Taiwan Relations Act, lay the framework for our ''One China'' policy, which fundamentally stresses that force shall not be used in resolution of the Taiwan question. It is clearly in the interests of the United States and all parties that the obligation continues to be honored.

Today, reports indicate that China has between 150 to 200 M–9 and M–11 ballistic missiles in its southern regions facing Taiwan, and has protested U.S. efforts assisting Taiwan's defense as a violation of China's sovereignty. To pre-empt any Theater Missile Defense (TMD) that might be deployed in the future, China is expected to increase these missile batteries to over 650.

Mr. Speaker, I find this situation unfortunate and ironic, as China has legitimate sovereignty interests to preserve with Taiwan, yet is providing the very justification for U.S. defensive intervention under the Taiwan Relations Act. If China truly desires to stop Taiwan from being included in plans for a U.S. Theater Missile Defense system for the Asia-Pacific region, then it should take immediate steps to defuse the crisis by scaling back its present deployment of ballistic missiles facing Taiwan, resuming the Cross-Strait Dialogue between Beijing and Taipei, and exerting influence with North Korea to curb development and proliferation of long-range missile technology.

Mr. Speaker, in citing in part to the Taiwan issue, there is growing sentiment in Washington bent on portraying China as the major enemy of and security threat to the United States. I do not support this view, as it is unnecessarily alarmist and runs the risk of poisoning our longterm relationship with the PRC while undercutting our mission to integrate China as a responsible member of the international community.

Nonetheless, Mr. Speaker, I am glad that the United States has demonstrated in recent years that the use of force by China against Taiwan will not be tolerated. The legislation before us reaffirms that fact, and the central role that the Taiwan Relations Act has played and will continue to play in ensuring U.S. commitment that Taiwan's status will be resolved peacefully by the governments on both sides of the Taiwan Strait.

Mr. Speaker, I strongly urge our colleagues to support the resolution before us.

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

Mr. BEREUTER. Mr. Speaker, I urge all my colleagues to support H. Con. Res. 56, and I yield back the balance of my time.

The SPEAKER pro tempore. 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 concurrent resolution, House Concurrent Resolution 56.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONCERNING ANTI-SEMITIC STATEMENTS BY MEMBERS OF THE DUMA OF THE RUSSIAN FEDERATION

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 37) concerning anti-Semitic statements made by members of the Duma of the Russian Federation, as amended.

The Clerk read as follows:

H. CON. RES. 37

Whereas the world has seen in the 20th century the disastrous results of ethnic, religious, and racial intolerance;

Whereas the Government of the Russian Federation is on record, through obligations freely accepted as a participating state of the Organization on Security and Cooperation in Europe (OSCE), as pledging to ''clearly and equivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone . . .'';

Whereas at two public rallies in October 1998, Communist Party member of the Duma, Albert Makashov, blamed ''the Yids'' for Russia's current problems;

Whereas in November 1998, attempts by members of the Russian Duma to formally censure Albert Makashov were blocked by members of the Communist Party;

Whereas in December 1998, the chairman of the Duma Security Committee and Communist Party member, Viktor Ilyukhin, blamed President Yeltsin's ''Jewish entourage'' for alleged ''genocide against the Russian people'';

Whereas in response to the public outcry over the above-noted anti-Semitic statements, Communist Party chairman Gennadi Zyuganov claimed in December 1998 that such statements were a result of ''confusion'' between Zionism and ''the Jewish question''; and

Whereas during the Soviet era, the Communist Party leadership regularly used ''anti-Zionist campaigns'' as an excuse to persecute and discriminate against Jews in the Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns anti-Semitic statements made by members of the Russian Duma;

(2) commends actions taken by members of the Russian Duma to condemn anti-Semitic statements made by Duma members;

(3) commends President Yeltsin and other members of the Russian Government for condemning anti-Semitic statements made by Duma members; and

(4) reiterates its firm belief that peace and justice cannot be achieved as long as governments and legislatures promote policies based upon anti-Semitism, racism, and xenophobia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 37.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 37 condemns anti-Semitic statements made by members of the Russian Duma and commends actions taken by fair-minded members of the Duma to censure the purveyors of anti-Semitism within their ranks. H. Con. Res. 37 further commends President Yeltsin and other members of the Russian Government for their rejection of such statements.

Finally, this resolution reiterates the firm belief of the Congress that peace and justice cannot be achieved as long as governments and legislatures promote policies or let stand destructive remarks based on anti-Semitism, racism, and xenophobia.

Mr. Speaker, with the fall of the ruble last August and the associated economic problems in Russia, there has been a disturbing rise in anti-Semitic statements by high Russian political figures. Unfortunately, anti-Semitism has always had a certain following in Russia; and it would be disingenuous of us to suggest that there is no anti-Semitism in the United States or other parts of the world. But I believe we cannot remain silent when members of the national legislature of Russia, a participating state of the OSCE and the Council of Europe, should state at a Duma hearing, as did the chairman of the Duma Security Committee, Mr. Ilyukhin, that Russian President Yeltsin's ''Jewish entourage'' is responsible for alleged genocide against the Russian people.

It is an affront to human decency that Duma member and retired General Albert Makashov, speaking twice in November 1998 at public rallies, should refer to ''the Yids'' and other ''reformers and democrats'' as responsible for Russia's problems and threaten to make a list and ''send them to the other world.''

Mr. Speaker, this man, and I have seen a tape recording of him, as a matter of fact I played it at a Helsinki Commission hearing that I chaired last January, has said, ''We will remain anti-Semites and we must triumph.'' These are dangerous, hate-filled sentiments.

Mr. Speaker, it should be noted and clearly stated that President Yeltsin and his government have condemned anti-Semitism and other expressions of ethnic and religious hatred.

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There have been attempts in the Duma to censure anti-Semitic statements and those who utter them. However, the Duma is controlled, as we all know, by the Communist Party, where anti-Semitic statements are either supported, or at least tolerated, and these attempts to censure have failed. So we must go on the record and censure.

In fact, Communist Party Chairman Zyuganov has tried to rationalize anti-Semitic statements by fellow party members. He explains that the party has nothing against Jews, just Zionism. He has also stated that there will be no more anti-Semitic statements by General Makashov. But this is the same Mr. Zyuganov who has asserted that, and I quote, ''too many people with strange-sounding family names mingle in the internal affairs of Russia.'' And this is the party that claims to inherit that internationalist mantle of the old Communist Party.

Mr. Speaker, on January 15 of this year, I chaired a Helsinki Commission hearing regarding human rights in Russia, at which time we heard testimony by Lyuda Alexeeva, a former Soviet dissident and chairperson of the Moscow Helsinki Group. She testified that the Russian people themselves are not anti-Semitic but that the Communist Party is tolerating this crude attitude among its ranks. She called upon parliamentarians throughout the world to protest in no uncertain terms the position of the Communist Party and its anti-Semitic leaders. Let us make that a priority for us today, to censure, to speak out so that the democratic forces in Russia, the decent people who are trying to create a civil society in Russia, are not silenced by these demagogues of hate.

I urge strong support for this resolution. We must go on record.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H. Con. Res. 37.

First, Mr. Speaker, let me congratulate my good friend from New Jersey who has taken the initiative in submitting this most important resolution, and let me identify myself with every single one of his comments.

Mr. Speaker, this afternoon, the United States is considering the possibility of taking military action in Kosovo which ultimately would be the result of racial, ethnic and religious hatreds. In this century, we have seen too many expressions of extreme racial, religious and ethnic statements leading to actions of persecution and discrimination and ultimately to genocide not to be painfully aware of the significance of statements of hate and violence being uttered in halls of parliament. We clearly cannot ignore the anti-Semitic statements emanating from some quarters of the Russian Duma.

Words are powerful, Mr. Speaker, and they have consequences. They can incite action. Words are usually the first step in a chain of events leading ultimately to genocide. The words that we have heard from some Duma members should outrage every civilized person in this country and elsewhere.

Our action must be to condemn such outrageous statements as our resolution does. But our resolution should also commend those in Russia, including President Yeltsin and some members of the Duma, who have spoken out against statements of hate.

I might mention parenthetically, Mr. Speaker, that one of the most courageous human rights advocates of the Duma, a courageous woman parliamentarian, was killed in cold blood in her apartment house just because she has spoken out against incitement to hatred and murder.

As Russia struggles through a very difficult economic period, Russian leaders must be particularly cautious and careful not to promote scapegoating in their society. It is, therefore, very heartening that some Russian leaders, particularly President Yeltsin, have spoken out against incitement to hatred, persecution and ultimately murder. It shows that there are some Russian leaders who clearly recognize that racism and anti-Semitism have no place in the modern Russian society.

This issue, Mr. Speaker, is very high on the agenda of our administration. Secretary Albright raised the matter during her recent trip to Moscow, and in a few hours when Vice President Gore will be meeting with Prime Minister Primakov, who is about to land, he will raise this issue as one of the most important issues of their upcoming discussions.

I strongly urge all of my colleagues to support H. Con. Res. 37.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. I want to thank my good friend for his kind comments. This is another one of those vitally important human rights issues where we—Democrat, Republican, conservative, moderate and liberal—are speaking with one voice. Our friends in the Duma and other freedom-loving people need to know that, that we speak out boldly and forcefully against anti-Semitism.

The gentleman from California (Mr. LANTOS) remembers in the last Congress I chaired a hearing in our subcommittee on the alarming rising tide of anti-Semitism in Russia. Even then we saw the disturbing signs that anti-Semitism was bad and getting worse. It has become even worse than that in the last few months. We need to speak out very, very forcefully. I want to thank him for his great comments.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise to strongly support this resolution and to send a message that public officials making anti-Semitic statements, whether it is in Russia or anywhere else, is unacceptable and it is something that we are noting here in the United States and we will take action on these types of violations.

We do not take public expressions of anti-Semitism, of hatemongering of

this kind, lightly. Anti-Semitism, as all ethnic-based hatred, is an ugly threat that cannot be ignored, and if we ignore it, we do so to our own jeopardy. The fact is, anti-Semitism and this type of hate rhetoric has gotten out of hand in the past and it could get out of hand in the future if in any way the civilized world refuses to take the actions that are necessary to make sure that we quarantine it, that we eliminate it, and that we condemn it with all of our strength.

I commend the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH) for providing leadership on this issue. These type of strong messages are heard. For the record, let me say a strong message certainly is important, but for the record I believe that we should warn Russia and others that we will not deal with those racist and anti-Semitic officials in Russia or anywhere else. For the record, I would suggest that the American ambassador should warn those public officials concerned that if those anti-Semitic statements do not end, there will be some action taken by the United States, and that if they repeat these anti-Semitic statements, perhaps the American ambassador should act to ensure that these public officials not receive any visas to the United States. I will put this on the record, that if indeed we hear more anti-Semitic statements coming out of public officials in Russia, or, I might add, anywhere else in the world, I will be happy to work with the gentleman from New Jersey and the gentleman from California to put in a law that requires our ambassadors to deny visas to anyone who has made an anti-Semitic statement after being warned that it is unacceptable.

The good people of Russia will be strengthened by our message today. We need to make sure that those good people know that we are not blaming them and that we want to work with them to make sure that the evil elements in their society do not get the upper hand. There is a good way to determine who an evil element is in a society. Certainly it is easy to tell when you see those are the people who are making anti-Semitic and racist and hate-filled remarks and trying to build animosity from one group to another based on their race, their religion or their ethnic background. If Russia is to be part of the civilized world, then anti-Semitism cannot be part of the public officials' dialog in that country. If Russia wants to be part of the western democracies and wants to build their country into an economic partner with the rest of the world, wants us to cooperate with them, they have got to earn our respect. We in this country do not respect anyone that permits this type of hatred to be uttered by public officials.

With that said, I stand in strong support of this resolution and add my voice to those of the gentleman from California and the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for his very eloquent statement and for reminding us that there is no welcome mat for purveyors of hate in this country. We will take him up on that. I think it is a very valid suggestion, I say to my friend.

Ms. SCHAKOWSKY. Mr. Speaker, I am proud that this Congress today has decided not to overlook the anti-Semitic statements made by members of the Russian Duma. Anti-Semitism is on the rise in Russia. The resolution we are considering today demonstrates our concern and our commitment to stop this trend.

For the people of my district, there is no option. Many are survivors or the descendants of those who survived an era filled with events that we must never allow to be repeated.

The recent surge of anti-Semitism in Russia is dangerously reminiscent of pre-Nazi Germany.

While we are condemning words spoken by Russian Duma members, we need to remember the effect just words have had in the past.

The anti-Semitic statements from the members of the Russian Duma scare me. They remind me of how easy it can be for history to repeat itself.

We need to act now to condemn these statements, to ensure that this country and the world never forget and never allow hateful words to lead to hateful deeds.

This resolution also commends President Yeltsin and other Russian Duma members, who have spoken out against these racist statements.

Mr. PORTER. Mr. Speaker, I rise today in support of the gentleman from New Jersey's resolution in brining attention to anti-Semitic comments by members of the Russian Duma and condemning these comments.

A deeply disturbing situation is currently unfolding throughout Russia. Anti-Semitism is at all levels of Russian society. The rise in the neo-Nazi movement activity; anti-Semitic material readily available on the streets; the right wing party blaming the Jewish Community for the current economic crisis are all eerily reminiscent of earlier, horrific times. Such rhetoric propagating ethnic hatred must be stopped.

This anti-Semitic reign of terror is occurring in communities across Russia. Jews in towns such as Borovichi and Krasnodar have to watch television adds urging citizens to ''take up arms and kill at least one Jew a day,'' walk past posters that read ''Jews are garbage'' and receive letters threatening them with death if they do not leave Russia. All the while, the local law officials request that the matter be disregarded.

Unfortunately, these actions are not limited to small communities. In Moscow this winter, the ultra-nationalist Russia National Unity Party (RNU) held a demonstration in the streets with the group dressing in their militant-style uniforms armed with swastika bands. The RNU boasts 50,000 members located in twenty-four regions of Russia.

These actions and statements of racial hatred are even more difficult to stem when they are being encouraged by people at the highest level of the Russian government. Not only has General Albert Makashov blamed the current economic crisis on the Jews, he advocates establishing a quota for the number of Jews allowed in Russia. The Duma has failed to censure General Makashov for his comments calling for the death of Jews and the Communist party fails to condemn or discipline him in any way.

President Boris Yeltsin has condemned General Makashov and others who have made similar comments, and for that I applaud him. Peace and justice will not reign in the world until governments at all levels stand up against policies and practices promoting anti-Semitism and racism. We in Congress must not allow the current efforts attempting to weaken religious freedoms in Russia to succeed at any level.

Mr. GILMAN. Mr. Speaker, House Concurrent Resolution 37 is an important statement on an important issue.

On this very day, Russian Prime Minister Yevgenii Primakov is scheduled to be arriving in Washington for official meetings here.

Unfortunately, back home in his native Russia, a virulent, ugly anti-Semitism is on the rise.

Let me simply refer to the statements made by two members of the Russian parliament—both of whom are members of the Russian Communist Party.

These specific statements are the reason why this House is considering this resolution today.

First, in October, Russia parliament member Albert Makashov said that the Jews in Russia should be rounded up and: ''sent to the grave.''

Makashov then went on to say in February that Russian Jews were:

> so bold, so impudent, because we're sleeping. . . . It's because none of us has yet knocked on their doors or _____—I will omit the word here out of courtesy to all those in attendance—on their windows. That's why they're such snakes and acting so bold.

Second, in December, Viktor Ilyukhin, another Communist member of parliament and, in fact, Chairman of its Security Committee, stated that the Jews were responsible for a ''genocide'' of the Russian people and that:

> the large-scale genocide would not have been possible if Yeltsin's entourage and the country's previous governments had consisted mainly of members of the indigenous peoples rather than members of the Jewish nation alone.

The leader of the Russian Communist Party, Gennady Zyuganov, refused to stand up to this flagrant anti-Semitism in his party's ranks, and instead tried to blame ''haters of Russia'' for ''trying hard to force the so-called Jewish Question on us.''

Last week, I sent letters to Secretary of State Albright and Russian Prime Minister Primakov—and I joined with other Members of Congress in a letter to Vice President GORE—stating my strong concern over such statements and over the vandalism done earlier this month to a synagogue in Novosibirsk in Russia.

The enactment of this concurrent resolution would be an important, further step in demonstrating the Congress' concern.

I believe it would be helpful to all those put at risk in Russia by this anti-Semitism if the House today were to pass this resolution and send a clear message of our concern to Russian Prime Minister Primakov during his scheduled visit here.

I support the measure and commend our colleague, Congressman SMITH, for sponsoring it.

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

Mr. LANTOS. Mr. Speaker, I want to commend my friend from California.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 37, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2000

Mr. SHAYS (during consideration of House Concurrent Resolution 37) from the Committee on the Budget, submitted a privileged report (Rept. No. 106–73) on the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, which was referred to the Union Calendar and ordered to be printed.

PROTECTING PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS SUPPLEMENTAL ENDORSEMENT FOR 1999 CROP YEAR

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1212) to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year, as amended.

The Clerk read as follows:

H.R. 1212

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

SECTION 1. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.

(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as ''CRCPLUS'') for the 1999 crop year for a spring-planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

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

Mr. Speaker, I rise to offer a bill, H.R. 1212, with an amendment. This bill's timely passage is critical to thousands of American farmers who may otherwise be unable to buy appropriate levels of insurance on their 1999 crops. The amendment to the bill is noncontroversial and technical in nature.

Importantly, H.R. 1212, as amended, enjoys bipartisan support in the Congress, the administration's backing and does not cost the U.S. Treasury any money. I am pleased to be joined by the committee's ranking member, the gentleman from Texas (Mr. STENHOLM); chairman of the Subcommittee on Risk Management, Research, and Specialty Crops, the gentleman from Illinois (Mr. EWING); the gentleman from California (Mr. CONDIT); the gentleman from Arkansas (Mr. BERRY); the gentleman from Louisiana (Mr. COOKSEY); and the gentleman from Louisiana (Mr. JOHN) in offering this legislation.

The facts surrounding the need for this bill are complicated. But, in short, unless H.R. 1212 becomes law, thousands of farmers, by no fault of their own, will be left with three undesirable choices, staying with crop insurance policies that may not be economical for their operations, accepting catastrophic crop insurance that provides very low coverage, or settling for no crop insurance at all.

Mr. Speaker, leaving farmers in this predicament is unacceptable. That is why I am offering H.R. 1212. H.R. 1212 is straightforward. It provides a brief window of time up until April 12, 1999, in which farmers who are in this predicament may buy new crop insurance. The bill also permits affected farmers to transfer certain policies during the same period of time. The bill in no way interferes with private contracts.

While this bill is limited to providing immediate relief from a current problem, I want to assure my colleagues that the committee expects to thoroughly examine the underlying issues that led to this problem as we work to improve the crop insurance program for this year.

Mr. Speaker, I would ask my colleagues to support H.R. 1212, as amended, and urge its timely passage.

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

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

Mr. Speaker, I rise in strong support for House passage of H.R. 1212. I want to commend my colleague from Arkansas (Mr. BERRY) for all of the work he has done on this legislation. The bill offers a no-cost solution to a problem created by the interaction between Federal crop insurance and the private insurance industry.

Mr. Speaker, crop insurance law and regulations provide definitive dates for the sale or cancellation of crop insurance policies. The deadlines help to protect the taxpayer from costs associated with adverse selection. Without firm deadlines, producers could wait until the growing season has commenced, make an assessment as to their likelihood of harvesting a good crop, and then those who had a good crop would decline crop insurance and those likely to have a loss purchase it. Sales closing dates help prevent bad insurance outcomes and excessive taxpayer cost at the same time.

Mr. Speaker, this year many producers purchased a Federal crop insurance policy known as Crop Revenue Coverage, CRC, based on the belief that a related policy known as CRCPlus would be available under certain terms. The CRCPlus enhancement policy, while it modifies a producer's insurance coverage, is not approved, not backed and not regulated by the Federal Government.

Mr. Speaker, after the Federal deadline for sale or cancellation for the Federal CRC policy passed in many areas, the company offering CRCPlus made an announcement that the terms of the policy would be changed from what many producers had applied for. Since some producers purchased their Federal CRC policies so that they could take advantage of CRCPlus, under the initial terms they have ended up with insurance outcomes that differ from their intentions.

Mr. Speaker, the bill before us would allow any producer who had applied for a CRCPlus policy to change their coverage under the Federal crop insurance program. In order to guard against costs associated with adverse selection, the bill provides that a producer may only change to a federally-backed policy that provides equivalent or lower coverage. In addition, the bill provides a date certain after which these changes could no longer be made. With these provisions CBO estimates that the bill will not increase program cost.

Mr. Speaker, this bill provides a fair opportunity for producers to make adjustments to changes and circumstances which were beyond their

control. I thank the chairman of the committee and other Members for responding quickly to this situation. Again, I commend the gentleman from Arkansas (Mr. BERRY) for his efforts, and I urge my colleagues to vote for passage of this bill.

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

Mr. COMBEST. Mr. Speaker, I yield as much time as he may consume to the gentleman from Louisiana (Mr. COOKSEY) who is a member of the committee.

Mr. COOKSEY. Mr. Speaker, H.R. 1212 provides a window of opportunity for hard-working farmers all over the United States, but particularly hard-working farmers that bought CRC Plus insurance, to buy new insurance to protect their 1999 crops. Farmers who bought this private CRCPlus policy as a supplement to federally-approved policy have been harmed because the coverage has been unilaterally reduced or altogether rescinded by the insurance company.

While Louisiana farmers and other farmers harmed in this situation can co-opt out of the CRCPlus policy and the Federal policy, the Federal policy it supplements, these farmers are left with little to no insurance if they do so because the last day to buy insurance has come and gone. H.R. 1212 helps Louisiana farmers and other rice farmers who are harmed in this ordeal by extending the time period to buy new crop insurance so that these farmers can buy the insurance coverage they need to protect their investment.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding this time to me, and I thank the chairman of the committee, the gentleman from Texas (Mr. COMBEST) and also the ranking member, the gentleman from Texas (Mr. STENHOLM) for their swift action regarding this matter.

I rise today because the farmers in the First Congressional District of Arkansas and across the country have basically been victims. They have been ripped off by the old bait-and-switch of an insurance company. We started getting calls about a month ago from farmers in our district that had been victims of this problem, and it has spread, Mr. Speaker, much beyond the First Congressional District of Arkansas.

The problems farmers have had with the CRCPlus have gone on far too long, and it is time for us to provide a legislated remedy so that they can have the necessary insurance that is available to them and give our farmers the option to not be victims, and hopefully to keep other farmers from being victimized by similar circumstances in the future.

Mr. Speaker, I urge the passage of the bill, H.R. 1212, Mr. Speaker, and I hope my colleagues will support it.

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

Mr. Speaker, this is the bill, H.R. 1212, that led to the need to bring this up in a very expeditious fashion. As the gentleman from Arkansas (Mr. BERRY) very well pointed out, it is a dilemma which is very unfortunate in that it occurred. One of the in-depth processes that the Committee on Agriculture is currently going through is looking how we might substantially improve the crop insurance program for coming years; failing that, a risk management tool, a very strong, adequate, sufficient crop insurance program is something that most farmers and farm groups and commodity groups across this country are suggesting that needs to take place, that it is currently deficient in the pending farm legislation.

It is somewhat sad, I think, that this has occurred primarily because one of the ideals that we are trying to put forward in considering crop legislation for the future and a crop proposal for the future and reform is to provide the opportunity for there to be some type of adequate revenue assurance measure that is an option for farmers in which to participate. Those farmers that have contacted the committee in the area in which this primarily has occurred, in the southern part of the United States, obviously do not currently have a tremendous amount of confidence in the program as it has worked there, and while I would suspect that future crop insurance programs and reform and legislation that would provide an adequate risk management from the revenue assurance aspect is something that would be very well accepted, I think it would probably be substantially crafted differently than this is.

So, I want to ensure those farmers out there who are in fact concerned about the process that, as I had indicated in my opening statement, the committee will look very carefully at the process that led up to the necessity to pass this bill today in very short order, in order to give those farmers an opportunity to make some choices that they went into with good faith, however after the end of the game, the rules were changed. We want to go back and give them the fourth quarter to be able to replay this and to bring into their own business decisions whatever works best for them, giving them some options.

We appreciate the fact that the department does support this concept, is willing to work with farmers trying to work through it, and because the deadlines that are imposed and the closing dates to purchase crop insurance have, in fact, expired, it is necessary to give them that option up to, as I mentioned, April 12, as the bill does. We are certainly hopeful that in a very expeditious fashion the Senate would consider this legislation and get it down to the department or down to the President for signature, which has been virtually assured, so that this matter could be dealt with this week, prior to the time that the Congress leaves for its Easter break, and that these farmers can be making these decisions.

But again I want to emphasize the fact that we will look very carefully at the conditions that led up to this particular problem, in trying to make for certain that farmers can be assured in the future, as this crop insurance program is revised and reformed, that in fact this is not a situation which they would have to be concerned about, and we will try to do everything we can from our committee to put into place all of the safeguards that would be necessary to protect those.

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

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume, and continuing in the light of the statement of the gentleman from Texas (Mr. COMBEST), this particular problem that we are solving today with this legislation is indicative of some other, even larger problems associated with our current crop insurance program. We are finding now that there is widespread but not necessarily unanimous agreement that crop insurance as it is current constituted, is inadequate to meet the needs of our farmers and ranchers around this country, and that is why I have been fully supportive of the gentleman from Texas' efforts this year to make revenue insurance, crop insurance slash livestock insurance, the number one priority of our House Agriculture Committee this year, and I think we are finding now that there is substantial agreement.

I was in Crockett County, Tennessee yesterday with one of our colleagues, the gentleman from Tennessee (Mr. TANNER), over 300 farmers there, in which there was substantial agreement that crop insurance needs to be improved. And as we do this, I think it is important for our colleagues and all interested in this subject to realize that we are basically starting with a blank sheet of paper. We are finding that when we talk about crop insurance, that even those crops that have been covered, there are holes in the program. We also are finding that livestock producers have been left out as far as being even eligible to purchase coverage.

One of the things that we are finding now is that in light of the 1995–1996 farm bill that basically said to our producers, ''produce for the market,'' removal of a lot of government activity regarding agricultural production, that there was also a promise that we were going to free up world markets. And as we all know now, we have not been able to pass Fast Track, we have had all kinds of difficulty in even getting the United States negotiators to the table in order to free up those markets so that we might produce.

That has now led us to another situation in which in the past crop insurance has been designed to care for weather-related disasters. We now are beginning to know that currency

changes, whole regions of countries, when they have economic problems, it has affected our producers in ways in which no one in this body anticipated in the 1995–1996 area when we were passing this legislation.

So I use this opportunity today to say that this particular bill and the need for this bill today was caused inadvertently by a misinterpretation, misapplication of what some believe was current law. What we now have, the task for us, ahead of us, is to see that we do provide a crop insurance, revenue assurance program that will be adequate for our producers, whether they be crop, livestock or anyone in between. That is the challenge, and we hope later this year or certainly early next year it would be my hope that we would be able to bring comprehensive legislation to the floor of the House dealing with this particular problem.

With those comments, Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I would like to also extend my thanks to the ranking member, the gentleman from Texas, and also the chairman of the Committee on Agriculture who have brought this measure in an expeditious manner to us. This is a very important piece of legislation for the district of south Louisiana of which I represent, the rice capital of the world.

This is a situation that has cropped up and that has occurred by no fault of any of the producers, where they have acted in good faith to try to obtain the kinds of coverage they need, to make sure that they are covered for the problems that may incur similar to what happened last year. What this bill does, very simply, is open the time in which the farmers could actually reapply for some insurance and some other federally-covered insurance to protect them in this crop zone, so I urge final passage of this piece of legislation that is so important and was not brought upon by any of the producers' fault at any point in time.

So I commend the gentleman from Texas for bringing this legislation, again, and I urge strong support.

Mr. Speaker, I rise in strong support for HR 1212. I am a co-sponsor of this legislation and I have worked constantly on this problem since it surfaced approximately one month ago.

Mr. Speaker, before discussing the merits of this particular legislation, I would like to commend the Chairman and Ranking Minority Member on the House Committee on Agriculture, Mr. COMBEST and Mr. STENHOLM, for their leadership in ensuring that this issue received the prompt attention that it deserves.

We are here today, Mr. Speaker, because of a recent development concerning a private crop insurance policy provided primarily for rice. Namely, ''CRCPlus'' is a supplemental insurance product available only from America Agrinsurance (AmAg). This policy allowed producers to increase their Crop Revenue Coverage (CRC) revenue guarantee to provide a higher level of protection against major crop loss or a decline in market price. After the sales closing date for federal crop insurance policies had passed, AmAg changed the terms of the CRCPlus plan for producers that had applied for the supplemental coverage.

This situation, and the events that followed, has called into question the integrity of the Federal crop insurance program. The good faith efforts made by farmers to hedge their risk by participating in the crop insurance program, combined with the actions of AmAg, placed my rice farmers in a bad position—leaving them heavily and unnecessarily exposed or having them pay higher premiums for coverage they could have received elsewhere. Allowing this situation to proceed is the wrong message to send, especially at a time when many of us in Congress are attempting to strengthen the crop insurance programs.

Passage of this legislation will reopen the time period during which farmers who applied for CRCPlus insurance may buy additional federal crop insurance. This is intended to allow farmers who were affected by the decisions of AmAg concerning CRCPlus to adjust their crop insurance policies and obtain substitute insurance. Under this measure, these farmers would be eligible to buy federal crop insurance from other federally-approved insurers, with coverage up to the level of protection they would have had under the original CRCPlus policy in which they had applied.

These farmers would also be allowed to transfer to other insurers any basic federal crop insurance they have obtained through AmAg for other crops.

Without this legislation, farmers would not only remain heavily exposed, but would also be less trustful of crop insurance reform in the future. With this in mind, I urge Members to support HR 1212 and give the farmers the legislative fix that they need to address their risk concerns.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. PICKERING).

□ 1515

Mr. PICKERING. Mr. Speaker, I rise today in support of H.R. 1212, offered by my good friend, the chairman of the Committee on Agriculture, and I commend him for his leadership on this issue. I also want to recognize the ranking member, the gentleman from Texas (Mr. STENHOLM), as this is a bipartisan effort to address a very critical need for our American farmers.

Today, through no fault of their own, many hard-working Mississippi farmers are left with crop insurance that does not meet the needs of their farming operations or, even worse, they are left with no crop insurance at all. I share the chairman's view that leaving farmers in this predicament is unacceptable, and gladly, H.R. 1212 fixes that problem.

H.R. 1212 gives Mississippi farmers, and farmers throughout the country who have already been adversely affected by this ordeal, a new window of opportunity to buy the insurance coverage they need.

Mr. Speaker, American farmers borrow more money each year and every year than most of us borrow in a lifetime, to plant a crop so that we can all enjoy low prices at the grocery store and so that the whole world can eat. Each and every year this is an incredible gamble for each of the farmers, because markets may not even provide these farmers enough to pay back their loans or cover their costs of production. Worse yet, the weather could rob them of their crop completely.

H.R. 1212 offers our Nation's farmers the chance they need to protect this huge investment and gives them just a little peace of mind.

Mr. Speaker, I urge my colleagues to vote for this very timely and important piece of legislation.

I also want to join with my colleagues to say that this is just an interim fix, that the long-term crop insurance reform for a comprehensive solution is coming, and we need to all work with the same type of bipartisan consensus and effort to fix the underlying problem of an inadequate crop insurance program. I look forward to working with my colleagues on this and the long-term solution in the days to come.

Mr. MINGE. Mr. Speaker, I rise today in support of H.R. 1212, a bill to protect producers of agricultural commodities who apply for Crop Revenue Coverage PLUS supplemental endorsement of 1999 crop year.

This legislation will provide relief to farmers throughout the United States, including farmers in Minnesota, who had applied for a specific non-federal crop insurance policy whose coverage level changed or was expected to change after the sales closing date had passed. Without congressional intervention, these farmers would be forced to remain in financially detrimental crop insurance policies for the 1999 crop year with little possibility for recourse. In the current poor economic climate for farmers, it is vitally important that we in Congress do everything possible to provide farmers with opportunities to maximize their operations' profitability. H.R. 1212 will, at no cost to the Federal Government, allow producers to change their crop insurance coverage to products which will better serve their needs.

Given the increased importance of risk management tools under the 1996 farm bill, I commend the chairman and ranking member of the Agriculture Committee for bringing this matter before the House of Representatives for a timely resolution.

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

Mr. COMBEST. 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 Texas (Mr. COMBEST) that the House suspend the rules and pass the bill, H.R. 1212, 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. COMBEST. 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. 1212, the bill just passed.

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

There was no objection.

AFFIRMING THE CONGRESS' OPPOSITION TO ALL FORMS OF RACISM AND BIGOTRY

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 121) affirming the Congress' opposition to all forms of racism and bigotry.

The Clerk read as follows:

H. RES. 121

Whereas the United States of America has been enriched and strengthened by the diversity and mutual respect of its people;

Whereas the injustices and inequities of the past continue to demand our forceful commitment, both as individuals and as an institution, to equal justice under law and full opportunity for every American;

Whereas a racist attack upon any group of Americans is an affront to every one who cherishes the promise of America and the values that sustain our democracy; and

Whereas every Member of Congress has a responsibility to foster the best traditions and highest values of this nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) insists that no individual's rights are negotiable or open to compromise; and

(2) reaffirms the determination of all its Members to oppose any individuals or organizations which seek to divide Americans on the grounds of race, religion, or ethnic origin; and

(3) denounces all those who practice or promote racism, anti-Semitism, ethnic prejudice, or religious intolerance; and

(4) calls upon all Americans of good will to reject the forces of hatred and bigotry wherever and in whatever form they may be found.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GEKAS. 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. 121, the resolution under consideration.

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

There was no objection.

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

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

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

Mr. CONYERS. Mr. Speaker, this is an important matter before us. I want to commend the gentleman from Florida (Mr. WEXLER) for causing this embarrassing substitute to be brought to bear. The scheduling and the substance of this resolution is an utter affront to all believers of civil rights and regular order in the House of Representatives. I appeal to every Member to vote against the underhanded processes involved in bringing H. Res. 121 to the floor this afternoon.

First, a word about bipartisan cooperation, since we have all come back from Hershey over the weekend. Without the courtesy of a simple phone call from the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), this bill was discharged from the committee with no hearing, no markup; another example of how Committee on the Judiciary Democrats are still being treated unfairly at every turn of the process, not even a single phone call. The leadership continues to mistreat what is almost an equal number of Democrats as Republicans in the House.

Secondly, this bill, I think, is intended to be serious but it is really just a joke. A generalized, amorphous, meaningless resolution is an idea taken from the gentleman from Florida (Mr. WEXLER) and is now so watered down as to be insulting.

It is a cover for those Republicans who do not want to condemn the Council of Conservative Citizens because so many Republican leaders have been associated with this racist group. They have cloaked themselves in mainstream conservatism, but it is masking an underlying racist agenda. Its leader is the former Midwest director of the White Citizens Council. Their web site reads like something out of the Third Reich.

What are we doing here today? I urge that the Members vote ''no'' on this resolution

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

The Speaker pro tempore. Without objection, the gentleman from Florida (Mr. CANADY) will control the 20 minutes on the majority side.

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, hatred expressed through racial, religious or ethnic prejudice is an affront to the institutions of freedom, equal justice and individual rights that together form the bedrock of the American republic.

We need no reminder that bigotry lives on in America. The heinous murder of James Byrd, Jr., shocked us all with the graphic portrait of racism in its most vile form. So this resolution before us is not meant to be a mere reminder, nor is it meant to single out for condemnation any one organization or individual.

To be so particular would be to commit a crime of omission by giving a pass to other groups that espouse prejudiced, racist views, in effect saying that their bigotry is not so offensive as to be worthy of our condemnation. The Southern Poverty Law Center says that 537 hate groups exist in the United States. We cannot possibly condemn each bigoted organization, person or act individually.

In any event, there is a better course to take. Today we can make one sweeping statement of principle that acknowledges the existence of bigotry, condemns those who promote or practice it, and affirms the rights of individuals of all races, religions and ethnic backgrounds.

Passing this resolution will not reverse the horrible tragedy of James Byrd's death, nor will it directly prevent future tragedies of the same sort. It will not eliminate the more subtle but more common kind of bigotry that rears its ugly head every single day, like when a man gets on a subway, when a man of a certain color gets on a subway car and instinctively sits next to the person of his color instead of a person of another color; or when a Jewish family on the block is not fully accepted by some of their Protestant neighbors; or when a Hispanic kid walks into a store and is watched under a suspicious eye.

Let us also celebrate the great strides we have made as a Nation and as a people in moving toward a more unified America. Let us salute great men and women like Frederick Douglas and Rosa Parks and John Lewis and Abraham Lincoln and Dr. Martin Luther King, Jr., as well as the millions of others whose names we do not know but whose efforts have torn down many of the walls that far too long divided us.

Every American must keep working toward that goal of a hate-free America. So today, in this Chamber, let us stand and be counted. Today let us condemn all forms of racial, religious and ethnic prejudice.

Some will say this afternoon that because this resolution did not name a certain group, did not specifically name certain groups, that this resolution has no bearing. Why do we make racism and bigotry that small? What happens is that if someone names a certain group? Then someone else will offer a resolution to name another group, and then somebody will organize another resolution to name another group. What we get, Mr. Speaker, we get a tit for tat, we get an eye for an eye and tooth for a tooth.

Let me remind my colleagues what Dr. King said. He said when we have an eye for an eye and a tooth for a tooth, it leaves America toothless and blind.

Let us carry on the fight for an America where Dr. King's dream can become a reality, an America where freedom rings crisply in the ears of every member of our national family, and an America where equal justice and equal opportunity are no longer mere goals but instead true hallmarks of our Nation's character. Please support this resolution.

Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I say to my good friend, the gentleman from Oklahoma (Mr. WATTS), who could not join the organization that he is covering up for, the Council of Conservative Citizens, if he applied, that this is not tit for tat.

Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WEXLER), a distinguished attorney and a member of the Committee on the Judiciary who caused the Republicans to bring this forward.

Mr. WEXLER. Mr. Speaker, the resolution we are debating today is unfortunately nothing but a sham because it subverts the intent of the 147 Republican and Democratic cosponsors of the Wexler-Clyburn-Forbes resolution.

Our bipartisan resolution, House Resolution 35, was introduced seven weeks ago, and confronts head-on the ghosts of America's past, condemning the racism that has divided us as a Nation and exposing the insidious and hateful agenda of the Council of Conservative Citizens, the CCC.

The Watts resolution was introduced just Thursday. It has, I understand, no cosponsors. It confronts nothing. It was rushed to the floor today without committee consideration. The Watts resolution is designed only to derail our resolution and, if successful, hands the CCC an unconscionable victory.

Revealing the true identity of the Council of Conservative Citizens is the right thing to do. The CCC attempts to mask its hateful ideology by posing as a mainstream conservative organization, but the racist agenda of this group is undeniable. The CCC has directed its hatred towards millions of Americans, African Americans, Hispanic Americans, Jewish Americans, homosexuals, immigrants and virtually all minorities.

□ 1530

Listen, listen to what the leader of the CCC said about his group's strategy. I will replace his use of the N word with the word ''blacks.''

''The Jews are going to fall from the inside, not from the outside, and the ''blacks'' will be a puppet on a string for us. The power is not out there in the gun, it is inside Congress. . .We've got to do it from the inside.''

The CCC is a wolf in sheep's clothing, and with racially motivated crimes on the rise, it is imperative that Congress go on record exposing them for the bigots they are. That is why the alternative resolution before us today is empty. It gives lip service to condemning racism, but it does not specifically cite the CCC, nor does it strengthen our civil rights laws. It does nothing real. It offers cover, not content.

In 1994 when this Congress voted overwhelmingly to condemn the racist, anti-Catholic, anti-Semitic speech of Khalid Abdul Muhammad of the Nation of Islam, there was no outcry about singling out one man for criticism. There was no rush to promote a generic statement about all racism, instead of identifying a specific and dangerous speech that had outraged millions of Americans.

So I guess what it all comes down to is that when it is a black person who is a racist it is okay for Congress to condemn him, but when it is a white person or a white group that is racist, then Congress does nothing, and we become, as the chairman, the gentleman from Illinois (Mr. HENRY HYDE) said in 1994, accessories by silence, by inaction.

I respectfully urge Members to vote no on House Resolution 121. Let us bring House Resolution 35 to the floor for a meaningful vote.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I would just say to my friend, the gentleman from Florida, that it is an amazing thing to me that over the last 4 years when I have been attacked, when I have had racist comments made about me, my friend from Florida never came to the floor and spoke up.

The gentleman from Michigan, when I have had racist attacks made against me by people in the white community back in Oklahoma, the State Democrat party back in Oklahoma, Slate magazine, which is a national magazine, no one ran to the floor to condemn that.

I think my resolution is much broader. My resolution condemns the New Order Knights of the Ku Klux Klan, the National Alliance, Aryan Nation, the CCC. Anybody that advocates these racist, bigoted, vile views is condemned in my resolution.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would let my good friend, the gentleman from Oklahoma (Mr. WATTS) know that I did not know he was attacked. If he was attacked in his home area, it was by right-wing zealots that may have been in the Council of Conservative Citizens.

But since the gentleman mentioned the names of these hate groups, why does the gentleman not put them in the resolution? Why do we not just debate them?

The gentleman spoke about no one came to his defense. I would have loved to have come to the defense of the gentleman from Oklahoma (Mr. WATTS).

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 121, which was introduced by the gentleman from Oklahoma (Mr. WATTS), affirms the opposition of the Congress to all forms of racism and bigotry. The resolution recognizes the grievous harm caused by racism, and emphasizes the responsibility of every Member of Congress to foster the best traditions and highest values of this Nation.

At the heart of the American experience is the ideal of respect for the dignity of the individual set forth in the Declaration of Independence. All men are created equal, and are endowed by their creator with certain unalienable rights.

This ideal has never been more eloquently expressed than by Dr. Martin Luther King, Junior. According to Dr. King, the image of God ''is universally shared in equal portions by all men. There is no graded scale of essential worth. Every human being has etched in his personality the indelible stamp of the Creator. . . The worth of an individual does not lie in the measure of his intellect, his racial origin, or his social position. Human worth lies in relatedness to God. Whenever this is recognized, 'whiteness' and 'blackness' pass away as determinants in a relationship, and son and brother are substituted.''

Dr. King explicitly linked this view of man and woman created in the image of God to the philosophical foundation of the United States. This is what Dr. King says about the foundation of America:

''Its pillars were soundly grounded in the insights of our Judeo-Christian heritage: All men are made in the image of God; all men are brothers; all men are created equal; every man is heir to a legacy of dignity and worth; every man has rights that are neither conferred by nor derived from the state, they are God-given.''

These fundamental principles are at odds with any theory that distinctive human characteristics and abilities are determined by race. These principles condemn any effort to reduce individual human beings to the status of racial entities.

In this resolution, the House of Representatives recognizes that anyone, or any group, whether they are the Ku Klux Klan, the Aryan Nation, or the Council of Conservative Citizens, which fails to honor and respect these principles has attacked the very foundation of our Republic.

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

Mr. CONYERS. Mr. Speaker, I yield myself 13 seconds.

