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House of Representatives

The House met at 10 a.m.

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

Of all the gifts that You so generously have given, O God, we are appreciative of the gift of friendship. For those who support us all the day long and for those whose kindness and concern help us meet the challenges of the day, we offer these words of thanksgiving and praise. May each of us learn to support each other with respect and appreciation, with trust and faith and with that bond of love that stands all the tests of time. May Your blessing, O God, be with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 15 one-minutes on each side this morning.

SUPPORT H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

(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 Washington Times has reported that the Clinton administration is planning to ban public use on 5 million acres of public land before the 2000 presidential election.

Now, why would this President deny Americans the right to use their public lands? Well, the Times says it is to woo environmentalists.

Do I need to remind the President that not just environmentalists but conservationists, bird hunters, bird watchers and other outdoor recreationists have all the rights to use that public land as well, and they all have the right to pull the lever on the voting booth.

To make matters worse, the President's own Cabinet is acknowledging the recklessness of this proposal. Secretary Bruce Babbitt is quoted as saying, ''We have switched the rules of the game. We are not trying to do anything legislatively.''

The implication is clear. If Congress does not pass the laws that the President wants passed, then he will make his own laws through regulation, executive orders and policy directives.

Therefore, I ask my colleagues to help stop this abuse of executive power, protect our constitutional rights as Members of Congress and support H.R. 1487, the National Monument NEPA Compliance Act.

PATIENTS' BILL OF RIGHTS

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

Mr. CUMMINGS. Mr. Speaker, sadly, over 50 percent of Americans believe that with managed care the quality of health care has declined. They feel powerless and unprotected.

The solution? A Bill of Rights.

Our Nation's forefathers were concerned about the government becoming unresponsive to the will of the people, so they enacted citizen protections and guarantees. Today, managed care has become unresponsive to the will of our Nation's patients. Lack of access to medical care or prescription drugs, inability to determine when medical care is necessary, and inability to seek legal redress on medical decisions.

Enactment of a Patients' Bill of Rights is ripe. As lawmakers, it is our duty. Let us adopt our forefathers' insight, renew our citizens' sense of empowerment in their health care, and pass a Patients' Bill of Rights.

IRS TARGETS POOR SOUTHERNERS

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

Mr. PITTS. Mr. Speaker, every day there seems to be a new horror story coming out of the IRS. I sort of feel like David Letterman, because the stories I have to tell are so implausible, so hard to believe, that I should probably say, ''I'm not making this up.''

It turns out that poor Southerners are more likely than almost anyone else to be audited by the IRS. Why do you think this is? Well, of course, one reason is because there is rampant abuse, truly massive abuse in the earned income tax credit program and the IRS is perfectly correct in going after tax cheats who are ripping off their fellow Americans.

The problem is that there is another reason why poor Southerners are being targeted. That reason is more sinister and it is a reason the IRS does not want to talk about.

The poor do not have the resources to defend themselves against an army of IRS lawyers.

So here we have the United States Government embarked on a deliberate policy to take advantage of the weak and vulnerable just struggling to get

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by, barely making it to the next payday.

I think that is wrong.

MANAGED CARE DISCHARGE PETITION

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

Mr. GEPHARDT. Mr. Speaker, instead of addressing the crisis of health care in our Nation, we keep finding excuse after excuse to block progress on this issue.

Let us stop the delay. We have a road map for reforming HMO care, the Democratic Patients' Bill of Rights.

There is not a one of us who would choose an MBA over an M.D. when it comes to our family's medical health, but that is exactly what has happened to our health care system. We have taken the power away from those who know and care about saving lives and we have given it to people whose priority is simply making money.

It needs to change, and that change can begin today.

I ask every Member on both sides of the aisle to join me in signing this petition to make sure that the needs of America's families are not pushed aside yet again, and to make sure we fulfill our responsibility to working families and prevent them from worrying about whether their children will get the care they need and deserve for another year.