Mr. Speaker, as an original author of the Martin Luther King holiday bill, and one who worked and knew Dr. King, I am sure happy to see that at least the other side has been reading about King and have appropriate quotations to bring to this debate, falsely implying that he might not be supporting what we are trying to do.

The gentleman ought to name the organizations.

Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. MICHAEL FORBES), pointing out that he could not get time on the other side.

Mr. FORBES. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the resolution before us belabors the obvious, that Congress is opposed to racism and hatred. The people watching this debate must be scratching their heads thinking, but surely this most American of all American institutions is already against

racism and bigotry and the intolerant acts this that seek to divide us as a people.

Certainly an integral part of the charter of this place, it would seem evident, is our basic, unadulterated opposition to racism. So why this effort?

The resolution before us denounces ''all those who practice or promote racism, anti-Semitism, ethnic prejudice, or religious intolerance.'' It is a general statement by Congress against racism and bigotry, where a specific one is not only warranted but demanded.

The need for a swift and sure condemnation of the activities of a specific group, in this case the Council of Conservative Citizens, is necessary because under the cloak of portraying itself as a Main Street grass roots organization dedicated to conservative ideals, the CCC further attempted to legitimatize itself by having Members of Congress appear before the group. Where its words and its rhetoric would never render this hate group credible, they sought to have Members of this very institution legitimatize their very illegitimate behavior.

It is worth noting that Members have denounced the group's activities. The CCC has been noted as a direct outgrowth of the White Citizens Council of the fifties and sixties, known as the White-Collar Clan. A glance at their web site, as we have heard previously, shows they continue an allegiance to promoting anti-Semitic, racist rhetoric and ideas.

When an organization or a group such as the CCC attempts to misuse the good offices of those who are elected to represent all the people, the Congress does have an obligation, I believe, to take decisive action against such groups.

In 1994, it has been noted that the Congress swiftly dealt with the hate-mongering remarks of Khalid Muhammed when he appeared before Kean College. Three hundred and sixty-one to 34, his bigotry and hatred was denounced on the Floor of this very Chamber.

The matter before us restates an opposition to bigotry and hatred that should be evident. I might point out that later on, this body will also deal with a specific reference to anti-Semitic comments made by the members of the Russian Duma, so we do single out people when we feel they are wrong. Unfortunately, the resolution fails to repudiate an organization that sought legitimacy by involving Members of this great institution.

I would encourage reconsideration and allow House Resolution 35 to repudiate, as we hoped it would.

Mr. CANADY of Florida. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would respond to a couple of points made by the gentleman from Michigan.

In quoting Dr. King, I did not mean to imply that he would take one position or another in the controversy between the two sides here today. I simply quoted him for the fundamental proposition concerning the nature of racism and the nature of the political foundations of this country, and I believe that is something that all of us could agree on. I hope that we all would agree on it. I know that the gentleman from Michigan would agree with what Dr. King had to say, though he may disagree with the way it was used.

I would also point out that the gentleman from New York (Mr. FORBES) did not request time from this side, so the statement that the gentleman made that the gentleman from New York was unable to receive time from this side is simply untrue. If the gentleman had requested it, it would have been granted to him. No such request was made.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from Florida (Mr. CANADY), the chairman of the Subcommittee on the Constitution, on which I am proud to serve, for yielding time to me.

Mr. Speaker, I think it is time to just maybe sit back, stand back, take a deep breath, and think a little bit about the many things that we have in common on both sides of the aisle, and practice what is far too frequently lacking in this Chamber and in the surrounding hallways, and that is a little bit of consistency.

Mr. Speaker, the Minority Leader, the gentleman from Missouri (Mr. GEPHARDT) spoke on at least two occasions to a predecessor group of the CCC, associated therewith. He has since condemned groups such as the CCC, as I have and as I do. Yet, in those who rail against anybody who might have inadvertently spoken to this group, strangely silent is any criticism remotely similar to the criticism leveled at others if it just happens to be somebody on their side of the aisle.

So I would urge my colleagues on the other side of the aisle to practice a little consistency, both with regard to those people who might have spoken to such groups that we all have and always will condemn, as well as a little consistency with regard to those groups that we do condemn, such as the CCC.

Arguing that one person should be treated differently because of the color of their skin, the church in which they worship, the country of their birth, it always has been, on this side of the aisle and on that side of the aisle, and always will be wrong.

Our country fought a great Civil War, as a matter of fact, over such principles. Yet we still remain troubled today by a small number of Americans who persist in arguing against a colorblind society. Yes, those associated with and under the label of the CCC do that. We condemn them. I condemn them. I join my colleague from Florida in condemning them and my colleague from Michigan in condemning them.

I would certainly hope that they would believe in the sincerity of these remarks delivered in these hallowed halls by myself, the same as I have done in writing, just the same as they believe it when one of their colleagues condemns a group they might have spoken with, and found out later that they harbor views that are abhorrent to the minority leader, the gentleman from Missouri (Mr. GEPHARDT), just as they are abhorrent to me.

□ 1545

So let us step back, practice a little bit of consistency, a little bit of fairness, and recognize that we have a great deal in common in supporting this resolution today.

Maybe it does not go as far as some Members would like, but I do think there is great merit in passing a resolution worded as the gentleman from Oklahoma (Mr. WATTS) has that goes far beyond simply condemning a specific group and being silent on other groups.

These matters are too important. We should support this. Condemn all racist views on whichever side of the political spectrum and put this matter to rest right now once and for all.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from South Carolina (Mr. CLYBURN), chairman of the Congressional Black Caucus.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I rise today in opposition to this resolution, not because of what it says, but because of what it fails to say and because of the procedure which brings this resolution to the floor and what that procedure says to all Americans.

Mr. Speaker, we have heard Dr. King quoted here pretty often today. I would like to share with my colleagues another quote from Dr. King. Dr. King wrote, as he sat in the Birmingham city jail, that ''we are going to be made to repent in this generation, not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people.''

I think that this resolution is silent over what we are here to denounce today. It is fine for us to reaffirm the obvious, but I think that the Congress must now condemn the kind of rhetoric, the kind of ideas, the kinds of thoughts that are being enunciated by the Council of Conservative Citizens.

The gentleman from Oklahoma (Mr. WATTS) has asked, why have we not defended him against certain similar instances. The fact of the matter is I do not remember the gentleman from Oklahoma defending me when the Council of Conservative Citizens attacked me in my last two campaigns. Probably he did not know I was attacked. Of course we did not know he was attacked either.

The fact is, though, we are here with 150 cosponsors with a resolution that

we have asked to be brought to this floor to give all of us an opportunity to express our views on this group of people. We have not been granted that opportunity. I do not see where this resolution in any way takes away from what we are attempting to do.

So, Mr. Speaker, I believe that we should be today condemning specific expressions by a specific group, the Council of Conservative Citizens. I do not think that we can afford to ignore this kind of vile rhetoric in the climate in which we live, a climate of racial profiling, a climate of ethnic bashing, a climate of religious intolerance. It is time for us to speak up and stand up for those people that we are here to represent.

Mr. Speaker, I remember the words of Martin Niemoller of Germany who once wrote: In Germany, first they came for the Jews, and I did not speak up because I was not Jewish. Then they came for the Catholics. I did not speak up, because I was Protestant. Then they came for the trade unionists and the industrialists, and I did not speak up because I was not a member of either group. Finally, they came for me. And by that time, there was no one left to speak up.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise today in support of H. Res. 121, condemning hatred and bigotry in all forms. But I rise today with a certain amount of sadness about the nature of this debate. If my colleagues do not mind, I would like to talk in a personal way about my family and life experience as it comes to this issue and what my hope is for my service and my contribution to this body.

In 1963, the day I was born, my father was elected as county attorney in Jones County, Mississippi, one of the most violent and turbulent places in the country during the civil rights initiative. During that period of time, he testified against the Imperial Wizard of the KKK, Sam Bowers.

In 1968, because of his stand against the Klan and against the violence, and because he testified against Sam Bowers, he lost his next election. But I can tell my colleagues that, as his son, I am very proud of what he did during that time. He left me a rich legacy, an example of courage. I hope I can do the same for my five boys.

In 1969, my first grade class was the first to be integrated in Mississippi. I want to be part of a new generation that brings reconciliation among our races.

This debate today, I am afraid, is not about reconciliation, and it is not about unity. It is about dividing. It is about personal destruction. It is about partisan advantage.

I hope we can all step back and look not only at the objective of racial reconciliation and condemning all bigotry and all hatred, but to see it this way, that this House, that this body can come together in everything we do with a true goal, a true purpose of reconciliation, of unity. Then this country and this House will be a better place because of it.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I was so moved by the gentleman from Mississippi (Mr. PICKERING). Could the gentleman from Mississippi explain how racial conciliation can come from the Council of Conservative Citizens, a racist group?

Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, we all know why we are here. We are here because of the Council of Conservative Citizens, a racist group. This resolution does not speak to that. It is silent. By its silence, it speaks volumes. It speaks volumes of this institution's refusal to confront racism.

The reason this institution refuses to confront racism is because it is uncomfortable for some Members here, and that is just too bad because, until we confront racism, it is going to continue. If we simply excuse it, whitewash it, apologize for it or ignore it, it is going to continue.

There is nothing wrong with the words in this resolution. They simply do not confront the real problem. I think it is ironic that on the same day that we have a resolution, in essence, condemning a member of the Duma for antisemitic comments that we do not do the same thing to confront racism in our own country. We are ready to condemn it in Russia, but we are not ready to condemn it here; and that is the tragedy of what we are doing today.

Mr. CANADY of Florida. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I would just say to the gentleman from Wisconsin (Mr. BARRETT) that I have felt racism. It is not fun. It is very uncomfortable.

So I would just say to the gentleman from Wisconsin, I believe I know his heart on this issue and I know that his motives are true or that they are in the right place, but we are talking about naming names. I would like for the gentleman from Wisconsin to name names as to who is uncomfortable with stating that racism is wrong.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to offer my support to H. Res. 121 denouncing all individuals and all organizations that would seek to perpetuate hate against any groups or individuals.

We are all aware that there has been a dramatic increase in the number of hate crimes perpetrated against minorities in the United States. Too often we hear in the news of acts of violence perpetrated against groups or individuals simply because of their race or ethnicity.

The recent incident in Jasper, Texas, resulting in the tragic death of James Byrd, remains a strong reminder that Congress needs to address these kind of crimes to ensure that those who commit them will be punished accordingly.

Many of us in the Congress who have witnessed such acts firsthand of bigotry, racism, and prejudice are deeply committed to doing all we can and all that is possible to diminish these acts committed by people who utilize prejudice to spread an agenda of hate among others simply because of differences of race, color, or creed that may exist between them.

The passage of this measure, H.R. 121, affirming the opposition of Congress to all forms of racism and bigotry, I think is an important first step toward recognizing such crimes as well as ensuring that at long last we may see the beginnings to an end of such unjust acts. Accordingly, I am pleased to lend my support to this measure and urge our colleagues to support it.

Mr. CONYERS. Mr. Speaker, I yield 5 seconds to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to respond to the gentleman from Oklahoma (Mr. WATTS). He asked me to name names. I said the institution. I think that this institution has an obligation to come out against racism. That is the name I name.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to the Watts resolution. This is just another example of the Republicans trying to have their cake and eat it too. On one hand, they claim to be against racism, but the Republican leadership refuses to condemn the Council of Conservative Citizens, or CCC, a modern-day KKK.

By killing a resolution condemning the racism and bigotry of the Council of Conservative Citizens, the Republican leadership denied itself the opportunity to attack the problem of racism.

House Resolution 35, of which I am an original cosponsor, has 142 cosponsors, including 13 Republicans, as well as the support of a broad base of civil rights leaders, religious organizations, and conservative activists. This has never been brought to the floor.

House Resolution 121, which was dropped last Friday, was rushed to the floor without even a single cosponsor and does not mention this terrible group. Fellows, if it looks like a duck, walks like a duck, and quacks like a duck, it is a duck.

By killing a resolution condemning ''the racism and bigotry espoused by the Council of Conservative Citizens,'' the Republican leadership denied itself the opportunity to attack the

problem of this new, more subtle kind of racism head on, the type sponsored by the Council of Conservative Citizens.

This is just another example of the Republicans trying to have their cake and eat it too. On one hand, they claim to be against racism and attack it, yet on the other, members of their leadership have ties to the CCC, which is in reality, a new form of the KKK. In fact, the CCC is an outgrowth of the abhorrent ''White Citizens Council,'' which helped enforce segregation in the 1950s and 1960s. With ties to the Ku Klux Klan and other white supremacist groups, the CCC promotes a blatantly racist agenda, while masking its true ideology by acting as a mainstream conservative organization. Indeed, I say that if it looks like duck, quacks like a duck, and walks like a duck, it is in fact, a duck.

I believe that House Resolution 121, which is merely a watered down version of House Resolution 35, was brought to the floor in order to shield the Republican party from criticism for their relationship with the Council of Conservative Citizens. Indeed, while House Resolution 35, which has 142 cosponsors, including 13 Republicans, as well as the support of a broad base of civil rights leaders, religious organizations, and conservative activists, was never brought to the House Floor. This resolution, which was dropped just last Friday, was rushed to the Floor without even a single cosponsor. I believe this is a completely inauthentic resolution, and is being utilized purely as a political ploy to blunt criticism of certain members of the Republican party for their affiliation with the Conservative Council.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), chairman of the House Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I am very proud to join the gentleman from Oklahoma (Mr. WATTS) as a cosponsor of this important resolution condemning racism.

America was founded on the fundamental principle that God endowed each and every human being with an innate value and equality which stands above any man-made institution or authority.

This fundamental principle that human beings, with their rights and responsibilities, are the foundation upon which all good societies are built, is what has separated this great Nation from nearly every other civilization in history.

That said, we know human beings are flawed and that this country suffers from many of the same evils that we see tearing apart people and communities across the globe.

Racism divides us. Bigotry closes our minds and our hearts to others. Religious and ethnic intolerance eat away at our soul and reduce our humanity.

Therefore, we must repeat the message of racial and religious tolerance, not only to ourselves, but to our children who are the future.

We rise today unequivocally, not to state that our past is pure, not that we are without sin, not that we will not fail in the future, but that we will strive to live up to Abraham Lincoln's vision of America, ''A nation conceived in liberty and dedicated to the proposition that all men are created equal.''

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Mr. CONYERS. Mr. Speaker, I yield 5 seconds to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, to clear the record the minority leader has not spoken to the Council of Conservative Citizens. His civil rights record is excellent and he is a sponsor of the resolution condemning the CCC.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE), the dedicated civil rights and constitutional expert on the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the Committee on the Judiciary.

I imagine that the people of the United States are wondering what happens here? What have we wrought, Mr. Speaker? What have we brought about? We have our good friends, the Republicans, debating that they are against bigotry and racism, and I believe in their hearts and in their minds they are.

I had hoped, having visited the Gettysburg scene this past weekend, where the north and south rose up against each other, that we would come today on the floor of the House and join together as one voice against racism and bigotry, and that one voice is H.R. Resolution 35, the resolution by the gentleman from Florida (Mr. WEXLER) and the gentleman from South Carolina (Mr. CLYBURN) that specifically denounces the CCC.

I ask my colleagues, why can we not come together as one to recognize that racism and bigotry is wrong? In this instance it is one organization that has gone against Jews in anti-Semitism, denigrating American leaders like Abraham Lincoln and Martin Luther King. We lose today the spirit of unity and the reflection that the United States Congress stands as one by putting 121 over 35.

I ask the leadership to please bring us together and vote for H.R. 35. Bring it to the floor. We are not angry, we want to be one. The CCC should be denounced.

Mr. CANADY of Florida. Mr. Speaker, I would inquire of the Chair concerning the amount of time remaining on each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman Florida (Mr. CANADY) has 1½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 1 minute and 35 seconds remaining.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time.

My colleagues, it can now be perceived that this bill is a ruse; that it is totally characteristic of Republicans who want civil rights on the cheap in a futile attempt to show the country that they are really not Neanderthals. But when it comes to real substance, they attack civil rights laws at nearly every turn. We do not need meaningless words. We want action. But when it comes to real action, the Republican Congress turns its back.

When we try to raise the problem of civil rights laws being enforced, they respond by repealing key antidiscrimination laws.

We see the horrors of hate crimes every day. Jasper, Texas. James Byrd as an example. But we cannot move on hate crimes legislation.

We raise problems of police brutality, the spraying of 41 bullets into an unarmed black man. The tragic cases of Abner Louima and Mr. Diablo. We get no response from the committee that has jurisdiction. We could not even get funds for a hearing or a stenographer in Brooklyn, New York.

So we try to fully fund enforcement of civil rights laws at the Justice Department, but the Republican members of the Committee on the Judiciary turn their backs on us. And now they ask us in good faith to support these words. We cannot do it, my colleagues.

Mr. Speaker, I urge the rejection of H. Res. 121.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, again I repeat that hatred, expressed through racial, religious or ethnic prejudice, is an affront to the institutions of freedom, equal justice and individual rights that together form the bedrock of the American republic.

H. Res. 121 urges the House of Representatives to oppose all, A-L-L, all hate organizations, including the Council of Conservative Citizens and others. The New Order Knights of the Ku Klux Klan, the National Alliance, Aryan Nations, the National Association for the Advancement of White People, Knights of Freedom, and any other that would espouse the vile views that these organizations espouse needs to be rejected, and H. Res. 121 does that. I ask for its passage from my colleagues.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of my colleagues, Congressmen WEXLER, CLYBURN, and FORBES and urge the Speaker to pull H. Res. 121, which simply affirms Congress' opposition to all forms of racism and bigotry, and substitute for it H. Res. 35, which condemns specific acts and expressions of racism by specific individuals and groups such as the Council of Conservative Citizens (CCC). H. Res. 35 deals with an important issue that affects all Americans, regardless of race, gender or sexual orientation. We must denounce racism and bigotry because it is dividing our country. We cannot tolerate narrow-mindedness from anyone or any group.

We must denounce racism and bigotry! The Red Shirts, the Knights of the White Camellia, the Ku Klux Klan, and the Council of Conservative Citizens are all groups aimed at preventing equal protection under the law for all Americans—and we must denounce them specifically for their actions and their rhetoric.

The Ku Klux Klan was formed in 1866 and it was a secret body that soon reached throughout the South and part of the North. Some people formed the Ku Klux Klan to stop newly freed slaves from exercising their rights as citizens pursuant to the 13th, 14th, and 15th Amendments to the Constitution.

We must denounce racism and bigotry! Traditionally. Klansmen, as they call themselves, were masked and dressed in white, and usually operated under a cover of darkness. But today, this group has traded its robe and hood for suits, ties and briefcases. They have traded their billboards for Internet websites, but we still know them because their rhetoric of hate remains the same.

Historically these groups have singled out all Negroes, Catholics, Jews, and foreigners that displease them by threats, whippings, setting fires or anything that will make their victim submit to the terroristic threats.

We must denounce racism and bigotry! This resolution will serve as notice that Congress condemns racism and that it has no place in an orderly society. The Constitution of the United States guarantees every citizen the right to life, liberty and the pursuit of happiness. A prosperous American must develop a mutual respect and tolerance of diversity.

We must denounce racism and bigotry! America is a nation of migrants. A mosaic of different cultures and traditions, and that's why this is a great nation. We can no longer remain silent on this important issue. We can no longer ignore the fact that specific groups, like the CCC and the KKK, exist in this society and do nothing but foster hatred for humankind.

We must denounce racism and bigotry! Everyone must pull together to stamp out hate and bitterness. The Twenty-first century is upon us—all of Europe is unifying in a cooperative effort to work together for financial synergy, and we here still deal with groups unwilling to acknowledge that segregation has ended.

We must denounce racism and bigotry! We must become a testimony for and nation, under God with liberty and justice of all. We must come together as Americans to make the pledge of allegiance a reality for everyone.

We must denounce racism and bigotry! Racism has no place in America—we must begin to move beyond the color line—put aside our racial differences—move our country forward. Red, Yellow, Black, or White we are all precious in God's sight.

We must denounce racism and bigotry! it is essential that we vote NO on H. Res. 121 and I urge the House Leadership to schedule H. Res. 35 for a floor vote. Congress must take an active role through legislation and publicly state that acts of racism and bigotry are divisive tools that are utilized by small groups, including the CCC, to prevent unity and harmony amongst Americans.

We must denounce groups that organize simply to disseminate messages harmful to our society. Congress must act, in unison, not only to condemn racism and bigotry, but also to condemn acts of racism and bigotry. I urge each of you to vote to support H. Res. 35.

Mr. THOMPSON of Mississippi. Mr. Speaker, I will not waste time denouncing the CCC. This organization has already been exposed as the racist, hate-mongering, bigoted group that we all know it to be.

H. Res. 121 was brought before this body today as an attempt to ''whitewash'' real, meaningful legislation that will condemn a specific group for specific acts. It is not the altruistic piece of legislation Members on the other side of the aisle want you to think it is. To the contrary, it is a prime example that the CCC has been successful in achieving its goal of infiltrating the United States Congress.

All of a sudden, the reasons given by Republicans for their 1994 denunciation of Kalhid Mohammed don't apply to this legislation. Even today, the Republicans have said it is acceptable to condemn the members of a Russian organization for making anti-Semitic statements, but they won't allow the House to take the same action against an American group that has attacked blacks, Latinos, immigrants, homosexuals, and Jews.

Republican actions warrant a specific question, ''What is the problem with denouncing the blatantly racist actions of an American group that has its roots planted in the cesspool of racial separatism and white supremacy?''

Maybe the answer to this question lies in statements made by Gordon Baum, the national CEO of the CCC. I think it explains why Republicans, especially Southern Republicans, refuse to distance themselves from this group:

When Jim Nicholson, RNC Chairman, asked Republicans to distance themselves from the group, Baum said, ''He doesn't know what he is talking about.''

Baum said that Nicholson is alienating key GOP voters: ''The Wallace-Reagan Democrats are the ones who made the Republicans have enough votes to win. Without the Wallace-Reagan Democrats, the Republicans aren't going to have near the voting strength.''

Baum contended Nicholson and other party leaders ''are doing a pretty good job running them [white, working-class voters] off * * * Sometimes it's remarkable how dumb they are. They let the liberal media run their campaigns. They apparently don't even know why these people vote Republicans half the time.

Lott recently has renounced the group, and Baum warned that the majority leader could pay a political price in his home State. ''It could be [there will be a backlash]. If he keeps it up, if he keeps distancing himself from everything. A sizable segment knows the truth, that we are very much in tune with the people of Mississippi on most issues.''

Mr. Speaker, H. Res. 121 is deceptive. It is a distraction, and it is doomed for failure. Once the Republicans finish trying to pass this farce of a bill off on the American public, I have a fence they can use the rest of their white wash on. That's about the only thing its good for.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and agree to the resolution, House Resolution 121.

The question was taken.

Mr. CONYERS. 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.

The postponed votes on the three earlier suspensions will be voted on following this vote. This will be a 15-minute vote followed by three 5-minute votes.

The vote was taken by electronic device, and there were—yeas 254, nays 152, answered ''present'' 24, not voting 4, as follows:

[Roll No. 60]

YEAS—254

Aderholt	Gekas	Moore
Archer	Gibbons	Moran (KS)
Armey	Gilchrest	Morella
Bachus	Gillmor	Nethercutt
Baker	Gilman	Ney
Ballenger	Goode	Northup
Barr	Goodlatte	Norwood
Barrett (NE)	Goodling	Nussle
Bartlett	Gordon	Ose
Barton	Goss	Oxley
Bass	Graham	Packard
Bateman	Granger	Pascrell
Bereuter	Green (TX)	Paul
Berkley	Green (WI)	Pease
Berry	Greenwood	Peterson (PA)
Biggert	Gutknecht	Petri
Bilbray	Hall (OH)	Pickering
Bilirakis	Hall (TX)	Pickett
Bliley	Hansen	Pitts
Blunt	Hastert	Pombo
Boehlert	Hastings (WA)	Porter
Boehner	Hayes	Portman
Bonilla	Hayworth	Pryce (OH)
Bono	Hefley	Quinn
Boucher	Herger	Radanovich
Brady (TX)	Hill (MT)	Ramstad
Bryant	Hilleary	Regula
Burr	Hobson	Reynolds
Burton	Hoekstra	Riley
Buyer	Holden	Rogan
Callahan	Hooley	Rogers
Calvert	Horn	Rohrabacher
Camp	Hostettler	Ros-Lehtinen
Campbell	Houghton	Rothman
Canady	Hoyer	Roukema
Cannon	Hulshof	Royce
Cardin	Hunter	Ryan (WI)
Castle	Hutchinson	Ryun (KS)
Chabot	Hyde	Salmon
Chambliss	Inslee	Sandlin
Chenoweth	Isakson	Saxton
Coble	Istook	Scarborough
Coburn	Jenkins	Schaffer
Collins	John	Sensenbrenner
Combest	Johnson (CT)	Sessions
Cook	Johnson, Sam	Shadegg
Cooksey	Jones (NC)	Shaw
Costello	Kasich	Shays
Cox	Kelly	Sherman
Crane	King (NY)	Sherwood
Cubin	Kingston	Shimkus
Cunningham	Knollenberg	Shuster
Danner	Kolbe	Simpson
Davis (VA)	Kuykendall	Skeen
Deal	LaHood	Smith (MI)
DeGette	Largent	Smith (NJ)
DeLay	Latham	Smith (TX)
DeMint	LaTourette	Smith (WA)
Diaz-Balart	Lazio	Snyder
Dickey	Leach	Souder
Doolittle	Lewis (CA)	Spence
Dreier	Lewis (KY)	Stabenow
Duncan	Linder	Stearns
Dunn	LoBiondo	Stenholm
Edwards	Lucas (KY)	Stump
Ehlers	Lucas (OK)	Sununu
Ehrlich	Manzullo	Sweeney
English	McCollum	Talent
Everett	McCrery	Tancredo
Ewing	McHugh	Tauscher
Filner	McInnis	Tauzin
Fletcher	McIntosh	Taylor (MS)
Foley	McIntyre	Taylor (NC)
Fossella	McKeon	Terry
Fowler	McNulty	Thomas
Franks (NJ)	Metcalf	Thornberry
Frelinghuysen	Mica	Thune
Gallegly	Miller (FL)	Tiahrt
Ganske	Miller, Gary	Toomey

Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—152

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Bonior
Borski
Boswell
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Serrano
Shows
Sisisky
Skelton
Spratt
Stark
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—24

Blumenauer
Boyd
Clayton
Clement
Cramer
Crowley
DeFazio
Dicks
Engel
Eshoo
Etheridge
Forbes
Lofgren
Lowey
Maloney (NY)
McCarthy (NY)
Nadler
Price (NC)
Scott
Slaughter
Strickland
Tanner
Watt (NC)
Wise

NOT VOTING—4

Emerson
Lantos
Myrick
Stupak

□ 1630

Messrs. MOAKLEY, HINOJOSA, MALONEY of Connecticut, DINGELL, SANFORD and BARCIA changed their vote from ''yea'' to ''nay.''

Messrs. ROTHMAN, GREEN of Texas, SANDLIN, COSTELLO and MCNULTY changed their vote from ''nay'' to ''yea.''

Ms. ESHOO and Messrs. BOYD, CRAMER and CROWLEY, and Ms. LOFGREN changed their vote from ''yea'' to ''present.''

Mr. NADLER, Mrs. CLAYTON, Mr. BLUMENAUER, Mrs. LOWEY, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. WISE and Mr. CLEMENT changed their vote from ''nay'' to ''present.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. EMERSON. Mr. Speaker, on rollcall No. 60, I was unavoidably detained. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question 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:

H.R. 70, by the yeas and nays;

H. Con. Res. 56, by the yeas and nays;

H. Con. Res. 37, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each of these three votes.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 70.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 70, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 2, not voting 3, as follows:

[Roll No 61]

YEAS—428

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)

Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Filner
Snyder

NOT VOTING—3

Emerson
Myrick
Stupak

☐ 1641

Mr. FILNER changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. EMERSON. Mr. Speaker, on rollcall No. 61, I was unavoidably detained. Had I been present, I would have voted ''yes.''

☐1645

COMMEMORATING THE 20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 56.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. 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 concurrent resolution, House Concurrent Resolution 56, 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 429, nays 1, not voting 3, as follows:

[Roll No. 62]

YEAS—429

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—3

Myrick
Pickett
Stupak

☐ 1654

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCERNING ANTI-SEMITIC STATEMENTS BY MEMBERS OF THE DUMA OF THE RUSSIAN FEDERATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 37, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 37, 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 421, nays 0, not voting 12, as follows:

[Roll No. 63]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer

Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Buyer
Conyers
Cubin
Herger
Hilleary
Martinez
Myrick
Nussle
Scarborough
Stupak
Thomas
Thune

□ 1701

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 63, I was inadvertently detained. Had I been present, I would have noted "yes."

Mr. THUNE. Mr. Speaker, I was unavoidably detained for rollcall vote 63 while meeting with constituents. I would like the RECORD to reflect that I would have voted "aye" on that vote for final passage of H. Con. Res. 37.

APPOINTMENT OF CONFEREES ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 800) to provide for education flexibility partnerships, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. CLAY

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

Mr. GOODLING. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. Points of order are reserved.

The Clerk will report the motion.

The Clerk read as follows:

Mr. CLAY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 800, an Act to provide for education flexibility partnerships, be instructed—

(1) to disagree to sections 6(b), 7(b), 9(b), and 11(b) of the Senate amendment, (adding new subsections to the end of section 307 of the Department of Education Appropriations Act of 1999), which is necessary to ensure the first year of funding to hire 100,000 new teachers to reduce class sizes in the early grades; and

(2) to agree that additional funding be authorized to be appropriated under sections 8 and 10 of the Senate amendment for the Individuals with Disabilities Education Act, but not by reducing funds for class size reduction as proposed in sections 6(b), 7(b), 9(b), and 11(b) of the Senate amendment.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. CLAY) and the gentleman from Pennsylvania (Mr. GOODLING) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this motion would instruct the conferees to oppose the Senate amendment offered by Senator LOTT that reneges on last year's agreement to fund the Clinton-Clay class size reduction plan.

Last year we made a $1.2 billion down payment on a plan to help communities hire 100,000 new, well- qualified teachers over the next 7 years. All across this country, parents and students who are facing overcrowded classrooms are counting on Congress' commitment to reduce class sizes.

The Lott amendment reneges on this commitment, and cynically pits one group of parents against another for money that Congress has already designated to be spent for class size reduction.

All major education groups oppose this insidious attack on the class size reduction plan. The National Parents and Teachers Association, the American Federation of Teachers, the Chief States School Officers and the National Education Association, even Governor Ridge of Pennsylvania, according to press accounts, opposes the Lott amendment because it jeopardizes passage of the Ed-Flex bill.

Finally, Mr. Speaker, I believe President Clinton would veto a bill that undermines funding for class size reduction. These new teachers are needed in the early grades, to reduce class size to no more than 18 children. Achieving the goal of 100,000 new teachers will ensure that every child receives personal attention, gets a solid foundation for further learning, and is prepared to read by the end of the third grade.

Department of Education data shows that students in smaller classes in North Carolina, Wisconsin, Indiana and Tennessee outperformed their counterparts in larger classes. A study of Tennessee's Project Star found that students in smaller classes in Grades K through 3 earned much higher scores on basic skills tests. Based on this solid record of achievement, the Clinton-Clay class size reduction initiative should be granted a long-term authorization.

Mr. Speaker, this motion further instructs the conferees to insist that additional funding be appropriated for the Individuals with Disabilities Education Act, IDEA. Rather than forcing one vital program to compete for funds against another, we should instead pursue a greater overall investment in public education.

Mr. Speaker, I urge Members to support this motion and, by doing so, give both the class size reduction initiative and IDEA the opportunity to be funded at an appropriate level.

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

The SPEAKER pro tempore (Mr. BRADY of Texas). Does the gentleman from Pennsylvania (Mr. GOODLING) have a point of order?

Mr. GOODLING. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws the point of order.

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

Mr. Speaker, I rise in opposition to the motion to instruct conferees to drop the Lott amendment.

One does not usually go into a game showing how many aces they have and how many jokers they have. One usually does that when they get involved in the game or when they start their negotiating. One does not usually drop their amendments before they ever get there.

I have to kind of laugh about all of the rhetoric about IDEA. They have heard that speech that was just given for 23 years, and they did not get anything until 3 years ago. They were promised that if we give them from the Federal level 100 percent mandate in special ed, they will get 40 percent of the excess money to fund it; just the excess money to fund it. When I became Chair, they were getting about 6 percent. We will probably be up to about 12 percent; a long way from 40 percent.

Can we imagine what they could have done with class size reduction, what they could have done with refurbishing classrooms and building new classrooms, had they been getting millions and millions and millions of dollars extra year after year after year? They would not be looking to us.

They are smart enough out there now. They got burned on IDEA and burned badly, and they realize that that is the thing that drives their property tax up, up, up. That is the thing that takes all of their money away from being able to do all the things they want to do in reducing class size or anything else that they want to do to improve education in their district.

They are smart enough to know that they are not going to come here and say for one year we are going to give them 100,000 teachers. We are not going to pay for all the fringe benefits, et cetera; that is their responsibility. We will be gone in a year's time and then they are stuck. They would have put on those teachers.

Just like the big deal we are going to have 100,000 new police. How many stepped up to the plate? About one-third. Why? Because they would have put them on themselves if they had had the money, but they knew we would be gone and then they are stuck with them, and in all probability in a negotiation where they cannot get rid of them, even though they cannot find a way to pay for them.

□ 1715

So let us not use IDEA in this debate, because they know that that is a phony argument that we have heard before we became the majority for 20 out of 23 years.

What has the situation been in California? California said on their own, just as my Governor says on his own, we are going to reduce class size. They spent $1 billion last year, they are going to spend $1.5 billion this year.

What did they get? I will tell Members what they got. In the areas where they need the best teachers, they got mediocrity. That is all they got, and probably not very many with certifications; and even those with certifications, very little other than mediocrity, for $1 billion last year and $1.5 this year.

So let us not fall into the trap that somehow or other we will look out for IDEA down the line. That is the President's whole initiative. He cuts every program in his budget that works. Why? Because he has a feeling that, oh, the appropriators will come along and appropriate for that. He does not have to do that, he can get all these other silly ideas of what we do to improve education.

So let us not fall for it. Vote against the motion to instruct.

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

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of the motion to instruct conferees offered by my ranking member, the gentleman from Missouri.

As Members know, the Senate version of the Ed-Flex bill includes a provision which allows school districts to take funds targeted in last year's appropriation bill for class size reduction and use it for special education. This provision should be struck by the conferees and we should send that message today.

The Consortium for Citizens with Disabilities has written to the gentleman from Missouri (Mr. CLAY) supporting this motion that we instruct conferees.

Mr. Speaker, I include for the Record the letter from the Consortium.

The letter referred to is as follows:

CONSORTIUM FOR
CITIZENS WITH DISABILITIES
March 23, 1999.

Hon. WILLIAM CLAY,
Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE CLAY: On behalf of the members of the Education Task Force of the Consortium for Citizens with Disabilities, we write to you today in support of your motion to instruct conferees to strike the Lott Amendment to the Ed-Flex bill and to increase funding for the Individuals with Disabilities Education Act (IDEA).

CCD is gravely concerned that children with disabilities are being used as pawns in a political game. The Clay Motion to Instruct addresses this concern because it does not pit the interests of children with disabilities against the interests of their classmates.

Over the past three years, IDEA funding has grown by 85 percent. Unfortunately, given the increase in students in special education, the federal share accounts for only ten percent of the additional costs associated with educating students with disabilities. In the 1997 Amendments to IDEA, Congress recognized the need for additional support for general education. Now states can use twenty percent of new IDEA funds for general education activities. CCD supports this provision because it is designed to assist schools better meet their obligations to all students.

Every child in America benefits from increased education funding. CCD applauds the efforts of members of the House of Representatives and the Senate on both sides of the aisle who are committed both to securing additional funding for IDEA and to protecting the rights of children with disabilities to a free, appropriate public education. We urge members of the House of Representatives to support the Clay Motion to Instruct on the Ed-Flex bill.

Thank you for considering our views.

PAUL MARCHAND,
The Arc.
KATHERINE BEH NEAS,
Easter Seals.

Mr. Speaker, full funding of IDEA is a goal I have been committed to since I arrived in Congress. Do we need to provide 40 percent of the excess costs of educating a child with a disability? Absolutely. Should this be one of our priorities for Federal education funding? Absolutely.

As my chairman knows, I have joined him and my other colleagues in demanding additional funding for special education. Supporting the needs of disabled children and providing them with the chance to become productive, participating members of society is extremely important. However, it should not be at the expense of other Federal education programs.

Last year's appropriations bill created the class size reduction program, and recognized the commitment to hire 100,000 teachers over the next 7 years. That bill provided funding to hire the first 30,000 teachers, and put us on the path to reducing class size in grades 1 through 3 to an average of 18. This is an essential tool in the education reforms of States and localities. We should not jeopardize this funding only months before it is scheduled to go out.

The issue of IDEA funding is not a Democratic or a Republic concern. There has been strong bipartisan support for the substantial increases in funding for IDEA in recent appropriation bills, and I believe this will continue. I hope that the motion to instruct conferees of the gentleman from Missouri (Mr. CLAY) attracts the same type of support today.

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

Mr. Speaker, I just want to remind everyone that every study that has ever been printed has indicated that the number one issue as to whether a

child does well or not is the quality of the teacher in the classroom; not the numbers, but the quality of the teacher.

Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the chairman of the Committee on Education and the Workforce for yielding time to me. I am pleased to be able to speak to this briefly.

I do rise in opposition to the motion to instruct conferees. We as House Members have, I think, done the right thing. I think we passed a good piece of legislation. Yes, I know there were some amendments from the other side that they would like to have had put in which were not put in, but essentially I think we have passed a good bill.

Let us remember what it was we passed, it was education flexibility. It really had nothing to do with IDEA per se. It had nothing to do with the 100,000 teachers per se. Over in the Senate, they have taken the whole provisions with the $1.2 billion for the reduction of class size, which is really the hiring of more teachers, and they have added a provision to allow IDEA to get involved with that.

That may or may not be a good thing to do. It is something which I think should be discussed at the conference. But I do not think we should have this motion to instruct conferees as part of that. I think it may upset the equilibrium enough so we might not even get to the conference on what is a good piece of legislation. I would hope we would remember that.

I think this is an instructive discussion we should have in terms of what we should do with respect to the conference. The bottom line is, we have a piece of legislation which was highly popular. We have a piece of legislation reported out of our committee with 33 yes votes and only 9 no votes. We have a piece of legislation which passed the House of Representatives just a week later which received 330 yes votes and only 90 votes against it. We have a piece of legislation which has been approved by each and every Governor of every State in the United States of America. We have a piece of legislation which the Secretary of Education and the President of the United States has said is a good piece of legislation.

There are differences between the House version and the Senate version, some of which are not touched in this motion to instruct conferees, which we are going to have to address as well.

This is a bipartisan bill. We have a very strong House position with respect to the bill. Quite frankly, I do not think getting involved in a technical motion to instruct conferees, to undermine what they have done in the Senate before we get there, that we can negotiate fairly as a House team, is the way to go.

I would encourage each and every one of us, Republicans and Democrats, to stand united in opposition to the motion to instruct conferees so we can go into that conference, get this bill done, and have a real achievement for the greater good of education in the United States of America.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in support of the Clay motion to instruct conferees on H.R. 800, to preserve our commitment to the class size initiative agreed to in last year's budget.

No one here disagrees with the need to provide additional funding for the Individuals with Disabilities Education Act program. However, we should not take away from other programs, like the class size initiative, in order to fund idea.

Our public schools have many critical needs, but we should not rob Peter to pay Paul. The Lott amendment as adopted by the Senate to their version of Ed-Flex allows localities to shift funds from the class size initiative to fund special education. We have seen continual efforts like this to shift funding from other educational accounts to IDEA without changing our bottom line investment in education.

Opponents of this educational funding shell game miss the point. The needs of students and schools are such that we cannot afford to back away from our commitment at the Federal level to properly fund public education.

Mr. Speaker, all students benefit where there is an appropriate student-to-teacher ratio. Discipline problems are minimized, the students receive the individual attention they need, students with special needs who are mainstreamed are able to participate in a more meaningful way because the teacher is able to give them the additional assistance they need.

I urge my colleagues to support the class size initiative and support the Clay motion to instruct.

Mr. Speaker, the gentleman from Michigan (Mr. KILDEE) introduced for the Record the letter from the Consortium of Citizens with Disabilities. I think it would be instructive to read the letter to the gentleman from Missouri (Mr. CLAY) on their behalf:

On behalf of the members of the Educational Task Force of the Consortium for Citizens with Disabilities, we write to you today in support of your motion to instruct conferees to strike the Lott amendment to the Ed-Flex bill and to increase funding for the Individuals with Disabilities Act.

CCD is gravely concerned that children with disabilities are being used as pawns in a political game. The Clay motion to instruct addresses this concern because it does not pit the interests of children with disabilities against the interests of their classmates.

Over the past three years, IDEA funding has grown by 85 percent. Unfortunately, given the increase in students in special education, the federal share accounts for only ten percent of the additional costs associated with educating students with disabilities. In the 1997 amendments to IDEA, Congress recognized the need for additional support for general education. Now States can use twenty percent of new IDEA funds for general education activities. CCD supports this provision because it is designed to assist schools to better meet their obligations to all students.

Every child in America benefits from increased education funding. CCD applauds the efforts of the Members of the House of Representatives and the Senate on both sides of the aisle who are committed both to securing additional funding for IDEA and to protecting the rights of children with disabilities to a free, appropriate public education.

We urge Members of the House of Representatives to support the Clay motion to instruct on the Ed-Flex bill.

Thank you for considering our views.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding time to me. I rise to speak in opposition to the motion to instruct the conferees.

If we take a look at simply what the Lott amendment does, it allows local schools and local administrators to make a very basic decision. It provides local school districts with a choice. It says, if you want to focus on reducing class size, you can use the money to reduce class size. But perhaps if you have already done that and your class sizes are small and you have a pressing need in special education, you can make that choice.

So it is a very simple process of saying, we are committed to providing additional resources, additional funding for education, but we believe that the decision needs to be made at the local level. That is what Ed-Flex is about. Ed-Flex is about moving decision-making to the local level, and it is about reducing red tape and bureaucracy so that we can actually move more dollars from the Washington bureaucracy into the classroom, and as we do that, we can address class size, we can address special ed, we can address teacher training, we can address technology, and a whole other range of problems and opportunities that local school districts face today.

Let us keep moving in the direction of enabling local administrators and local parents and local teachers to do what they believe is best for education in their school districts. Let us not hamper and hinder an education bill that is moving in the right direction by coming right back with the same old Washington model, which is more rules and regulations and directions.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise as a very strong supporter and coauthor of the education flexibility bill. The gentleman

from Delaware (Mr. CASTLE) and I have worked for 8 months on this legislation that all 50 Governors want, that the President of the United States supports, that passed out of our committee in a bipartisan way 33 to 9, that passed the House Floor 330 to 90, and that passed the United States Senate by a vote of 98 to 1. This is very sound, innovative, bold educational reform that helps move public education forward in an innovative way.

As a strong supporter of this education flexibility bill, I also rise in support of the motion to instruct, and do so for two reasons.

One reason is because I want to have a clean bill, a simple bill that addresses education flexibility, which is about an old value and a new idea, pure and simple. It is about the old value of local control, local parents making decisions, and the new idea of added flexibility and accountability to students for student performance, and will remove the handcuffs of regulations and paperwork from the Federal and State levels if we see student performance increase.

Let us keep it to Ed-Flex, and not add on superfluous amendments to this very clean, very bipartisan, and very widely supported bill.

□ 1730

The second reason is, we should have a clean debate on the two issues included in the Lott amendment that we are debating and we are advocating that that be dropped in conference. One is IDEA funding, which I strongly support; and the second is more teachers, more quality teachers in our schools, which I strongly support.

We in Congress are not saying let us pick between fixing Medicare and fixing Social Security. We are saying let us fix both of them.

We should also be saying in education, the number one domestic issue in America today, let us address IDEA, the Individuals with Disabilities Education Act, and let us add more quality and certified teachers for what they should be teaching in our schools and insist on quality.

We should not pit these two programs against each other, Mr. Speaker. We should not play politics with those two programs when we have a clean and widely supported and hugely creative Ed-Flex bill.

Let us pass this Ed-Flex bill. Let us be bipartisan. Let us get this to the President's desk and then month by month and day by day let us debate these two worthy programs on their own merits.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

In response to my colleague and friend, the gentleman from Indiana (Mr. ROEMER), there is a difference between claiming this would be a clean bill and actually making it so that it does in real dollars what this hypothetically does.

The goal of Ed-Flex was to give flexibility to local school systems and States to have flexibility with their money. Senator LOTT's amendment in the Senate actually allowed flexibility in the money.

The Democratic motion to instruct conferees in article 2 says that additional funding be authorized. That is not real money. That is much like a sense of Congress that we should give more money. It deletes the part that actually gives the flexibility to the State and locals to choose.

The gentleman from Indiana said that Congress should not be dictating what the local school districts are doing between teachers and IDEA. Yet, at the same time, that is exactly, if this motion to instruct conferees would pass, what we are doing, because Congress should not dictate whether or not they should hire teachers. Congress should not dictate whether they should use it for IDEA. Congress should not dictate whether it is if computers. The point of Ed-Flex is to let the districts choose.

The Lott amendment gave flexibility so that, in last year's appropriations bills, not that they have to use it for IDEA, but that they can use it for IDEA in real dollars. This is real flexibility. How can my colleagues claim to be for this bill and yet instruct conferees before we even start that they cannot have flexibility with the appropriations.

The point of this bill is to give that local flexibility, especially since, on March 4, there was a Supreme Court decision regarding the health care related to school performance of Garrett Frey in Iowa. That health care is going to cost that school district $30,000 to $40,000 a year just for the nurse.

The party that was in control of this Congress for 40 years and during the whole period of IDEA did not put necessary funding in. We are only funding it at 12 percent. With this court decision, they needed even more. Here we have the opportunity to put the money in, and they are against allowing the schools the flexibility.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of the Clay motion to instruct conferees. I am on the Committee on Education and the Workforce, and I certainly have been working with both sides of the aisle to make sure that we had a good Ed-Flex bill go out. It troubles me greatly that now we are adding something else on that was not there in the beginning.

No more than an hour ago, I met with 25 students from New York Tech. These were students that certainly did very well because of IDEA. IDEA is something that helped my son get through high school and now college. So I can say that I am certainly a supporter of IDEA. I am certainly a supporter of bringing the funding up to 40 percent.

What scares me is that we are pitting this bill against another bill, IDEA and Ed-Flex. We should be working on all levels to give our children the best education that we can. We should not be fighting about this. Our children are at stake.

I do believe that we should be dealing with IDEA on a separate issue. We should be dealing with our teachers on a separate issue. Let IDEA go. Let it go forward to the schools and to the States with the intention of what Congress passed and also what the Senate passed.

Mr. Speaker, all of us on our committee care very much about the children. All of us on the Committee on Education and the Workforce want to do the right thing. Let us not start fighting about this, because the ones that are going to get hurt in the end are going to be our children. Let us not let politics get in the way of this. We just came back from Hershey, hopefully to get along with each other, and this is not the right way to start it.

I support Ed-Flex as it is. I certainly will support IDEA for full funding, and I support 100,000 new teachers. Most of us here will do that. Let us not tear it apart.

I ask my colleagues to support the Clay motion, and let us deal with all the other issues on a separate basis.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, we have heard a lot of discussion today about the issue of flexibility. We have heard speakers who oppose allowing the localities to make the choice as to whether to spend money on hiring new teachers or for IDEA, that this is somehow a superfluous amendment. Nothing could be less superfluous than this amendment. This is a very important issue for every school board in this country.

We have heard discussion about the issue of let us pick or we should not be picking. We are not making the choices here in Congress, nor should we be making the choices. The fact is, Mr. Speaker, that we should give local school boards the right to decide whether they need to reduce class size or whether they need to provide more funding for IDEA.

I support full funding of IDEA, but I am willing, if you will, to put my money where my mouth is and to say in this forum here that we should give local school boards every opportunity they possibly can to put scarce resources into IDEA. Indeed, Mr. Speaker, a vote for this motion is a vote to deny local school boards that option.

It does not pit one group against another. What it does is it gives the local school boards the opportunity to do what is best for their own constituencies. If class size is not the top priority for a local school board, then it

should be something else. I think IDEA should be the highest funding priority for this Congress.

So, Mr. Speaker, I rise in opposition of the motion to instruct. I support very strongly the Lott amendment. It provides local school districts with an additional $1.2 billion, yes, to hire more teachers if they choose, and, yes, to provide more money for IDEA.

Please oppose this motion to instruct and send this bill to conference so that we can include the Lott amendment in the final of the version of the bill which we send to the President.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time.

Mr. Speaker, I rise in strong support of this motion to instruct, and I appreciate what people have said on the other side. But the fact of the matter is that the program to provide for 100,000 teachers over the next several years in the classrooms of this country is a program that was passed by this Congress. It is a high priority for the President of the United States. Now what we see is an attempt in the Senate to try and renege on that promise, to torpedo that program because the other side does not like the idea of using this money to reduce class sizes.

Now what they have decided to do is they are going to pit disabled children's education against the reduction in class sizes. This is a program for the purposes of reducing class sizes. Already one of the criticisms is that there is not enough money to do it properly.

So if some States do not want to use it for that purpose, then the money can be reallocated to the States who have a crying need to lower their class sizes, and they can get about that business. This is not a mandatory program. It is not required that one takes money from the Federal Government.

The notion that somehow that this is really about helping with IDEA, it is interesting that, in the budget resolution that the Republicans are going to bring to the floor, there was an attempt there to fully fund IDEA, and all of the Republicans voted against it.

So they say they are all upset that we have only funded 10 percent or 12 percent since we made the promise to fully fund the excess cost, and yet when they had the chance in the budget resolution to vote it for it, they voted against it.

So let us understand what is going on here. There is an attempt here to derail and deny a President a program that is very popular among parents, among school administrators and others to try and reduce class size, because reduced class size does appear to be having an impact.

I appreciate what the gentleman said, it is about the quality of teacher. Nobody has fought harder for the quality of teacher. But I have met an awful lot of good teachers, an awful lot of very good teachers who will tell my colleagues that it is very difficult to do their job when they are teaching 35 and 40 students at different grade levels.

The point is this, that the Senate can try and derail that presidential program, or we can deal with Ed-Flex straight up, which we ought to do.

So let us just understand that that is what is taking place here. This is not about IDEA other than to use it as a battering ram against the presidential program that many, many school districts are waiting to be able to take advantage of. Schools do not want to do it, then do not do it.

But the fact of the matter is that we should do full funding of IDEA. But when my colleagues had their opportunity to do it, they did not do it. We could have it in the budget resolution on the floor this week, but the choice was not to do that. The choice was to go off and fund star wars or whatever else they are doing with the money that they have.

So let us keep the two things separate and understand that this is about Ed-Flex. We ought to pass an Ed-Flex bill. We ought to send that Ed-Flex bill to the President of the United States, and we can come back, and we can keep our promise on the 100,000 teachers. Then we can deal with IDEA when the time comes for us to deal with that in the appropriations bill.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am surprised at the gentleman from California (Mr. GEORGE MILLER) who just preceded me. For 40 years, the Democrats controlled this House. The most they ever gave IDEA was 7 percent.

We came in. I was chairman of the committee that sat literally the school groups and the parent groups together with the gentleman from Pennsylvania (Chairman GOODLING), locked them in the room and said no bread or water until they come out.

My colleagues want to help IDEA? Listen to Alan Burson, San Diego city schools, a former Clinton appointee. The unions and the trial lawyers are ripping off IDEA. My colleagues give them more money, and the local trial lawyers are going to come in and rip them off. Talk to our new Governor, Gray Davis. Ask him what the problem is with IDEA. It is his number one problem.

We have a problem of losing good teachers. Carolyn Nunes just happens to be my sister-in-law. She is in charge and the director for all special education of all San Diego city schools. She is losing good teachers because the trial lawyers are forcing these teachers, who just want to help children, they want to help children, they are not trial lawyers, they are being forced into the courts, and they are leaving because they are getting battered by the damn trial lawyers. Help us. Help us combat that.

My colleagues talk about 100,000 teachers. My colleagues wanted 100,000 teachers in the President's bill, a big political move, but they wanted to raise taxes $139 billion. They wanted government to control it. We said no. No new taxes of $139 billion. We are going to send the money directly to the schools, and it is going to be under the caps. If my colleagues want to break the budget, be my guest. We feel that a balanced budget is necessary and to handle that.

Ed-Flex. It is amazing how difficult it is to pass a bipartisan bill that the President supports, that Republicans support. But yet there is those who still want government control, government control.

Look up www.dsausa.org. That is the Democrat socialist party. Look under the progressive caucus and their 12-point agenda: government control of health care, government control of education, government control of private property, to raise taxes the highest level ever, and cut defense by 50 percent. That is what we are fighting on here. We are trying to give flexibility, not bigger government.

□ 1745

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in support of the motion to instruct.

We hear quite often these days that Americans are disenchanted with politics, disgusted with politicians, and feel disconnected from Washington, D.C. Is it any wonder, when the Senate leadership makes a commitment to reduce class size and tells schools to plan for those funds and then reneges on that promise? Is it any wonder that Americans do not trust politicians in Washington, D.C.?

Oregonians and Americans want class size reduction, not Senate amendments that take this historic measure away from our children. Nor do Americans want to pit a good public education for all children against a good education for special needs children. We can do both. We are a country that can afford to do both. We need to do both and we can afford to do no less.

Studies show that when we reduce class size in the early grades and give students the attention they deserve, the learning gains last a lifetime. Only 2 nights ago I was having dinner with two schoolteachers, and they were planning for next year. School districts right now are making their plans for next year. Right now. And they were uncertain whether they were going to get the funds for class size reduction. Now, they do not understand parliamentary procedure, but they are deeply concerned.

Each school year comes only one time in a child's life. Johnny will have

only one pass at first grade. Sally will have only one pass at second grade. There will be only one pass at third grade for each child.

Decades ago we issued a promissory note to educate Americans with disabilities. Last year we issued a promissory note to America's children to reduce class size and to improve public education. To borrow a phrase, Mr. Speaker, when these children come back to this Congress to redeem those promissory notes, will we stamp them ''insufficient funds''? We cannot do that. We cannot afford to do that.

Mr. Speaker, we can afford to educate all children and special needs children. Let us not put partisanship and political battles in front of real progress for America's schoolchildren. Let us honor the commitment we have already made to our schools. That way we start the effort to reduce class size and we keep a crucial promise we have made to our children.

Mr. GOODLING. Mr. Speaker, what is the division of time at the present time?

The SPEAKER pro tempore (Mr. BRADY of Texas). The gentleman from Pennsylvania (Mr. GOODLING) has 13 minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 9½ minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), our newest member on the committee.

Mr. ISAKSON. Mr. Speaker, I rise in opposition to the motion to instruct, and as I listen to the debate from both sides, I think both sides would really agree with voting against instructing for the following reason.

For whatever its intention, this particular amendment forces us to take a choice between a direction of spending money on teachers or on IDEA, when in fact it was this House, when it passed the Educational Flexibility Act, which passed an act that in seven Federal programs, including Title I, gave waivers of local and State rules to local systems to spend money for the betterment of children. It did not deal with 100,000 teachers, nor did it deal with the funding of IDEA.

I think both sides understand that whether or not we continue the commitment on teachers will be dealt with later in authorization; whether or not we rise to fund IDEA will be dealt with later. But today this House has the chance to stand firm behind a bill that it passed which in fact caused the Senate to take action.

Notwithstanding whatever our opinion of the amendment may have been, we should leave here united behind the House message, which was flexibility to local schools, waivers of rules to allow them to be able to do what they think is best. Let us debate later, and at the appropriate time, how many more teachers we fund for the classroom or where the IDEA money comes from.

And just so it is clear, it is really not appropriate on an instruction to all of a sudden hire 100,000 teachers, spend $3.6 billion, which I understand is the cost, and not even consider the mandate of additional benefits and supplements to local systems, plus whether or not there will even be an ongoing commitment in the future.

I would submit that for us to continue what this House began, we should send back the message that we are for educational flexibility, we should have our conferees stand firm for that which we passed, and we should not place ourselves or anyone else in the position of picking over children or teachers, all for the sake of politics.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the chairman for yielding me this time.

It was interesting listening to this discussion today on a bill that is geared to give schools more flexibility. The first argument against was we should not rob Peter to pay Paul.

Now, as I looked at this bill or this language from Senator LOTT, it says ''you may''. It does not say ''you shall''. Now, if we are robbing Peter, that means we are taking it from him and we are giving it to Paul. That is not happening.

It is interesting who is doing the robbing. The language we are now being asked to include is robbing our communities of their wisdom, it is robbing our schools of fixing their priorities if they choose to.

Then we have the argument that we are trying to deny the President his program. I fault all governors and Presidents from adequately funding existing programs or fixing them. They are always wanting new ones because they can put their names on them. If we are in the business of legacies, then we are not in the business of helping schools.

The more flexibility we give to schools, I want to tell my colleagues, I have faith that education will improve. We are 7 percent of the money and 70 percent of the paperwork, teachers and administrators tell me. Are we the savior? No, we are the problem. So the more flexibility we give them, the more we allow local decision-making progress, the better the quality of education will be.

Nobody is robbing Peter to pay Paul. This language robs local districts to choose if their wisdom tells them they should.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, unfortunately, my colleagues have put the conferees on this side in a very difficult position, because what basically they have done is opened up a debate and a discussion that should not have been opened up. And I would imagine that these conferees from this side will be told quite a few things by the conference which otherwise would not have happened. Unfortunate. Poor judgment. Nevertheless, that is what has happened.

Mr. Speaker, I encourage everyone to vote ''no'' on the motion to instruct.

Mr. CLAY. Mr. Speaker, I yield myself the balance of my time.

In regards to that last statement, let me say that we on this side did not open this debate. It was Senator LOTT who opened the debate. And this motion to instruct will correct the debate that Senator LOTT opened.

Mr. Speaker, let me read something from the Secretary of Education, Richard Riley, in regards to this particular problem that we are dealing with. Secretary Riley says, ''I am deeply disappointed that Congress took steps in the wrong direction over the last 2 days as it failed to make a long-term commitment to reduce class size. Both the House and the Senate had opportunities to let local school districts know that funds will continue to be available, so that over 7 years 100,000 teachers can be hired to reduce class sizes in grades 1 to 3 to 18 students per teacher. However, they did not only fail to do that but instead, in the case of the Senate, retreated from the bipartisan agreement reached last year. There is nothing more timely or important than giving parents and teachers the reassurance that their children will be able to learn in smaller classes.''

And Secretary Riley says, ''I urge Congress to drop the amendments that undermine last year's bipartisan agreement to reduce class size and reach agreement on the Ed-Flex bill with strong, responsible accountability provisions. It is unfortunate that the first education debate of this Congress ended in partisan efforts instead of addressing the serious issues confronting our Nation's schools. Our students, parents and teachers want, need and deserve better.''

Mr. Speaker, I do not understand the switch in the Republican position on 100,000 new teachers to reduce classroom sizes. Last year the Republican leadership, including Speaker Newt Gingrich; the majority leader, the gentleman from Texas (Mr. DICK ARMEY); and chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. BILL GOODLING) gave glowing praise to the concept of 100,000 new teachers and voted to start on the 100,000 new teachers; voted for $1.2 billion to start funding the 100,000 new teachers.

On October 15 of 1998, President Clinton and congressional budget negotiators reached agreement on a bill for 1999. Among the programs included in that agreement was $1.2 billion invested to hire 100,000 teachers to reduce class sizes across America. Here is how the Republican leaders described the 100,000 teachers legislation at the time.

Former Speaker Newt Gingrich. ''We said the local school board would make the decision. No new Federal bureaucracy, no new State bureaucracy, not a penny in the bill that was passed goes to pay for bureaucracy. All of it goes to the local school districts.'' Then House Speaker Newt Gingrich, a Georgia Republican, called it ''A victory for the

American people. There will be more teachers, and that is good for all Americans.''

The majority leader, the gentleman from Texas (Mr. DICK ARMEY), when asked what he would say are the key Republican achievements of this bill, responded, ''Well, I think quite frankly I am very proud of what we did and the timeliness of it. We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people are willing to work with us, so that we can let the State and local communities take this money, make these decisions, manage that money, spend the money on teachers as they saw the need, whether it be for special education or for regular teaching, with the freedom of choice and management and control at the local level, we thought this was good for America and good for the schoolchildren. We were very excited about the move toward that end.''

That is the end of the quote of the gentleman from Texas (Mr. DICK ARMEY). They were excited about hiring 100,000 new teachers last October.

And the chairman of this committee, of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. BILL GOODLING). Let us see he said about it. He said, ''It is a huge win for local educators and parents who are fed up with the Washington mandates, red tape and regulation.'' He is talking about the mandating of 100,000 new teachers. That is his quote.

So, Mr. Speaker, I say to my colleagues, if they are for reducing classes, if they are for giving children more individualized attention, if they are for improving student achievement, they must support the Clay motion to instruct.

□ 1800

We should never pit one group of parents against each other to score political points. The disability community and the Chief States School Officers and the National PTA support this motion.

We have promised America's schoolchildren 100,000 new, well-qualified teachers. This motion demonstrates that we intend to keep that promise, and I ask my colleagues to support the motion to instruct.

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

Mr. GOODLING. Mr. Speaker, I ask unanimous consent for an additional 30 seconds since my name was used.

Mr. CLAY. Mr. Speaker, I object. He had his time. I object to the request.

The SPEAKER pro tempore (Mr. BRADY of Texas). Objection is heard.

Mr. PAYNE. Mr. Speaker, I rise in support of this motion to instruct. Mr. LOTT's amendment that was included in the Senate passed version of the Education Flexibility Partnership Act would gut the ability of schools to hire more teachers for our classrooms.

The Republicans would like you to believe that this amendment will help our schools more because funds would be reallocated toward special education. Pitting one education priority against the other is bad public policy and bad politics. This is an attempt by the Republicans to have American people believe that education is a priority in the GOP.

But if you look closely at the Budget they have come up with, it is obviously not the truth. While they may have increased education funding by $500 million above the 1999 level for elementary and secondary programs, they have decreased funds by cutting funds for the Pell Grants, Work Study and other programs for low-income college students.

Democrats and true education advocates know that the key to improving education in this country cannot be achieved by picking and choosing programs to adequately fund. We must ensure that the entire funding level for education programs is funded at an adequate level and only then will we see true improvements in achieving among our students. Americans must realize that we truly value all education initiatives and we do not pit one against the other.

I urge members to vote for this motion to instruct.

The Speaker pro tempore. 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 Missouri (Mr. CLAY).

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

Mr. CLAY. 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.

The vote was taken by electronic device, and there were—yeas 205, nays 222, not voting 6, as follows:

[Roll No. 64]

YEAS—205

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood

Shimkus	Sweeney	Walsh
Shuster	Talent	Wamp
Simpson	Tancredo	Watkins
Skeen	Tauzin	Watts (OK)
Smith (MI)	Taylor (NC)	Weldon (FL)
Smith (NJ)	Terry	Weldon (PA)
Smith (TX)	Thomas	Weller
Smith (WA)	Thornberry	Whitfield
Souder	Thune	Wicker
Spence	Tiahrt	Wilson
Stearns	Toomey	Wolf
Stump	Upton	Young (AK)
Sununu	Walden	Young (FL)

NOT VOTING—6

Barr	Hooley	Ros-Lehtinen
Gekas	Myrick	Stupak

□ 1820

Messrs. CANNON, GARY MILLER of California, POMEROY, KNOLLENBERG and RYAN of Wisconsin changed their vote from ''yea'' to ''nay.''

Mr. KLECZKA changed his vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BRADY of Texas). The Chair will announce the appointment of conferees later today.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–76) on the resolution (H. Res. 125) providing for consideration of the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING AMOUNTS FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 106TH CONGRESS

Mr. THOMAS. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 101) providing amounts for the expenses of certain committees of the House of Representatives in the 106th Congress, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 101

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Sixth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $8,564,493; Committee on Armed Services, $10,599,855; Committee on Banking and Financial Services, $9,725,255; Committee on the Budget, $9,940,000; Committee on Commerce, $15,537,415; Committee on Education and the Workforce, $12,382,569.63; Committee on Government Reform, $21,028,913; Committee on House Administration, $6,307,220; Permanent Select Committee on Intelligence, $5,369,030.17; Committee on International Relations, $11,659,355; Committee on the Judiciary, $13,575,939; Committee on Resources, $11,270,338; Committee on Rules, $5,069,424; Committee on Science, $9,018,326.30; Committee on Small Business, $4,399,035; Committee on Standards of Official Conduct, $2,860,915; Committee on Transportation and Infrastructure, $14,539,260; Committee on Veterans' Affairs, $5,220,900; and Committee on Ways and Means, $11,960,876.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1999, and ending immediately before noon on January 3, 2000.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,175,983; Committee on Armed Services, $5,114,079; Committee on Banking and Financial Services, $4,782,996; Committee on the Budget, $4,970,000; Committee on Commerce, $7,597,758; Committee on Education and the Workforce, $6,427,328.22; Committee on Government Reform, $10,301,933; Committee on House Administration, $3,055,255; Permanent Select Committee on Intelligence, $2,609,105.06; Committee on International Relations, $5,776,761; Committee on the Judiciary, $6,523,985; Committee on Resources, $5,530,746; Committee on Rules, $2,488,522; Committee on Science, $4,453,860.90; Committee on Small Business, $2,094,868; Committee on Standards of Official Conduct, $1,382,916; Committee on Transportation and Infrastructure, $7,049,818; Committee on Veterans' Affairs, $2,497,291; and Committee on Ways and Means, $5,833,436.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2000, and ending immediately before noon on January 3, 2001.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,388,510; Committee on Armed Services, $5,485,776; Committee on Banking and Financial Services, $4,942,259; Committee on the Budget, $4,970,000; Committee on Commerce, $7,939,657; Committee on Education and the Workforce, $5,955,241.41; Committee on Government Reform, $10,726,980; Committee on House Administration, $3,251,965; Permanent Select Committee on Intelligence, $2,759,925.11; Committee on International Relations, $5,882,594; Committee on the Judiciary, $7,051,954; Committee on Resources, $5,739,592; Committee on Rules, $2,580,902; Committee on Science, $4,564,465.40; Committee on Small Business, $2,304,167; Committee on Standards of Official Conduct, $1,477,999; Committee on Transportation and Infrastructure, $7,489,442; Committee on Veterans' Affairs, $2,723,609; and Committee on Ways and Means, $6,127,440.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund for unanticipated expenses of committees for the One Hundred Sixth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Administration.

SEC. 7. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution and the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

Committee amendment in the nature of a substitute:

Strike out all after the resolving clause and insert:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Sixth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $8,414,033; Committee on Armed Services, $10,342,681; Committee on Banking and Financial Services, $9,307,521; Committee on the Budget, $9,940,000; Committee on Commerce, $15,285,113; Committee on Education and the Workforce, $11,200,497; Committee on Government Reform, $19,770,233; Committee on House Administration, $6,251,871; Permanent Select Committee on Intelligence, $5,164,444; Committee on International Relations, $11,313,531; Committee on the Judiciary, $12,152,275; Committee on Resources, $10,567,908; Committee on Rules, $5,069,424; Committee on Science, $8,931,726; Committee on Small Business, $4,148,880; Committee on Standards of Official Conduct, $2,632,915; Committee on Transportation and Infrastructure, $13,220,138; Committee on Veterans' Affairs, $4,735,135; and Committee on Ways and Means, $11,930,338.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at

noon on January 3, 1999, and ending immediately before noon on January 3, 2000.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,101,062; Committee on Armed Services, $5,047,079; Committee on Banking and Financial Services, $4,552,023; Committee on the Budget, $4,970,000; Committee on Commerce, $7,564,812; Committee on Education and the Workforce, $5,908,749; Committee on Government Reform, $9,773,233; Committee on House Administration, $2,980,255; Permanent Select Committee on Intelligence, $2,514,916; Committee on International Relations, $5,635,000; Committee on the Judiciary, $5,787,394; Committee on Resources, $5,208,851; Committee on Rules, $2,488,522; Committee on Science, $4,410,560; Committee on Small Business, $2,037,466; Committee on Standards of Official Conduct, $1,272,416; Committee on Transportation and Infrastructure, $6,410,069; Committee on Veterans' Affairs, $2,334,800; and Committee on Ways and Means, $5,814,367.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2000, and ending immediately before noon on January 3, 2001.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,312,971; Committee on Armed Services, $5,295,602; Committee on Banking and Financial Services, $4,755,498; Committee on the Budget, $4,970,000; Committee on Commerce, $7,720,301; Committee on Education and the Workforce, $5,291,748; Committee on Government Reform, $9,997,000; Committee on House Administration, $3,271,616; Permanent Select Committee on Intelligence, $2,649,528; Committee on International Relations, $5,678,531; Committee on the Judiciary, $6,364,881; Committee on Resources, $5,359,057; Committee on Rules, $2,580,902; Committee on Science, $4,521,166; Committee on Small Business, $2,111,414; Committee on Standards of Official Conduct, $1,360,499; Committee on Transportation and Infrastructure, $6,810,069; Committee on Veterans' Affairs, $2,400,335; and Committee on Ways and Means, $6,115,971.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund of $3,000,000 for unanticipated expenses of committees for the One Hundred Sixth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Administration.

SEC. 7. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration, for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, this funding resolution, House Resolution 101, for the 106th Congress is the fairest and the most equitable in distributing the resources to the committees in the recorded history of the House. More resources, staff, equipment and dollars are being provided to the minority in this resolution than in any other Congress. Speaker Hastert has provided more resources than former Speakers, including Speaker Foley, Speaker Wright, Speaker O'Neill, Speaker Albert, Speaker McCormick, Speaker Rayburn. I think you have got the idea. That also includes Speaker Gingrich in the 104th and the 105th Congress. Our commitment to the goal of two-thirds for the majority and one-third to the minority is closer than at any time in the recorded history of the House. And it is deserving of the Members' support.

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

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

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

Mr. HOYER. Mr. Speaker, this past weekend in Hershey, many of us implicitly pledged to rise above our party labels and work as one when issues of right and fairness demanded it. Today, just 2 days later, after Hershey, we face the first test of that premise. If we pass the test, I have no doubt that the 106th Congress will take a step in reducing the air of animus and acrimony.

I urge my colleagues on both sides of the aisle to support the motion to recommit that I will offer at the conclusion of this debate. Without altering the funding totals in House Resolution 101, my motion provides for a fair, one-third/two-thirds division of total committee resources between the majority and minority, and the complete discretion over the use of these resources.

I offer the motion, Mr. Speaker, because House Resolution 101 does not treat 212 Members of this body fairly, and, therefore, contravenes all that Hershey symbolizes. I might say, Mr. Speaker, that this minority is the largest minority in this century.

It was not that long ago that I could have counted on the current majority to support my motion to recommit. In a March 30, 1993 letter, signed by 31 Republican leaders, 17 of whom still serve in this body, they wrote then and I quote: ''If congressional reform means anything, it means fairness to the minority in allocation and control of resources.''

I ask my majority colleagues to consider that language of 31 of their leaders. They went on to say that ''reform without fairness is merely shuffling the cards in a marked deck.''

Their letter went on to say further, and I quote, ''A ratio of one-third/two-thirds for all committee staff, investigative as well as statutory, is a sine qua non, an absolutely essential component of, the effort for bridging the institutional animosities that now poison our policy debates.''

It was that criteria of fairness, that PAT ROBERTS and JENNIFER DUNN included in their amendments, and in their motions to recommit on the floor, for which every Republican, save one, DON YOUNG of Alaska, voted in 1993 and 1994, of those Republicans who still serve in this body.

□ 1830

Now let me make it very clear to my colleagues on my side of the aisle. To his credit, the gentleman from California (Mr. THOMAS) has fully adopted the one-third/two-thirds principle for the Committee on House Administration. I have thanked him for that, and I admire him for that. Since 1995 he has given our side one-third of the total funds, one-third of the staff, and control over our share of the resources.

Unfortunately, no other committee chairman has fully followed his lead. Frequently the chairman will speak of 30 percent as though it is the same as one-third. It is not. One-third equals 33.3 percent, not 30 percent, not 29.8, not 31. The 3.3 percent difference can add up to thousands of dollars in lost resources for the minority.

Again, I call my colleagues' attention to the definition of ''fairness'' incorporated in this statement, a definition that was then adopted by every Republican, save one, who was a Member of this body in 1993 and 1994, and is a Member today. However, when the chairmen talk about ''fairness,'' they fail to explain why the minority does not control one-third of the nonsalary budget. That means whenever the minority staff needs to purchase a computer or a copy machine or a box of paper clips, it must ask the chairman for the money to make the purchase, a situation of which the then minority in 1993 and 1994 bitterly complained.

Often chairmen will claim that the minority receives one-third of the committee staff slots. That may in some instances be true, but if the minority does not also receive one-third of the total committed funding, the staff slots may be irrelevant. And if a chairman arbitrarily exempts any portion of a committee staff as nonpartisan administrative personnel even though these employees work full-time in the majority office, then the claim has been inflated.

Another refrain we hear to justify a less than perfect implementation of the one-third principle is that Democrats on some committees did not respect it when they were in the majority, and therefore it has taken time to ''grow'' their budgets to the full one-third. That argument may have worked in the 104th, and perhaps in the 105th, but very frankly it is time to do, Mr. Speaker, what they said on the minority side was fairness. That is the criteria that they set; that is the motion

to recommit that I will offer. It is exactly like that offered by PAT ROBERTS in 1993 and the gentlewoman from Washington (Ms. DUNN) in 1994.

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

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

I would only tell my friend from Maryland (Mr. HOYER) that perhaps he should have had the foresight to vote for that motion to recommit. Since he did not and no Democrat voted for it, they sent a pretty clear message that that was not something that they were for. Notwithstanding that, I think my colleagues will find that the new Republican majority has moved in that direction significantly.

Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. EHLERS), a very hard-working member of the committee.

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

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me the time.

First of all, I believe this is an excellent resolution. We, as my colleagues know, had some problems the last few years on this particular issue, but it is in much better shape now than it has been in the past, both in terms of a fair distribution and allocation among the committees as well as a modest overall increase which will better allow the committees to do their work.

The remainder of my comments will deal with the issues raised by the previous speaker, which I believe are outlined the ideal that we are striving for. I have Several comments:

First, I have a chart here which reviews the historical development of relative staff allocation between the majority and minority on the various committees. My colleagues will note, as they look at the blue line which denotes, on this chart, the staff levels for the minority that designates the number of minority staff slots that are assigned for the various committees. The minority party resources are shown as a percentage, plotted on the left side, and the red lines indicate resources allocated to the minority. My colleagues can notice here a great jump as one goes from the Democratic-controlled House to the Republican-controlled House.

This jump is something that those of us in mathematics refer to as a step function. There is a discontinuity here. If any of my colleagues understand electronics, they will also recognize this as a diagram of the current flow through a transistor as a function of voltage. We can make a computer out of things like this! But that is not what we are doing here. We are simply pointing out a tremendous dislocation of resources allocated to the minority, comparing the Democratic leadership to the Republican leadership.

I think we deserve a great deal of credit for the improvement the Republicans made immediately upon assuming the majority, and for the continuous improvement we are making now, trying to reach the ultimate goal of 33 percent. We are actually getting fairly close.

The other factor I note is that in doing some research on this, I discovered a Roll Call newspaper article from 1989. I discovered somewhat to my surprise that the Committee on House Administration at that time had set a 20 percent ratio for the minority, which is of course off the bottom of my chart here and does not even begin to compare with what the Republicans have done for the minority in this Congress.

But what is really interesting in this article is a quote from the then-chairman of the Committee on the Judiciary, the gentleman from Texas, Mr. Brooks, who made the comment that he did not see why we even needed the 20 percent figure for the minority because, after all, the Democrats had no say in the staffing of the Republican-controlled executive branch. Following that argument, we of course should be below the 20 percent level now because we now have a Democrat President running the country, and why should we allow the Democrats more than 20 percent? Mr. Speaker, I think that reasoning is faulty, but it is indicative of some of the attitude some Democrats had at that point.

The point is simply that the Republicans have made a very good effort to achieve the goal of a two-thirds majority, one-third minority allocation of resources and staff slots. We are making good progress. Frankly, I hope we get there very soon, and we may be able to do that in the next funding cycle. But certainly no one can fault us for our efforts to achieve that goal. I am proud of what we have achieved, and we will continue to work in that direction.

Mr. HOYER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. DAVIS), a member of the Committee on House Administration.

(Mr. DAVIS of Florida asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Florida. Mr. Speaker, our constituents sent us here to tend to their business and represent their views to the best of our abilities. This debate today is central to fulfilling that mission.

We talk about committee funding. What we are really talking about is whether Members of Congress have adequate resources to represent their constituents in committees, and much of the most important work in Congress, the fact-finding, takes place in committee.

The Democrat minority has made a very fair and responsible request. We make up 49 percent of the House of Representatives, and we are simply asking for one-third of the committee funding. As former Speaker Newt Gingrich once said, giving one-third of the funding to the minority is absolutely indispensable for bridging the institutional animosities that now poison our policy debates. We all know the damage this institution has suffered recently because of venomous partisan clashes. It is my sincere hope that these dark days are behind us and we can forge a stronger bond of trust to work together for the good of our Nation. A more just distribution of resources will take us down this path.

Let me cite the work of one committee as an example of why it is so important that we have the one-third ratio. The performance of the Committee on Government Reform and Oversight illustrates what can happen when there is nothing to rein in an overly zealous partisan agenda. The committee held few hearings, spent huge sums of money, duplicated resources available elsewhere, and even manipulated transcripts to advance their agenda. Had the minority had the opportunity and resources to participate more fully in the conduct of the committee's business, it might have been able to serve as a restraint on this committee's record.

Despite its record, this committee has asked for a 7 percent funding increase while freezing the minority's resources at 25 percent. This is unacceptable.

Back in 1995 the Committee on House Administration stated its goal was to have one-third funding, and the gentleman from California (Mr. THOMAS) has lived up to that goal. Unfortunately, several committees have not.

Let me close with two final points. There has been a lot of talk about what the Democrats did and what the Republicans have done. It is important to keep in mind that over 43 percent of the House Members serving here today, 189 Members, did not serve in this Congress prior to 1994. We are not so much interested in the history of who did what to who. We are interested in serving our constituents and moving forward.

One of my favorite sayings is: ''Everybody is entitled to their own opinion, but not to their own version of the facts'' And we all know, Democrats and Republicans, that one of the places where we can come together and minimize disagreement is agreeing upon what the facts are. Unless the Democrats have the staff support they need to do their work so we can come together on the fact-finding in the committees, then we cannot truly do what we were sent here to do, which is debate our opinions.

I urge my colleagues to vote against the resolution today and to support the Hoyer motion to recommit.

Mr. THOMAS. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I know there are a lot of Members who have not been here long and therefore their history is not as deep or as long as some others. I am going to introduce the new chairman of the House Committee on the Judiciary.

This is a headline from Roll Call, March 27, 1989. The headline says: ''Six Committees Fail to Meet the New 20 Percent Minority Ratio Test.'' The Democrats were using a 20 percent goal. On the Committee on the Judiciary the ratio in 1989 was 82 percent to the majority, 18 percent to the minority. That is clearly unacceptable. But when we have to move funding of a committee the size and scope of this one, and this one was not alone, we have got to move over time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the chairman of the House Committee on the Judiciary, who is here to tell us what we are doing in the 106th Congress.

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

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding this time to me.

This institution is charged with a critically important function. We are elected to adopt policy and to oversee its implementation. The enormity of this responsibility is sometimes forgotten as we go about our day-to-day business, but we all know that without the assistance of experienced staff we could not possibly keep ourselves sufficiently informed on the workings of a government that will spend nearly $1.8 trillion in the year 2000. The committees must be adequately funded and staffed if Congress is going to have any ability to make informed judgments as to the operation of that government or the existence of unmet needs.

Given the enormity of this task, I believe that the $180.4 million, 2-year budget that the Committee on House Administration has proposed for the 19 House committees will be money well spent. As chairman of the Committee on the Judiciary, I can personally attest to the invaluable role that committee staff plays in advising and preparing Members to make difficult policy choices that will shape the laws of our country.

But we cannot expect to attract and retain the high-quality, expert staff we need if we cannot afford to offer salaries that are competitive with the private sector. We must be able to reward good work with merit raises, and we must be able to pay cost-of-living increases when necessary.

Mr. Speaker, that is largely what the modest 1.5 percent yearly increase in this resolution will be used to fund, but beyond that we must make sure that we have sufficient staff to undertake our legislative and our oversight responsibilities.

In the 105th Congress, the Committee on the Judiciary was one of the most active committees in the House. We were referred over 15 percent of the total legislative measures introduced and were responsible for the enactment of 70 bills and 10 private laws. We anticipate the committee will continue if not increase this pace in the 106th Congress.

□ 1845

Statistics are not everything. Our charge is not to turn out legislation with the speed of light but to produce legislation that is thoughtfully and thoroughly considered so it will stand the political and legislative test of time.

A short listing of the issues we deal with in our committee shows the complexity and controversy of our agenda. For example, in the 106th we will take up bankruptcy reform which failed to be enacted in the last Congress. Other high-profile legislation we anticipate handling includes juvenile justice reform and encryption export controls. Religious freedom legislation and a victims' right constitutional amendment, complex and volatile issues that will be on our calendar. Criminalization of partial-birth abortions, employment preferences and set-asides, civil asset forfeiture reform, intellectual property and other high tech legislation are topics we will revisit.

The committees are constantly challenged with trying to stretch inadequate resources to cover all of these issues and more. If we are forced to spread our staff resources too thin, our work product will suffer. I am concerned that we do not have the resources both to continue our legislative pace and do meaningful oversight of agencies under our jurisdiction. That is why I have asked for additional staff to engage in comprehensive oversight of the $21 billion, 120,000 employee Department of Justice.

The Committee on the Judiciary's 2-year, $12.2 million budget allocation pales in comparison with the Federal resources we are charged with overseeing. The work of the committee is ultimately the work of the people, and we must not hamstring them by denying them adequate resources.

I applaud the Committee on House Administration for the well-crafted budget package we are considering and I strongly urge my colleagues to support it.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE), the distinguished ranking member of the Committee on Banking and Financial Services.

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

Mr. LAFALCE. Mr. Speaker, I rise in strong opposition to H. Res. 101, and I urge support for the motion to recommit with instructions offered by the gentleman from Maryland (Mr. HOYER) to guarantee the minority control of at least one-third of the resources of all committees and one-third of disbursements from the reserve fund.

One would think that it is fairly clear that if the ratio in the full House of Representatives is approximately 51 percent to 49 percent, that at the very least the 49 percent should have at least one-third of the human resource allocations and one-third of the funding, but that is not the case, and that is why this resolution is so inherently unfair.

I think that my Committee on Banking and Financial Services is probably in better shape than most with respect to fairness, but even in my own case we have severe difficulties.

For example, in 1994 our committee had 93 slots. The committee's work has increased exponentially and we have reduced the number of slots to 65. Assume that we could understand and accept that, but there is a difficulty. Of the 65 slots, we who have 49 percent of the vote have but 19 of the 65 slots. That is not fundamental fairness. That is not fundamental fairness at all.

It is very difficult to do the job if there are inadequate resources. What is the job that we have to do? Broad housing and economic development jurisdiction, expansive consumer jurisdiction, broad authority over the regulation of financial services firms, substantial economic policy responsibilities, broad authority over all of the international development institutions and global economic issues.

We have one staff person who handles all consumer and community development issues; one detailee who handles international economic issues, since we cannot afford to actually hire appropriate staff.

I recommend approval of the motion to recommit with instructions and defeat of the committee funding resolution.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), the new chairman of the Committee on Rules in the 106th Congress.

Mr. DREIER. Mr. Speaker, I rise to simply extend congratulations to the chairman of the Committee on House Administration, my very good friend the gentleman from California (Mr. THOMAS), and just say that he has led us very, very strongly in the direction of creating a very, very strong balance on this issue of minority representation.

Having served in the minority for so many years, we are very sensitive to that concern on this side of the aisle. I believe that the balance that has been struck is a very healthy one, and I hope that the House will move and pass this resolution so that we can begin to address a lot of the concerns that are out there.

Technologically, we need to make sure that the equipment is available. We need to have first class staff, and I think we have that, but we have to compensate them and I think that this measure does just that.

I thank my friend and congratulate him for his fine work.

Mr. HOYER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, on March 30, 1993, as I said earlier, 31 Republican leaders wrote to the gentleman from California (Mr. DREIER) and Mr. Hamilton in their capacity as cochairs of the Joint Committee on the Organization of Congress. The gentleman heard the ''*sine*

qua non'' quote, that one-third of the resources were necessary to overcome the poisonous atmosphere that existed.

Did the gentleman agree with that premise?

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

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

Mr. DREIER. Mr. Speaker, I did. The problem that we faced was that we were never able to get that measure even considered on the House floor, and that was very frustrating for many of us.

Mr. HOYER. I will tell the gentleman that it was considered twice, on a motion to recommit by Mr. ROBERTS, and a motion to recommit by the gentlewoman from Washington (Ms. DUNN), and the chairman of the Committee on Rules voted for it twice. He will have the opportunity to vote for it a third time.

Mr. DREIER. Did my friend, the gentleman from Maryland, vote for it at that time, is the question that we need to ask? We welcome the gentleman to the fold.

Mr. HOYER. Mr. Speaker, the chairman of the Committee on the Judiciary talked about the necessity for resources. Also included in that motion to recommit was a cut of 25 percent of the resources available to the committees. We did not think that was wise at that time.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Mr. Speaker, standing before the House today is like deja vu. Two years ago, as the ranking minority member of the Committee on Government Reform, I argued that the House should reject the committee funding resolution because the majority allocated only 25 percent of the budget of the Committee on Government Reform to the minority.

I could make virtually the same statement today. The work of the Committee on Government Reform last Congress was extraordinarily partisan. The committee's campaign finance investigation was widely acknowledged to be one of the most unfair, abusive and wasteful investigations since the McCarthy hearings, and the most expensive congressional investigation in history.

As described by Norman Ornstein, a congressional expert at the American Enterprise Institute, and I am quoting him, the Burton investigation is going to be remembered as a case study in how not to do a congressional investigation.