Let us stop the obstruction, let us sign the petition, and let us get to work.

KHRUSHCHEV'S SON WILL NOT VOTE DEMOCRATIC

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

Mr. SCHAFFER. Mr. Speaker, last month the previous speaker suggested Congress raise taxes and lower our national defense. Last week, the head of the Democrat Congressional Campaign Committee said Democrats have written off rural America in the 2000 election. What could be next?

According to the Washington Post, Nikita Khrushchev's son, Sergei Khrushchev, becomes a United States citizen today after living in the United States for 8 years.

Now, before my Democrat friends celebrate another socialist joining their ranks, consider this. Mr. Khrushchev says, ''I will not vote for Democrats. It is too dangerous now for the country.''

At a time when even the children of Communists have rejected the Democrats as too dangerous, the American people are preparing another message for them in the 2000 election: ''We will bury you.''

MANAGED CARE REFORM

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

Mr. DOGGETT. Mr. Speaker, some of us think the problem is that too many people across America are being buried, buried unnecessarily because they have been managed out of their managed health care.

We gather here today to sign a petition to discharge from a Republican committee stranglehold a bill of rights for health care consumers. We gather to discharge this vital legislation because the Republican leadership has failed to discharge its responsibilities to the American people.

For too many folks, managed health care just means being managed out of the care that they need. Under our bill, physicians will be able to provide the best quality health care available rather than having some clerk be rewarded for denying care with a bonus.

The Republican leadership has served the insurance industry very well in blocking this bill. We believe it is time to discharge it for floor action, time to serve America's health care consumers, not the insurance lobby and the HMOs that are denying Americans the quality of care and the rights that they deserve.

BATTLE BETWEEN CONGRESSIONAL LIBERALS AND REPUBLICAN PARTY

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

Mr. TIAHRT. Mr. Speaker, there is a battle going on in this country, a fierce struggle between two opposing forces, each of enormous strength.

The battle is between the greedy hand of big government and the people. Individual liberty is at stake.

On one side stands the defenders of the greedy hand of big government, the liberals in Congress. On the other side stands the defenders of individual liberty, the Republican Party.

One side defends the greedy hand of big government at every turn, every day, on every bill, on every bureaucratic decision. The other side strains mightily to provide tax relief for working Americans and resists the siren call of the Washington politicians who claim that big government is the answer to all our problems.

Does anyone doubt the truth of this? If so, who on the other side will step forward and refute them? Who on the other side will denounce the greedy hand of big government and voice this support for individual liberty through tax relief and against the forces which erode our liberty with each passing day?

INTERNATIONAL TRADE LAW VIOLATIONS COST 10,000 STEELWORKER JOBS

(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, over 10,000 steelworkers have lost their jobs because Japan, Russia, South Korea and China are violating international trade laws. And after all of that, the White House says, America will not violate international trade laws, and the White House has helped to kill the import steel quota bill.

Beam me up, Mr. Speaker. There is not one citizen of Japan, Russia, China or South Korea that voted for this White House crew. Nearly 99 percent of those steelworkers who lost their job voted for that White House crew.

I think it is time that Uncle Sam requires everybody to heed the law, but if they are going to break it, by God, we should impose strict import quotas.

I yield back any manufacturing jobs still left in our country.

TIME FOR A TAX CUT

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

Mr. KNOLLENBERG. Mr. Speaker, time and time again my liberal friends march down to the well of the House to rail against tax cuts for the rich. Ironically, their misleading rhetoric never includes a definition of what constitutes being rich. This is because many of the people they are talking about would be shocked to learn that big-spending politicians consider them rich.

Take, for example, a young married couple earning $72,000 a year. This couple falls into the top 10 percent of taxpaying households and would surely be branded as greedy and undeserving of any tax relief by the rhetorical rants coming from the left side of the aisle.