At the outset of this Congress I hoped that things would have changed. In early January I wrote the gentleman from Indiana (Chairman BURTON) and asked for three things: Fair rules for issuing subpoenas; fair subcommittee ratios; and a fair budget. Unfortunately, the majority rejected each of these requests.

The committee adopted rules that once again allowed the chairman to issue subpoenas unilaterally with no opportunity for the minority to appeal his decision to the full committee. The committee then adopted subcommittee ratios that once again gave the minority far fewer seats than we were entitled to, and today the majority is proposing another unfair budget.

The majority falsely claims that it is substantially increasing minority funding over the last Congress, but that is just an accounting gimmick. As this chart here indicates, the indisputable fact is that the committee Democrats are being allocated only 25.9 percent of the committee's budget, an increase of less than 1 percent over the last Congress, less than 1 percent.

It was 25 percent in the previous Congress; 25 percent in the Congress before that. In the year 2000, Democrats will receive 25.9 percent of the committee's budget. That is not reasonable progress toward the third by anyone's definition. It is not the 33 percent of the budget the majority adopted as House policy. I urge my colleagues to vote against this partisan and unfair resolution.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in 1999, the gentleman from California (Mr. WAXMAN) indicated that there was an accounting gimmick which was being used to distort the percentages. In 1992, the chairman of the Committee on Ways and Means at that time, Mr. Rostenkowski, stated that the committee had 14 shared administrative staff.

In 1994, in the markup, the gentleman from Texas (Mr. FROST) said it is inconceivable that other committees have no nonpartisan staff such as the receptionist, the calendar clerks, et cetera, who serve both the majority and the minority. Many committees have reported them to us.

The Democrats when they were in the majority routinely used the allocation of shared administrative staff. The problem is now, when we in the majority use it, it is somehow an accounting gimmick.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA), a very valuable member of the committee.

Mr. MICA. Mr. Speaker, I thank the gentleman from California (Chairman THOMAS) for yielding me this time.

Mr. Speaker, I think tonight what we have to deal with in Congress are the facts. I think the American people and the Members of Congress and history are interested in the facts.

The facts, my friend, are quite simple. In the 103rd Congress, under the Democrat majority, the Democrats expended $223 million to run the committees. The fact is, under the 106th Congress, we are expending $183 million, committee funding of $40 million less than when the Democrats controlled the House of Representatives.

The facts are that the numbers of staff in the 103rd Congress under the Democrat majority were 1,639. The facts are in this budget, proposed by the Republican majority, the staff positions are 1,153; 30 percent less staff.

In addition to staff levels that have been reduced, the Republican majority in these 4-plus years have privatized the dining room, privatized the barber shop, privatized the printing office, provided public parking, which is a new thing that we provided the public, in addition to cutting staff, cutting funding.

We even stopped the delivery of ice to Members' offices, long after refrigerators were instituted, with an additional 12 staff cuts. Those folks do not deliver ice anymore to us, even though we have refrigerators.

We did all of this and we did it fairly, because I stood up here in the 103rd Congress and held up a chart similar to this that said 55 to 5. We may recall, and history recorded it very well in the CONGRESSIONAL RECORD, and that was the staff ratios on the predecessor of the Committee on Government Reform, which was Government Operations, 55 to 5. I just made a new one for tonight. This is the ratio accorded to us.

In this budget, in fact, we give them 28 percent of the budget and 30 percent of the staff. If we just take a minute and look at the minority resource comparison, and these are the facts, my colleagues, 33 percent more we are providing. In the 103rd, there were only two. In the 106th Congress, the number of committees provided are now 9 with 33 percent of the staff; 25 to 32 percent was 12, is now 8; and less than 25 percent, in the 106th Congress, zero.

□ 1900

We are being fair. We are being evenhanded. We are equally distributing the resources in a very progressive manner. The score was 5 to 55 giving the old minority this ratio, very unfair. Today we see an equitable distribution. These are the facts and these are the figures, and this is what we must deal with, Mr. Speaker.

I believe the Republicans have done an excellent job in both allocating resources and at the same time addressing the concerns of the American people. That is cutting the staff and the expense and the bureaucracy in Washington and in this Congress.

Mr. HOYER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Michigan (Mr. JOHN CONYERS), the distinguished ranking member of the Committee on the Judiciary, and one of the senior members of the Congress of the United States.

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

Mr. CONYERS. Mr. Speaker, I would like to begin by thanking the gentleman from Maryland (Mr. STENY

HOYER) as the ranking member for doing such an excellent job of studying where we are getting to, not where we have been. I love these allusions back into the past, as if they are some guide or reason for injustices to continue into the present.

Now, as one of the most partisan—the ranking member of one of the most partisan committees in this Congress, I want to tell the Members that the funding and staffing problems go right to the core of many of our problems.

I quote the present chairman of this Committee on the Judiciary, the gentleman from Illinois (Mr. HENRY HYDE), who has said, ''Two-thirds and one-third ratios are used in the Senate, and I believe its realization in the House would enormously reduce the often acrimonious proceedings to which the House is subjected.'' And yet, and yet, even with some improvements at this late date, we are still trying to get somewhere near this goal.

I am very disappointed. I have little else to do but to urge that we accept the alternative that has been put out that states what everybody keeps saying they support, and yet will not get to. This goes beyond a recommit and final passage, this is the matter of simple fairness.

I, for one, am finding it more difficult to suffer through simple requests for publications, witness travel, stenographers, this is the Committee on the Judiciary, legal publications; no control over the funding. And here we now come, and even in impeachment it was the past Speaker that got us beyond the four out of 18 slots, if Members can believe it, for a committee on impeachment.

I come here very disappointed and not happy at all about the position that we find ourselves in in the 106th Congress. It is unnecessary. This has gone on, this partisanship that affects our resource and staff allocations, and it is now affecting our ordinary work.

For that reason, I am not able to support the proposal that is before us, and I really hope that we can turn this matter back until we get a further understanding of how we reach this very complex physicist's evaluation of one-third and two-thirds.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) who just spoke is on the Committee on the Judiciary now. I indicated that the ratio at that time was 82 percent majority to 18 percent minority on the Committee on the Judiciary, but actually, it was the Committee on Government Operations at that time, and that ratio was 85 percent majority and only 15 percent minority.

Let me also say that the Committee on the Judiciary is getting 10 new staff in this Congress. Rarely does a committee get double-digit increases in their staff, but the Committee on the Judiciary is getting 10 new staff. What is the split? Is it like it was in the old days, eight and two? No. Is it seven and three, the request that they are making? No. Is it six and four? No. Unprecedented in the history of this House, the majority is dividing 10 new staff, five to the minority and five to the majority, a 50/50 split.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), a member of the Committee on House Administration who has now spent enough years in the process of listening to this case to have that kind of institutional knowledge that so many of the Members do not share.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague, the gentleman from California (Mr. THOMAS), the chairman of our committee, for the excellent work he has done in bringing this resolution to the Floor for this Congress that really does bring about a continued effort for fairness for both parties as we try to do our legislative job.

Mr. Speaker, speaking of fairness, there has been an awful lot of it talked about on the Floor tonight. I have been here in the Congress for 8 years. I have spent 6 years on this committee dealing with this issue. Thankfully, the last session of Congress and this session we are dealing with a 2-year budget cycle. We have to go through a lot of this rhetoric every year. It is always acrimonious, because when one is in the minority they always feel like they should have more.

I think my friends on the other side of the aisle will acknowledge that we, the majority now, are treating the minority much more fairly than we were ever treated when we were in the minority.

The gentleman from Maryland (Mr. HOYER) and I had this discussion in the committee last week. When we took control after the 1994 there was a great debate, and there were some on my side in the majority who wanted to treat the Democrats the way they treated us when we were in the minority. Many of us argued that, no, we should treat the minority in the House the same way that we had asked to be treated.

When we look at our efforts at trying to get committee funding for the minority up to the one-third goal, we have made a significant effort. So I think that as we now approach about 31 percent on average, with more than half of the committees at one-third or more, that we are making an honest effort and a good try toward the goal we set out.

We should not forget what is really more I think at the base of the problem and the argument that we are having tonight. It goes back to 1994, when we promised the American people in the Contract With America that we would cut committee funding by one-third.

In 1995, we did cut committee funding by one-third, cutting over $50 million out of the committees, reducing the number of slots. Even today, some 4½ years later, we are spending $40 million less this year than what was spent in 1994, the last year of the Democrat majority. So there is not as much money to go around.

But I remember quite clearly on the opening day of this session of the Congress, when the gentleman from Illinois (Speaker HASTERT) offered the olive branch to the minority leader, the gentleman from Missouri (Mr. GEPHARDT), saying, I think, I am going to do everything I can to go halfway, and maybe even more so at times.

I think what we are asking the entire House to do is to do more with less, to live within the constraints that we promised the American people we would do when we took the majority. The budgets are cut. We are trying to pinch our pennies. If we look at the budget over the next 2 years we will see that there is a 3 percent increase in total. That is 1½ percent per year, well below the rate of inflation.

We made that commitment to the American people that Congress could do more with less. We are trying to make that commitment and keep that commitment, and also at a time while we are treating the minority with the fairness that we had asked for.

Is it perfect? No, it is not. It was not perfect before and it will not be perfect even the next time. But our goal and our word to work towards that one-third goal is genuine, and I think that the minority understands as clearly as I do that we are doing much better in terms of the way we are treating them than the way we were being treated when we were in the minority.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD), the President of the incoming freshman class.

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

Mr. BAIRD. Mr. Speaker, I want to thank my colleague, the gentleman from Maryland, and speak today as someone who is new to this institution.

I have been listening for the past number of minutes to people recounting old battles and old wars and old perceived injustices. We are new as freshmen to this institution, our first term. When we came here at orientation we pledged on both sides, Democrats and Republicans, to work together in a spirit of bipartisanship and a spirit of fairness.

It is to that spirit of bipartisanship and fairness that I speak to my Republican colleagues today. I have to ask a simple question: If the ratio of Members in this House is divided 49 to 51, how is it possibly fair that the ratios in terms of funding for committees should be less than one-third to two-thirds? This is not, today, about injustices of the past. This is about a simple discussion of what is fair and what is right and how we should conduct ourselves.

I am calling today on my colleagues on both sides of the aisle, freshman Democrats and freshman Republicans, to ask a simple question: What is fair, and do we stand for fairness?

I would submit that the request that has been made as a minimum of one-third to two-thirds ratio is perfectly fair. In fact, it is factually quite imbalanced, but we are only asking one-third to two-thirds. I would call on my friends and colleagues from the Republican side to join with me and with the freshmen to achieve that balance which just a couple of years ago people asked to achieve, and which frankly is perfectly just, perfectly reasonable, and would set this institution on a true bipartisan course.

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

Mr. Speaker, I would tell the gentleman from Washington that in the spirit of Hershey, when a gesture is made, that gesture ought to be returned. Now, I would tell the gentleman that if he would examine the committee funding, there are a number of committees that exceed that one-third request that is being made: The Committee on House Administration, the Committee on the Budget, the Permanent Select Committee on Intelligence, the Committee on Science, the Committee on Transportation and Infrastructure, the Committee on Small Business, the Committee on Agriculture, the Committee on Veterans' Affairs, the Committee on Banking and Financial Services. One hundred sixty-seven Democrats sit on a committee that now meets the two-thirds/one-third ratio.

So I am not looking at the past, I tell my friend, the gentleman from Washington, I am looking at today. One hundred sixty-seven Democrats are now sitting on committees that meet that figure. The reason the other committees have not moved is that they had such an egregiously low base. We have made progress every Congress so that no committee is less than 25 percent, and we will continue to make progress.

It would seem to me that as a new Member, in the spirit of Hershey, if we reach out to one hundred sixty-seven Members of the Democratic Caucus, at least one would reach back and say, thank you, the two-thirds/one-third is appropriate, it is necessary. The one hundred sixty-seven Democrats, by their vote, can prove that what we are choosing to do is right and proper. It will be quite surprising to me if not one Democrat out of the one hundred sixty-seven reaches his or her hand across the aisle to say, you are doing what you committed to do, that which we never did.

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

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I really would like to speak to my dear friends and colleagues on the other side of the aisle and state that, in the spirit of Hershey, a one-third/two-thirds split is totally fair, and builds on two votes that were taken on this floor that supported such action.

As my dear colleague just pointed out, there has been some progress, but when the majority created a new committee, the Census Committee, this would have been a perfect opportunity, an absolutely perfect opportunity to put forward the fair two-thirds/one-third division.

□ 1915

But what happened when they created a Subcommittee on Census is they only provided the minority with 25 percent of the resources, not 33.3 percent, but 25 percent of the resources. In the ratios of slots of Members assigned to the committee, it was terribly unfair, 11 to 4, 11 Republicans to 4 Democrats in the allocation of slots.

The census is supposed to be about fairness and fair counts. This would have been an opportunity to implement the one-third/two-thirds division. But my colleagues gave us 25 percent, the same as what my colleagues gave the Committee on Government Reform and Oversight over the past 6 years. There has been absolutely no movement.

I must say that the Republican funding resolution, which does include a 3 percent increase, does nothing to guarantee the minority a fair one-third/two-thirds split in resources.

The reserve fund is allocated at $3 million for the 106th Congress, but the Republicans are allocating $2.4 million to the Subcommittee on Census of the Committee on Government Reform, money that came out of the reserve fund in the 105th. Democrats are only getting 25 percent and again only four of the 15 slots.

I call upon my colleagues on both sides of the aisle in the spirit of Hershey to support fairness, the one-third/two-thirds split, the Hoyer amendment, and motion to recommit.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I tell the gentlewoman from New York (Mrs. MALONEY) that we are beginning in the name of Hershey, to call out. Perhaps we can bring it a little closer to home. I have a Roll Call editorial from earlier this month, March 4, which I think is quite succinct in summing up much of the debate that we have heard so far. The editorial says, ''Quit Whining''. It says, ''The more we look at history, the less it appears the Democrats have much basis to whine.''

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

Mr. HOYER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, what I told Roll Call, and what I repeat now, is that we are not whining. We are reminding our Republican colleagues, who said when they were in minority, that fairness was one-third of the resources of the committees. We are now reminding them of their statement and saying, if they want fairness, do fairness. Do it tonight.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ), ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Speaker, I rise today in strong support of the motion to recommit. We should not make this a Republican issue or a Democratic issue. It is a simple matter of fairness. By adopting this motion, we will help both parties to better serve the American people.

I recently became the ranking member of the Committee on Small Business, and I must commend the gentleman from Missouri (Chairman TALENT) for the bipartisan manner in which he has run the committee. Even though we do not always agree on policy, the gentleman from Missouri (Mr. TALENT) has made every effort to accommodate both myself and my staff and to run the committee in a fair manner. Although we have had some difficulties with funding, once the gentleman from Missouri (Mr. TALENT) became aware of the problem, he worked to rectify it.

We are now working out our problems through the committee process, and I would like to commend the gentleman from Missouri for working with me to solve this problem. The bipartisanship of our committee should serve as an example to the rest of Congress.

However, too often committee funding has been used as a political tool. Too often the party in the majority has turned committee funding into a partisan issue. This must change.

I have told the gentleman from Missouri (Chairman TALENT) that the minority should control one-third of the committee's budget. This is only fair, and this is what this motion will do. As the ranking members, we are committing ourselves today to ensure that the minority party will be able to serve the Members and the American people.

I for one do not believe that access to periodicals, journals, computer software and basic office supplies should be turned into political game. These things are needed to properly run any office and to provide a basic level of service to those Members serving on a committee.

Six years ago, the Republican minority talked about using a one-third/two-thirds ratio as a way to help bridge the institutional animosity which too often plagues this body. Today we are asking them to deliver on this promise. I urge both sides of the aisle to support the motion to recommit.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER), one of our Members who I think has demonstrated a commitment to fairness throughout his career here.

Mr. ROEMER. Mr. Speaker, I want to thank the gentleman from Maryland for yielding me this time, and I rise in favor of the motion to recommit.

But first of all, I want to address what this debate is about. I do not need a chart. I do not need a graph. I do not need to put all kinds of statistics and facts and figures out there. This is very simple. It can be about one word, and that is fairness.

It is the fairness, if the Democrats represent 49 percent of this Chamber, they should get 49 percent of the funding. If Republicans represent 49 percent of the Chamber, they should get 49 percent of the committee funding. It is so critically important to be fair on this funding resolution for committee work.

Such scholars as Richard Fenno have said that the work of Congress is the work of its committees. We can have our partisan fights out here on the floor, and I hope we would be civil about it; but back in our committee rooms across the halls, I would hope that we could be bipartisan and fair about how we fund our committee staffs and our trips to our Districts and how we allocate funds to represent those Districts.

Woodrow Wilson, who was a scholar and a President, talked about the importance of committee work in representing our constituents. I hear time and time again from the other side about 1989 and what the Democrats did, and they admit it was wrong; in 1992 what the Democrats did, and they say it was wrong.

Mr. Speaker, we study history in order not to repeat the mistakes of the past and not to justify action today that is based on mistakes of yesterday.

I would hope both sides could come forward and commit, whether Democrats or Republicans have the majority, after the year 2000 elections, that we would agree simply on fairness to fund these committee resolutions at the percentage of the respective bodies on both sides.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentlewoman from Ohio (Ms. PRYCE), a member of the Committee on Rules and also a member of this new majority leadership team, to discuss this resolution.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in support of the committee funding resolution as fair and responsible legislation that will allow our committees to fulfill their policy, legislative and oversight responsibilities to all the American people.

I see no reason why any Member of the House should oppose this legislation.

First of all, this committee funding resolution is fiscally responsible. It provides a modest 3 percent increase in overall funding for our committees. That is a mere 1½ percent increase each year. This increase recognizes some of the modernization needs of our committees, while adhering to the principle of doing more with less.

This committee funding resolution is fair to the minority. It moves more committees toward the overall goal of allocating one-third of committee resources to the minority's control. In fact, nine committees of the 106th Congress will provide one-third or more of their resources to the minority. This compares to only two committees that met this goal in the 103rd Congress when Republicans were in the minority.

Under the Republican majority, 31 percent of staff is allocated to the minority, and 32 percent of staff salaries go to the minority. So I think the cries from the other side of the aisle that they are being mistreated and misused are just disingenuous or, at the very least, some people have very, very short memories.

Further, the committee funding resolution scales back the reserve fund to 62 percent. Instead of offering a tempting pot of overflowing dollars for committees to dip into, this reserve fund will serve as a true rainy day fund for the unanticipated needs that are likely to arise over the course of 2 years.

Finally, Mr. Speaker, it is important to point out how very far we have come since the Republicans took over control of Congress. This year's committee funding resolution is still $40 million less than the 103rd Congress. The overall number of committee staff is still 30 percent below the staff levels of the 103rd Congress. Again, we are doing more with less in the true spirit of government reform.

Above all, Mr. Speaker, there is much work which we, in a bipartisan way, must accomplish for the American people. Much of this work is done in our congressional committees by very talented, very hardworking staff on both sides of the aisle. We should pass this committee funding resolution to ensure that that work gets done. I urge support of this resolution.

Mr. HOYER. My understanding is, Mr. Speaker, that we have 3½ minutes remaining.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Maryland (Mr. HOYER) has 3½ minutes remaining. The gentleman from California (Mr. THOMAS) has 3½ minutes remaining.

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

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

Mr. HOYER. Mr. Speaker, the gentlewoman from Ohio (Ms. PRYCE) used the word ''disingenuous,'' and then she changed it. I know she did not mean to cast any aspersions, nor do I.

The gentlewoman from Ohio, like 109 of her colleagues who were here in 1993, voted for the motion to recommit that I will offer. She voted that one-third of the resources represented fairness.

I will tell the gentlewoman from Ohio that, notwithstanding the representations of the gentleman from California (Mr. THOMAS), chairman of the committee, he and I disagree on the assertions. There is but one committee that provides one-third of the resources and control to the minority—just one. To his credit, it is the committee of the gentleman from California (Mr. THOMAS). No questions asked. As the gentleman from California has pointed out, it is really more than one-third of the resources, because we divided equally a staffer on the Joint Committee on Printing.

My friends, if we want fairness, we need to give fairness. It has been said that we did not do right. Let me accept that premise. Is it, therefore, to be like the Hatfields and McCoys—that you did not do right, so we are not going to do right, and we will continue to fight? We will continue to create a poisonous atmosphere, of which the gentleman from Illinois (Mr. HYDE) spoke, and of which 30 other Republican leaders in their letter spoke, when they—not the Democrats—but the Republicans said ''one-third of the resources, not just staff, but of the resources available is fairness.''

I am offering a motion to recommit, which was offered by the gentlewoman from Washington (Ms. DUNN) and Mr. ROBERTS. The gentlewoman from Washington (Ms. DUNN) said, and I will not quote it all, for my colleagues can see it here on the chart, ''The American people have been clear about something else, as well, Mr. Speaker. They want fairness, bipartisanship, and responsibility in spending from their Congress.''

She went on to say, ''I want to use my time, Mr. Speaker, to talk about how, even at this 11th hour, the House could move toward fairness and reform taxpayers so earnestly desire.'' She said, therefore, among other things, ''that we achieve the goal by limiting the majority to a 2 to 1 staff advantage.'' One-third/two-thirds.

□ 1930

I am going to offer that motion to recommit. I will pass out a sheet that will show my colleagues how they voted on it before. Only one Republican voted against that, and that was the gentleman from Alaska (Mr. YOUNG).

Mr. ROBERTS said in 1994, and I want all my colleagues to see this. This is Mr. ROBERTS. ''If lightning strikes, and the sun comes up in the west, and Republicans take over Congress, we are going to do that for you. You will at least get one-third.''

The Sun came up in the west, much to the chagrin of my side of the aisle, my colleagues. And my Republican colleagues said when it did, we would get one-third. It is time to redeem that promise. Vote for the motion to recommit that I offer, as previously offered by the gentlewoman from California (Ms. JENNIFER DUNN) and Senator PAT ROBERTS, then Congressman PAT ROBERTS.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

The gentleman from Maryland noted that that was former Representative PAT ROBERTS. He is not here to vote on the resolution or the motion to recommit. As a matter of fact, when the motion to recommit was presented previously, as has been indicated by the gentleman from Maryland, not one Democrat voted for the motion to recommit. Not one.

Had they been prescient about the sun coming up, maybe some of them would have, and then, of course, we would have accomplished our goal. It would have been locked in. But since they did not have the foresight, since they left us with 12 percent of the resources, 15 percent of the resources, 18 percent of the resources, when we became the majority we had to start building toward that one-third. We have built toward that one-third in every Congress we have been in the majority.

Under the leadership of the Speaker, the gentleman from Illinois (Mr. HASTERT), this majority, in House Resolution 101, is not repeating the mistakes of the past. This committee resolution is the fairest and most equitable in the recorded history of the House.

One hundred sixty-seven Democrats sit on a committee that divides the resources two-thirds, one-third. I would think that if my colleagues missed their opportunity on the motion to recommit to lock in two-thirds, one-third, some of my Democratic colleagues would be smart enough to lock in the two-thirds, one-third on those committees.

Give us some votes so that I can say yes, the Democrats get it. The more we work together, the more we are able to give my colleagues the two-thirds, one-third. Instead, my colleagues say we have to deliver all the votes.

The next time we do the committee resolution, this majority, in the 107th Congress, I am going to turn to these people and ask them what they need. Because we reached across the aisle in the spirit of Hershey and said 167 Democrats have got what they want. Give us one vote; we will return the gesture on the motion to recommit, just as my colleagues did on ours. But, please, on final passage, on this House Resolution, the fairest and most equitable in the history of the House, give us at least one Democrat.

Mr. Speaker, I include the following for the RECORD:

[From Rollcall, Mar. 4, 1999]

QUIT WHINING

The evidence suggests that Speaker Dennis Hastert (R-Ill.) really does mean to reach out to Democrats and make the House a less ferocious place than it was under ex-Rep. Newt Gingrich (R–GA). We suggest that Democrats stop grousing and meet him halfway—at least to the extent of not boycotting this month's Hershey, Pa., civility retreat.

Hastert is meeting regularly with Democrats on budget issues and is promising to permit votes on raising the minimum wage and campaign finance reform. Meanwhile, House Administration Chairman Bill Thomas (R-Calif.) may help Democrats gain a larger share of the budgets on the Judiciary and Government Reform Committees.

Democrats have been loudly complaining about membership ratios of committees and about committee budgets and some ranking members have cited the disparities as reasons they refuse to co-operate with leadership efforts to bring GOP and Democratic Members and their families together for the weekend of March 19–21 at Hershey.

The more we look at history, the less it appears the Democrats have much basis to whine—although they should note well how ill-used they feel and vow to do better by the Republicans should Democrats be returned to power in the House.

In 1993, when Democrats last were in the majority, Republicans held 41 percent of House seats, but Democrats accorded them an average of 24 percent of committee staff positions—falling to 13 percent on the old Government Operations Committee and 11 percent on Judiciary. Democrats now are complaining that they only control 25 percent of the resources on Government Reform and 23 percent on Judiciary.

Back then, Republicans complained that fairness demanded they get at least one-third of committee budgets and staff slots rather than less than one-fourth. By this standard, Democrats have little to which they can object—except on Judiciary and Government Reform where they get just a quarter of committee resources.

Funding ratios meet or nearly meet the one-third majority standard on Budget, Education and the Workforce, Rules, Veterans' Affairs and House Administration. On most other committees the GOP-Democratic ratio is nearly 70–30—not up to the ideal, but better than the 76–24 average back when Democrats ruled the House.

As we've noted before, the same basic situation prevails with committee assignments. Democrats say that they should have something like 48.5 percent of committee slots, reflecting their strength in the House, but actually have between 41 and 45 percent on major committees. In 1993, though, Republicans averaged 38 percent of the slots on major committees, not their 41 percent in the House.

We suggest that Democrats and Republicans talk about these problems, among others, at Hershey. Now that the Gingrich era is over—and in spite of the recent impeachment unpleasantness—it ought to be possible to begin solving them.

MINORITY RESOURCE COMPARISON—103rd CONGRESS VS 106TH CONGRESS

	Democratic Majority, 103rd Congress	Republican Majority, 106th Congress
33% or more	2	9
25% to 32%	12	8
Less than 25%	5	0

Committees with non-partisan staff, Armed Services and Standards of Official Conduct, are not listed.

Authorized by the Committee on House Administration.

Mr. Speaker, I rise today in opposition to this Resolution, which sets the funding for our Committees here in the House. This resolution is an important one, because in many respects, with its passage, we begin to erode the spirit of bipartisanship that I had hoped would permeate the work of the 106th Congress.

When the Majority first took control of the House, we had expected that they would still respect the views, if not the voting power, of the Minority. Yet that has not been the case. Here, half a decade down the road from the "Contract with America," we see that the Minority is limited to just 28% of the House budget. This is appalling in light of the fact that we are just five votes short of holding a majority of our own. In fact, this resolution takes away almost half the value of our vote—and the value of the resources that we have for the constituents that we represent.

For those of you who believe that Committee funding makes little difference in how the policies of our country are forged I must note that the two Committees which reported the most partisan legislation, the Committee on Government Reform and the Committee on the Judiciary, have the worst funding ratios. As it stands in the current form of the resolution, the Judiciary Committee on which I sit, has approximately three-quarters of its resources dedicated to the Majority. As the Ranking Member of the Subcommittee on Immigration and Claims, I find that deeply disturbing because it means that theoretically, my staff is outnumbered three to one as it regards my Republican counterpart.

The Democratic alternative to this bill is much more palatable to our common sensibilities—although it still does not do all that it could to recognize our small numeric deficit. It simply asks that one-third of all Committee funds are designated for Minority use. The difference between the two resolutions is a mere 5%, surely a small price to pay to guarantee a more cooperative environment here in the House of Representatives.

I would hope that all of my colleagues would vote to defeat H. Res. 101, and for the Democratic alternative.

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

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the committee amendment in the nature of a substitute and on the resolution.

There was no objection.

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

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

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. HOYER. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit House Resolution 101 to the Committee on House Administration with instructions to report promptly back to the House a resolution identical to the text of House Resolution 101 as amended by the House, except as follows:

(1) Strike sections 1, 2, and 3 and insert the following:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Sixth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture,

$8,414,033 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Armed Services, $10,342,681 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Banking and Financial Services, $9,307,521 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Budget, $9,940,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Commerce, $15,285,113 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Education and the Workforce, $11,200,497 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Government Reform, $19,770,233 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on House Administration, $6,251,871 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Permanent Select Committee on Intelligence, $5,164,444 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on International Relations, $11,313,531 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Judiciary, $12,152,275 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Resources, $10,567,908 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Rules, $5,069,424 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Science, $8,931,726 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Small Business, $4,148,880 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Standards of Official Conduct, $2,632,915; Committee on Transportation and Infrastructure, $13,220,138 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Veterans' Affairs, $4,735,135 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); and Committee on Ways and Means, $11,930,338 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member).

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1999, and ending immediately before noon on January 3, 2000.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,101,062 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Armed Services, $5,047,079 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member: Committee on Banking and Financial Services, $4,552,023 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Budget, $4,970,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Commerce, $7,564,812 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Education and the Workforce, $5,908,749 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Government Reform, $9,773,233 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on House Administration, $2,980,255 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Permanent Select Committee on Intelligence $2,514,916 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on International Relations, $5,635,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Judiciary, $5,787,394 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Resources, $5,208,851 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Rules, $2,488,522 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Science, $4,410,560 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Small Business, $2,037,466 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Standards of Official Conduct, $1,272,416; Committee on Transportation and Infrastructure, $6,410,069 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Veterans' Affairs, $2,334,800 (⅓ of such amount, or such greater percentage as may be agreed by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); and Committee on Ways and Means, $5,814,367 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member).

SEC. 3. SECOND SESSION LIMITATIONS

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2000, and ending immediately before noon on January 3, 2001.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,312,971 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Armed Services, $5,295,602 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Banking and Financial Services, $4,755,498 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Budget, $4,970,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Commerce, $7,720,301 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Education and the Workforce, $5,291,748 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Government Reform, $9,997,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member): Committee on House Administration, $3,271,616 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of

the committee, to be paid at the direction of the ranking minority member); Permanent Select Committee on Intelligence, $2,649,528 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on International Relations, $5,678,531 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Judiciary, $6,364,881 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Resources, $5,359,057 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Rules, $2,580,902 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Science, $4,521,166 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member; Committee on Small Business, $2,111,414 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Standards of Official Conduct, $1,360,499; Committee on Transportation and Infrastructure, $6,810,069, (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Veterans' Affairs, $2,400,335 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); and Committee on Ways and Means, $6,115,971 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member).

(2) Strike section 6 and insert the following:

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund of $3,000,000 for unanticipated expenses of committees for the One Hundred Sixth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Administration. Of the amount allocated to a committee from the fund, ⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member.

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. HOYER. 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.

The vote was taken by electronic device, and there were—yeas 205, nays 218, not voting 11, as follows:

[Roll No. 65]

YEAS—205

Abercrombie
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Brown (CA)
Cardin
Cox
Ganske
Goodling
Myrick
Neal
Sanchez
Saxton
Stupak

□ 1952

Messrs. TOOMEY, BURTON of Indiana, and YOUNG of Alaska changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution, as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 210, not voting 8, as follows:

[Roll No. 66]

AYES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—210

Abercrombie
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Ackerman
Brown (CA)
Cardin
Cox
Myrick
Neal
Saxton
Stupak

□ 2010

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the Chair appoints the following conferees on the bill (H.R. 800) to provide for education flexibility partnerships:

Messrs. GOODLING, HOEKSTRA, CASTLE, GREENWOOD, SOUDER, SCHAFFER, CLAY, KILDEE, GEORGE MILLER of California, and PAYNE.

There was no objection.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to allow all Members 5 legislative days to revise and extend their remarks on House Resolution 101, just agreed to.

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

There was no objection.

PROVIDING FOR REAPPOINTMENT OF BARBER B. CONABLE, JR. AS A CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 26) providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, I yield to the gentleman from California, chairman of the Committee on House Administration, for the purpose of explaining the resolution.

Mr. THOMAS. I thank the gentleman for yielding. Mr. Speaker, this is in fact an appointment of regents of the Smithsonian Institution. There is a 17-member board. It is composed of the Chief Justice and the Vice President of the United States, three Members of the House of Representatives, three Members of the Senate, and nine citizens who are nominated by the Board and approved jointly in a resolution of Congress. This is the first of three joint resolutions that we will present, and as was indicated, this provides for the reappointment of our friend and former colleague, Barber Conable of New York.

Mr. HOYER. Mr. Speaker, proceeding under my reservation, we obviously will not object. We support not only this resolution but the next two resolutions that will be offered for the purposes of accomplishing the objectives set forth by the chairman. I will not object to the next two and will allow them to pass simply by unanimous consent immediately upon being read.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 26

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Barber B. Conable, Jr. of New York on April 11, 1999, is filled by the reappointment of the incumbent for a term of six years, effective April 12, 1999.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 2015

PROVIDING FOR REAPPOINTMENT OF DR. HANNA H. GRAY AS A CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H. J. Res. 27) providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Dr. Hanna H. Gray of Illinois on April 11, 1999, is filled by the reappointment of the incumbent for a term of six years, effective April 12, 1999.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR REAPPOINTMENT OF WESLEY S. WILLIAMS, JR. AS A CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 27) providing for the reappointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Wesley S. Williams, Jr. of the District of Columbia on April 11, 1999, is filled by the reappointment of the incumbent for a term of six years, effective April 12, 1999.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 1999 AND THE 5-YEAR PERIOD FY 1999 THROUGH FY 2003

The SPEAKER pro tempore. Under a previous order of the House, the Gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1999 and for the 5-year period fiscal year 1999 through fiscal year 2003.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of March 17, 1999.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by the interim allocations and aggregates printed in the RECORD of February 3, 1999, pursuant to H. Res. 5 for fiscal year 1999. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1999 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each direct spending committee with the ''section 302(a)'' allocations for discretionary action made under the interim allocations and aggregates submitted pursuant to H. Res. 5 for fiscal year 1999 and for fiscal years 1999 through 2003. ''Discretionary action'' refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1999 with the revised ''section 302(b)'' sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that if at the end of a session the discretionary spending, in any category, exceeds the limits set forth in section 251(c) as adjusted pursuant to provisions of section 251(b), there shall be a sequestration of funds within that category to bring spending within the established limits. This table is provided for information purposes only. Determination of the need for a sequestration is based on the report of the President required by section 254.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE INTERIM ALLOCATIONS AND AGGREGATES FOR FISCAL YEARS 1999 AND FOR FISCAL YEAR 1999 TO 2003

[Reflecting Action Completed as of March 17, 1999 (On-budget amounts, in millions of dollars)]

	Fiscal year 1999	Fiscal year 1999–2003
Approprite Level (as authorized by H. Res. 5):		
Budget Authority	1,444,851	NA
Outlays	1,393,291	NA
Revenues	1,368,374	7,284,605
Current Level:		
Budget Authority	1,443,553	NA
Outlays	1,393,074	NA
Revenues	1,368,396	7,284,616
Current Level over(+)/under(−) Appropriate Level:		
Budget Authority	−1,298	NA
Outlays	−217	NA
Revenues	22	11

NA=Not applicable because appropriations Acts for Fiscal Years 2000 through 2003 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing new budget authority for FY 1999 in excess of $1,298 million (if not already included in the current level estimate) would cause FY 1999 budget authority to exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

OUTLAYS

Enactment of any measure providing new outlays for FY 1999 in excess of $217 million (if not already included in the current level estimate) would cause FY 1999 outlays to exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

REVENUES

Enactment of any measure that would result in any revenue loss of FY 1999 greater than of $22 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5. Enactment of any measure resulting in any revenue loss greater than $11 million for FY 1999 through 2003 (if not already included in the current level) would cause revenues to fall below the appropriate levels set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a) REFLECTING ACTION COMPLETED AS OF MARCH 17, 1999

[Fiscal Years, in millions of dollars]

House Committee	1999		1999–2003	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation			28,328	27,801
Current Level				
Difference			(28,328)	(27,801)
Armed Services:				
Allocation				
Current Level				
Difference				
Banking and Financial Services:				
Allocation				
Current Level				
Difference				
Education & the Workforce:				
Allocation			610	367
Current Level				
Difference			(610)	(367)
Commerce:				
Allocation				
Current Level				
Difference				
International Relations:				
Allocation				
Current Level				

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a) REFLECTING ACTION COMPLETED AS OF MARCH 17, 1999—Continued

[Fiscal Years, in millions of dollars]

House Committee	1999		1999–2003	
	BA	Outlays	BA	Outlays
Difference				
Government Reform & Oversight:				
Allocation			14	14
Current Level				
Difference			(14)	(14)
House Administration:				
Allocation				
Current Level				
Difference				
Resources:				
Allocation				
Current Level				
Difference				
Judiciary:				
Allocation				
Current Level				
Difference				
Transportation & Infrastructure:				
Allocation	1,205		10,845	
Current Level				
Difference	(1,205)		(10,845)	
Science:				
Allocation				

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a) REFLECTING ACTION COMPLETED AS OF MARCH 17, 1999—Continued

[Fiscal Years, in millions of dollars]

House Committee	1999		1999–2003	
	BA	Outlays	BA	Outlays
Current Level				
Difference				
Small Business:				
Allocation				
Current Level				
Difference				
Veterans' Affairs:				
Allocation			4,503	4,342
Current Level				
Difference			(4,503)	(4,342)
Ways and Means:				
Allocation			19,551	17,310
Current Level				
Difference			(19,551)	(17,310)
Select Committee on Intelligence:				
Allocation				
Current Level				
Difference				
Total Authorized:				
Allocation	1,205		63,851	49,834
Current Level				
Difference	(1,205)		(63,851)	(49,834)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1999—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(B)

[In millions of dollars]

	Revised 302(b) Suballocations				Current Level Reflecting Action Completed as of March 17, 1999				Difference			
	Discretionary		Mandatory		Discretionary		Mandatory		Discretionary		Mandatory	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,587	14,002	41,058	33,087	19,608	19,784	41,058	33,087	6,021	5,782	0	0
Commerce, Justice, State	32,931	31,660	554	555	34,750	32,067	554	555	1,819	407	0	0
District of Columbia	491	484	0	0	620	619	0	0	129	135	0	0
Energy & Water Development	20,909	20,631	0	0	21,696	21,253	0	0	787	622	0	0
Foreign Operations	16,188	12,546	45	45	31,625	12,793	45	45	15,437	247	0	0
Interior	13,370	14,029	58	58	14,071	14,324	58	58	701	0	0	0
Labor, HHS & Education	81,927	80,556	220,443	221,446	83,767	82,542	220,433	221,446	1,840	1,986	0	0
Legislative Branch	2,360	2,340	94	94	2,559	2,365	94	94	199	25	0	0
Military Construction	8,235	9,061	0	0	8,660	9,157	0	0	425	96	0	0
National Defense	250,311	245,031	202	202	257,897	249,071	202	202	7,586	4,040	0	0
Transportation	11,939	39,933	682	678	12,344	40,261	682	678	405	328	0	0
Treasury-Postal Service	13,343	12,558	13,439	13,439	16,809	13,344	13,439	13,439	2,746	1,786	0	0
VA-HUD-Independent Agencies	70,681	80,411	21,540	21,254	71,311	80,512	21,540	21,254	450	101	0	0
Reserve/Offsets	0	0	0	0	(2,400)	(2,400)	0	0	(2,400)	(2,400)	0	0
Unassigned [1]	36,346	13,237	0	0	0	0	0	0	(36,346)	(13,237)	0	0
Grand Total	572,798	576,479	298,105	290,858	572,597	576,692	298,105	290,858	(201)	213	0	0

[1] Unassigned refers to the allocation adjustments provided under Section 314, but not yet allocated under Section 302(b).

SET FORTH IN SEC. 251(C) OF THE BALANCED BUDGET 7 EMERGENCY DEFICIT CONTROL ACT OF 1985

[$ in millions]

	Defense		Nondefense		Violent Crime Trust Fund		Highway Category		Mass Transit Category	
	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps [1]	280,287	272,192	287,550	274,702	5,800	4,953	NA	21,991	NA	4,401
Current Level	279,891	271,202	286,708	274,196	5,798	4,951	200	21,939	1,138	4,404
Difference	−396	−990	−842	−506	−2	−2	NA	−52	NA	3

[1] As adjusted pursuant to sec. 251(b) of the BBEDCA. Statutory caps include contingent emergencies not yet released by the President, but appropriated by Congress.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 1999.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1999. These estimates are compared to the appropriate levels for those items contained in Section 2 of House Resolution 5, which has been revised to include an allocation for the funding of emergency requirements, and are current through March 17, 1999. A summary of this tabulation follows:

[In millions of dollars]

	House current level	House resolution 5	Current level +/− resolution
Budget Authority	1,443,553	1,444,851	−1,298
Outlays	1,393,074	1,393,291	−217
Revenues:			
1999	1,368,396	1,368,374	+22
1999–2003	7,284,616	7,284,605	+11

Sincerely,

DAN L. CRIPPEN,
Director.

PARLIAMENTARIAN STATUS REPORT—106TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1999 AS OF CLOSE OF BUSINESS MARCH 17, 1999

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues			1,368,396
Permanents and other spending legislation	913,530	867,389	
Appropriation legislation	820,708	814,808	
Offsetting receipts	−294,953	−294,953	

PARLIAMENTARIAN STATUS REPORT—106TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1999 AS OF CLOSE OF BUSINESS MARCH 17, 1999—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total previously enacted	1,439,285	1,387,244	1,368,396
Entitlements and Mandatories: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	4,398	7,839	
Totals:			
Total Current Level	1,443,533	1,393,074	1,368,396
Total Budget Resolution [1]	1,444,851	1,393,291	1,368,374
Amount remaining:			
Under Budget Resolution	1,298	217	
Over Budget Resolution			22

[1] Includes $1,030 million in budget authority and $430 million in outlays for the funding of emergency requirements.

Source: Congressional Budget Office.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Ohio (Mr. Brown).

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

There was no objection.

PUTTING PATIENTS BEFORE PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, since arriving in Congress over a year ago, I have been fighting for a real Patients' Bill of Rights. I am an original cosponsor of this landmark legislation to rein in health maintenance organizations, the HMOs, and to return decision-making power to patients and their doctors. I am committed to seeing that Congress take decisive action and pass this bill now.

The only way to make comprehensive HMO reform a reality is to work together in a bipartisan way. That is why I was so disappointed last July when powerful special interests overpowered patients and blocked efforts to bring such a comprehensive HMO reform bill to the floor. Instead, they rammed through a Band-Aid that would have done nothing to actually protect patients. Our health care system needs serious medicine, not a political placebo.

The American people deserve better.

As a nurse, I know firsthand the importance of health care that is accessible, of high quality, patient-centered health care. Basic patients' rights can often mean the difference between life and death.

As a Member of Congress, I was recently appointed to the House Committee on Commerce which oversees much of our Nation's health policy. If we are to accomplish anything in the field of health care, passing comprehensive managed care reform must be at the top of our agenda this session of Congress.

Medical decisions need to be made by patients and their doctors, and patients should have all of the information they need to make these critical decisions. These are the plain truths about health care.

Mr. Speaker, this historic measure will guarantee patients basic rights by allowing people to choose their own doctors, ending oppressive gag rules so patients have access to all critical treatment options and establishing health care quality and information standards which we can all follow. Most importantly, this bill will hold HMOs accountable by giving patients critical legal recourse when insurance companies deny necessary medical coverage. If patients can sue their doctors for poor care, they should be able to sue the big insurance bureaucrats who determine these cost-cutting decisions.