Mr. Speaker, this is demagoguery, it is disingenuous, and it is not true. I would hope it would come to an end. I implore my Democratic colleagues to stop their misleading tactics and join the Republican Party's majority effort to provide an across-the-board tax cut to every American who pays Federal income taxes.

MANAGED CARE REFORM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as we stand here this morning, we know that we are in the greatest country in the world. We have been responsible for finding all kinds of interventions for our health care, and we enjoy the best skill and best knowledge in the world for health care.

Yet American people do not have access to that care, the care that they have paid for through their tax dollars for the research. And yet we beg now and plead with the HMOs and the managed care insurance to allow people to have access to just basic health care. They need access to just needed care. They do not want to be treated one-size-fits-all.

Whether you are 7 or 70 in this country under HMOs, if you have got a certain diagnosis, you all get treated the same. That does not address individual needs. Doctors need the freedom to practice the art and the science that they have learned and that they are capable of doing. They do not have that right under our present system. They are pushed out on the line and given instructions by the HMOs, and yet the HMOs do not even want to be responsible for what they tell the physicians to do.

It is time for change. The American people are calling for it.

□ 1015

FREEDOM FOR EDUCATION

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

Mr. FOSSELLA. Mr. Speaker, the essence of America, as we all know, is freedom, but somehow, that does not apply to education. Because the door slams shut on so many parents across this country when they want to have the freedom to choose the best education possible for their children.

Too often, too many Federal dollars are wasted here in Washington and not enough spent back home in Staten Island and across this country where the parents and the teachers, the local communities know better how to spend their funds.

Well, the Republican Party recently is embarking on a path towards freedom when it comes to education, and that is to allow States the opportunity and local communities to spend the money as they see fit. Can anyone in this country acknowledge that the folks here in Washington are in a better position to spend the money on education than back home where they are? Where the parents and teachers and administrators are? I think not.

Mr. Speaker, let us support freedom for education. Let us support the opportunity to send Federal money back home across America, and not be wasted here in Washington.

MANAGED CARE REFORM

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

Mr. GREEN of Texas. Mr. Speaker, the gentleman from Colorado that said he would bury us as Democrats, I guess going on their experience, they buried managed care reform for 2 years, so they have that kind of experience.

Let me talk this morning about some ads that are in the Washington publications that talk about how the Dingell bill will be more expensive. Well, let me give my colleagues the Texas experience. We have had managed care reform in Texas for 2 years and the reason it is going to be more expensive is that they are going to have to start paying claims. They have lost half of the appeals process, so I would much rather have better than a flip-of-the-coin odds if I am going to managed care for health care.

Mr. Speaker, a 500 percentage may be great if one is a baseball player who will be making $10 million, but when one is deciding whether one is going to have adequate health care, I would rather have a better percentage than a flip of the coin. They are actually going to have to pay those claims.

We need a real patients' bill of rights that has everything in it: accountability, access to specialists, a real appeals process, and no gag rules and medical necessity. That is why I do not think they are going to have the experience in burying this bill any more.

PHARMACEUTICAL BENEFITS FOR MEDICARE PATIENTS

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

Mr. COOKSEY. Mr. Speaker, I am a physician. Thirty years ago when I finished medical school, most of the patient's care was in-patient, and most of the pharmaceutical benefit was in-patient. Today, 25 percent of the cost of health care for Medicare patients is the pharmaceutical benefit. This is because most of health care for seniors and for everyone else is carried out on an outpatient basis today.

I feel that Medicare patients need some help with their pharmaceutical benefits. The truth is, two-thirds of Medicare patients already have a benefit. This two-thirds of the Medicare population does not need a pharmaceutical benefit. That leaves one-third who, in many cases, have high expenses for their pharmaceutical costs and desperately need some help with their Medicare benefits.

Medicare needs an integrated system with Medicare that will pay for these benefits. We have the best pharmaceutical industry in the world. We do not need to put them under the bureaucracy.

Mr. Speaker, this Republican supports a Medicare benefit for pharmaceuticals.