Mr. Speaker, last weekend I was privileged to join my colleagues on both sides of the aisle at the bipartisan retreat in Hershey, Pennsylvania. There people of many different philosophical political backgrounds talked about the need to restore civility to government and make our constituents proud. In the spirit of Hershey, I sincerely hope that all of our colleagues will work together to pass in this session a real Patients' Bill of Rights. By putting patients before profits, we can be a Congress that does something real and finally passes comprehensive managed care reform legislation now while we have the opportunity before it is too late.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CALVERT) is recognized for 5 minutes.

(Mr. CALVERT 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 California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER 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 Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PASS A PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to speak about reforming HMOs.

Last year I met a young mother in my hometown of Santa Fe. She was a single mother in her late twenties who was trying to raise a 7 year-old son while working full-time and attending school full-time as well. Now, as anyone will tell you, any young mother in this position would have her hands full. But what made this young woman unique was that her son had a serious medical condition that required access to very specific medical equipment and medication. She met with a family doctor who told them that her child could not lead a normal life without this very specific care. But when she went to her HMO to help pay for it, she received a letter saying her request had been denied. For months she tried to appeal, but it was to no avail. It was not until she threatened to wage a public relations campaign against the HMO and the local press that they reluctantly agreed to pay for the treatment. In the end it worked out for her and her young son, but for many, many more it does not.

Far too often, Mr. Speaker, we hear stories of patients who are left seriously ill or injured as a result of medical negligence by HMOs. These people find their lives in upheaval, not because of a medical mishap on an operating table, but rather because a profit-driven insurance company bureaucrat was more concerned with the bottom line than their well-being.

This must stop. We have got to put our partisan bickering aside and work towards a true bipartisan Patient Bill of Rights. The Patient Bill of Rights must allow doctors and patients to make the medical decisions. We must make sure that doctors and patients are once again allowed to make the medical decisions rather than insurance company bureaucrats. Provide the doctors, not the HMOs deciding the appropriate drugs for patients in their care. We must ensure that patients

who have drug benefits can get the prescription drug their doctor judges they need even if the drug is not on the HMOs' approved list. Access to specialists; we must allow patients, when necessary, to receive referrals to specialists outside their health plan at no extra cost to them.

Specifically, Mr. Speaker, we must make sure that children have access to pediatric specialists. Holding HMOs accountable, we must provide patients with the ability to appeal treatment decisions through both internal and external grievance procedures, and we must give patients the right to hold insurance companies legally accountable when their treatment decisions result in injury or death to a patient.

Pass a comprehensive Patient Bill of Rights. It is the only way we will ever be able to once again put patients before profits.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

(Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

(Ms. BERKLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BERRY. Mr. Speaker, I ask unanimous consent to have the special order time of the gentlewoman from Nevada (Ms. BERKLEY).

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

There was no objection.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I stand here this evening in support of real managed care reform. We have all heard the stories, the countless stories, about people who have suffered because they were not allowed to make their own health care decisions in consultation with their doctors or other health care professionals, stories from people who have lost loved ones because someone behind a desk, not a doctor, made a bad decision. Congress needs to take action on passing bipartisan legislation to provide the American people with basic protections and basic guarantees when it comes to managed care.

Eighty percent of Americans with private health insurance, Mr. Speaker, are enrolled in managed care plans. In many cases, Americans are required to be enrolled in managed care plans because their employers have contracted with managed care companies to achieve cost savings. Congress should act this year to enact a law that contains the following five principles. Here is what we should do, and here is what the American people want:

As I have said before, patients and their doctors, not insurance company clerks, should make decisions about what care is medically necessary. The American people want insurance reforms to be overseen by the States, not by a federal bureaucracy. The American people want real reform that keeps their medical records confidential. They want real reform that includes meaningful protections, like the right to emergency room treatment as defined by any prudent lay person. They want real reform that includes meaningful accountability for a right without a remedy is no right.

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 care in America, but people have to be sure if they need a particular procedure, a particular operation or particular health care service, that they can have it.

There is widespread support on both sides of the aisle for some type of managed care reform. Every Member of this body voted for some type of reform last year. The American people want and support patient protections. It is imperative to the American people that they see action on managed care reform. Let us give the American people what they want, real managed care reform.

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EXCHANGE OF SPECIAL ORDER TIME

Mr. THUNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Kansas (Mr. MORAN).

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

There was no objection.

IT IS HIGH TIME WE RESTORE THE TRUST AND CONFIDENCE OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, this past weekend I was very disappointed to see our friends on the other side start down the same old track, and that is to try and turn Medicare into a political game. It became clear to me, and I hope that all of our friends will change their mind on that, but that they want to travel down the same old road we traveled before 2 years ago, when Republican proposals to reform Medicare were relentlessly attacked by our colleagues on the other side, only to be supported as part of the balanced budget agreement in 1997 and subsequently signed into law.

The very same reforms that were attacked as a matter of the fall campaigns were then agreed to later on in the year because it became clear that that was the only real solution and responsible thing to do to try and save Medicare for the next generation.

Here we go again. Our friends do not seem interested in a solution. They only want to inflame and scare the American people. How do I know that? Because last week the Medicare commission which was appointed by the President made its recommendations.

Interestingly enough, the two Democrat senators on the commission, Senators KERREY and BREAUX, led the way and then were sold out by the President's appointees on that very commission and blocked the reform proposals that had been laid out.

Why? Because, as the two of them said in a news report last week, it did not spend 15 percent of the surplus on Medicare. The Medicare commission came out with recommendations and proposals that would save $100 billion in Medicare over the course of the next 10 years, but because it did not spend 15 percent of the surplus on Medicare, the President's appointees blocked the commission's recommendations.

Why? I do not know. That is a good question, and I think the American people ought to ask the same question because there is a real matter of trust here when one looks at trying to solve a problem and come up with a sincere genuine solution rather than to demagogue an issue, as we saw again 2 years ago.

The Senate Committee on the Budget had a vote last week on the President's budget, the so-called proposal that would set aside 62 percent for Social Security, 15 percent for Medicare. The Senate Committee on the Budget voted down that proposal by a vote of 21 to zero. Even the President's allies in Congress in the Senate did not want to vote for the budget proposal that he had submitted.

This week, the Republicans will submit their own budget proposal which sets aside for the first time since 1969 all of the Social Security surplus, 100 percent, to be used for Social Security and Medicare and for retirement issues.

I think it is high time that we were honest with the American people. The President's budget spends the Social Security surplus, $220 billion over the course of the next 10 years. We preserve it by setting aside and walling off 100 percent of the Social Security surplus to be used for that purpose. I think this is a significant milestone in American politics, and it is high time that we did it.

It is high time that we restore the trust and confidence of the American people, and I hope that the American people are wise to the charade. Two

years ago it was tried, perhaps to some degree it worked, but make no mistake about it; check the fine print, because I think that the American people will find that when they do that they will see that they have been sold a bill of goods.

This week when we debate this proposal that would set aside and preserve 100 percent of the surplus that we are going to see in this country over the course of the next 10 years for Social Security and Medicare, and not buy into the myths and the same old same old deja vu all over again tactics that have been tried by the other side, I hope we can work together constructively to find reforms in Medicare that will preserve that program and make it viable not only for this generation of Americans but for generations of Americans to come.

PATIENT BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, it is long time past that the Congress needs to act and act quickly on managed care. Individuals and families are increasingly apprehensive about how they will be treated when they are sick.

A survey last year found that an astonishing 80 percent of Americans believe that their quality of care is often compromised by their insurance plan to save money, and too often their beliefs are well founded.

The Patient Bill of Rights introduced by the gentleman from Michigan (Mr. DINGELL) and Senator KENNEDY last Congress would have ended these particular problems, but we had some difficulties and were not able to pass a particular piece of legislation.

The managed care plan needs to be passed and we need to look at it this year and not allow it to continue. Managed care reform is needed by all Americans, especially those in minority communities.

Let me just highlight one area of concern, access to specialists. The need for specialists is critical for individuals who suffer chronic illnesses. Diabetes, for example, is a disease rampant among a lot of individuals but specifically disproportionately hits Hispanic populations. Many do not know that it is a truly treatable disease and that one needs to have access to specialists in order to be able to treat some of those items.

I do not know if everyone recognizes it, but diabetes is a treatable disease. It is something that can be prevented. With some recent studies, we can identify some of the problems early in life, but we let it go. One of the greatest causes of this particular disease is blindness and loss of limbs.

According to the Center for Disease Control and prevention, every year approximately 16 million people suffer from diabetes alone. Of these, 1.2 million alone are Mexican Americans.

We see the same problem with cervical cancer. Hispanic women especially are disproportionately affected by the disease that is completely preventable also, yet there is limited access to the proper specialists in this area.

We all recognize the growing population of elderly in this country and the need to look at coming up with some appropriate managed care systems.

Without adequate care and medical supervision, diabetes and those with cervical cancer suffer grave consequences. It is a shame because these illnesses can be treated and prevented.

Too often today, managed care is mismanaged care. Decisions on health care should be made by doctors and their patients, and not the insurance company or their accountants or those individuals that are looking at the profit margins.

We appeal to the Republicans, and we appealed last year and this year we again appeal to the Republicans, to allow us to go back to the constituency and allow us to do the changes that need to take place.

The Republicans will say that the Congress passed managed care reform last year. I would ask, what have we had? No real reform, but it is a simple truth. The fact is that we need reform and it needs to happen now.

What we passed here on the House floor was only the fleeting shadow of real reform. Real reform would have included guaranteed access to needed health care specialists and, as I mentioned before, access to emergency room services, continuity of care protection and access to a meaningful and timely appeals process, both internally and externally.

We should take a page out of the book of the Texas State legislature. At the State legislature in Texas we passed managed care reform legislation that addressed the real needs of Texans. There was a scare that this reform would drive up insurance rates. In fact, insurance rates were raised a modest $2.00.

Contrary to popular belief, the HMO liability law has not flooded the courthouse with new lawsuits. It has actually diverted lawsuits and saved money by using an independent review process and solving problems before they go to the Court. About half of the cases in Texas that are reviewed have led to partial or complete overturns of the HMO decisions.

Now it is time for us to pass real managed care reform. It is up to us to come to the plate. It is up to us to make sure that those individuals have access to health care the way they should. It is up to us to make sure that they can see the doctor that they choose to see and not who they want to send them to. It is up to us to make sure that we have a system that is responsive and addresses the needs of those individuals that are hard-hit.

For too long we have waited and we have recognized the problem of the HMOs and the fact that they have not been responsive at all. So it is time for us to come to that point.

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. KASICH).

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

There was no objection.

TECH TRENDS 2000, AN HISTORIC EVENT TO TAKE PLACE ON APRIL 6 AND 7 IN PHILADELPHIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, as chairman of the Subcommittee on Military Research and Development and a senior member of the Committee on Science, I am extremely concerned about our Nation's investment of public money into research and development and new technologies.

In fact, Mr. Speaker, the R&D accounts for defense are expected to decline by about 14 percent. Part of my goal in this session of Congress is to make the need for research and technology real for all of our colleagues, for our staff, as well as for the American people. To that end, an historic event will take place on April 6 and 7 of this year in Philadelphia at the brand new convention center.

Working with Mayor Ed Rendell and the entire delegations of the four States of New Jersey, Delaware, Pennsylvania and Maryland, all 41 House Members and 8 Senators, we have assembled what in fact will be the largest technology conference of its type in the history of America.

For the 2 days of April 6 and 7, every Federal agency that spends research money in America will be in attendance. They will exhibit the kinds of technologies that they are buying today and will give us a look at the kinds of technologies and research that they expect to be funding over the next 10 years. This will truly be an opportunity for all of America to see where we are investing tax dollars in new technologies.

It will be an opportunity for scientists and academics and young people to look at the emerging technologies that we should be funding in the future that they perhaps can compete for. For the 2 days in Philadelphia, we will have Dr. Neil Lane, the White House's top point person on science and technology; from the Department of Defense, Dr. John Hamre, Deputy Secretary; we will have Jack Gansler, in charge of acquisition and

research; Frank Fernandez, who heads DARPA; Admiral Lyles, who heads missile defense; Admiral Gaffney, who heads naval research. We will have Dan Golden, the head of NASA, who will talk about NASA's investment. We will have Dr. Varmus, the head of NIH; Jim Baker, the head of NOAA. We will have the head of the National Institutes for Science and Technology and the deputy director of the National Science Foundation.

Each of these individuals, the top leaders from our government who focus on research and technology, will be available to answer questions and to present a broad overview of the kinds of technology that America needs to focus on in the 21st Century.

During the 2 days we will also have breakout sessions, approximately 20 of them, that will be centered around specific technology areas: information technology, environmental technology, materials technology, technology relative to oceans and outer space, so that young scientists, entrepreneurs and academics can get a feel of where we are spending America's tax money and how we can better spend that money and leverage it to create new opportunities for us to improve our quality of life.

My purpose today is to invite all of our colleagues to come to Philadelphia for April 6 and 7, to invite all the staff members from the House, as well as the other body, and to invite people and companies from all over America to come and look at what we are calling Tech Trends 2000, the kind of technology that we expect to be focusing on in the next millennium.

It is our opportunity to show America where their $80 billion a year of R&D investment is going and how they can take advantage of that. So I encourage our colleagues to invite their university research leaders, to invite their companies, to invite students. Students, graduate and undergraduate, can come to this entire conference for free. There is a small charge for the private companies that would come. It is a golden opportunity to see where America is going in terms of technology in the 21st Century.

It is a bipartisan opportunity. It is an opportunity where the Congress is working hand-in-hand with the White House and all the various Federal agencies, so I encourage my colleagues to attend. It is called Tech Trends 2000. Contact a Member of Congress any place in America, who can get information about this conference and how one can take advantage of this golden opportunity.

SUPPORT A COMPLETE AND THOROUGH COUNT OF EVERY CITIZEN IN THIS COUNTRY FOR THE NEXT CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I take pride in joining my Democratic colleagues in supporting a complete and thorough count of every citizen in this country for the next census.

The year 2000 will usher in a new year, a new decade, a new century and a new millennium. It is more important now than in any other time in our history to ensure that every citizen will be counted and that that count will be as accurate as possible.

The 1990 undercount of 4 million people had a disproportionate effect on minorities, women and children, particularly women on ranches and farms. Many individuals were denied an equal voice in their government.

□ 2045

Millions were double-counted, and millions more were not counted at all.

Census data directly affects decisions made on all matters of national and local importance, including education, employment, public health care, housing, and transportation, among other things.

Federal, State, and county government use Census information to guide the annual distribution of hundreds of billions of dollars in critical services. The data is also used to monitor and to enforce compliance with civil rights statutes, employment, housing, lending, education, and antidiscrimination laws.

Finally, the accuracy of the Census directly affects our Nation's ability to ensure equal representation and equal access to important governmental resources for all Americans.

Ensuring a fair and accurate Census must be regarded as one of the most significant civil rights issues facing the country today. If we accept the current Census count of nearly 2 million farms in the United States, only 6 percent will be represented as being operated by women. This small percentage reflects that women on ranches and farms have been severely undercounted. This inaccurate count is also due to the type of information collected by the Census Bureau and the Department of Agriculture in their yearly count.

Mr. Speaker, everyone counts. Minorities count. Women and children count. Young men and elderly men count. Farmers and small business owners count. Rural Americans count. Urban Americans count. Suburban and inner city dwellers count. In America, Mr. Speaker, we all count. Let us have a Census that does just that, count all of us fairly and accurately. Let us count the Census correctly.

EDUCATION SAVINGS ACCOUNTS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to speak about education savings accounts, also known as education IRAs. These ESAs are the wave of the future, as they will give families the tools to help their children receive a quality education.

I am very proud to be a lead cosponsor of H.R. 7, the Education Savings and School Excellence Act of 1999. Current law allows only parents to put away $500 a year in an ESA. It does not permit funds in that account to be used for K through 12 education. H.R. 7 allows families to put up to $2,000 a year into an education savings account to be used for tuition or school expenses for K through 12 and higher education.

As a parent, I know how hard it is to save money to send children to private school or to pay for books and supplies. As a congressman, I hear daily how hard it is for my constituents to keep up with the rising cost of educating their children.

This legislation would give parents the tools to help their children succeed in school by allowing them to put away money in a tax-free account to help defray expensive education costs.

Mr. Speaker, I am a big proponent of choice. This bill gives parents the choice to send their children to the best school possible, public or private. It also offers them the choice of buying computer equipment or getting access to the Internet.

I know that opponents of this measure say that we are leaving poor students behind in bad schools. This is completely and absolutely wrong. I and other cosponsors of this bill support public school education, and do not want to take money away from them. This bill encourages families to use education savings accounts to supplement a student's public education by paying for a high-cost item such as computer equipment.

In fact, studies have shown that 75 percent of all families using these accounts will use them to support children in public schools. That is why parents of all backgrounds support education savings accounts, because it will give students the tools they need to excel in the 21st century.

In my hometown of Chicago, the Catholic Archdiocese has an unparalleled record of educating students of all racial and economic backgrounds. However, the Archdiocese faces serious economic challenges, and Cardinal George of Chicago supports this measure because it will allow the Archdiocese to continue to play its part in teaching the youth of Chicago.

He has worked closely with Mayor Daley, because both of them know that Chicago's public schools cannot educate the children of Chicago by themselves, and it must be a collective group effort. Mayor Daley in turn also supports education savings accounts, because he knows it will help students get a good education.

Mr. Speaker, I urge all of my colleagues, Democrats and Republicans,

to cosponsor H.R. 7 so we can give current and future generations of schoolchildren the tools to be the brightest in the 21st century.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. ROUKEMA) is recognized for 5 minutes.

(Mrs. ROUKEMA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE HANDLING OF THE MANAGED CARE ISSUE IN THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the managed care issue was left unfinished in the 105th Congress. On the House side, the Democrats' Patients' Bill of Rights was defeated by just five votes when it came to the Floor for a vote. It was considered on the Floor as a substitute to the Republican leadership's managed care bill, which did pass and which, in my opinion, was worse than having no reform at all.

The Republican bill was a thinly-veiled attempt to protect the insurance industry from managed care reform, and not a single Democrat voted for it. It was a show of solidarity on the Democratic side unlike any in the last Congress, and for a very good reason. The Democrats' Patients' Bill of Rights is the best, most comprehensive managed care reform bill in Congress today. It was reintroduced in February by the gentleman from Michigan (Mr. DINGELL) with over 170 cosponsors and the support of over 170 patient, physician, medical, and consumer groups.

We are hoping to have this bill moved through the regular committee process at some point this year. Unfortunately, in the last Congress the Republican leadership, fearful of what might happen if it allowed the regular committee procedures to take their course, bypassed the committee process.

Mr. Speaker, the big question in this Congress, once again, centers on how the Republican leadership is going to proceed with the managed care issue. If the preview we got last week in the Senate is any indication, the American people are once again going to be sold out by the Republican Party in an act of appeasement to the insurance industry.

Last Thursday the Senate Health, Education, Labor, and Pensions Committee repeated the same charade we witnessed last year and approved a managed care bill designed to protect the insurance industry and not the patients. During consideration of that bill, Democrats offered 22 amendments, and 20 of them were rejected.

Included among the rejected amendments were measures to increase access to emergency care, to increase access to specialists, to establish a minimum hospital stay for women who have had mastectomies, and to provide people who have life-threatening illnesses with access to clinical trials.

Every single one of these provisions is in the Democrats' Patients' Bill of Rights, and every single one of them is opposed by the insurance industry.

The insurance industry-GOP alliance was also successful in protecting the two most important impediments to managed care reform. That is, one, the prohibition on the right to sue your health plan if you are denied needed care and your health suffers as a result; and two, the insurance companies' present ability to define ''medical necessity''.

Democrats on the Senate committee offered amendments that would have given patients the right to sue health plans, but not one Republican voted for it, nor did any Republicans vote for the Democratic amendment to allow doctors and patients and not the insurance companies to determine what is medically necessary. In other words, Mr. Speaker, under the plans approved by the Republicans in the Senate, insurance companies will have no incentive whatsoever to stop denying needed care because they would be able to do so with impunity.

Following up on the momentum to quash meaningful managed care reform started by the Senate Republicans, yesterday two anti-managed care coalitions announced that they are launching a massive ad campaign to quash managed care reform. We have seen this before. Yesterday's Congress Daily reported that the Business Roundtable is planning to spend more than $1 million on radio advertisements. The Health Benefits Coalition, the other group mentioned in yesterday's Congress Daily, intends to follow the lead and spend $1 million on anti-managed care television ads over the coming congressional recesses.

Let there be no doubt, Mr. Speaker, the Republican leadership and big business are working hand-in-hand to prevent patients from getting the protections from abuse that they clearly need. The unfortunate thing, Mr. Speaker, is that this is what the American people want. They want the Patients' Bill of Rights, they wanted managed care reform.

This is the issue that more of my constituents talk to me about on a regular basis on the street, writing me letters, calling the District offices. They realize that right now they do not have the protections that they need as patients to have good care, to have good quality care.

The easy thing and really the best thing for us to do here for the patients, for the consumers, for the American people, is to pass the Patients' Bill of Rights in its entirety and without delay. The Republicans may have the money and they have big business on their side, but the Democrats have what counts: that is, the support of the American people. The Republicans, in my opinion, Mr. Speaker, would be wise to listen to what the people are saying.

IMMIGRATION AND ITS IMPACT ON THE FUTURE OF OUR NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, tonight I want to talk about an issue that I think has enormous impact on the future of our Nation.

Unlike many issues that we deal with, such as crime or taxes, which are likewise dealt with by our colleagues at the State and local level, this issue is one which is exclusively the responsibility of the Federal Government. That issue is immigration.

As a Nation of immigrants, many of us are reluctant to deal with this matter because we are concerned that we will be accused of being prejudiced or having an ethnic bias. However, the overriding issue is not that we are a Nation of immigrants, but that we are primarily a Nation of laws. We have immigration laws which define who will be allowed into our country.

The increasingly evident truth is that our immigration laws are being flaunted, and the Federal agency charged with enforcing these laws, the Immigration and Naturalization Service, the INS, is failing to fulfill the obligations to our citizens. It is appropriate to ask why. Is it because this administration has made the enforcement of our immigration laws a very low priority, and if so, why is that so?

The facts are very clear. There are an estimated 5.5 million illegal immigrants currently living in the United States. An additional 275,000 to 300,000 illegal aliens are coming to our country every year. Even though the INS removed a record 169,000 illegals last year, it was not as many as entered the country illegally during the same time period.

What are the consequences of this invasion by illegals? While it is true that many of these individuals are hard-working people who keep certain industries and enterprises supplied with needed labor, the costs to local school systems, health care agencies, and law enforcement groups are tremendous.

About 221,000 foreign-born criminals are in Federal, State, and local jails. About two-thirds of them are illegal immigrants. Another 142,000 are on parole or probation, and are subject to being deported under the provisions of the 1996 Immigration Reform Act. An additional 161,000 have disappeared after receiving deportation orders. That means that there are approximately a half a million aliens who have committed crimes for which they are either in our prisons or are being subject to being deported, and that, Mr. Speaker, is almost the amount of people who constitute an entire congressional district.

In many parts of this country, my congressional district included, no criminal court can be held without the availability of an interpreter. Drive-by shootings by gangs made up of illegal immigrants has become commonplace.

What is the Federal Government doing about this problem? Since 1995, the budget for the INS has been substantially increased so that it is almost $4 billion for the current fiscal year. Congress has mandated that the INS add at least 1,000 new border agents every year until the year 2001, but has this been done? Is the INS using its $4 billion to enforce the letter and spirit of the 1996 Immigration Reform Act? The answer is a resounding no.

In his latest budget, President Clinton has decided to cut off funding to hire the new 1,000 agents. It seems that the Clinton administration has decided not only to undermine Congress' get-tough immigration laws, but to completely ignore them altogether.

□ 2100

The Border Patrol is only the most obvious component of a system of law enforcement that should cover both the border and interior enforcement. Even though it continues to receive most of the attention, about 40 percent of all illegal aliens in this country came here legally and simply overstayed their visas. Therefore, interior enforcement is an integral part of protecting the integrity of our borders.

Yet the INS field offices were recently told that their interior enforcement budgets would be cut by as much as 90 percent from last year's level. The INS's eastern region, covering States east of the Mississippi River, was told that its enforcement budget for fiscal year 1999 has been cut from more than $10 million down to $1 million.

The INS has begun a policy of releasing illegal aliens that they feel they cannot afford to detain. The INS plans to release at least 2,000 illegal immigrants, including people who have been convicted of arson, armed robbery, manslaughter, drug trafficking, alien smuggling and firearms violations. A spokesman for the INS acknowledges that detainees who get released probably will not ever be deported, since 9 out of 10 are never found again.

Agents in field offices are being told, ''If you need money to do a case,'' then simply ''do not send it up.'' A senior investigating official said that without more detention space, there is little point in arresting people because ''they get home before you do.''

The administration's refusal to allocate the appropriate funding for interior enforcement is not even the biggest hindrance to the enforcement of our laws. In what is called a major shift in strategy, the INS has decided to discontinue such practices as traditional workplace raids and instead emphasize only operations against foreign criminals, alien smugglers, and document fraud.

What should be done about this situation? Mr. Speaker, I call on you and my other colleagues to let officials at the INS and in the administration know that ignoring or undermining our Nation's laws will not be tolerated. I call on each of us to throw a spotlight on the INS's operations, to call them to task on laws that are being flouted and policies that have seemingly been forgotten.

I would ask us all, if we wish to maintain our Nation of immigrants, of letting those who wait in line and bide their time and abide by the laws that we have in place so that they can come legally in this country, then we must not ignore the fact that our immigration lawyers are being ignored and the policies are not being enforced.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Mr. Speaker, I ask unanimous to take the time previously allotted to the gentleman from Texas (Mr. GREEN).

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentlewoman from California?

There was no objection.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, March is Women's History Month, and I come to the floor of the House this evening to salute the mothers of Women's History Month, the National Women's History Project, known as ''The Project.'' The Project is from the 6th Congressional District in California, the district that I am proud to represent.

About a year ago I traveled to Seneca Falls, New York to celebrate with my colleagues and our Nation's women the 150th anniversary of the women's rights movement. This was truly a special occasion because Sonoma County, which is my home district, is the birthplace of the National Women's History Project, the organization responsible for the establishment of women's history month and a leader in the 150th anniversary of the women's rights celebration.

The Project, the Women's History Project, is a nonprofit educational organization founded in 1980, committed to providing education and resources to recognize and celebrate women's diverse lives and historic contributions to society. Today they are repeatedly cited by educators, publishers, and journalists as the national resource for information on U.S. women's history.

Thanks to the Project's effort, every March boys and girls across the country recognize and learn about women's struggles and contributions in science, literature, business, politics, and every other field of endeavor.

As recently as 1970, women's history was virtually unknown, left out of school books, left out of classroom curriculum. In 1978, I was the chairwoman of the Sonoma County Commission on the Status of Women. At that time, I was astounded by the lack of focus on women.

Under the leadership of Mary Ruthsdotter and through the hard work of these women, the celebration of International Women's Day was expanded and declared by Congress to be National Women's History Week. Together, the women of my district and the Project succeeded in nationalizing awareness of women's history.

As word of the celebration's success spread across the country, State Departments of Education honored Women's History Week; and, within a few years, thousands of schools and communities nationwide were celebrating National Women's History Week every March.

In 1987, The Project petitioned Congress to expand the national celebration to the entire month of March. Due to their efforts, Congress issued a resolution declaring the month of March to be Women's History Month. Each year since then, nationwide programs and activities on women's history in schools, workplaces, and communities have been developed and shared.

In honor of Women's History Month, I want to praise Mary Ruthsdotter, Molly MacGregor, and Bonnie Eisenberg, who are the birth mothers for this very notion, which makes me, by the way, the midwife. I want to acknowledge Lisl Christy, Cindy Burnham, Jennifer Josephine Moser, Suanne Otteman, Donna Kuhn, Sunny Bristol, Denise Dawe, Kathryn Rankin, and Sheree Fisk Williams. These are the women now working at the Project. All of these women serve as leaders in the effort to educate Americans of all ages. They educate them about the contributions of women in our society.

Under strong and thoughtful leadership by Molly MacGregor, the National Women's History Project educated America about the 150th anniversary of the women's rights movement.

The Project was repeatedly called upon by the National Park Service, in particular the Women's Rights National Historical Park, to help them integrate women's history into their exhibits. Their ''Living the Legacy of Women's Rights'' theme also made it possible for thousands of communities, local schools, employers, and businesses to support and celebrate the 150th anniversary. The Project also launched a media campaign which educated the press about the proud history of the women's movement.

Further, the Project has been recognized for outstanding contributions to women and children and their education by the National Education Association; for diversity in education by the National Association For Multicultural Education; and for scholarship, service, and advocacy by the Center for Women's Policy Studies.

As I pay tribute to women's history month, I am truly grateful to all the devoted women at the National Women's History Project for their continued commitment and for making an indelible mark on our country.

PRESIDENTIAL DECISION-MAKING RELATED TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, I rise to address the issue of presidential decision-making related to Kosovo.

Sometimes the challenge of leadership is to recognize that restraint at the outset is a better policy than entanglement at the end.

The Balkans are a caldron of conflict based on a history of internecine violence of which we on this side of the Atlantic have little understanding or capacity to ameliorate.

Policy in such a circumstance should be designed to avoid being caught up in destructive dissensions which are beyond our ken and beyond our control.

There may be a humanitarian case for intervening on the ground in Kosovo as part of a small NATO peacekeeping operation. But this case disintegrates if we unleash air power against one of the sides. In the wake of air strikes, we will be barred forever from a claim to the kind of neutral status required of a peacekeeping participant. More importantly, it is strategic folly to assume civil wars can be calmed by unleashing violence from 30,000 feet.

Teddy Roosevelt once admonished ''to speak softly but carry a big stick.'' At risk to the public interest, this President has taken a different tack. He has raised the rhetoric, threatening one side that air strikes will occur if it does not capitulate, and allowed a war criminal, Slobadan Milosovic, to force his hand.

Now, in part because White House threats are either not being taken seriously or are viewed as potentially counterproductive, Milosovic has put the President in a position of advocating air strikes in order to keep his word, even though their effect may be more anarchistic than constraint.

The world will little note nor long remember what most Presidents say most of the time. But people from every corner of the earth are taking stock of what appears to be a too-ready trigger hand on cruise missiles and air power.

A question worth pondering is whether use of such power in East Africa and Afghanistan, for instance, precipitates or diminishes efforts by destabilizing powers to build weapons of mass destruction and missile delivery systems for themselves.

Meanwhile, the case for unleashing a military strike in order to make a meaningful threat meaningful should be reconsidered.

It is time to disengage pride and review circumstance. It is time to stop being a bully in the use of the bully pulpit.

WE CANNOT AFFORD TO PRIVATIZE MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the Medicare Commission fortunately has voted down a Medicare reform proposal that would have privatized one of the best government programs in American history.

The Commission's charge was to come up with a scheme for putting Medicare on a solid financial footing and improving its value to seniors. Instead, they came up with a scheme to end Medicare as we know it. While the Commission's time may have run out, it is not, unfortunately, the end of the story. Plans are being made to introduce legislation based on the plan, they call it premium support, that the Commission just rejected.

Under this proposal, Medicare would no longer pay directly for health care services. Instead, it would provide each senior with a voucher good for part of the premium for private coverage. Medicare beneficiaries could use this voucher to buy into the fee-for-service plan sponsored by the Federal Government or to join a private plan.

To encourage consumer price sensitivity, the voucher would track to the lowest cost private plan; ostensibly, seniors would shop for the plan that best suits their needs, paying extra for higher quality care. But the proposal would abandon the principle of egalitarianism that has made Medicare one of our Nation's best government programs.

Today the Medicare program is income-blind. All seniors have access to the same level of care. The premium support proposal, however, would be structured to provide comprehensiveness, access, and quality only to those who could afford them.

The idea that vouchers would empower seniors to choose a health plan that best suits their needs is simply a myth. The reality is that seniors will be forced to accept whatever plan they can afford.

The Medicare Commission was charged with ensuring Medicare's long-term solvency. This proposal will simply not do that.

Bruise Vladeck, a former administrator of the Medicare program and a commission member, doubted the commission plan would save the Federal Government even one dime. The same proposal under another name will not do it either.

The privatization of Medicare is, of course, nothing new. Medicare beneficiaries have been able to enroll in private managed care plans for some time now, and their experience does not bode well for a full-fledged privatization effort. They are already calling for higher government payments, they are dropping out of unprofitable markets, and they are cutting back on patient benefits.

Managed care plans are profit-driven, and they do not tough it out when those profits are unrealized. We learned this the hard way last year when 96 Medicare HMOs deserted more than 400,000 Medicare beneficiaries because their customers simply did not meet the HMO profit objectives.

Before Medicare was launched in 1965, more than half this Nation's seniors were uninsured. Private insurance was then the only option for senior citizens. Insurers did not want seniors to join their plans because they knew the elderly would use their coverage. The private insurance market has changed considerably since then, but it still avoids high-risk enrollees and, whenever possible, dodges the bill for high-cost medical services.

The purpose of public medical systems is to provide the best health care possible to help people, especially children and the elderly, so that they can live longer, healthier lives.

□ 2115

The purpose of privatized medical systems is to maximize profit through private insurance companies, denying benefits and instituting physician and other provider incentives to withhold care.

The problem is the expectation that private insurers can serve two masters: the bottom line and the common good. There are 43 million uninsured Americans. If the private health insurance industry cannot figure out how to cover these people, most of whom are middle-income workers and children, how will they treat high-cost seniors?

If we privatize Medicare, we are telling Americans that not all senior citizens deserve the same level of care. We are betting on a private insurance system that puts its own interest ahead of health care quality and a balanced Federal budget. As the focus of Medicare reform shifts to Congress, we must question our priorities.

The answer is clear: Medicare is a national priority and must be kept the excellent public program that it has been for 3 decades. Thirty-six million Americans depend on Medicare every day, and it has helped our Nation lead the world in life expectancy for people 80 years and older.

The Medicare Commission wisely disbanded without delivering a final product. It is time now that we go back to the drawing board and construct a plan

that builds on Medicare's strengths and ensures its solvency for decades ahead.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. WATKINS) is recognized for 5 minutes.

(Mr. WATKINS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY 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 gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD. 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 gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

(Ms. DeLAURO 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 gentlewoman from California (Mrs. NAPOLITANO) is recognized for 5 minutes.

(Mrs. NAPOLITANO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY of New York. Mr. Speaker, my colleagues only have to look at the history of the issue of the census to understand what is going on in the House this Congress. Tomorrow, we will begin the debate on the supplemental appropriations bill for the Wye River Peace Accord and the victims of Hurricane Mitch.

Just 2 years ago, we were debating another supplemental appropriations bill. Then it was for flood victims in the Midwest. The waters in North Dakota had not yet receded when the Republican majority added language to ban the use of modern scientific methods to the flood relief bill. They thought the President would not dare veto flood relief over the census, particularly when so many people were suffering. They were wrong.

The President vetoed the bill, stating very strongly that Congress had no business tying flood relief to anti-modern scientific counts in the census. The President received editorial support clear across this Nation, and the Republican majority backed down.

Then, in September of 1997, the majority put language in the Commerce, Justice, State appropriations bill to ban the use of modern scientific methods. When the President threatened to veto that, the majority knew they did not dare shut down the government over the census, so they came to the bargaining table with 17 pages of language designed to tie the Census Bureau up in knots.

The majority insisted on language that required two sets of numbers for the 2000 census. Now they say that two sets of numbers is irresponsible. They set up a monitoring board with a $4 million budget and complained when the President insisted that the board be balanced with an equal number of presidential appointments and congressional appointments.

The majority tried again in 1998 to kill the use of modern scientific methods and failed. Then they turned to the courts. In January they lost that battle, too. The Supreme Court ruled that the Census Bureau could not use modern scientific methods for apportionment, but they are required to use it for everything else, if feasible. Of course, what the majority really cared about was keeping the Census Bureau from producing census counts that were corrected for those missed and counted twice.

Now they are desperate again. They claim that apportioning the 435 seats among the States is the same thing as drawing Congressional District boundaries, even though apportionment is done by the Congress and drawing district lines is done by the State legislatures. In fact, the last time the Republicans controlled Congress during the census was 1920, and they so disliked the results of that census that they refused to reapportion the House for the entire decade.

The fight today is about whether or not the professionals at the Census Bureau will be allowed to conduct the census as they see fit. The majority has introduced seven bills that look harmless on the surface but most of them are designed to make it more difficult for the professionals to do an accurate count.

Several of the bills are so invasive that the Census Bureau director said that the effect, and I am quoting Dr. Prewitt now, the Director of the Census Bureau, he claimed it would be ''just short of disastrous.'' He said, ''It would put the entire census at risk''.

Several are so bad that the Secretary of Commerce said that he would recommend a presidential veto. None of their proposals would make the census any more accurate. And I will insert at this point in the RECORD the letter from Secretary of Commerce Daley to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

THE SECRETARY OF COMMERCE,
Washington, DC, March 16, 1999.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN BURTON: Tomorrow, the Government Reform Committee is scheduled to mark up seven bills related to the conduct of the Decennial Census in 2000. While I know we share a common goal of ensuring that Census 2000 is the most accurate and cost-effective Decennial possible, the Department of Commerce must strongly oppose legislation that would mandate a post census local review, require the printing of short census forms in 34 languages, and mandate a second mailing of census forms.

According to the Director of the Census Bureau, Kenneth Prewitt, and the professionals at the Census Bureau, these three bills would reduce the accuracy and seriously disrupt the schedule of Census 2000. Based on the attached detailed analysis of the legislation provided by Dr. Prewitt, if this legislation were presented to the President, I would recommend that he veto it.

The Census Bureau is already working on many of the issues that these and the other four bills address. For example, the Census Bureau is not designed to manage a grant program, but it is working to increase partnerships with local governments and tribal and non-profit organizations to increase participation in Census 2000. In addition, we expect to seek additional funding for a variety of other activities. And we would appreciate assistance in making it possible for more individuals to take temporary census jobs without losing their government benefits.

Thank you for this opportunity to present our views on the legislation under consideration by your Committee. I look forward to continuing to work with you and other members of Congress to ensure that Census 2000 is the most accurate census possible.

Sincerely,

WILLIAM M. DALEY.

Mr. Speaker, the 1990 census was the first census to be less accurate than the one before it. There were 8.4 million people missed and 4.4 million people were counted twice. The 1990 census missed 1 in 10 African American males, 1 in 20 Latinos, 1 in 8 American Indians on reservations, and 1 in 16 rural non-Hispanic whites. The sole focus of the majority's agenda is to make sure that these people are left out of the next census as well.

When the Constitution was written, there was a shameful compromise to the count. African Americans were counted as three-fifths of a person. We must not allow the 2000 census to count African American males as nine-tenths of a person.

There is one clear and simple issue here. Will the next census count everyone or will it repeat the mistakes of 1990, leaving millions of people unrepresented and unfairly left out?

The census is tied to not only accurate data but our funding formulas are tied to it. The census plan that the Census Bureau has put forward, using modern scientific counts, is supported by the entire scientific community.

These are the people that support statistical methods in the Census 2000: The National Academy of Sciences; the American Statistical Association; the Council of Professional Associates on Federal Statistics. Dr. Barbara

BRYANt, a Republican, President Bush's Census Bureau Director. She speaks out every day for a modern scientific count. The American Sociological Association; the National Association of Business Economists; the Association of University Business and Economic Research; the Association of Public Data Users; and the Consortium of Social Science Associates.

These professionals versus the Republican majority.

We have a number of important Members of Congress that are participating in this special order tonight, and the gentleman from Maryland (Mr. ELIJAH CUMMINGS) is first, but I really would like to put in one of the recent editorials that have come out across the Nation regarding the GOP plan to undermine the census with this bill that they have before us.

I would like to just quote one line out of it. And this is from the Washington Post. This editorial is entitled ''Census Chicken'': ''House Republicans are playing an indefensible game of chicken with the next census. To prevent the publication of accurate figures, which they fear could cost them seats in the next redistricting, they are threatening steps that could disrupt the entire operation. They put themselves in an untenable position reminiscent of their amateurish threat of several years ago to shut down the government unless they got their way.''

This editorial goes on. It is quite a lengthy one. Again, they say, ''So some Republicans also are trying, in the name of greater accuracy, no less, to impose new requirements on the Census Bureau whose effect would be to delay publication of the adjusted numbers until after redistricting had safely begun.'' And it ends by saying, ''They ought to back off.''

Mr. Speaker, I will submit at this point for the RECORD the entire editorial.

[From the Washington Post, Mar. 15, 1999]

CENSUS CHICKEN

House Republicans are playing an indefensible game of chicken with the next census. To prevent the publication of accurate figures, which they fear could cost them seats in the next redistricting, they are threatening steps that could disrupt the entire operation. They put themselves in an untenable position, reminiscent of their amateurish threat of several years ago to shut down the government unless they got their way on the budget. The carried that threat out, much to their chagrin. Their leaders—or some of their sensible members; it doesn't take that many in the House these days—should save them from suffering a similar embarrassment this time.

The issue is whether and how to correct for the chronic undercount, of low-income people and minority groups especially, that has come to plague the census as it has become better understood in recent decades. Disproportionate numbers of such people tend to be missed in the traditional head count, conducted first by mail, then by knocking on doors. The administration proposes, with the overwhelming support of the statistics profession, to use a system of sampling—extrapolation from exhaustive counts in selected census tracts—to adjust for this.

The Republicans seek to block that, on grounds it is little more than sophisticated guesswork, illegal, subject to political manipulation—and, in their view, likely to benefit Democrats. Last year they sought to enlist the courts. The Supreme Court found the law to be mixed. It agreed that an actual count had to be used for apportionment of congressional seats among the states, and the bureau has had to adjust its plan accordingly. There will be more of a head count and less reliance on sampling; the White House is still trying to figure out how to fit the additional cost of perhaps $2 billion within the president's budget. The court also said, however, that adjusted figures are required to be used for most other purposes, including, in most cases, the allocation of federal funds. It left up in the air which set of figures should be used for redistricting within states.

The administration's goal is to publish both sets by the spring of 2001, when redistricting is supposed to begin, and let each state choose which to use, since redistricting is a state function. The Republicans have threatened to withhold appropriations to prevent this, but that can get them back into the business of shutting down part of the government if the president makes good, as he should, on his own threat to use the veto. Nor may a vote whose clear effect would be to deny full political representation to significant numbers of vulnerable people be a comfortable one to cast.

So some Republicans also are trying—in the name of greater accuracy, no less—to impose new requirements on the Census Bureau whose effect would be to delay publication of the adjusted numbers until after redistricting had safely begun. Delay might serve their purpose as well as prohibition, at less political cost. The bureau says on the basis of long experience that the most important of these proposals—a second mailing and an additional chance for local officials to appeal the results of the head count—would actually detract from accuracy, innocuous though they sound. Director Kenneth Prewitt recently testified that they ''would disrupt and even place at risk Census 2000.''

The Republicans are contemplating mounting a national ad campaign in behalf of their position. But it's an unworthy cause. Nor is it clear to us that, in the complicated business of redistricting, the adjusted figures even if states choose to use them would necessarily work to Republican disadvantage. They ought to back off.

Mr. Speaker, I now call upon my friend and colleague, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for yielding to me, and also thank her for her work with regard to this issue. The gentlewoman has definitely been at the forefront of this very important fight.

Mr. Speaker, I rise today to support an accurate and fair Census 2000. Experts at the Census Bureau have concluded that only by using modern scientific methods for the census can we achieve this result.

I urge my colleagues to be mindful that conducting an accurate census is a complex task. The 1990 census was inundated with millions of errors, resulting in an error rate of over 10 percent. Approximately 101,000 Maryland residents were missed. Moreover, it is estimated that almost 21,000 constituents of the 7th Congressional District of Maryland were undercounted. This means that 21,000 of my constituents were not included in decisions made by the State and local governments that directly impact their lives, including the planning of schools, child care facilities, and the distribution of funds for health care. This is unacceptable and must be remedied.

However, the answer is not H.R. 472, the Post Census Local Review Act. This bill requires the Census Bureau to set aside 9 unnecessary weeks after the field work is done to review the count of local addresses a second time.

A local census review was conducted in 1990, and most mayors who participated in the program thought it was a disaster. Further, it would consume so much time that the Census Bureau would be unable to carry out its plans to use the more appropriate scientific manner to count our citizens.

Because of these concerns, when the bill is considered on the floor tomorrow I intend to support a substitute offered by my distinguished colleague, the gentlewoman from New York (Mrs. CAROLYN MALONEY), which will involve local governments in various aspects of the count, while also allowing the Census Bureau to proceed with its established plans.

As lawmakers, we have an obligation to focus on the impact the census data has on every aspect of our constituents' lives: education, health, transportation and economic development. As such, I believe the task of providing an accurate and complete census is better left to the statistical experts with guidance from the Congress and not its micromanagement.

I want to thank the gentlewoman for yielding, and I yield back to her.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his important comments.

It is important to remember that the census has real impact on people's lives. Information gathered in the census is used by States and local governments to plan schools and highways, by the Federal Government to distribute funds for health care and all other government programs, and by businesses in making their economic plans and predicting the future.

Mr. Speaker, the gentlewoman from Florida (Mrs. CARRIE MEEK) is here to comment. We had a public hearing, actually, in her city, which she hosted for the Subcommittee on the Census of the Committee on Government Reform. If I remember correctly, everyone testified in support of modern scientific methods.

□ 2130

Mrs. MEEK of Florida. Mr. Speaker, yes, they did. I want to thank the gentlewoman from New York (Mrs. MALONEY) who has worked so hard and assiduously toward making us have a fair and accurate count. She has done this against many odds and against much fight from the Republican party.

I want to call to the attention of everyone and to this country that it appears that the Republicans would use

any tactic necessary to dismantle the Census Department's ability to reach a fair and accurate count. It appears that they want to prevent an accurate census, not to get an accurate one. They have given much lip service to this, but all their efforts show that they are using all kinds of tactics to come up with ways to dismantle an accurate count.

History has shown us that the 1970 and the 1990 count in the census undercounted minorities. They undercounted African Americans, and they undercounted Hispanics. This chart shows this: More blacks than non-blacks were missed in the census. And we look at this and we can see here in 1940, also in 1950, 1960, 1970, 1980, 1990, we will see that a high percentage of African Americans have been missed. About 4.4 percent of African Americans were missed in the last census. That is a bad undercount. It takes away from African Americans their ability to be counted as a whole American.

Our chairwoman, the gentlewoman from New York (Mrs. MALONEY), mentioned that. If we remember, the Constitution once had us counted as three-fifths of a man. And now that we are supposed to be counted as one person, there still is an undercount. I want to thank the gentlewoman for her efforts on that behalf.

The Secretary of Commerce mentioned in his report that the 1990 census was the first in 50 years that was less accurate than its predecessor. The undercount of minorities was much worse than the 1.6 national average.

What I see here is sort of an intramural fight between the Census Department and the Republican Party, and it should not be that way. Democrats are trying very hard to make this census accurate, to be sure that everyone is counted. So, then, if that is our mandate as elected officials, there are some people who do not feel that an accurate count is very vital. But it is very vital.

Last year's census data was used in the distribution of over $180 billion in Federal aid. Republicans know this. I do not understand why they are fighting an accurate count when they know the very people they represent will be undercut or hurt by an inaccurate count. The poor people, the disenfranchised people, the homeless people, the elderly people, veterans, everyone will pay when the census is not accurate.

So I do not understand what the thinking is in the Republican Party that lets us worry only about the Congress and its apportionment. So that is all they are worried about? If that is the case, then that says to the people back home that they are not worried about them, they are not worried about the quality of their lives, because what they want to do is be sure that they do not bring any more Democrats into the Congress. Well, that is not fair to these senior citizens back home. It is not fair to people who are relying on government for all of the benefits that they should receive.

All we are asking for is that local communities receive their fair share of Federal spending. Without an accurate count, they will not get their fair share. An inaccurate count will shortchange the affected communities for an entire decade. They have already been shortchanged by the 1970 census, again in 1990. So here we come again. The Republicans are saying, ''We do not care.'' They can be shortchanged for 10 more years, another decade of undercutting people who need a fair share.

On January 25, 1999, the United States Supreme Court ruled that the Census Act prohibits the use of sampling for apportioning congressional districts among the States. I do not agree with the Supreme Court on that. We did not win that fight. But they were wrong.

However, the Court also held that the 1976 revisions to the Census Act required the use of sampling for all other purposes, including the distribution of Federal aid to States and municipalities and for redistricting, if the Secretary of Commerce determines its use to be feasible.

I just left members of the Florida legislature. I attended a summit there. The whole talk was the census, getting an accurate count. Florida is one of the States that had an undercount. We do not expect to have that undercount again. I hope the Republicans will understand that Florida is a crucial State. We have people in that State who demand to be treated fairly.

The Secretary of Commerce has already announced that he considers the use of sampling to be feasible. Given the Supreme Court's ruling, a 2000 census plan, then, must be a two-numbered plan that uses traditional counting methods to arrive at a number for apportionment and modern statistical techniques for all other purposes.

My colleague from New York (Mrs. MALONEY) has really pushed this point home to everyone, the fact that statistical sampling is a technique that we need for all other purposes. Otherwise we are saying from the very beginning we do not want an accurate count. We want guesswork to get it down. Not only do we want guesswork, but we do not want some people to be counted. We do not care if they are not counted.

The Census Bureau has announced new details in their plan for a complete census under the law. This plan will produce counts using modern methods that will correct for people missed and counted twice and be used for all purposes other than apportionment. However, without using those modern methods, the 2000 census will have the same errors that the 1990 census had and will miss millions of people, mostly poor minorities, in this Nation.

Republicans are now trying to legislate through a series of bills and acts and resolutions. What they are doing is, they are trying to legislate a faulty census. Why is it needed through legislation? Why cannot we depend upon the Census Bureau?

The time for legislating how the census should be conducted has passed. The Census Bureau must be allowed to focus on conducting the census as planned and modified by the Supreme Court's decision. Let us allow the professionals at the Census Bureau to do their jobs and produce a fair and equitable Census 2000 count.

I want to assure and say to our chairwoman, the gentlewoman from New York (Mrs. MALONEY), that we are going to continue to work on this, we are going to continue to spread the word that there are people here in this Congress who do not feel that all of us count. And I want to say, Mr. Speaker, that we do count and we will be counted.

Mrs. MALONEY of New York. Mr. Speaker, I want to make sure that the gentlewoman knows that H.R. 472 has been pulled from the floor agenda for tomorrow. It will not be on the floor tomorrow. And this is very good because, as the gentlewoman pointed out and as the gentleman from Maryland (Mr. CUMMINGS) pointed out, it does absolutely nothing to correct the undercount. It does not do anything to correct the mistakes of the last census and, according to the professionals at the Census Bureau, puts hurdles and red tape in front of it that makes it impossible it get an accurate count.

So we are fortunate that the Republican Party has not put it on the floor for tomorrow, and I hope that they will not ever put it on the floor, since it does not do anything to help get an accurate count.

Mr. Speaker, I would like to include for the RECORD an editorial from the home city of the gentlewoman from Florida (Mrs. MEEK), the Miami Herald, from March 22nd. It is entitled ''Everyone Counts. Republicans Will Prevent An Accurate Census At Any Cost.''

And to read just a small portion from it, ''U.S. House should remove the barriers to statistical sampling.'' The editorial goes on. ''If you are black, Hispanic, Asian or poor, live in the city or on city streets and have a mind to be distrustful, you might conclude that many Republicans in Congress just want you to go away, at least until the 2000 census count is over and the new congressional district lines are drawn.

''Quite unreasonable has been the Republican congressional majority's attempts to thwart an honest count.''

It states that ''The House Government Reform Committee voted last week to throw as many monkey wrenches as needed into next year's count with bills that would delay a true count until the new district lines are drawn. In other words, delay it until all those initially overlooked black, brown and other minority faces no longer count.''

Mr. Speaker, I include the following editorial for the RECORD:

[From the Miami Herald, Mar. 22, 1999]

EVERYONE COUNTS: REPUBLICANS WILL PREVENT AN ACCURATE CENSUS AT ANY COST

U.S. House should remove the barriers to statistical sampling.

If you are black, Hispanic, Asian or poor, live in the city or on city streets and have a mind to be distrustful, you might conclude that many Republicans in Congress just want you to go away—at least until the 2000 Census count is over and the new congressional districts are drawn.

These Republicans—and South Florida Reps. Ileana Ros-Lehtinen and Lincoln Diaz-Balart are among them—apparently fear that if these minorities are counted, the Democrats will gain more seats come redistricting time. It's a reasonable, albeit political, fear.

Quite unreasonable has been the Republican congressional majority's attempts to thwart an honest count. Last year, the party restricted Census Bureau funding and went to the Supreme Court to outlaw the use of statistical sampling, which would result in a more-accurate count. There, they got a partial win—sampling cannot be used for apportioning House seats.

But they aren't content to leave it at that. The shame of it is that Rep. Ros-Lehtinen and Diaz-Balart are in the thick of this misguided effort, even though theirs were among the top 25 undercounted districts in the country in 1990. Why is this important? Because government aid is tied to population counts. So their constituents lost federal funds because of it. Why do they want their constituents cheated again?

Government Reform Committee voted to throw as many monkey wrenches as needed into next year's count with bills that would delay a true count until the new district lines are drawn. In other words, delay it until all those initially overlooked black, brown and other minority faces no longer count.

One bill mandates a second mailing of census questionnaires to all households that don't respond, even though census workers will phone and visit each of those homes anyway.

A second measure, seemingly innocuous, would allow skeptical municipalities to demand that the Census Bureau come back after the count and recount the number of households—not the people—in a given area. The idea is that there may be discrepancies between the local address lists and the bureau's.

That's unlikely to happen. So says Barbara Everitt Bryant, director of the Census Bureau from 1989 to 1993. She headed the 1990 count under President George Bush—a Republican administration. After that count, some of the cities protested so loudly that the bureau sent interviewers to recanvass. Less than one-tenth of 1 percent of new households were uncovered—at a cost of $10 million.

The 2000 count will be even-more accurate because a change in the law lets cities and the bureau share address data to make sure questionnaires don't go to vacant lots. Yet this recount could take months.

When these bills get to the House, common sense must trump partisan politics.

Otherwise, it will be clear who really counts in the GOP's America—and who doesn't.

Mrs. MALONEY of New York. Mr. Speaker, I yield to my colleague the gentleman from Illinois (Mr. DAVIS), a member of the Subcommittee on the Census, who has been a truly outstanding leader on this issue, and I thank him for joining us as he has so many times on the floor to speak up for accuracy and fairness.

Mr. DAVIS. Mr. Speaker, I want to thank the gentlewoman for yielding, and I also want to echo the sentiments of those who have already praised the outstanding leadership that she provided on this issue.

Mr. Speaker, I rise today to join in this important special order, which I suggest is dedicated to democracy, fairness, equity, and representation for all of the people in this Nation. The issue, obviously, to which I am referring is the year 2000 census.

As a member of the Subcommittee on the Census, I submit that this is one of the most important issues of this Congress. This is not a new issue. In fact, it dates back some 2000 years, when a decree went out from Caesar Augustus that a census must be taken of all the inhabited earth.

Also, it is written in the Book of Numbers that the Lord God spoke to Moses in the wilderness of Sinai and told him to take a census of the sons of Israel. And of course if it was today, he would have said the sons and daughters of Israel. It was just that important 2000 years ago, and certainly it is that important today.

Since 1790, during the first census there was a significant undercount, especially among the poor and disenfranchised, and of course we have heard how African Americans were counted as only three-fifths of a person. Now, here we are 200 years later, in the 1990s, and it is estimated that the census missed over 8 million people. Most of those not counted were poor people living in inner cities and rural communities, African Americans, Latinos, immigrants, and children. The City of Chicago, my city, had an undercount of about 2.4 percent, and the African American undercount in that city was between 5 and 6 percent.

Obviously, we cannot afford to have a count in the year 2000 that does not include every American citizen. Too much is at stake. The census count determines who receives billions of Federal dollars. Every year census information directs an estimated $170 billion in Federal spending. Census data helps determine where the money goes for better roads, transit systems, schools, senior citizens' centers, health care facilities, programs for Head Start, school lunches.

In addition to money, representation is at stake, and in a democracy representation is just as important as the money. Congress, State legislatures, city councils, county boards, and other political subdivisions are redrawn as a result of the census count.

There are some in this body and some in this country who would deny representation and resources to millions of citizens in the name of maintaining the status quo. It is unfortunate that we might ever consider a bill that purports to move us in the direction of a more accurate census when we know that that bill will do just the opposite.

□ 2145

I urge my colleagues not to play games with people's representation and resources. One begins to wonder whether initiatives counterproductive to an accurate census are part of a larger plan to delay, distort and ultimately destroy the accuracy of the 2000 census.

Under the Census Bureau's plan, everybody counts. All Americans would be included in the census. If we keep taking the census the old way, we will obviously miss millions of people, which would cause one to wonder if we have learned anything since 1790. Our scientific information dictates that we use proven scientific efforts to maximize the accuracy of the census. All of the experts know that it is what works.

Mr. Speaker, as we move to the actuality of census taking, there are bills that have been put before us supposedly designed to improve accuracy. But in reality, it seems to me that what we are doing is putting partisan politics ahead of the people and fair representation. It is my position that you can take all of these bills, apply them on top of a flawed census plan, and you end up with a flawed census. It is like saying that you really cannot get blood out of a turnip. You can take it and dice it and splice it. You can puree it and saute it, you can skew it, you can stew it, but you still will end up with turnip juice. I am afraid that that is how we are going to end up. If we do not use the most scientific method to count all of the people, I am afraid that we are going to miss people and rather than an accurate census, turnip juice will be the result of our efforts.

I thank the gentlewoman and again commend her for her outstanding leadership.

Mrs. MALONEY of New York. I thank the gentleman for his most accurate statements and descriptive statements. We are not about turnip juice, as he says, we are about accuracy, and or goal is the most accurate census possible, completed using the most up-to-date methods as recommended by the National Academy of Sciences and the vast majority of the professional scientific community. We should be supporting science, not trying to undermine it and get a less accurate count.

I thank the gentleman from Texas (Mr. Gonzalez) for joining us. I had the great honor of serving with his father. He was dedicated to civil rights, was very proud of his role in it, and I think it is very appropriate that his son is here to speak on what has been called by many civil rights leaders the civil rights issue of this decade, making sure that all Americans, every single one of them, is counted with the most modern scientific methods.

Mr. GONZALEZ. Mr. Speaker, I thank the gentlewoman for allowing me this opportunity, and I also join my colleagues in commending her for the leadership role that she has played in this important battle.

Mr. Speaker, I rise today in hopes that history will not repeat itself, in hopes that we have learned by our previous mistakes. That is what we teach our children, that is what we have been taught. You would think as leaders, elected by our constituencies, we come here today with those important lessons. That may not be the case.

In the 1990 census, there were 26 million errors, approximately 8.4 million people were missed, 4.4 million were counted twice, and another 13 million were counted in the wrong place. Of those minorities, as has already been pointed out, those were minorities, they were children, they were poor people in the rural areas that had the highest undercounts. Clearly, we can do better than that. We must do better than that if we are to truly represent Americans of all ages and colors.

In Texas alone, we had an undercount of nearly half a million people, and it cost our State $1 billion in Federal funds. That is $1 billion of our tax money. Estimates suggest that an equally inaccurate undercount in 2000 would cost Texas over $2 billion.

I have already heard from several mayors in Texas, including the mayors of San Antonio, Laredo, Brownsville, Houston and Austin. They know what the 1990 census cost Texas and they are desperate to avoid another undercount. Even my local newspaper, the San Antonio Express News, has joined this all too important debate, requesting of Governor George W. Bush, Jr. to take a stand for Texas on the census and to allow and make sure that we utilize the latest proven, reliable scientific methods in arriving at an accurate count.

In 2000, the Census Bureau will have to count 275 million people at 120 million addresses. We are just over a year away from the first census 2000 mailing, and we must allow the Census Bureau to get on with their business, counting the American population.

H.R. 472, the Local Census Quality Check Act, scheduled at one time to come up on the House floor this week, would require the Census Bureau to conduct post-census local reviews. Now, that sounds like a good idea. But when you look under the cover, it appears to me that the real goal of H.R. 472 is to postpone deadlines while making it impossible for the Census Bureau to use scientific methods to arrive at the most accurate count possible.

Dr. Kenneth Prewitt, the director of the Census Bureau, has stated that H.R. 472 would mandate an operational change to the census 2000 plan which is neither timely, effective nor cost efficient and would return us to inadequate 1990 operations that have now been substantially improved upon. It is simple. Post-census local review is not a new idea. The Census Bureau has used it in the past. They used it in 1990 and it proved to be inefficient.

With that experience in mind, the Census Bureau developed a new plan for the 2000 census which would address the issue of local participation while utilizing modern scientific methods to produce the most accurate census possible.

I support the Maloney amendment to H.R. 472 which allows the Census Bureau to do just that, address local participation and use proven statistical methods to produce the most accurate census possible. The Maloney amendment gives local governments the power to add new construction to the census address list, review counts of vacant addresses and to review jurisdictional boundaries as part of a local update of census addresses before the census is conducted and not after.

It is clear to me that this amendment not only includes local governments in the census process, it makes them an integral part of it by including them in the process of building and checking the address list on a timely basis. After all, if what we all want is for our local governments to have some participation and some control or simply some say in the process, let us include them now and not later.

Mr. Speaker, I respectfully would request that the following letters from mayors in Texas who support local participation but oppose H.R. 472 be submitted into the RECORD.

CITY OF SAN ANTONIO,
HOWARD W. PEAK, MAYOR,
March 16, 1999.

Hon. DAN BURTON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BURTON: I am writing you to request your support for a fair and accurate census in 2000. As you are well aware, the 1990 census resulted in 26 million errors and an undercount of more than eight million Americans. With more than 38,000 citizens not counted in San Antonio and close to half a million statewide, Texas trailed only California as the state with the highest undercount in the 1990 census.

On behalf of the City of San Antonio, I am requesting you to oppose H.R. 472, the Local Census Quality Check Act. While I am favor in local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census. Furthermore, the Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. The Census Bureau abandoned the post-census local review process because it was found not to be cost-effective.

As currently drafted, H.R. 472 undermines the goal local officials have been working towards—the most accurate census possible. Therefore, I support the amendment proposed by Representative Carolyn Maloney which would coordinate local review with the other census activities. San Antonio and the entire state of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The only way we can assure a fair and an accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience.

I ask for your commitment for a fair and accurate census in 2000. Thank you for your consideration.

Sincerely,

HOWARD W. PEAK,
Mayor.

CITY OF LAREDO,
ELIZABETH G. FLORES, MAYOR,
March 22, 1999.

Hon. HENRY A. WAXMAN,
U.S. House of Representatives,
House Government Oversight Committee,
Washington, DC.

DEAR CONGRESSMAN WAXMAN: I am writing to ask you to join us in supporting a fair and accurate census in the year 2000. Twenty-six million errors and an undercount of more than eight million Americans is not acceptable. Especially since most of the Americans who were not counted were children, poor people and minorities. As elected officials, we have a duty to protect the interests of our constituents. It is incumbent upon us to ensure that they are treated fairly and counted equally.

With more than 23,000 not counted in Laredo and close to half a million Texans not counted in the 1990 census, Texas trailed only California as the state with the highest undercount. This undercount denied Texas $1 billion in federal funds. If we chose not to correct the egregious mistakes made in the last census, Texas stands to lose an additional $2.18 billion in population-based federal funds. As Mayor of Laredo, I must look out for what is best for the citizens of this City. A fair and accurate census is at the forefront of my agenda.

I am also writing to request that you oppose H.R. 472, the Local Census Quality Check Act. While I am in favor in local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census.

According to current law, the census must begin on April 1, 2000, and report final population counts by April 1, 2001. On April 1, 2000, the census takers must assign 275 million people to 120 million addresses. This calls for the largest peacetime mobilization in our country. The Local Census Quality Check Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. In addition, the post-census local review was found not to be cost-effective. For these reasons, the Census Bureau abandoned the post-census local review process.

I believe that we should be able to have both local involvement and the use of the best methods to assure that all people are counted. I support the efforts of Representative Carolyn Maloney to alter H.R. 472. Representative Maloney's amendment will address the problems raised by some local governments, of new construction and boundary errors in a manner that allows the Census Bureau to coordinate local review with all of the other activities that must take place within a limited amount of time.

As currently drafted, H.R. 472 undermines the goal local officials have been working towards, the most accurate census possible. Laredo and the entire State of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The census is a complex undertaking. The only way we can assure a fair and accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience. I ask for your commitment for a fair and accurate census in 2000.

Warmest Regards!

Sincerely,

ELIZABETH F. FLORES.

CITY OF AUSTIN,
OFFICE OF THE MAYOR,
Austin, TX, March 23, 1999.

Hon. HENRY A. WAXMAN,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WAXMAN: I am writing you to request your support for a fair and accurate census in 2000. As you are well aware, the 1990 census resulted in 26 million errors and an undercount of more than eight million Americans. With thousands of citizens not counted in Austin and close to half a million statewide, Texas trailed only California as the state with the highest undercount in the 1990 census.

On behalf of the City of Austin, I am requesting you to oppose H.R. 472, the Local Census Quality Check Act. While I am in favor of local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census. Furthermore, the Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. The Census Bureau abandoned the post-census local review process because it was found not be cost-effective.

As currently drafted, H.R. 472 undermines the goal local officials have been working on to get the most accurate census possible. Therefore, I support the amendment proposed by Representative Carolyn Maloney which would coordinate local review with the other census activities. Austin and the entire state of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The only way we can assure a fair and an accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience.

I ask for your commitment for a fair and accurate census in 2000. Thank you for your consideration.

Sincerely,

KIRK WATSON,
Mayor.

CITY OF HOUSTON,
OFFICE OF THE MAYOR,
Houston, TX, March 16, 1999.

Congressman HENRY A. WAXMAN,
Congressman DAN BURTON,
U.S. House of Representatives, Committee on Government Reform, Washington, DC.

DEAR GENTLEMEN: I write to ask you to join us in supporting a fair and accurate census in 2000. As you are well aware, the 1990 census resulted in 26 million errors and an undercount of more than eight million Americans. Most of the Americans who were not counted were children, poor people and minorities. As elected officials we have a duty to protect the interests of our constituents. It is incumbent upon us to ensure that they are treated fairly and counted equally.

With more than 66,000 not counted in Houston and close to half a million Texans not counted in the 1990 census. Texas trailed only California as the state with the highest undercount. This undercount denied Texas $1 billion in federal funds. If we choose not to correct the egregious mistakes made in the last census, Texas stands to lose an additional $2.18 billion in population-based federal funds. As Mayor of Houston I must look out for what is best for the citizens of this city. We must serve our constituents and demand a fair and accurate census. A fair and accurate census is at the forefront of my agenda.

I am also writing to request that you oppose H.R. 472, the Local Census Quality Check Act. While I am in favor of local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census. According to current law, the census must begin on April 1, 2000, and report final population counts by April 1, 2001. On April 1, 2000, the census takers must assign 275 million people to 120 million addresses. This calls for the largest peacetime mobilization in our country. The Local Census Quality Check Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. In addition, the post-census local review was found not to be cost-effective. For these reasons, the Census Bureau abandoned the post-census local review process.

I believe that we should be able to have both local involvement and the use of the best methods to assure that all people are counted. I support the efforts of Representative Carolyn Maloney to alter H.R. 472. Representative Maloney's amendment will address the problems raised by some local governments, of new construction and boundary errors in a manner that allows the Census Bureau to coordinate local review with all of the other activities that must take place within a limited amount of time.

As currently drafted, H.R. 472 undermines the goal local officials have been working towards—the most accurate census possible. Houston and the entire state of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The census is a complex undertaking. The only way we can assure a fair and an accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience. I ask for your commitment for a fair and accurate census in 2000.

Sincerely,

LEE P. BROWN,
Mayor.

BROWNSVILLE,
TX, March 17, 1999.

Hon. SOLOMON ORTIZ,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ORTIZ: The 1990 census resulted in an undercount of eight million Americans. As a result the State of Texas was denied approximately $1 billion in Federal funds. No other part of the country was more affected by this situation than perhaps California. In the case of Texas, the South Texas region which has a population that is largely Hispanic and a large concentration of families with incomes below poverty level, probably felt the brunt of the impact.

It is my understanding that in preparation for the 2000 census the House Government Oversight Committee, which you form part of, is presently considering legislation to require post-census local review instead of a statistical sampling method to arrive at an accurate census count. Our position is that the proposed legislation—H.R. 472, the Local Census Quality Check Act—while well intentioned, will prevent the Census Bureau from utilizing effective scientific methods for population counting, and may once more result in large undercounts. This unfortunately will impact once more the states with the larger populations and larger concentrations of minority groups—e.g., Texas and California.

I therefore urge you to oppose passage of H.R. 472. I am certain that allowing the use of statistical samplings will result in the most accurate and timely census possible. This is after all, I am sure, what we are all interested in.

Thank you.

Sincerely,

HENRY GONZALEZ,
Mayor of Brownsville.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his comments and for his work in his home State on getting an accurate count. What he is talking about is basic fairness. Because the census is so important, we must do absolutely everything that we can possibly do to ensure that everyone is included in the count. We know that previous censuses overlooked millions of Americans, especially children and minorities. That is not fair, it is not accurate, it is certainly not acceptable, and we are definitely determined to do better with this census. That is, if the Republican majority does not put language and requirements that make it impossible to get an accurate count.

The gentlewoman from Texas (Ms. JACKSON-LEE) has been a leader on this issue and many issues before this Congress. I thank her very much for joining us in this special order and being with us tonight.

Ms. JACKSON-LEE of Texas. I want to thank the gentlewoman from New York as well for her leadership on this issue that has been constant and unselfish as well as her leadership as the cochair of the Women's Caucus, which makes her role even more important, because what we are talking about is an issue of counting people without political ramifications, unselfishly, and making sure that the people of America are taken care of.

I would imagine that those who might be listening to us tonight might be, not confused but wondering when are we going to come together around this issue. May I give to them a sense of success and appreciation to the Republicans who have withdrawn H.R. 472 this evening, because maybe they too are beginning to see the light and are beginning to count votes and realize that all Members of this House, Republicans and Democrats, would do better if every American is counted.

And so I rise today to support and encourage this House together to support statistical sampling and to let the Census Bureau do its job. My colleague from Texas has already indicated that my State lost $1 billion. More importantly, my legislature is engaged in strong deliberations today to try and find a way to insure uninsured children. Because of the census of 1990, the State of Texas lost $85 million in Medicaid funds, $85 million in Medicaid funds. They also lost prevention and treatment dollars for substance abuse. They could have received as much as $9 million. This is a shameful result.

And so it is extremely important that we move toward bringing this to a resolution. We must enact legislation that will guarantee an accurate census. The 1990 census undercounted approximately 4 million people. In the State of Texas, we lost a congressional district, not a congressional district that was going to selfishly support itself but one that would help bring dollars to the people of the State of Texas, as has occurred in other States throughout the Nation. The undercount in 1990 was 33 percent greater than the undercount in 1980.

Congress must enact legislation that will help to vindicate the undercount in the city of Houston, 3.9 percent, some 67 to 70,000 persons. This antiquated procedure only recorded 1,630,553 residents. Based on the scientific sampling method that was prepared for the 1990 census, it is estimated that over 66,000 Houstonians were missed by the 1990 census. Congress must be responsive. As well, we must find a way to break this impasse. Congress has to be able to guarantee an accurate census.

Let me share with my colleagues remarks from the director of the Census Bureau, newly appointed, approved by both the Republicans and Democrats of the Senate, Dr. Kenneth Prewitt, who said this about the proposal of Chairman Miller. He talked about the last three items suggested by Chairman Miller to make the census in Chairman Miller's perspective better.

He said: On three items, second mailing, the language initiative and local government review of mailing addresses, the Census Bureau believes it has already presented more efficient programs than the suggestions advanced by Chairman Miller. Indeed, if some of these initiatives were legislated in the manner now before the subcommittee, they would disrupt—may I say that again, Mr. Speaker—they would disrupt and even place at risk census 2000.

Dr. Prewitt goes on to say, ''I will of course allocate more time'' as he began his presentation to refuting those three, then the other points of the recommendations made by the chairman.

Does it not seem that if we can get agreement on seven aspects of recommendations made by the committee, but three specific points made, including the local government review, has been stated by Dr. Prewitt who has an independent responsibility to ensure America's accurate count, Dr. Kenneth Prewitt, head of the Census Bureau, approved by Republicans and Democrats in the United States Senate and given the consent of that Senate to do his job has said, very devastatingly, that the procedures that Chairman Miller wants us to go under would place at risk the census 2000.

It is extremely important, then, Mr. Speaker, that, one, we join with the gentlewoman from New York (Mrs. MALONEY) and support her amendment. I am hoping that the discussion that we are having here tonight will bear fruit and that there will be a possibility that we do not see H.R. 472. I hope, in fact, that we will find a way to continue the funding of the Census Bureau past June in the agreement we worked out over a year ago, and that we will also find common ground to ensure that those children in Texas who lost $85 million in Medicaid dollars, those individuals who wanted to receive substance abuse treatment and lost $9 million, those individuals who lost the opportunity to be represented in the United States Congress, the House of Representatives, one of the most powerful bodies in the world, would get their opportunity to be counted in the year 2000.

□ 2200

Mr. Speaker, I would hope this Congress would come down on the side of ensuring that the homeless are counted, the homeless veterans are counted, African Americans, Hispanics and Asians, people of multi language who are citizens and residents of the United States are counted, and for sure I hope that we will join with the gentlewoman from New York (Mrs. MALONEY) and those of us who have been working with her, the gentleman from Illinois (Mr. DAVIS) and so many others, and begin to formulate a resolution that the American people can understand and say to us for once, or maybe once in many times, or maybe as an example of what is to come, that the Congress has come down on the side of cities like the City of Houston, of cities like San Antonio and Dallas, of States like California and New York and all in between: Florida, Iowa, Michigan Mississippi, all coming in between, to indicate that we want an accurate census count for the United States of America.

With that, I thank the gentlewoman from New York (Mrs. MALONEY) for her leadership. She can count on me and, I know, so many others to continue to work to finally give to the American people the right kind of census count, a statistical sampling, so that we can begin the 21st century when everyone is both included, protected and provided for as they live under the flag of the United States.

Mr. Speaker, I am pleased to be here to continue advocating for an accurate census count that will guarantee an equitable distribution of federal funds. I would like to first thank Congresswoman CAROLYN MALONEY for her leadership as Co-Chair of the Congressional Census Caucus. She has become a national leader on this issue.

Congress must enact legislation that will guarantee an accurate census! The 1990 Census undercounted approximately 4 million people. Even more troubling, this last census was, for the first time in history, less accurate than its previous census. The undercount in 1990 was 33 percent greater than the undercount in the 1980 census.

Congress must enact legislation that will guarantee an accurate census! In fact, the City of Houston was undercounted by 3.9 percent in the 1990 Census as a result of utilizing the current ''head count'' method. This antiquated procedure only recorded 1,630,553 residents. Based on the scientific sampling method that was prepared for the 1990 Census, it is estimated that over 66,000 Houstonians were missed by the 1990 Census.

Congress must enact legislation that will guarantee an accurate census! According to a recent GAO report Texas was in federal funding over the past decade because of the 1990 undercount.

Congress must enact legislation that will guarantee an accurate census! Houston was entitled to additional federal funds annually but these monies were allocated to another city in another state because the census 1990 was inaccurate.

Congress must enact legislation that will guarantee an accurate census! African-Americans, Hispanics, Asians, and American Indians were missed at a much greater rate than whites. Poor people living in cities and rural communities were disproportionately undercounted. An accurate census count provides an opportunity for every American to be counted regardless of race, geographic location and social economic class.

Congress must enact legislation that will guarantee an accurate census! H.R. 472 would put at risk the Census Bureau's ability to correct and adjust its counts using statistical data because it mandates that local review process begin after all other census activities are completed.

Congress must enact legislation that will guarantee an accurate census! H.R. 472 diminishes all efforts aimed at developing an accurate census count. The Maloney amendment to H.R. 472 strikes an equitable balance between local participation and an orderly timely accurate census count.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her comments. She is always right to the point, and I would like to put in the RECORD an editorial in the Sacramento Bee that really reinforces many of the points that she was making. It is from March 12 of 1999, and it is entitled: ''More Census Mischief.'' And I would like to quote briefly from it, and the Sacramento Bee in its editorial says, and I quote:

> At this eleventh hour Republicans in Congress are proposing legislation that seeks to significantly change census methodology and procedures, adding cost, confusion and, most critically, time to an already tight schedule. Three of the specific provisions in the Republican bills threaten the process.

The editorial ends with a very strong comment, and I quote:

> With their predictably higher numbers of poor and minority residents, corrected counts are expected to benefit Democrats. If Republican Members of Congress can slow the census long enough to disrupt the count, corrected numbers will not reach the States in time to re-draw internal boundaries in 2001, thus helping Republicans. The public interest is in as accurate a census as possible. The Republican mischief at this late date threatens that.

End of quote, and again I will put the entire editorial from the Sacramento Bee into the RECORD:

> There are 385 days left before April 1, 2000—Census Day. Preparation for the once-a-decade national head count began even before

the 1990 census was over. Twenty-five major software systems have been designed, linked and tested to keep track of the 175 million forms printed in six different languages, to pay hundreds of thousands of workers, to monitor tens of thousands of partnership programs and to produce 12 million maps needed to count an estimated 275 million residents at 175 million addresses. No small task.

As Kenneth Prewitt, director of the Census Bureau, told Congress the other day: ''Every step, every operation, every procedure is on a huge scale and is interdependent with every other step, operation and procedure.''

At this eleventh hour, Republicans in Congress are proposing legislation that seeks to significantly change census methodology and procedures, adding cost, confusion and, most critically, time to an already tight schedule. Three specific provisions in the Republican bills threaten the process.

One would require the Census Bureau to print forms in 33 languages instead of the six already planned for. Those six languages account for 99 percent of U.S. households. Using translators and community liaison workers, census planners already have tested and put in place procedures for reaching out not just to those who speak the 27 other languages Republicans want forms printed in, but to 130 other language groups as well. To add more foreign language forms at this late date would require new computing capacity, optical scanners, renegotiation of printing contracts and a dozen other changes, making an already difficult task more so.

Republicans also want a post-census local review, in which 39,198 units of local government would validate the bureau's housing count block-by-block. That was tried in 1990 and 1980 and, according to a Republican former Census Bureau director, turned out to be a logistical and public relations nightmare.

The last bad idea offered would require a second mailing of the census questionnaire. Second mailings were tested during dress rehearsals last year and resulted in 40 percent duplicate responses, another wasteful and time-consuming effort.

The real Republican goal here seems obvious: delay. That would make it harder for the Census Bureau to perform the controversial post-census statistical surveys so crucial to correcting for the expected undercount of poor and minority residents. The U.S. Supreme Court has ruled that federal law bars the use of corrected numbers to determine how many congressional seats a state can have. But those numbers may still be used to redraw congressional and legislative boundaries within individual states.

With their predictably higher numbers of poor and minority residents, corrected counts are expected to benefit Democrats. If Republican members of Congress can slow the census long enough to disrupt the count, corrected numbers won't reach the states in time to redraw internal boundaries in 2001, thus helping Republicans. The public interest is in as accurate a census as possible. The Republican mischief at this late date threatens that.

Mr. Speaker, I am delighted that a new Member of Congress has joined us, the gentlewoman from Illinois (Ms. SCHAKOWSKY), and she serves on the Committee on Government Reform and Oversight. She also serves with me on the Committee on Banking and Financial Services, where she has already demonstrated leadership on protecting consumer rights, and I thank her for coming here and joining us on the floor tonight.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY). One of the reasons I really wanted to come here tonight was to be able to express publicly my admiration to the gentlewoman from New York and my gratitude for the work that the gentlewoman has done on this issue. It has really been an inspiration to me and a role model for me as a new Member.

There was a time in the history of our Nation when certain individuals were not counted as whole people. Congress long ago rejected this kind of blatant discrimination, and every Member today would, I know, assert his or her abhorrence of this practice.

But I fear, along with many of my colleagues, that in a far more subtle but also fundamentally destructive proposal we are again jeopardizing the full and fair counting of every American.

What is especially disturbing about H.R. 472, which I was pleased to hear was removed from tomorrow's calendar, but what is especially disturbing about the legislation is that it is carefully worded to take on the appearance of making the census more fair when its actual intent and consequences are just the opposite. While H.R. 472 purports to double-check accuracy, its real effect is to prevent the use of statistical methods in the final census count.

I come from a county, Cook County in Illinois, in a district that has historically been undercounted for one well-known and well-documented reason. We have large populations of poor, minority and immigrant residents. These are the people who will disproportionately suffer from being undercounted.

John Stroger, Jr., the great president of the Cook County Board of Commissioners wrote, quote:

''Cook County is strongly opposed to H.R. 472. A recent study found that,'' and he quotes from the study, ''34 cities and counties lost more than $500 million in Federal and State funds during this past decade due to the undercount in the 1990 census. These dollars translate into meals for seniors, transportation and job training.''

This bill is one of a series that was considered in the Committee on Government Reform and Oversight, on which I sit along with the gentlewoman from New York (Mrs. MALONEY), which sound good but which I believe have the effect of cynically stymieing the use of modern scientific methods for obtaining an accurate count by delaying the entire process.

None of the proposals, including H.R. 472, were given proper hearings. Had that happened, we could have heard Dr. Prewitt, Census Bureau Director, tell us that H.R. 472, quote from him, would interfere with and put at risk, unquote, the Census Bureau's plan which already includes review of addresses by local officials. We could have heard the National Academy of Sciences explain that the key to an accurate census is the use of modern statistical methods, that without this the undercount of urban and rural poor and minorities will persist.

In fact, all of the real experts, the American Statistical Association, the National Association of Business Economists, the Association of Public Data Users, and on and on, the real experts whose one and only interest is accuracy endorse statistical methods as the most accurate.

I have to say that in light of the positive spirit my husband and I experienced last weekend in Hershey at our bipartisan retreat, this bill is a real disappointment, and I am hoping that the fact that it was taken off the calendar for tomorrow is an indication that perhaps there has been a change of heart. It represents to me the reasons that citizens grow alienated from the political process. I see it as a clever manipulation of the system, as cynical census mischief that just happens to hurt many vulnerable people. It makes me sad, and I would hope that if this bill does reach the floor, that my colleagues on both sides of the aisle will join me in voting ''no''.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her comments, and I would like to put in the record an editorial from the Chicago Tribune dated March 14 entitled: ''Not One Census, But Two,'' and I quote from this, this particular editorial. It ends by saying:

''It has not escaped the notice of either party that the people who are missed in the old fashioned census tend to be the kind of people, poor, minority, urban, who generally vote Democratic. But pretending they don't exist is not likely to work to the long-run advantage of the GOP. Now that they have won on the apportionment, fairness and political wisdom argue that Republicans should compromise on the other census battle.''

Is that the gentlewoman from Illinois' hometown paper?

So, Mr. Speaker, I would like to add this to the list of items that have been put in the RECORD:

[From the Chicago Tribune, Mar. 14, 1999]

NOT ONE CENSUS BUT TWO

The decennial census of the population is one of the most important tasks undertaken by the federal government—and one of the hardest. A complete count is impossible, because there are so many people in the United States, some of them hard to find. Experts say the last census missed about 4 million people, including 2.4 percent of those in Chicago.

The Clinton administration wanted to address this problem by using statistical methods known as ''sampling'' to arrive at estimates of people who are omitted by the traditional head count.

But in January, the Supreme Court ruled that federal law does not permit sampling for purposes of congressional apportionment. It's not clear that, if obliged to decide, the justices would conclude that the Constitution does either.

The most noteworthy consequence of the verdict is that when it comes time to divvy up seats in Congress, some states may be

shortchanged. That can't be helped. What can be avoided is using a plainly faulty tabulation for other purposes.

The court held that sampling was forbidden for apportionment. For all other purposes, though, it not only is permissible but may be required. So the administration plans for the Census Bureau to come up with two numbers in 2000—one based on traditional door-to-door methods for parceling out House seats and another using state-of-the-art techniques for such purposes as distribution of federal money and state legislative redistricting.

That proposal is imperfect, but not as imperfect as the alternative, which is to use the less accurate tally for everything.

Republicans object to spending any extra funds to supplement the conventional census, and warn the public will be confused. But it's hard to see the sense in refusing to allocate government aid in accordance with where the intended beneficiaries actually are.

The Constitution may bar the use of estimates when the sacred matter of voting is involved, but that principle doesn't apply when it comes to social welfare programs.

It has not escaped the notice of either party that the people who are missed in the old-fashioned census tend to be the kind of people (poor, minority, urban) who generally vote Democratic. But pretending they don't exist is not likely to work to the long-run advantage of the GOP. Now that they've won on apportionment, fairness and political wisdom argue that Republicans should compromise on the other census battle.

It is very important that the 2000 census be complete, and the Census Bureau will use modern scientific methods, techniques that will provide an essential quality check on Census 2000 to ensure a complete and accurate census.

The President of the United States has spoken out in support of accuracy, and he has said, and I quote a statement he made on June 2 of 1998, and I quote:

''Improving the census should not be a partisan issue. It is not about politics. It is about people. It is about making sure that every American really, literally counts.''

Mr. Speaker, he has indicated on several occasions publicly and in meetings, and really he told me himself once in a private conversation, that he would veto any vehicle that in any way undermined an accurate count.

Unfortunately, Mr. Speaker, some of the articles that have appeared in Roll Call tend to speak of partisan politics and goals, and I would like to put in the RECORD the editorial from March 15 entitled: ''Census Summit:''

CENSUS SUMMIT

Republicans and Democrats are at the brink of a catastrophic war over the 2000 Census. It's time for a summit conference between President Clinton and House Speaker Dennis Hastert (R–IL) to avert a partial shutdown of the federal government and, even worse, a failed census that convinces the U.S. population that its government in Washington can't even count.

The issue over which the parties are fighting, of course, is sampling—the use of modern polling techniques to estimate the hardest-to-reach 10th of the population. The Clinton administration adamantly supports sampling, backed by ex-President George Bush's census director and the National Science Foundation, which called for it as a remedy for serious undercounting in the 1990 Census.

Republicans adamantly oppose sampling, contending that the constitutional mandate of an ''actual enumeration'' forbids sampling and fearing that the administration would rig the count to cost the GOP House seats in the post-2000 redistricting.

The Supreme Court might have resolved the conflict, but didn't. It failed to rule on the constitutionality issue and rendered a split decision on the 1976 census law—banning sampling for purposes of apportioning House seats among the states, but permitting it for drawing districts within the states and for dispensing federal grants. The Clinton administration wants to proceed with a dual-track census, but Republicans are determined to block it.

It's possible that the entire State, Commerce and Justice departments could shutdown on June 15 if no agreement on sampling is reached. That's because last year, instead of resolving their differences, Congress and the administration postponed their day of reckoning by funding the three departments for only part of this fiscal year.

As Roll Call reported last week, Hastert is preparing for war by assembling a strategy team to devise ways of convincing the country that this shutdown—if it occurs—is Clinton's fault, not that of the GOP. Meantime, on another front, the House Government Reform Committee is set to mark up legislation containing at least three provisions that are likely to delay and complicate census-taking in the guise of improving the count.

One provision would require printing all census forms in 34 languages instead of the planned six, an enormous logistical problem for the Census Bureau, which has made other plans for contacting persons speaking minority languages.

Mr. Speaker, the census is not only about counting people and the distribution of Federal funds, it is about accurate data, and we need to have accurate data in order to come forward with good policy. It is the basis, literally the census is the basis of all demographic information used by educators, policymakers, journalists and community leaders. America relies on census data absolutely every single day to determine where to build more roads, hospitals and child care centers. So it is important that this data be accurate so that we have long-range, accurate policies, that we really draw upon on the information that is provided by the census.

We know that we have a problem. In 1990 the census missed more than 8 million people and double-counted more than 4 million people. Poor people living in cities and rural communities, African Americans and Latinos, immigrants and children were disproportionately undercounted, and in order to correct these mistakes and in order to correct the undercount, we really should leave the 2000 census in the hand of the professionals at the Census Bureau, allow the seasoned experts to plan and conduct the most accurate census. The professionals at the Census Bureau are continuing their preparations to produce the most accurate census permitted under the law. Our goal must be to support these professionals using the most up-to-date, scientific methods and the best technology available.

I must say that all of the scientific community supports the Census Bureau's plan. Many leading Republicans support it. My own Mayor Giuliani, who is a Republican, joined many of us who were opposed to the lawsuit that was being brought by Speaker Gingrich to really stop the use of modern scientific methods. Dr. Barbara Bryant, who is a Republican who served in the Bush administration, has testified many times before the committee in support of modern scientific counts.

Mr. THOMPSON of Mississippi. Mr. Speaker, I represent Mississippi's Second Congressional District. Based on per capita income, the Second District is the 430th poorest Congressional District in the nation. Let me say that again. Out of the 435 Congressional Districts, the District I represent ranks 430 based on per capita income.

I know this Mr. Speaker because the Census Bureau extrapolated these statistics based on the data they compiled during the 1990 Census. Economic, social, health, employment, housing, and other types of information crucial to knowing who populates not only our nation but our Congressional Districts can be derived from the enumeration of Americans taken every ten years.

The census is important . . . extremely important. As Members of Congress, I think we can all probably agree on that statement. However, upon closer examination, the delicate balance we have managed to maintain beings to crumble. While Democrats admittedly want to count the urban and rural poor, minorities, legal immigrants and children, Republicans have publicly stated that an accurate accounting of all Americans will jeopardize their ability to hold on to a majority in Congress.

I argue that the Republicans have their priorities mixed up. Counting Americans is what we are supposed to be doing here, not protecting our political majority in Congress. What they apparently fail to realize is the impact an inaccurate Census count has had on the population of poor, rural and urban Congressional Districts, including the one I represent. In 1990, nearly 14,700 of my constituents were not counted, ironically placing my District near the top of the list at number 75 out of many Congressional Districts that experienced undercounts. Most of the people who were not counted in my District were poor people, African Americans, Latinos, immigrants and children living in the city of Jackson, Bolivar County, Madison County, Warren County, and Washington County.

I am going to take a unique approach to this issue. I am going to admit the reason unabashedly I want all of the people in Mississippi's Second Congressional District counted is to increase the amount of federal funding received by the State of Mississippi.

Mr. Speaker, allow me to give you some additional statistics. Of the fifty states, Mississippi ranks first in the percent of births to unwed mothers, first in food stamp recipients, first in infant mortality rates, last in state health rankings, fifth in percent of non-elderly population without health insurance, 41st in average 8th grade math proficiency scores, 36th in average 8th grade reading proficiency scores, and 50th in per capita personal income.

Once again, Mr. Speaker, I would like to remind you that I represent the poorest Congressional District in the second poorest state

in the nation. In some places in my District federal funds are the life's blood of economic hope. Usually, the county tax base cannot cover the many needs of the area's residents. The federal government has stepped in on numerous occasions and filled the financial gaps that would have otherwise increased our state's infant mortality rate, prevented the basic educational needs of our children from being met, and prevented Mississippians from building the vital infrastructure needed to support businesses and to provide jobs.

When any segment of our population goes uncounted, it jeopardizes our chances to receive invaluable federal funding. Some of the programs that rely on population-related data to allocate funds include: 1890 Land Grant Colleges, Water and Waste Water Disposal Systems for Rural Communities, Community Development Block Grants, Juvenile Justice and Delinquency Prevention, Summers Jobs, Education Block Grants, Head Start, and many others that have specifically benefited the District I represent.

The use of current statistical methods is the only way to insure Mississippi receives the most accurate count possible. It is the only way to guarantee that our respective constituents receive their fair share of federal dollars.

Mrs. NAPOLITANO. Mr. Speaker, I am here today to make the case for an accurate year 2000 census. We must do what we can to avoid a repetition of the 1990 census, which was the least accurate U.S. census this century. In 1990, over 800,000 Californians were not counted. Subsequent studies by the Census Bureau found that 17,153 individuals in my own district went uncounted. The 1990 census is also known for having done a poor job of counting minorities. This deficiency was also reflected in my district, where 63 percent of those not counted were Hispanic.

What good is a census if it doesn't count everyone?

We need an accurate census so that federal funds and congressional seats can be fairly distributed among and within the states. When I was Mayor of the City of Norwalk, it was blatantly clear how vitally important census figures were in determining my city's access to much-needed federal dollars. Communities in my direct, my state and around the nation, depend on an accurate census to provide them with the dollars they deserve to support important education, health and infrastructure programs.

Therefore I supported, and continue to support, the use of modern statistical methods to produce the most accurate census possible. Unfortunately, the Supreme Court took the position that these modern methods cannot be used for the reapportionment of congressional seats among the states—a decision that will likely leave California without all the representation it deserves.

But the Supreme Court decision did affirm that these methods can be used in determining how to draw district lines and distribute federal funds. I hope that we will be able to use modern statistical methods for those purposes.

I know that many of my colleagues on the other side oppose the use of modern methods for any purpose, and I am saddened that they lack a commitment to producing the most accurate census possible.

If we are not going to be able to use the best methods recommended by our Census Bureau, then let us move quickly to ensure that the people who conduct the head count, using old and out-dated methods will, at the very least, have some of the tools needed to conduct a successful count.

This is going to be the largest peacetime mobilization in U.S. history—500,000 people will be hired all across the country for temporary positions to count our population wherever they may be found. To ensure that their effort is a success, these census workers must be familiar with the areas in which they will be working. This will help minimize the expected undercount.

Therefore, I am strongly urging the President to sign a waiver, authorized by the 1978 Civil Service Reform Act, to allow the use of a supplemental, bipartisan political referral system to fill the approximately 500,000 temporary decennial census positions across the nation. This will allow for local input into who is chosen to run the census. It will ensure that familiarity with the local area and the great diversity of our communities are critical factors taken into consideration when hiring qualified people to conduct our census.

Both Presidents Carter and Bush signed such waivers for the 1980 and 1990 Censuses. This approach was determined to be a very effective method in attracting qualified applicants accustomed to dealing with the public.

With a waiver, Members of Congress, as well as a host of state and local officials will be able to recommend individuals in their communities that are thoroughly familiar with the territory they will survey, including hard to reach populations. And, of critical importance, they will possess the sensitivity to deal effectively with local populations, inclusive of ethnic and racial minorities, who may be suspicious of unknown government workers coming into their communities.

The 2000 Census is fast upon us and unfortunately the Supreme Court has already tied one hand behind our backs, making an accurate count all but impossible. We in Congress must not further hamper the Census Bureau in conducting the best and fairest possible count. I strongly urge the President to sign the waiver as soon as possible and for Congress to allow the Census Bureau to use the most modern statistical methods for determining how to disperse federal funding and draw district boundaries within states

Mrs. MALONEY of New York. Mr. Speaker, I would just like to close by saying that we should let the professionals do their job. We should let them conduct an accurate count using accurate scientific methods. We know what the last count gave us. It gave us an undercount that disproportionately hurt minorities and the poor and the children, and we should not let that happen again. We must correct it, and we have a plan that does that. We should be supporting the professionals, not trying to undermine their efforts in getting the most accurate count possible.

□ 2215

ISSUES THAT DEFINE THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I want to spend this evening's Republican special order hour talking about a number of issues that define our Republican majority and what we are trying to accomplish here in the United States Congress. I want to invite any of our conference members who may be monitoring today's proceedings and this special order to come down on the floor and join in this discussion if they have anything to add to it or to relate to the rest of the Members of this great body.

One of the topics that I wanted to discuss tonight is an effort by the administration to greatly expand the percentage of land in America that is owned and possessed by the government as opposed to private landowners.

I recently had a chance to go to Russia with an 8-member delegation, the purpose of which was to discuss national missile defense and the legislation that we just passed last week relative to establishing a missile defense policy. The absence of property rights there captured my attention.

In Russia, all land is owned by the government. Even since the fall of Communism, Russian politicians have failed to make the transition to private land ownership, despite growing public fondness for this dramatic step. As more Russians exchange ideas with the rest of the world, they are collectively coming to an obvious conclusion that government is a poor steward of the land. The sad irony is the propensity of our own Federal Government to ignore so self-evident a truth.

The White House has proposed a virtual real estate spending spree involving the government snatching up private land faster than one can say glasnost or perestroika. Well, perhaps it is time for a little honesty, openness and restructuring here at home, too.

Westerners bristled during the State of the Union performance when the President announced his land legacy initiative, a ten and a quarter billion dollar land grab. Remember, the Federal Government already owns 30 percent of all land in the United States and a staggering 50 percent of all land in the west.

Now add to the Federal estate, expanding land acquisitions by State and local government, and it is not hard to conclude that America's destination is the very point of Russia's departure. The Clinton administration seems bent on breaking this bond between the American people and the earth, the very stricture of President Teddy Roosevelt's 1902 Reclamation Act which opened the door for water development, irrigation and agriculture in the west.

The Federal Government is notoriously ill-suited to manage the land it now holds, let alone more. For example, last year, the General Accounting Office reported to Congress widespread financial mismanagement, fraud, abuse

and so on, in the United States Forest Service. The Service could not even identify how it spent $215 million of its operations and program funds.

Similar abuses have been reported within the National Park Service, which spent $784,000 of taxpayer money on the construction of a single outhouse in Pennsylvania. The Park Service has built similar royal commodes in Montana's Glacier National Park, and last year congressional hearings focused on the devastating impact of Federal land use policies on rural communities. Testimony from county commissioners documented how designating more Federal land erodes the tax base for schools and other critical services.

The Federal payment in lieu of taxes program designed to alleviate these burdens does not work well, they said. Historically, America's land policy has always favored private property ownership but under the lands legacy initiative, choice private lands currently thriving in the capable hands of America's farmers and ranchers will be relinquished to the control of Federal land managers with Washington, D.C. agendas.

At a time when the agriculture economy is enduring record low commodity prices, Congress should instead encourage private land management through positive incentives and tax relief. Indeed, this is why I introduced the Family Farm Preservation Act in the 106th Congress, to keep family farms and ranchers productive and in the family, keep their ranches in the family. The bill exempts family farms from the death tax when passed to succeeding generations.

Congress should address capital gains and other tax burdens, reform the Endangered Species Act and more aggressively expand trade markets. These steps would enable America's farmers to continue providing open space and the world's safest and most efficient food supply. In America, the right to liberty entails the right to hold property, especially land.

American politicians and their Russian counterparts would do well to consider John C. Freemont's 1856 observation that the valves upon which this Nation rests are, quote, free soil, free men and free speech; or we could all learn to speak Russian.

Growing the size of the Federal Government is a general theme that more than defines just the administration's efforts on acquiring additional public lands throughout America and restricting the available lands for private ownership. Growing the size of the Federal Government is really what divides both sides of the aisle here in the United States Congress.

We heard the previous Members engaged in a Democrat special order hour on the House Floor this evening talking about the United States census as though the Constitution as it relates to the census is somehow irrelevant but what matters more is the amount of the public wealth that is redistributed to the rest of the American people on the basis of how one counts bodies. That is a huge difference of vision in what constitutes real freedom and real liberty as we head into the next century.

Our plan is something that is very, very different. It entails a bold agenda here on the floor of the House of Representatives, to talk about smaller government, to talk about lower taxes, to talk about reducing the Federal burden of regulatory law in the lives of Americans on a daily basis. It is a pro-freedom agenda, a pro-liberty agenda. First and foremost in that agenda is our efforts to strength Social Security.

The Republican budget proposal sets aside every penny of the $1.8 trillion surplus in the Social Security trust fund to provide retirement security to three generations of Americans. Seniors, baby boomers and their children can all count on retirement security without a cut in benefits or an increase in taxes.

This is the first time since Congress passed the Social Security Act back in 1935 that 100 percent of the money going into that trust fund is being set aside for retiring Americans. We, the Republicans, are putting the trust back into the Social Security trust fund. House Republicans plan to create what is called a safe deposit box, to put that money off-limits legally for the first time in more than 60 years. The Social Security trust fund will no longer be a slush fund for wasteful government spending.

The Clinton-Gore plan only sets aside 62 percent of payroll revenues for retirement security over the next 10 years, again, compared to 100 percent that the Republicans are proposing.

The White House proposal on Social Security and Medicare totals only $1.68 trillion over the next 10 years compared to $1.8 trillion proposed by Republicans for retirement security on both Social Security and Medicare. I point out, Mr. Speaker, we accomplish this not by talking about proposals on the House Floor as we just heard a little while ago from our Democrat friends to grow the size of the Federal Government, to spend more money, to enlarge the size of the Federal bureaucracy. We talk about just the opposite and we do so because allowing the revenue that the Federal Government collects to be set aside for real priorities matters more to us, real priorities like saving Social Security and creating a solvent Medicare program as well.

In the fiscal year 2000 alone, the President's plan, their 62 percent plan, sets aside only $85 billion. The Republican plan, again, sets aside 100 percent, $137 billion.

Let me talk about how we accomplish this because we do so within an overall budget framework and a blueprint to allow retirement security for three generations, and historic tax relief.

When the American public put the Republican Party in charge of Congress in 1995, the annual Federal deficit was $175 billion and growing as far as the eye could see. In 1995, we promised the American people we would balance the budget and reduce the Federal debt. In 1997, we passed the balanced budget resolution and in 1998, just last year, we balanced the Federal budget. This was the first year the budget was in balance since 1969, the year man first walked on the moon.

We have begun paying down the $5.1 trillion national debt. In 1998, we paid the debt down by $51 billion, the first time in a generation a payment has been made on the Federal debt.

Just 4 years after being elected to the majority, we expect Federal revenue surpluses as far as the eye can see. With a strong economy, and the 1997 Balanced Budget Act, we expect over $130 billion in surpluses in the year 2000, and $2.6 trillion over the next 10 years.

This is only possible, Mr. Speaker, if we continue on our plan to shrink the size of the Federal Government, to slow the rate of growth in Federal budgeting, to stand in the way of efforts of our counterparts on the opposite side of the aisle and their liberal friends down in the White House to grow the size of the bureaucracy, to expand the scope of Federal regulation; and instead leave a greater quantity of the American people's wealth back home where it belongs, in the hands and in the pockets of those who work hard to earn it.

By shrinking the size of the Federal Government and by allowing the public wealth to be reinvested into the economy and in the American people, we allow for economic growth to occur at greater rates so that lower tax rates actually collect more revenue, not through higher tax percentages and higher tax rates but through a stronger, more vibrant economy, where private capital, private cash, is circulated over and over and over again to create jobs, to create economic growth and investments and other kinds of wealth and to allow our government to function as our Founders once envisioned it should.

That is how we create a budget surplus. That is how economists throughout the country have concluded that under a plan of smaller Federal budgeting and lower tax rates, we can expect a $2.6 trillion surplus over the next 10 years. That $2.6 trillion surplus is comprised of two elements. One, the on-budget surplus of approximately $800 billion as a result of working Americans paying Federal income taxes and other revenues. Under the budget plan, this 10-year surplus will be returned to working Americans as tax relief.

The second element, the off-budget surplus, comes from working Americans paying payroll taxes into the Social Security trust fund, money they expect will be there for them when they retire. The payroll tax revenues and interest total $1.8 trillion over 10

years. We are setting aside every penny of that surplus, the $1.8 trillion in the Social Security trust fund, to provide retirement security to three generations of Americans: Seniors, baby boomers and their children, who we believe should be able to count on retirement security without a cut in benefits or an increase in taxes.

I want to reiterate that this is the first time since Congress passed the Social Security Act in 1935 that every penny of money going to that trust fund is being set aside for retiring Americans.

□ 2230

I would like to ask Members to compare that with the White House plan on retirement security. The White House plan, and again, I mentioned this earlier, only sets aside 62 percent of payroll revenues for retirement security over the next 10 years compared to the 100 percent that the Republicans put aside.

The President of the United States himself just a few months ago stood right at the rostrum just in front of me and disclosed this plan as though it were something the American people should celebrate. In fact, many Members on the House floor rose to their feet in wild applause, suggesting that setting aside only 62 percent of the social security trust fund to save social security was somehow a good idea. I think for a day or two the American people may have actually bought it.

But as soon as the veneer was peeled back on that plan that the President put forward, economists and the American people in general realized that what the President had done was the same old Washington trick, the same old ploy of political partisans here in Washington, D.C., and that is to double-count imaginary money.

On the Republican side, we are convinced that the American people are fed up and sick and tired of that kind of accounting, playing fast and loose with their money. It is why we are so completely devoted to the cause of walling off the social security trust fund, keeping the Federal spenders' hands off of it, and preventing that social security trust fund from ever being raided by this government again. We want to set aside the full 100 percent, and leave it in the account of the social security trust fund for future generations.

The President's proposal, the combined proposal to strengthen both social security and Medicare, totals only $1.68 trillion over the next 10 years, compared to our plan of $1.8 trillion proposed by the Republicans for retirement security. That difference is a significant one, and it is one that every senior, every baby boomer, and every baby boomer concerned about the retirement prospects for their children should watch very closely.

Let me add two more points. When it comes to taxes, the White House has proposed a budget that raises taxes and fees by $172 billion over the next 5 years, which disproportionately affects agriculture, I might add, a number of agricultural financial institutions, insurance funds, as well as many of the supporting industries that farmers and ranchers rely upon; for example, herbicide and pesticide manufacturers and so on.

Now, the Republican tax cuts, our proposal is for tax cuts between $10 billion and $15 billion this year, between $150 billion and $200 billion over the next 5 years, and $800 billion; when we add all that up, $800 billion over a 10-year period; once again, a dramatic difference between what the Democrats represent on the House Floor and what the Republicans represent in the House of Representatives.

The second key element of our agenda in Congress, particularly on the House side, is education flexibility, creating world class schools, schools that are second to none, and reclaiming our international prominence as a Nation of excellent educational institutions.

We will give local schools and school districts more flexibility to spend education dollars as they see fit. More decisions will be made at the local level where parents are involved, not here in Washington, D.C.; again, a dramatic departure from what we have seen represented through the U.S. Department of Education, under the leadership of the White House, and a new, bold Republican agenda that moves forward in a way that honors parents as real customers, teachers as real professionals, administrators and school board members as real leaders, and children as real Americans.

Too often Federal education funds are tied to the special interests of Washington, not to the best interests of children and teachers. Schools can teach our children more by cutting Washington's red tape and spending our Federal education dollars where the children need it, not where bureaucrats 2,000 miles away say it should go.

The Ed-Flex program, for example, a piece of legislation that we discussed again on the floor today with respect to some of the changes that the Senate made in a similar proposal, currently provides 12 States with the flexibility to wave certain Federal and State regulations.

Now, this is important. It is important because every schoolchild, every administrator, every school board member, knows the agony of complying with the rules, the regulations, the red tape handed down on high from Washington, D.C. to their local institutions.

The amount of Federal funds that go to schools is relatively small, on the order of maybe 7 or 8 percent at the most in certain schools, usually 6 to 7 percent in the average school district around the country. But in exchange for that relatively small percentage of Federal funds in an overall school budget, these administrators, teachers, and school board members are fade with an insurmountable burden of complying with mountains of paperwork that comes along with those dollars.

We want to cut those strings. We want to cut that red tape. We want to untangle the education quagmire that this Federal Government has created across the country, and move forward on an education agenda that is about the freedom to teach, the liberty to learn, treating parents like real customers and teachers like real professionals.

Mr. Speaker, I am joined by my good friend the gentleman from California, and I yield to the gentleman from California (Mr. CUNNINGHAM) to add to the discussion.

Mr. CUNNINGHAM. I was all the way down on my boat on which I live, Mr. Speaker, and I heard the gentleman talk about private property in some of the agenda, so I put my tie back on, I think I got it on straight, and I even buttoned my tab.

I want to thank the gentleman for holding this special order, because there are a couple of areas which I want to the gentleman to talk about. One, I heard the gentleman on the social security issue. The other is where the President claims to put a percentage in Medicare, and actually draws out $9 billion out of Medicare.

When we talk about double-using figures in a budget, and the President takes out $9 billion and then puts in money, and then takes money out of social security and then puts 62 percent in, and he takes those billions of dollars and spends them on programs, then when it comes to our budget time he claims that we are cutting programs.

First of all, we believe in maintaining the caps. A balanced budget to us is very, very important. For those, it is not. We will see in every single bill except for defense that our liberal colleagues over here will increase spending, regardless of what the program is. They will pay for anything, a chicken in every pot. That is where our big disagreement is.

In the field of education, I was chairman of the Committee on K through 12 before I went on the Committee on Appropriations. GAO said that for direct lending programs, when it was capped at 10 percent, it cost $1 billion annually, $1 billion, not a million, just to administer it out of the government. That was when it was capped at 10 percent. It cost $4 billion to $5 billion to collect because the Department of Education did not have the collection funds.

The President wanted the direct lending program to go to 100 percent. I absolutely fought tooth, hook, and nail from doing that because of the waste, rather than letting it go to private.

The government shut down at that time. That was one of the President's key points. We got blamed for it. But at the same time, our leadership said, Duke, we need to let this go to 40 percent. I said no, I want to zero, because

we can get more student loans out of the private sector at reduced cost, instead of having Uncle Sam here do it.

They negotiated, they let it go to 40 percent. They put in just a few language words in the bill that neither the President nor the Democrats saw, but it limited the amount of money that went to the bureaucracy. We added and paid additional money to the Eisenhower grants. We increased IDEA for special education to the highest level ever that was possible. As a matter of fact, I was the chairman that started the IDEA program, along with the gentleman from Pennsylvania (Mr. BILL GOODLING), and when I was subcommittee chairman we enhanced and increased student loans by 50 percent by limiting the amount of bureaucracy.

I think the overall aspect of the differences, as the gentleman said it right, we want to give people the freedom, instead of having government control their lives.

I had a committee hearing. We had 16 different groups come in, and each of them had one of the best ideas in the whole world for education programs in their district. At the end of the hearing, I asked which of the 16 had any one of the other 15 in their districts, and not a single one.

I said, that is the whole point. What we want is to get you the money directly, let you decide what is good for your particular district, because there may be a difference from San Diego, where the Speaker is from, and Maryland, or the gentleman from Colorado, and let the teachers, the families, and the community make those kinds of decisions.

Yet, the big government way would be to take all 16 of them, spread them out, give very little money for them, and defuse all of them. That is what has happened over the last 40 years here.

In the field of education, we want to get the money to the classroom. There is a bureaucracy group here that wants to keep it. I would ask the gentleman and I would ask the Speaker, I want to Members to look up on the Web page, and I will say it very slowly, www.dsausa.org. That stands for the Democrat Socialists of America.

In there, their socialist agenda is government control of private property, just as the gentleman spoke of, where the government owns over 50 percent of the State where I belong, California. Yet, they want to enhance it even more. They want government-controlled health care, they want government control of education, they want the unions to have power over small business, because they support big government dominance. They want to pay for it by increasing our taxes to the highest progressive tax ever, and they want to pay for it also by cutting defense by one-half.

In there is the Progressive Caucus. There are 58 Democrat members in the Democrat Caucus that are poster children in the Web page for the Democrat socialists of America, 58 of them on my left side.

They want government control of health care. They want to tie up all the government lands, privately owned, to government control. If they cannot control it directly, they want to control it with the endangered species, they want to control it with OSHA, they want to control it with EPA, whatever. This is not the gentleman from California (Mr. DUKE CUNNINGHAM) speaking, but on the Web page what their 12-point agenda is.

Mr. SCHAFFER. If the gentleman would yield for a question, I just want to make sure I heard that correctly. He said there were how many Members?

Mr. CUNNINGHAM. Fifty eight Members, Democrats, in the Progressive Caucus that are listed under the Democrat Socialists of America.

Mr. SCHAFFER. They have allowed their names to be used in that official capacity?

Mr. CUNNINGHAM. Their leadership is by the gentleman from Vermont (Mr. BERNIE SANDERS). He was elected as an Independent but is a practicing socialist. It is scary.

Mr. SCHAFFER. I want to talk about really the bright line that separates the kind of direction in government, almost the kind of government that defines us as citizens in America by its definition and by its action versus what the gentleman and I stand for on the House Floor as members of the Republican Party, because with that line, many, many people are persuaded by the media and others that somehow we are all very similar around here; that Republicans and Democrats, there is very little difference among them.

Mr. CUNNINGHAM. Eighty-five percent of the media around here voted for Bill Clinton.

Mr. SCHAFFER. Quite right. My point is that with respect to education, for example, if we just use that example for a moment, we agree in the United States that there is a legitimate role for government to play in educating the American people; that utilizing public resources for the purpose of educating children, the poor, the rich, and those in between, is a worthwhile public goal and objective.

Where we differ, however, is when it comes to the one-size-fits-all style of rules and regulations that treat the child in Washington, D.C. as though he is the same, as though he may live in Colorado or perhaps even in California; that across this great country, the same bureaucrats apply the same rules in the same way to the same level of expense, and it results not only in an economic model that cannot succeed and is doomed to failure from the beginning, but it robs the children of America of a rightful claim they have to a first rate education and freedom-based schools, and schools that deploy the concept of liberty in providing a whole assortment of educational objectives inspired by competition.

□ 2245

That is something that is very different between the two sides. That is the bright line, I would suggest, that separates the two parties.

I am sure there are folks who are monitoring today's discussion here now who believe this is some kind of exaggeration. But the gentleman is right, there are individuals who primarily come from the opposite party who, on a daily basis, move forward on an agenda to consolidate the power of the people in Washington, D.C., to empower bureaucrats at the expense of American people, and to establish these gigantic bureaucracies that provide rewards for themselves politically at election time, but which are very, very different from the traditions that we have established in America over the 223 years since Independence Hall.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield, look at the historical voting pattern of some of my colleagues on the other side. The President, when they took the majority, tried to get government health care. Not a single Republican or Democrat voted for it, it was so bad.

Throughout the years, they have cut defense by almost half, and they still want to cut it even more. If we take a look at their control over the public lands like the gentleman talks about, where over 30 percent in the country and over 50 percent in the West is owned by the Federal Government, but, yet, they want it expanded by more.

If we go down to Maryland and Virginia, we see expansive lands being soaked into conservancies which basically locks hunters and fishers and ranchers out of the land.

Then we take a look at education, the direct lending program. We look at why most of us were against Goals 2000. Send the money to a State. If they want to run in that local school district a Goals 2000 without all the reporting, then that is fine. But then even under Goals 2000 what happened, how they changed it when the Democrats took control, there were 14 ''wills'' in there. Under legal terms, ''will'' means you must. They said it was only voluntary. It is only voluntary if one wants the money.

Then they tied other grants that say, for example, if one did not have Goals 2000, one did not have all these other voluntary grants, one never qualified for these other grants.

I heard the gentleman say that Federal dollars only accounted for 7 percent. But that 7 percent, with all those rules and regulations, controls a large percentage of the State money.

IDEA is a classic example of how it is destroying and trial lawyers are destroying the public education system through establishing cottage organizations. Talk to Alan Burson. He was a former Clinton appointee, now the superintendent of schools. He said his biggest trouble is with trial lawyers and the unions trying to progress the California schools.

Gray Davis is trying to make some changes, the new Governor, Democrat, in California. I am doing everything I can to help them both, because they are moving in the right direction of freeing up our schools, of making a transition when, over 40 years, they want to continue the same thing.

We are 20th of all the industrialized nations, Mr. Speaker, 20th in math and science. California is last in literacy. For example, the President wanted a new literacy program. Three billion dollars in the last budget. It sounds great when one is last in literacy. There are 14 of them in the Department of Education. Title I is one of those. We are saying let us eliminate 11 or 12 of them.

Let us focus, instead of authorizing them here and funding them here, let us fund the ones that work up here and get rid of all the bureaucracy, because one is paying the salaries, one is paying the retirement, one is paying for the building, one is paying for the paperwork and the overhead; and that keeps the money going down to the classroom.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, the functional leverage that the Federal Government utilizes in many of these programs is something the gentleman from California referred to, or I guess the phrase he used earlier, and can be described in the following way: the Federal Government describes these programs as voluntary.

If a school district or a State or an individual school wants to use the Federal funds that are set aside for a particular program, then they have to comply with the rules. But if they do not want the rules, they do not have to take the money.

Now the fallacy of that is the origin of the money, because the money is confiscated from taxpayers back in the gentleman's home State and my home State of Colorado. We just have to visualize this.

If we had to draw it out on a flowchart and look at it on an organizational chart or a map, the Federal Government taxes the income of the American people back home in our home States. That money comes back here to the Federal Government. It comes to us as policy makers in a budget in an appropriations process. We approve that money for the Federal Government, for the Clinton administration. That fund has grown over the years. They take that money, which rightfully belongs to the people, back home in our States and say, ''if you want it back, then you have to accept these rules. But you do not have to get the money back.''

Mr. CUNNINGHAM. Oh, and by the way, Mr. Speaker, we are only going to give them 50 cents on the dollar because the other 50 cents funds the bureaucracy.

Mr. SCHAFFER. Mr. Speaker, it is already soaked up by bureaucracy. If one wants a portion of one's money back, then one has to play by our rules.

They are more than willing to have one decline the rules in the program, because that just means they are able to give one's cash to somebody else and make them happy.

So that really is the fallacy that I think many on the liberal side of the aisle, the Democrat side, fail to see; and that is, this money does not belong to the government. It did not originate here in Washington, D.C.

We are talking about the hard-earned cash of the American people who work hard every day to make ends meet, to put food on their table, to put a roof over their head, to raise their children in a country that they believe to be an honorable and noble place in all the world. That is who owns that money. That is where it comes from.

The people in Washington take it from them and give it back and suggest that we are going to give it back with strings attached, and it just does not work. We are for moving authority out of Washington, D.C., empowering States which have the rightful constitutional authority, by the way, to manage public schools and to establish school districts.

I come to this microphone all the time and defy my Democrat friends on the other side of the aisle to show any reference in the Constitution to the Federal Government's authority to manage local schools. I submit it is not there. Not a single one has ever been able to come to these microphones and show where the Constitution specifically enumerates authority to this Congress to manage local schools. Yet we do it every day through these pseudo voluntary programs which are nothing more than Federal blackmail.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield, let me give my colleagues another point. The President, when the gentleman was talking about taxes, I thought the height of conceit was the President first, when we wanted to give tax breaks back, called the American people selfish if they wanted their tax money back.

Just 3 months ago, the President, when he heard we were going to give tax relief to working families, said that he is opposed to giving money back to working families because ''they may not know how to spend it wisely.'' That implies government knows how to do it better. I just totally disagree with that. It is not their money. It is the people's money that send it here in the first place, and we should give it back.

Mr. SCHAFFER. Mr. Speaker, it was not government that created a great country in America. It was always faith and belief in the American people, the ingenuity of the American individual, and the abundant spirit of those early pioneers and colonists and so on that defined our country as different than the rest of the world.

It is an interesting thing that we often do not get a chance to consider too often here on the floor except for perhaps in these special orders, but in the Declaration of Independence, it was laid out very differently than the rest of the world had experienced up until that time, where we held certain truths to be self-evident, that we are all created equal and that we are all endowed by God with certain inalienable rights.

This is different than what the people of England had known, and it is different than, frankly, anywhere in Europe had ever acknowledged or any other great political civilization up to that time. For them, power always came from the government, and it was distributed to the people usually based on a system of favoritism of sorts.

But we decided it was very different here, that the people ultimately run the country. The gentleman from California and I, as individuals, not Members of Congress, but as individual citizens back home have a tremendous amount of authority that is loaned to representatives at election time.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield for just a second?

Mr. SCHAFFER. Certainly I yield to the gentleman.

Mr. CUNNINGHAM. Mr. Speaker, I see we have been joined by the gentleman from Michigan (Mr. HOEKSTRA), a member of the Committee on Education and the Workforce. I used to serve on the committee with the gentleman from Michigan (Mr. HOEKSTRA) who is chairman of the Subcommittee on Oversight and Investigations.

The gentleman from Michigan (Mr. HOEKSTRA), along with GAO, the President's own department, identified 760 Federal education programs that take away, which is the reason we get less than half of every dollar down to education.

I hope the gentleman from Colorado (Mr. SCHAFFER) will yield to the gentleman from Michigan (Mr. HOEKSTRA), because I think, of all of the people in this body, as far as seeing the waste and fraud that goes on in education from the Federal Government, the gentleman from Michigan (Mr. HOEKSTRA) has been there to find it out.

Mr. SCHAFFER. Mr. Speaker, it is my great pleasure to yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman and apologize for being a little late. I had the opportunity to listen to some of the gentleman's discussion on education. I think he was talking about land use earlier.

I thought it would be helpful for me to come and participate only so that I can in some ways learn from the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from California (Mr. CUNNINGHAM), my colleague that we miss on the Committee on Education and the Workforce but who is now on the Committee on Appropriations. We actually have a great partnership in making sure that the dollars that we spend here in Washington actually get down to the local level.

The gentleman from Colorado (Mr. SCHAFFER) and myself have had the opportunity to go around the country,

and we have been in 16 different States, we have been in the district of the gentleman from Colorado (Mr. SCHAFFER), we have been in my district, where we have built a record of the good things that are happening in education. There are a lot of good things that are happening in education.

As we have been in Colorado, as we have been in Michigan, as we have been in California, Ohio, Illinois, Milwaukee, New York, we have been in Kentucky, the thing that we have seen consistently is that education excels when people at the local level are given the freedom and the latitude to take the money that we give them, and they all come back and they say ''your dollars are critical, and they help us do some things that we might otherwise not be able to do,'' but they say, ''get the dollars down here, but then let us have the flexibility.''

As the gentleman said, all these programs do not go to K through 12, the 760 programs. Some of them have nothing to do with K through 12 or higher ed. But we think that there is well over 500 programs that do go to K through 12 or higher ed. Each one of these are the funding stream. We call it a funnel or a silo. Each silo comes with a whole series of rules and regulations and applications. Once one gets the money, one has got to report back. Then one is audited.

That is why, like the gentleman indicated, we believe that, when the American people send a dollar to Washington for education, somewhere between 60 cents or 70 cents, maybe as low as 50 cents, only 50 cents gets into a local classroom and an immediate impact to a child. Fifty cents, 60 cents gets lost in the bureaucracy. It gets lost in the red tape.

We just appointed the conference committee today on Ed-Flex, which is intended to eliminate some of the bureaucracy, some of the red tape, and allow local school districts to make the decisions for the kids in their classrooms.

I think it is a real step forward and a real opportunity and one that I hope we can build on through this Congress. Ed-Flex is only the beginning of a process of not eliminating Federal involvement, but really recognizing where the power and this partnership is. The power and the partnership is at the local level.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I would like the gentleman from Michigan maybe to discuss a little further, the Ed-Flex concept is one of essentially turning those dollars that we talked about earlier back to the States with fewer strings, fewer regulations attached. We are, perhaps, not to the point that some Americans would hope we are at where we could just leave that cash back at home in the States' pockets and let the States distribute these dollars directly without having them funneled through Washington and turn around and go back home to the States. But it is, it does signal a new direction.

Trying to accomplish things in this body is sometimes like steering a barge. It takes a long time to make the turn. But it does signal, the Ed-Flex bill that we voted on today, the conference report, it does signal a new direction in where the Republican is taking the country with respect to education, realizing that States, school board members, State legislators, Governors, teachers, principals, administrators of all sorts have better ideas than we do here in Washington, better ideas than the administration does in the Department of Education.

We can get these dollars directly to kids in a way that helps those children without encumbering those dollars and stealing them and having them lost in this mountain of bureaucracy back here in Washington. It is a new direction and an exciting one.

Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

□ 2300

Mr. CUNNINGHAM. I know that firsthand, not secondhand. My wife is the Director of Administration at Encinitas Union School Districts in the State of California; my sister-in-law is the director for all special education for all San Diego City schools under Alan Burson, who I just spoke about.

But charter schools were an initiative to try to do that same thing, to take away some of the rules and bureaucracy. The National Education Association fought us tooth, hook and nail against charter schools when they started, and Governor Wilson really pushed those in the State of California, and they have been successful.

Another freedom that we would like to use is, and the President talked about our welfare reform bill, which he vetoed twice and he finally signed it, but we have less than half of welfare recipients on the roll now than we had before. Instead of the taxpayers having to pay out billions of dollars for welfare recipients, which the average was 16 years on welfare, that is how bad it was, now those people are working, pridefully working, their children have a chance in society, and they are paying into the revenue stream. And guess what? The States, the governors, who do not have the flexibility right now, since they have one-half the welfare rolls and they have the dollars, they cannot take those welfare dollars and apply them to education. We want to allow the States to use that, the governors, to take that money and use it for education.

I think those kinds of initiatives are going to improve our education system; freeing up the States to allow them to do these things without the red tape from Washington, D.C.

Mr. HOEKSTRA. If the gentleman will further yield, we are shifting the barge, but there are powerful currents that are trying to put us back on the track that we have been in for the last 15 years.

Take a look at the debate we had on the floor of the House here today. In the Senate, on Ed-Flex, they added a very simple amendment. They said for those school districts, or for the school districts that are getting money for reducing class size, for hiring additional teachers, there is another mandate out there from the Federal Government, which is funding for children with special needs. We promised local school districts in the State, we did not, I do not think any of us were here when that mandate went through, but Washington said we will cover 40 percent of that cost for these children with special needs. That is a priority for us in Washington. We are going to mandate that the States do it and we will pick up 40 percent of the cost.

Last year, we had a record percentage that we cover the cost. We were all the way up to, what, 11, maybe 12 percent? Somewhere between 11 and 12 percent.

Mr. CUNNINGHAM. The highest in over 30 years.

Mr. HOEKSTRA. The highest in over 30 years. And all they did in the Senate was, on the teacher funding, we know there is a tremendous burden on the local school for special ed, so we will give them the flexibility of either hiring teachers, because maybe they have already taken care of the class size issue, or they are struggling with a couple of different priorities. But rather than Washington coming in and saying they can only use the money for teachers, they wanted to say they can use the money for teachers or they can use the money for their special ed program.

And we had a fairly spirited debate here on the floor of the House with one group saying hiring teachers is exactly what they should do with that money and they should not be able to use it for anything else. Luckily, we prevailed today in saying they have the flexibility of using it for teachers or using it for special ed so that the local school district can make that decision.

I would think that local administrators, a local school board with parental involvement, is better equipped to make that very basic decision: Are we going to take this money and use it for addressing some of the needs in our special ed program or are we going to use it to reduce class size? Let the people at the local level decide.

We won a skirmish in that process of moving the money and the decision-making back to the local level, but there are many here who believe that we know best what needs to go on in the local school districts. I have this litany that says we have a group of people here in Washington who believe that Washington ought to build our schools, hire our teachers, develop the curriculum, test our kids, buy technology, teach them about the arts, teach them about sex, teach them about drugs, feed them lunch, feed them breakfast, provide them with an after-school snack and have midnight

basketball. But other than that, it is their local school.

Mr. CUNNINGHAM. If the gentleman will continue to yield to me for two quick examples. I want to give two quick examples in the way Federal regulations take the money away from the schools.

First of all, the IDEA program. We could put in more money. We could put the 40 percent. But according to Alan Burson, a Clinton appointee, now the superintendent of San Diego City schools, he said the trial lawyers are eating up the money that we are giving special education and we are losing good teachers because they are having to go to the courts. They are not lawyers, but they are being forced out of special education. Teachers that just want to help kids.

The second is that we had a bill that offered construction companies a tax incentive for school construction. The President vetoed that. We talk about smoke and mirrors, and they say, well, we are for the children. I asked them in the D.C. bill and also in the President's bill. He wants construction. He wants the Federal dollars to pay for it, not local dollars or tax breaks, because then it falls under Davis-Bacon. The union wage. That costs 35 percent more than letting private contractors do it.

Mr. HOEKSTRA. If the gentleman will yield only so that we can explain what Davis-Bacon is. Davis-Bacon means that there are bureaucrats here in the Labor Department who send out forms all around the country and say that in Detroit the prevailing wage for an asphalt layer is X amount of dollars, and in Holland, Michigan, where I am from, it is X amount of dollars. And then if the school builds a project using even $1 dollar of Federal money, they have to pay these ''prevailing wages''. They are inflated wages.

I believe that the average age of one of these surveys is 7 years old. I mean it is not even up-to-date data.

Mr. CUNNINGHAM. The point that is important is that it is an inflated wage. In Washington, D.C. we could have saved millions of dollars for waiving Davis-Bacon for school construction here because the schools were falling apart.

What I am going to do is offer an amendment. The President wants school construction. If he really wants to help the children, let us waive Davis-Bacon for school construction. Let the schools on the local level save the 35 percent and let them decide if they need more teachers, or if they need more school construction, of if they need money for special education. Give them the freedom.

Do my colleagues think the unions and the trial lawyers are going to support that? No. They will tell everyone they are for the children, but when it comes down to it, they will support the unions and the trial lawyers over the children, and that is what is upsetting about this. We want people to do it. They want to waste the money here through bureaucracy and they want to waste it through unions and they want to waste it through trial lawyers that take away the money we give to the schools.

Mr. HOEKSTRA. I think we need to take the same kind of fresh approach on education that we took on welfare.

In the welfare debate, if my colleagues will remember, the governors came to us and said we have plans and ideas to help those people who are on welfare, but we have to go to Health and Human Services and we have to ask for waivers. We have plans that are approved by our State legislature, a lot of times in a bipartisan way. The executive in the State has agreed to it, and we come here to Washington and we have a bureaucrat who says, no, we cannot do that.

Now, I have to say, wait a minute, who do we think is going to take better care of the people in our States, those who are elected and serving in that State legislature or in the Governor's mansion or some bureaucrat here in Washington?

We really need to do the same kind of thing on education, where there are governors that are coming here and they are saying we get 7 to 10 percent of our money from Washington and we get 50 percent of our paperwork, all of our rules and regulations, from Washington. We have some States that are experimenting with one form of charter schools, others are experimenting with scholarships to students or tax credits for extra instructional assistance, and they say we have great ideas that are having an impact, but the Federal Government is holding us back from what we really think will help our kids.

So we need to bring the same kind of fresh thinking to reforming education or the education monster here in Washington so that we can actually go out and effectively help children at the local level.

□ 2310

I think we are on our way to begin that process, but we do definitely have a significant way to go.

Mr. SCHAFFER. I would like to point out, my colleague mentioned the welfare model as a perfect example of what we can anticipate by focusing on a decentralized strong State approach to education reform. Again, using welfare as a model, just even a year or so after the Welfare Reform Bill was passed, we saw headlines like these that I saved from Colorado: ''Welfare Rolls Dropped 25 Percent.'' That was in one year. Welfare rolls have now dropped 43 percent in 18 months.

Mr. HOEKSTRA. If the gentleman would continue to yield, would it not be great if we did education reform and we started reading headlines that said, test scores improve by 25 percent, math and science scores up by 25 percent?

Mr. SCHAFFER. That was my point exactly. 6,730 fewer families on welfare. This was in Colorado. And this was just 12 months after the Welfare Reform Bill pass. ''Workers Coming Off Welfare to Get Job Help'' is another of headline.

I just use these as examples. Because what we saw is, when the Congress moved authority out of Washington with respect to welfare, put governors and state legislators in charge to apply local values, local solutions to local problems, we saw welfare numbers drop dramatically throughout the country, about a 35 percent reduction in the welfare case load nationwide, 43 percent in Colorado.

I again use that as an example to show that freedom works, that liberating States works. And we can see our low test scores come up if we give States the authority to help them come up. We can see crime in schools and discipline problems in schools be reduced if we give local authorities the ability to create and design programs that they know will work locally.

Mr. HOEKSTRA. I want to play off the welfare thing, because as we are doing welfare correctly and improving the system, I really want the gentleman from California (Mr. CUNNINGHAM) to reinforce the point that he made earlier that says, as we are reducing the amount of money that we are spending in welfare, maybe we are freeing up some of that money so that it can be used on education.

Mr. CUNNINGHAM. Mr. Speaker, I would. And not a single one of the Members that I spoke about on that DSAUSA.org and the 58 Members that are listed in that in the progressive caucus, not a single one of them voted for the balanced budget. Not a single one of them voted for welfare reform. They all voted against tax relief. And that is there agenda.

Mr. Speaker, this is an easy way to remember what we are going to do over the next 2 years, and I want my colleagues to remember this. It is called best schools in military. B is for balanced budget. E is for education reform. S is for saving Social Security. T is for tax relief. Schools, different from education, is the infrastructure in schools construction to get the money there to do that. And military is to beef up, which we have not talked about, which is in sad shape and emergency shape. It is our defense. Those are the agenda items that we are going to focus on in this next Congress.

Mr. SCHAFFER. Mr. Speaker, I once again want to reemphasize the general theme that we have spoken about tonight, whether it was the opening remarks I had made about property rights or discussion about Social Security, balancing the budget, tax reform, fixing our schools, or even providing a national defense, which is something we did not discuss much tonight.

But that is the focus of a Republican party who has taken the majority here since 1995 and moving forward boldly in an effort to get our Government back to its constitutional authority, to move authority out of Washington, D.C., return authority back to the

States and to the people ultimately, to talk about strategies to decentralize education bureaucracy and move real decision-making back to our parents and school board members and administrators.

In the end, that is the truest expression of compassion and a caring, humanitarian, conservative agenda that we stand for here on the House floor, to treat families as though they matter, to treat children like real Americans, and treat teachers like real professionals.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STUPAK (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family 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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. CALVERT, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes each day, today and on March 24.

Mr. DIAZ-BALART, for 5 minutes each day, today and on March 24.

Mr. MORAN of Kansas, for 5 minutes each day, today and on March 25.

Mr. KASICH, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mrs. ROUKEMA, for 5 minutes each day, today and on March 24.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. WATKINS, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, on March 24.

Mrs. KELLY, for 5 minutes, today.

Mr. SESSIONS, for 5 minutes, on March 24.

Mr. LEACH, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes on March 24.

Mr. THUNE, for 5 minutes, today.

ADJOURNMENT

Mr. CUNNINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 24, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1206. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule—Administration of the Forest Development Transportation System: Temporary Suspension of Road Construction and Reconstruction in Unroaded Areas (0596–AB68) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1207. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxirane, methyl-, polymer with oxirane, mono [2-(2-butoxyethoxy) ethyl]ether; Exemption from the Requirement of a Tolerance [OPP–300793; FRL–6059–4] (RIN: 2070–AB78) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1208. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968 to reduce losses to properties that have sustained flood damage on multiple occasions; to the Committee on Banking and Financial Services.

1209. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Graduate Assistance in Areas of National Need—received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1210. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances [FRL–6237–5] (RIN: 2660–AG12) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1211. A letter from the Director, Regulation Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Ear, Nose, and Throat Devices; Classification of the Nasal Dilator, the Intranasal Splint, and the Bone Particle Collector [Docket No. 98N–0249] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1212. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 97F–0412] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1213. A letter from the Secretary of Transportation, transmitting the Department's Fiscal Year 1998 Annual Report to Congress on progress in conducting environmental remedial action at federally owned or operated facilities, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

1214. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 1998, pursuant to 12 U.S.C. 635g(a); to the Committee on Government Reform.

1215. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN–144–FOR] received March 1,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1216. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule—Procedures for State, Tribal, and Local Government Historic Preservation Programs (RIN: 1024–AC44) received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1217. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 25 [Docket No. 980318066–8066–01; I.D. 022698A] (RIN: 0648–AK77) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1218. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches [Docket No. 980629162–9033–02; I.D. 093097E] (RIN: 0648–AK42) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1219. A letter from the Executive Director, The American Battle Monuments Commission, transmitting a draft of proposed legislation to facilitate fund raising for the construction of a memorial to honor members of the Armed Forces who served in World War II and commemorate United States participation in that conflict and related matters; to the Committee on Resources.

1220. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-First Annual Report to Congress pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

1221. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–76–AD; Amendment 39–11054; AD 99–05–06] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1222. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B–1 Helicopters [Docket No. 94–SW–23–AD; Amendment 39–11055; AD 99–05–07] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1223. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29474; Amdt. No. 1917] received March 4, 1999, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1224. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29475; Amdt. No. 1918] received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1225. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1 Series Turbofan Engines [Docket No. 98–ANE–76–AD; Amendment 39–11053; AD 99–05–05] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1226. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. PA–23, PA–24, PA–28, PA–32, and PA–34 Series Airplanes [Docket No. 98–CE–110–AD; Amendment 39–11057; AD 99–05–09] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1227. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD–900 Helicopters [Docket No. 98–SW–34–AD; Amendment 39–11056; AD 99–05–08] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1228. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 Series Airplanes [Docket No. 98–NM–238–AD; Amendment 39–11052; AD 99–05–03] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1229. A letter from the Program Analyst, Office fo the Cheif Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–254–AD; Amendment 39–11051; AD 99–05–02] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1230. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–100–AD; Amendment 39–10974; AD 99–01–07] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1231. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–99–AD; Amendment 39–10973; AD 99–01–06] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1232. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA. 315B, SA. 316B, SA. 316C, SA. 319B, and SE. 3160 Helicopters [Docket No. 97–SW–14–AD; Amendment 39–11062; AD 99–05–14] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1233. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes [Docket No. 97–NM–292–AD; Amendment 39–11077; AD 99–06–13] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1234. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–296–AD; Amendment 39–11085; AD 99–07–03] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1235. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 99–CE–03–AD; Amendment 39–11081; AD 99–06–17] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1236. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 and DC–9–80 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Series Airplanes [Docket No. 96–NM–203–AD; Amendment 39–11086; AD 98–13–35 R1] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1237. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 99–NM–33–AD; Amendment 39–11087; AD 99–05–04] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1238. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

1239. A letter from the Secretary of Transportation, transmitting proposed legislation to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Transportation and Infrastructure.

1240. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Waiver of Submission of Cost or Pricing Data for Acquisitions With the Canadian Commercial Corporation and for Small Business Innovation Research Phase II Contracts—Recieved March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1241. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Revenue Ruling 99–16] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1242. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to promote the growth of free enterprise and economic opportunity in the Caribbean Basin region, to increase trade between the region and the United States, and to encourage the adoption by Caribbean Basin countries of trade and investment policies necessary for participation in the Free Trade Area of the Americas; to the Committee on Ways and Means.

1243. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes; to the Committee on Ways and Means.

1244. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; jointly to the Committees on Government Reform and Ways and Means.

1245. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 1999–2004, and for other puroposes; jointly to the Committees on Transportation and Infrastructure, Science, Ways and Means, Resources, and the Judiciary.

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. KASICH: Committee on the Budget. House Concurrent Resolution 68. Resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009 (Rept. 106–73). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; with an amendment (Rept. 106–74 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 154. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes; with an amendment (Rept. 106–75). Referred to the Committee of the Whole House on the state of the union.

Mr. GOSS: Committee on Rules. House Resolution 125. Resolution providing for consideration of the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes (Rep. 106–76). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than May 14, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. FILNER, Ms. BROWN of Florida, Mr. DOYLE, Ms. CARSON, Mr. REYES, Mr. RODRIGUEZ, Mr. SHOWS, Ms. BERKLEY, Ms. MILLENDER-MCDONALD, Ms. DANNER, Mr. COSTELLO, Mr. LAFALCE, Mrs. KELLY, Mr. FRANK of Massachusetts, Mr. PASCRELL, Mr. STRICKLAND, Mr. UNDERWOOD, Mr. OLVER, Mr. HINCHEY, Mr. STENHOLM, Mr. KLINK, and Ms. MCKINNEY):

H.R. 1214. A bill to amend title 38, United States Code, to provide for an enhanced quality assurance program within the Veterans Benefits Administration; to the Committee on Veterans' Affairs.

By Mr. KLECZKA (for himself, Mr. HERGER, Mr. MATSUI, Ms. WOOLSEY, Mr. HUNTER, Mr. SESSIONS, Mr. BERMAN, Mrs. BONO, Mr. GREEN of Texas, Mr. DIXON, Mr. SHERMAN, Mr. CALVERT, Mr. SANDLIN, Mr. PAUL, Mr. FROST, Mr. FILNER, Mr. RAHALL, Mr. BARRETT of Wisconsin, Ms. LOFGREN, Mr. SENSENBRENNER, Mr. LAMPSON, Mr. OBEY, and Mr. OSE):

H.R. 1215. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. BALDACCI, Mr. LEACH, Mr. PETERSON of Minnesota, Mrs. BONO, Mr. TRAFICANT, Mr. SHOWS, Mr. HOUGHTON, Mr. MINGE, Mr. NEY, Mr. SAWYER, Mrs. MEEK of Florida, Mr. RUSH, Mr. OLVER, Mr. STRICKLAND, Mr. LAHOOD, Mr. KING, Mr. OBERSTAR, Mr. ALLEN, Mr. VENTO, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mr. TAYLOR of North Carolina, Mr. ENGLISH, Mrs. MCCARTHY of New York, Mr. KUCINICH, Mr. HORN, Mr. BORSKI, Mr. METCALF, Mr. BOEHLERT, Mr. BILBRAY, Mr. GUTIERREZ, Mr. COSTELLO, Mr. CUNNINGHAM, Mr. MOORE, Mr. RAHALL, Mr. LUTHER, Mr. WELLER, Mr. BERMAN, Mr. HILL of Indiana, Mr. DOYLE, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLINK, Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Ms. DELAURO, Ms. BERKLEY, Mr. OXLEY, and Mr. TANNER):

H.R. 1216. A bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the same manner as is applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those employees; to the Committee on Veterans' Affairs.

By Mr. JEFFERSON (for himself, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. ALLEN, Mr. BALDACCI, Mr. BEREUTER, Mr. BERMAN, Mr. BISHOP, Mr. BONIOR, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BRYANT, Mrs. CAPPS, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. COSTELLO, Mr. COYNE, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DIXON, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH, Mr. ETHERIDGE, Mr. FARR of California, Mr. FILNER, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GILLMOR, Mr. GILMAN, Mr. GOODE, Mr. GREEN of Texas, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAYWORTH, Mr. HILLIARD, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. KUCINICH, Mr. LANTOS, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MASCARA, Mr. MATSUI, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. NADLER, Mr. NEY, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Mr. SERRANO, Mr. SHERMAN, Mr. SHOWS, Mr. SISISKY, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SPRATT, Ms. STABENOW, Mr. STARK, Mr. TAYLOR of North Carolina, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mr. TRAFICANT, Mr. TURNER, Mr. UNDERWOOD, Mr. WATKINS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEXLER, Mr. WEYGAND, Mr. WISE, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. RUSH, and Mr. STRICKLAND):

H.R. 1217. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. BARCIA, Mr. DIAZ-BALART, Mrs. FOWLER, Mr. WELDON of Florida, Mr. MCCOLLUM, Mr. CANADY of Florida, Mr. YOUNG of Florida, Mr. GOSS, Mr. MICA, Mr. STEARNS, Mr. SCARBOROUGH, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. HYDE, Mr. BOEHNER, Mr. CRANE, Mr. ISTOOK, Mr. PITTS, Mr. COX, Mr. BLILEY, Mr. OBERSTAR, Mr. WALSH, Mr. DAVIS of Virginia, Mr. HOEKSTRA, Mr. FORBES, Mr. LAFALCE, Mr. WOLF, Mr. LARGENT, Mr. RAHALL, Mrs. EMERSON, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. HALL of Ohio, Mr. SHOWS, Mr. HUTCHINSON, Mr. SALMON, Mr. GUTKNECHT, Mr. HEFLEY, Mr. HILL of Montana, Mr. BURTON of Indiana, Mrs. MYRICK, Mr. LIPINSKI, Mr. NORWOOD, Mr. ROGAN, Mr. HUNTER, Mr. STENHOLM, Mr. FOSSELLA, Mr. BACHUS, Mr. CHAMBLISS, Mr. HILLEARY, Mr. HOSTETTLER, Mr. GOODE, Mr. RYUN of Kansas, Mr. BURR of North Carolina, Mr. DEMINT, Mr. LATOURETTE, Mr. BARRETT of Nebraska, Mr. JOHN, Mr. MCINTYRE, Mr. TIAHRT, Mr. BRYANT, Mr. SCHAFFER, Mr. TALENT, Mr. HALL of Texas, Mr. GREEN of Wisconsin, Mr. HAYWORTH, Mr. MCCRERY, Mr. LAHOOD, Mr. BERRY, Mr. ADERHOLT, Mr. SAM JOHNSON of Texas, Mr. DOYLE, Mr. PICKERING, Mr. KING, Mr. TERRY, Mr. METCALF, Mr. TANCREDO, Mr. GARY MILLER of California, Mr. LEWIS of Kentucky, Mr. CALVERT, Mr. SMITH of Michigan, Mr. PETERSON of Pennsylvania, Mr. LINDER, Mr. SESSIONS, Mr. CAMP, Mr. BARR of Georgia, Mr. POMBO, Mr. COOK, Mr. RYAN of Wisconsin, Mr. FLETCHER, Mr. SHIMKUS, Mr. KNOLLENBERG, Mr. DICKEY, Mr. ENGLISH, Mr. MCINTOSH, Mr. COBURN, Mr. EHLERS, Mr. CUNNINGHAM, Mr. RILEY, Mr. LATHAM, Mr. PORTMAN, Mr. BARTON of Texas, Mr. CHABOT, Mr. GRAHAM, Mr. JENKINS, Mr. SHADEGG, Mr. MANZULLO, Mr. KINGSTON, Mr. MCKEON, Mr. BATEMAN, Mr. BLUNT, Mr. SENSENBRENNER, Mr. GOODLATTE, Mr. BRADY of Texas, Mr. NEY, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. THUNE, and Mr. WHITFIELD):

H.R. 1218. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. GEKAS, Mr. HORN, Mr. NADLER, Mr. KANJORSKI, Mr. SMITH of Texas, Mr. HINCHEY, Mr. SESSIONS, Mr. ANDREWS, Mr. DAVIS of Virginia, Mr. KUCINICH, and Mr. FILNER):

H.R. 1219. A bill to amend the Office of Federal Procurement Policy Act and the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, 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. ANDREWS (for himself, Mr. WELDON of Pennsylvania, Mr. SAXTON, Mr. BORSKI, Mr. FATTAH, Mr. BRADY of Pennsylvania, and Mr. GREENWOOD):

H.R. 1220. A bill to direct the Secretary of Defense to provide financial assistance to the Tri-State Maritime Safety Association of Delaware, New Jersey, and Pennsylvania for use for maritime emergency response on the Delaware River; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. TOWNS, Mr. BILIRAKIS, Ms. ESHOO, Mrs. JOHNSON of Connecticut, Mr. RANGEL, Mr. LEACH, Mr. STARK, Mr. FRELINGHUYSEN, Mr. BENTSEN, Mr. FOLEY, Mr. LATOURETTE, Mr. MCDERMOTT, Mr. NEY, Mr. ROTHman, Mr. CAMP, Ms. BROWN of Florida, Ms. PELOSI, Ms. BERKLEY, Ms. KILPATRICK, Mr. CROWLEY, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, and Mr. CLAY):

H.R. 1221. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Commerce.

By Mr. BALDACCI (for himself, Mr. KLECZKA, and Mr. SANDERS):

H.R. 1222. A bill to amend title XVIII of the Social Security Act to make certain changes

related to payments for graduate medical education 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. BLAGOJEVICH:

H.R. 1223. A bill to provide grants to 10 high-need local educational agencies or eligible consortium to establish or expand National Teachers Academies to serve as national models for teacher training, development, and recruitment and to facilitate high-quality curriculum development; to the Committee on Education and the Workforce.

By Mr. CARDIN (for himself, Mr. STARK, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. LEVIN, and Mr. BENTSEN):

H.R. 1224. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to provide for comprehensive financing for graduate medical education; 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. COBLE:

H.R. 1225. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS:

H.R. 1226. A bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations; to the Committee on Armed Services.

By Mr. EVANS (for himself, Mr. FILNER, Mr. BROWN of Ohio, Ms. NORTON, Mr. BONIOR, Mr. PASTOR, Mrs. MINK of Hawaii, Mr. RUSH, Ms. KAPTUR, Mr. COYNE, Mr. MARTINEZ, Mr. KILDEE, Mr. BARRETT of Wisconsin, Mr. MASCARA, Mr. TIERNEY, Ms. KILPATRICK, Mr. FALEOMAVAEGA, Mr. OLVER, Mr. VENTO, Mr. DOYLE, Mr. BALDACCI, Mr. GEJDENSON, Mr. LIPINSKI, Mr. GREEN of Texas, Mr. KLECZKA, Mr. ABERCROMBIE, Mr. KLINK, Mr. GEPHARDT, Mr. HINCHEY, Mr. HOLDEN, Mr. BROWN of California, Mr. STRICKLAND, and Ms. BERKLEY):

H.R. 1227. A bill to provide for the debarment or suspension from Federal procurement and nonprocurement activities of persons that violate certain labor and safety laws; to the Committee on Government Reform, and in addition to the Committee on Education and the Workforce, 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. FILNER:

H.R. 1228. A bill to amend the retirement provisions of title 5, United States Code, to extend to inspectors of the Immigration and Naturalization Service, revenue officers of the Internal Revenue Service, and certain others, the same treatment as is accorded to law enforcement officers; to the Committee on Government Reform.

By Mr. GEJDENSON (for himself, Mr. ENGLISH, Mr. METCALF, Mr. SHOWS, Mr. RAHALL, Mrs. THURMAN, Mr. HINCHEY, Mr. FROST, Mr. CALVERT, Mr. RANGEL, Mr. GONZALEZ, Mrs. JONES of Ohio, Mr. MCINNIS, and Mr. LATOURETTE):

H.R. 1229. A bill to amend the Internal Revenue Code of 1986 to expand the types of equipment which may be acquired with tax-exempt financing by volunteer fire departments and to provide a comparable treatment for emergency medical service organizations; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 1230. A bill to require the Secretary of the Interior to make reimbursement for certain damages incurred as a result of bonding regulations adopted by the Bureau of Land Management on February 28, 1997, and subsequently determined to be in violation of Federal law; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 1231. A bill to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery; to the Committee on Resources.

By Mr. HANSEN (for himself and Mr. MEEHAN):

H.R. 1232. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment of Federal government Medicaid claims to tobacco-related State settlements if the State uses a portion of those funds for programs to reduce the use of tobacco products and to assist in the economic diversification of tobacco farming communities; to the Committee on Commerce.

By Mrs. LOWEY (for herself and Mrs. MCCARTHY of New York):

H.R. 1233. A bill to regulate interstate commerce by providing a Federal cause of action against firearms manufacturers, dealers, and importers for the harm resulting from gun violence; to the Committee on the Judiciary.

By Mr. GARY MILLER of California (for himself, Mr. SESSIONS, Mr. MCCOLLUM, Mr. BENTSEN, Mr. FOLEY, Ms. DUNN, Mr. FORBES, Mr. TANCREDO, Mr. TERRY, Mr. NETHERCUTT, Mr. THORNBERRY, and Mr. BOEHLERT):

H.R. 1234. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California:

H.R. 1235. A bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Resources.

By Mr. RANGEL:

H.R. 1236. A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, DC, as the Robert C. Weaver Federal Building; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself, Ms. DELAURO, Mr. GILCHREST, Mrs. LOWEY, Mr. PALLONE, and Mr. SHAYS):

H.R. 1237. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER:

H.R. 1238. A bill to combat the crime of international trafficking and to protect the rights of victims; to the Committee on International Relations, and in addition to the Committee on the Judiciary, 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. VENTO (for himself, Mrs. JOHNSON of Connecticut, Mr. FORBES, Mr. BONIOR, Mr. UDALL of Colorado, Ms. WOOLSEY, Mr. HINCHEY, Mr. SHAYS, Ms. PELOSI, Mr. ACKERMAN, Mr. FRANKS of New Jersey, Mr. COYNE, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. LEACH, Mrs. MEEK of Florida, Mr. CAMPBELL, Ms. DEGETTE, Mr. BROWN of Ohio, Mr. MCNULTY, Mr. SHERMAN, Mr. RAMSTAD, Mr. NADLER, Mr. MARKEY, Ms. KILPATRICK, Mr. WAXMAN, Ms. DELAURO, Mr. DEFAZIO, Mr. ANDREWS, Mr. DAVIS of Florida, Mr. COSTELLO, Mr. WYNN, Mr. BARRETT of Wisconsin, Ms. RIVERS, Mrs. TAUSCHER, Ms. SCHAKOWSKY, Mr. KILDEE, Mr. BORSKI, Mr. WEYGAND, Mr. FRANK of Massachusetts, Mrs. MINK of Hawaii, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Mr. LOBIONDO, Mr. GEJDENSON, Mr. FARR of California, Mr. BERMAN, Mr. LAFALCE, Mr. CARDIN, Ms. NORTON, Mr. ALLEN, Mr. RANGEL, Mr. MARTINEZ, Mr. KUCINICH, Mr. MEEHAN, Mr. STARK, Mrs. KELLY, Mr. ROTHman, Mr. KLECZKA, Mr. TIERNEY, Mr. PASTOR, Mr. CLAY, Mr. WEXLER, Mr. HOLDEN, Ms. STABENOW, Mr. HOLT, Mr. MATSUI, Mr. DEUTSCH, Mr. FILNER, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. PAYNE, Mr. KIND, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Mr. DIXON, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mr. EVANS, Mr. BALDACCI, Ms. ESHOO, Mr. INSLEE, Ms. MCCARTHY of Missouri, Mr. THOMPSON of California, Mr. SABO, Mr. PALLONE, Mr. HALL of Ohio, Ms. WATERS, Mr. LANTOS, Mr. HASTINGS of Florida, Ms. SANCHEZ, Mr. PORTER, Mrs. LOWEY, Ms. LOFGREN, Mr. SAWYER, Mr. HOEFFEL, Mr. LAMPSON, Mr. MOORE, Mr. PRICE of North Carolina, Mr. OLVER, Mr. MINGE, Mr. GUTIERREZ, Mr. SANDERS, Mr. SERRANO, Mr. BOUCHER, Ms. BROWN of Florida, Mr. LUTHER, Mr. SMITH of New Jersey, Mrs. CAPPS, Mr. OBEY, Mr. CAPUANO, Mrs. NAPOLITANO, Ms. HOOLEY of Oregon, and Mr. MALONEY of Connecticut):

H.R. 1239. A bill to designate certain lands in Alaska as wilderness; to the Committee on Resources.

By Mr. TRAFICANT:

H.R. 1240. A bill to amend the Professional Boxing Safety Act of 1996 to require that the scores of each judge be made public after each round; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, 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 Ms. WATERS:

H.R. 1241. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, 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. LANTOS (for himself, Mr. GILMAN, Mr. GEJDENSON, and Mr. BEREUTER):

H. Con. Res. 67. A concurrent resolution expressing the sense of the Congress that freedom of the news media and freedom of expression are vital to the development and consolidation of democracy in Russia and

that the United States should actively support such freedoms; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, 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. CAMPBELL:

H. Res. 126. A resolution providing for the consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office; to the Committee on Rules.

By Mr. FILNER:

H. Res. 127. A resolution acknowledging the achievements of the late Robert Condon and the Rolling Readers USA program he founded in advancing children's literacy; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. KING, Mr. CROWLEY, Mr. PAYNE, Mr. MENENDEZ, and Mr. WALSH):

H. Res. 128. A resolution condemning the murder of human rights lawyer Rosemary Nelson and calling for the protection of defense attorneys in Northern Ireland; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SCARBOROUGH introduced A bill (H.R. 1242) for the relief of Mary Yaros; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mrs. FOWLER, Mr. LEWIS of Kentucky, Mr. POMBO, Mr. LUCAS of Kentucky, Mr. ADERHOLT, Mr. LINDER, Mrs. EMERSON, Ms. DANNER, Mr. FILNER, Mr. SANDLIN, Mr. FROST, Mr. BISHOP, and Mr. SHADEGG.

H.R. 14: Mr. SOUDER.

H.R. 17: Mr. NUSSLE.

H.R. 27: Mrs. NORTHUP.

H.R. 38: Mr. NORWOOD and Mrs. CHENOWETH.

H.R. 40: Mrs. CLAYTON, Ms. NORTON, and Mr. PAYNE.

H.R. 44: Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. TANCREDO, and Mr. RILEY.

H.R. 45: Mr. DICKEY, Mr. BISHOP, Mr. DEUTSCH, Mrs. JOHNSON of Connecticut, and Mr. RYUN of Kansas.

H.R. 48: Mr. COX.

H.R. 49: Mr. SHOWS.

H.R. 50: Mr. ADERHOLT.

H.R. 65: Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. GUTKNECHT, Mr. TANCREDO, Mr. FORBES, Mr. MCCRERY, and Mr. RILEY.

H.R. 71: Mr. PAUL.

H.R. 72: Mr. SCARBOROUGH.

H.R. 86: Mr. ISAKSON.

H.R. 116: Ms. BERKLEY and Mrs. JOHNSON of Connecticut.

H.R. 152: Mr. PICKERING.

H.R. 165: Mr. GILMAN.

H.R. 197: Mr. RYUN of Kansas, Mr. MOORE, and Mr. TIAHRT.

H.R. 208: Mr. WOLF.

H.R. 219: Mr. MCINTOSH.

H.R. 254: Mr. LARGENT and Mr. PETERSON of Pennsylvania.

H.R. 274: Mrs. MALONEY of New York.

H.R. 275: Mr. POMBO and Mr. GARY MILLER of California.

H.R. 303: Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. GUTKNECHT, Mr. TANCREDO, Mr. MCCRERY, Ms. BROWN of Florida, Mr. RILEY, Mr. GEJDENSON, and Mr. COLLINS.

H.R. 306: Ms. BERKLEY, Ms. DEGETTE, Mr. KIND, Mr. KUCINICH, and Mr. LANTOS.

H.R. 351: Mr. BRADY of Texas and Mr. REYES.

H.R. 357: Mrs. BIGGERT.

H.R. 371: Mr. LUCAS of Oklahoma and Mr. MCGOVERN.

H.R. 383: Mrs. JOHNSON of Connecticut, Mr. FORBES, Mrs. MORELLA, Mr. GARY MILLER of California, Mr. SANDLIN, Mr. KLECZKA, Mr. MCNULTY, Mr. BALDACCI, and Mr. SHOWS.

H.R. 413: Mr. CAPUANO, Mr. BILBRAY, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. BROWN of Ohio, Ms. NORTON, Mr. COOK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARTINEZ, Ms. BERKLEY, Mrs. THURMAN, Mr. BALDACCI, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. DIXON, and Mr. TAYLOR of North Carolina.

H.R. 423: Mr. DOOLEY of California, Mr. JOHN, Mr. POMBO, and Mr. HERGER.

H.R. 430: Mr. NUSSLE of Mississippi.

H.R. 486: Mr. ADERHOLT, Mr. KENNEDY of Rhode Island, Mr. FORBES, Mr. CLEMENT, Mr. PETERSON of Minnesota, and Mr. HOLT.

H.R. 516: Mrs. CHENOWETH and Mr. SHOWS.

H.R. 531: Mr. BRYANT, Mr. RYUN of Kansas, Mr. KILDEE, Ms. DANNER, Mr. GEJDENSON, Mr. EHLERS, and Mr. ENGLISH.

H.R. 541: Mr. SNYDER, Mr. FILNER, Mr. THOMPSON of Mississippi, Mrs. MCCARTHY of New York, Mr. FARR of California, and Mr. RODRIGUEZ.

H.R. 544: Mr. NUSSLE.

H.R. 546: Mr. WICKER.

H.R. 550: Mr. SHOWS.

H.R. 566: Ms. BERKLEY and Mr. HILL of Indiana.

H.R. 570: Mr. FORBES.

H.R. 573: Mr. FRELINGHUYSEN: Mrs. BIGGERT, Mr. ARMEY, Mr. BARRETT of Nebraska, Mrs. FOWLER, Mr. WHITFIELD, Mr. NORWOOD, Mr. KNOLLENBERG, Mrs. CHENOWETH, Mr. GEPHARDT, Mr. FLETCHER, Mr. GILMAN, Mr. RODRIGUEZ, Ms. DANNER, Mrs. CUBIN, Mr. MINGE, Mr. PETERSON of Minnesota, Mr. SMITH of Washington, Mr. KIND, Mr. DEFAZIO, Mr. BOUCHER, Mr. DOOLEY of California, Mr. BLAGOJEVICH, Mr. DELAY, and Mr. PICKERING.

H.R. 574: Mrs. MYRICK.

H.R. 576: Mr. JEFFERSON and Ms. BERKLEY.

H.R. 577: Mr. HILL of Montana.

H.R. 654: Mr. LUTHER.

H.R. 664: Mrs. MALONEY of New York, Mr. LARSON, and Mr. HASTINGS of Florida.

H.R. 674: Mr. JOHN.

H.R. 686: Mr. REYES, Mr. HINOJOSA, and Mr. GREEN of Texas.

H.R. 699: Mr. FILNER, Mr. SANDERS, and Ms. KILPATRICK.

H.R. 743: Mr. DIAZ-BALART and Mr. GOODE.

H.R. 750: Mr. THORNBERRY.

H.R. 773: Ms. BALDWIN, Mr. LEACH, Mr. PHELPS, and Ms. BERKLEY.

H.R. 783: Mr. CALLAHAN, Ms. PRYCE of Ohio, and Mr. DOYLE.

H.R. 784: Mr. DOYLE, Ms. BROWN of Florida, Mr. CALVERT, Ms. KAPTUR, Mr. DIAZ-BALART, Mr. ENGLISH, Mrs. KELLY, Mr. REYES, Mr. GUTIERREZ, Mr. PASCRELL, Mr. SESSIONS, Mr. HAYWORTH, Mr. UNDERWOOD, Mr. SMITH of New Jersey, Mr. BAKER, Mr. LANTOS, Mr. BURTON of Indiana, Mr. STEARNS, and Ms. CARSON.

H.R. 789: Mr. SHOWS and Mr. RAHALL.

H.R. 793: Mr. PAUL, Mr. NORWOOD, Mr. SMITH of Michigan, and Mr. HILL of Montana.

H.R. 796: Mr. BARTON of Texas and Mr. KING.

H.R. 811: Mr. HOYER, Mr. MARTINEZ, and Ms. KILPATRICK.

H.R. 827: Mr. CAMPBELL, Mr. TRAFICANT, Mr. OBERSTAR, and Mr. KUCINICH.

H.R. 833: Ms. BERKLEY, Mr. BLAGOJEVICH, Mr. BRADY of Pennsylvania, Mr. LUCAS of Kentucky, and Mr. SENSENBRENNER.

H.R. 850: Mr. SWEENEY, Mr. BAKER, Mr. CRANE, Mr. MCINNIS, Mr. WELDON of Florida, Mr. WISE, Mr. OSE, Mr. BALDACCI, Mr. MINGE, Mr. UNDERWOOD, Mr. DEMINT, Mr. WALDEN of Oregon, and Mr. HAYES.

H.R. 875: Mr. BONIOR and Mr. WYNN.

H.R. 881: Mr. HOYER, Mr. MARTINEZ, Ms. KILPATRICK, and Mr. SENSENBRENNER.

H.R. 886: Mr. GUTIERREZ.

H.R. 895: Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. SAWYER, and Mr. PASTOR.

H.R. 896: Mr. BOEHLERT and Mr. BARTLETT of Maryland.

H.R. 904: Mr. MCHUGH and Ms. BERKLEY.

H.R. 914: Mr. GUTIERREZ.

H.R. 924: Mr. BATEMAN, Mr. JOHN, Mr. BOUCHER, and Mr. THOMPSON of Mississippi.

H.R. 936: Mr. FORBES.

H.R. 938: Mr. MCNULTY, Mr. SANDLIN, Mr. PASTOR, Ms. DELAURO, and Mr. WYNN.

H.R. 939: Mr. SCOTT, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, and Mr. MEEKS of New York.

H.R. 998: Mr. SHOWS, Mr. FROST, Mr. BOUCHER, Mr. PAUL, Mr. BALDACCI, and Mr. TAYLOR of North Carolina.

H.R. 1008: Mr. ENGLISH, Mr. PETRI, Mr. LAHOOD, Mr. KUCINICH, Mr. BISHOP, Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, and Ms. KILPATRICK.

H.R. 1018: Mr. LARGENT.

H.R. 1032: Mr. SALMON, Mr. ADERHOLT, Mr. GOODLING, Mr. SENSENBRENNER, Mr. RAHALL, Mr. HUNTER, and Mr. HAYES.

H.R. 1034: Mr. BATEMAN.

H.R. 1039: Ms. KILPATRICK, Mrs. THURMAN, Ms. ESHOO, Ms. SLAUGHTER, Mr. BECERRA, and Mr. SNYDER.

H.R. 1046: Mr. ANDREWS and Mr. RANGEL.

H.R. 1053: Mr. RANGEL.

H.R. 1055: Mr. CALVERT, Mr. KING, Mrs. FOWLER, Mr. HAYES, Mr. GILCHREST, Mr. POMBO, Mr. RYUN of Kansas, Mr. WELLER, Mr. WATTS of Oklahoma, and Mr. SESSIONS.

H.R. 1064: Mr. BLAGOJEVICH.

H.R. 1070: Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. MCINTYRE, Mrs. MCCARTHY of New York, Mr. CLAY, and Mr. GARY MILLER of California.

H.R. 1071: Mr. PICKERING, Mr. COYNE, Ms. MCKINNEY, and Mr. GUTIERREZ.

H.R. 1077: Mr. COOK.

H.R. 1082: Ms. PRYCE of Ohio, Mr. FRANKS of New Jersey, Mr. GUTIERREZ, Mr. FALEOMAVAEGA, Mr. FRELINGHUYSEN, Mr. LUTHER, and Mr. RODRIGUEZ.

H.R. 1115: Mrs. KELLY, Mr. GARY MILLER of California, and Mr. WISE.

H.R. 1116: Mr. SMITH of Texas, Mr. NEY, Mr. JOHN, Mr. ARMEY, and Mr. BONILLA.

H.R. 1120: Mr. JOHN.

H.R. 1138: Mr. BILIRAKIS.

H.R. 1159: Mr. ISTOOK and Mr. GUTKNECHT.

H.R. 1160: Mr. ROMERO-BARCELÓ, Mr. GUTIERREZ, and Mr. SHOWS.

H.R. 1168: Mrs. CLAYTON, Mr. THOMPSON of California, Mr. CROWLEY, Mr. GEJDENSON, and Mrs. MEEK of Florida.

H.R. 1177: Ms. PRYCE of Ohio and Mr. HALL of Montana.

H.R. 1180: Mr. DEUTSCH, Mrs. WILSON, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. CASTLE, Ms. ESHOO, and Mr. SHAYS.

H.R. 1182: Mr. SIMPSON.

H.R. 1212: Mr. JOHN and Mr. CONDIT.

H.J. Res. 22: Mr. FORD, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. RUSH, Mr. NADLER, Mr. DIXON, and Mr. MCGOVERN.

H.J. Res. 35: Mr. WAMP.

H.J. Res. 37: Mr. TIAHRT, Mr. CAMP, Mr. SHERWOOD, Mr. RYUN of Kansas, Mr. KINGSTON, Mr. NUSSLE, and Mr. HASTERT.

H. Con. Res. 8: Mr. POMEROY.

H. Con. Res. 23: Mr. SHOWS, Mr. ENGLISH, Mr. CLEMENT, Mr. COOKSEY, Mr. HILL of Montana, Mr. DINGELL, Mr. LAHOOD, Mr. MCGOVERN, Mr. LATOURETTE, and Mr. WU.

H. Con. Res. 30: Mr. TAYLOR of North Carolina and Mr. COLLINS.

H. Con. Res. 31: Mr. FRANK of Massachusetts, Mr. REYES, Mr. FOSSELLA, and Mr. WAXMAN.

H. Con. Res. 37: Mr. DELAY, Mr. FOLEY, and Mr. PALLONE.

H. Con. Res. 38: Mr. JEFFERSON and Mr. DIXON.

H. Con. Res. 39: Mr. WATTS of Oklahoma.

H. Con. Res. 51: Ms. KILPATRICK.

H. Res. 41: Mrs. CLAYTON, Mr. GOODLING, Mr. INSLEE, Mr. KUCINICH, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. ROYCE, and Mr. SNYDER.

H. Res. 59: Mr. BILIRAKIS.

H. Res. 82: Mr. LUTHER, Mrs. MALONEY of New York, and Mr. NADLER.

H. Res. 89: Mr. MCINTYRE, Ms. CARSON, and Mr. PRICE of North Carolina.

H. Res. 95: Mr. ARMEY.

H. Res. 99: Mr. FROST, Mr. CROWLEY, and Mr. GOSS.

H. Res. 106: Mr. RANGEL, Mr. TAYLOR of Mississippi, Mr. FORBES, Mr. GILMAN, and Ms. JACKSON-LEE of Texas.

H. Res. 107: Mr. BROWN of California, Ms. BERKLEY, and Mr. BLAGOJEVICH.

H. Res. 115: Mr. KENNEDY of Rhode Island, Mr. VENTO, Mr. BRYANT, Mr. GREEN of Texas, Mr. GREEN of Wisconsin, and Mr. THOMPSON of Mississippi.

H. Res. 118: Mrs. MYRICK and Mr. PICKERING.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 434: Mr. SHOWS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 472

OFFERED BY: MRS. MALONEY OF NEW YORK

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Local Participation in the Census Act''.

SEC 2. CENSUS LOCAL PARTICIPATION.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 13, United States Code, is amended by adding at the end the following:

''§ 142. Census local participation

''(a)(1) The 2000 decennial census shall include the opportunity for local governmental units to review housing unit counts, jurisdictional boundaries, and such other data as the Secretary considers appropriate for the purpose of identifying discrepancies or other potential problems before the tabulation of total population by States (as required for the apportionment of Representatives in Congress among the several States) is completed.

''(2) Any opportunity for local participation under this section shall be provided in such time, form, and manner as the Secretary shall (consistent with paragraph (1)) prescribe, except that nothing in this section shall affect any right of local participation in the 2000 decennial census otherwise provided for by law, whether under Public Law 103–430 or otherwise.

''(b) Any opportunity for local participation under this section in connection with the 2000 decennial census should be designed with a view toward affording local governmental units adequate opportunity—

''(1) to assure that new construction, particularly any subsequent to April 30, 1999, and before April 1, 2000, is appropriately reflected in the master address file used in conducting such census;

''(2) to verify the accuracy of those units or other addresses which the United States Postal Service has identified as being vacant or having vacancies; and

''(3) to assure that the Secretary has properly identified the jurisdictional boundaries of local governmental units, consistent with any measures taken under Public Law 103–430 and any other applicable provisions of law.

''(c) Any opportunity for local participation under this section shall be afforded in a manner that allows the Secretary to derive quality-control corrected population counts (as recommended by the National Academy of Sciences in its final report under Public Law 102–135 and as proposed in the census 2000 operational plan as part of the Accuracy Coverage Evaluation program) on a timely basis, but in no event later than the date by which all tabulations of population under section 141(c) (in connection with the 2000 decennial census) must be completed, reported, and transmitted to the respective States.

''(d) As used in this section—

''(1) the term 'decennial census' means a decennial census of population conducted under section 141(a); and

''(2) the term 'local governmental unit' means a local unit of general purpose government as defined by section 184, or its designee.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 13, United States Code, is amended by inserting after the item relating to section 141 the following:

''142. Census local participation.''.

Amend the title so as to read: ''A bill to amend title 13, United States Code, to require that the opportunity for meaningful local participation in the 2000 decennial census be provided.''.

H.R. 472

OFFERED BY: MR. MILLER OF FLORIDA

AMENDMENT NO. 2: Page 2, line 4, strike ''142'' and insert ''141''.

Page 2, line 5, strike ''**143**'' and insert ''**142**''.

Page 4, line 23, strike ''142'' and insert ''141''.

Page 4, after line 23, strike ''143'' and insert ''142''.

H.R. 1141

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 1: Page 36, after line 10, insert the following new section:

SEC. 3012. None of the funds made available in this Act or any other Act may be used to release from detention any criminal alien subject to mandatory detention pending removal from the United States.

H.R. 1141

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 2: At the end of title II (page 26, after line 2), insert the following new section:

SEC. 2003. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to enter into agreements to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall exercise the authority under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a), unless the agreements made pursuant to the authority granted in subsection (a) provide for payments over a longer period.

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

H.R. 1141

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 3: At the end of title II (page 26, after line 2), insert the following new section:

SEC. 2003. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall exercise the authority under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999 or unexpended balances from prior years, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

H.R. 1141

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 4: Page 15, line 25, after the dollar amount, insert the following: ''(increased by $195,000,000)''.