IMPROVING AMERICANS' ACCESS TO HEALTH CARE

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

Ms. WOOLSEY. Mr. Speaker, first it was campaign finance reform, then it was gun safety and school violence, now it is health care reform. There is an unfortunate pattern taking place here with the Republican leadership. On issue after issue, issues that are important to the people, the Republican leadership uses its power to stomp out real discussion.

Fortunately, we have an alternative, and that is the discharge petition, and we are signing it here today. Democrats have been waiting for 2 years to pass the Patients' Bill of Rights, and today we step forward to improve Americans' access to health care. Let us not be fooled by breaking last year's sham bill into eight pieces. The Republican leadership wants health care reform to be in small pieces. This will not sell. The American Medical Association says that the Republican package of bills falls short of the mark and it does not solve any of the problems of doctors and patients.

It is time to put doctors and their patients back in charge of health care reform.

FREE SOCIAL SECURITY LOCKBOX LEGISLATION

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

Mr. HERGER. Mr. Speaker, today is day number 63 of the latest hostage crisis. It is a hostage crisis that is not getting much attention in the mainstream media, but it has grave implications for current and future retirees nonetheless.

Since April 21 of this year, Democrats in the other body have blocked a Herger lockbox proposal, refusing to allow it to even come to a vote.

What is being held hostage is legislation to create a Social Security lockbox; in other words, legislation to create a safe deposit box that would put an end to the time-honored practice in Washington of raiding the Social Security Trust Fund whenever politicians want to expand government.

Republicans in the House of Representatives have passed Social Security lockbox legislation. We want to protect the Social Security Trust Fund from further raids. The other side is adamantly against it. Once we get into the habit of raiding a cookie jar, it is awfully tough to quit. It is time to end the hostage crisis and free the Social Security lockbox and protect seniors from more raids on the Social Security Trust Fund.

FEDERAL RESERVE SHOULD NOT RAISE INTEREST RATES

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

Mr. HINCHEY. Mr. Speaker, last week, the Chairman of the Federal Reserve Board appearing before the Joint

Economic Committee hinted broadly that the Federal Reserve is about to raise short-term interest rates. It would be a serious mistake for them to do so.

When asked why it was necessary to raise interest rates at this time, the Federal Reserve Chairman was at a loss to give a good reason. The only reason he could point to was that unemployment was now at about 4 percent, and they felt that that was too low.

To raise interest rates now would choke off the kind of economic progress that we have been enjoying for the last several years; and, it would create a situation whereby people who are just now beginning to benefit from this economic circumstance would be deprived of the ability to do so.

Wages and benefits of the average working people are now just beginning to go up over the course of the last couple of years. The Federal Reserve would cut that off. People who have not been able to find a job up until now are working. The Federal Reserve would cut that off.

It is a mistake to raise short-term interest rates, and we need to make it clear to the Federal Reserve that they ought not do so.

NATIONAL IDENTIFICATION CARD BAD IDEA FOR AMERICA

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

Mr. PAUL. Mr. Speaker, the American people strongly oppose the instituting of a national identification card. The authority was given for a national I.D. card in 1996. I have been working very hard to try to repeal this authority.

Today, we would have had an opportunity under the transportation bill to repeal this authority and to prevent a national I.D. card from coming into existence.

Unfortunately, that will not be permitted, due to the rule that is coming up for the transportation bill. I think this is a serious mistake. It is not just 30 or 40 or 50 percent of the American people who reject a national I.D., but almost all Americans reject this idea. I find it a shame that we are not able to vote on the repeal authority.

It was never intended that the Social Security number would be the universal, national identifier. It is given to a child at birth and one cannot even be buried without it. So the national I.D. card, when instituted, will be used for everything: To get on an airplane, to get a job, open up a bank account; whatever we want to do, we will have to show our papers.

This is un-American. It is something that we should not be doing, and unfortunately, we will not get to vote on it today.

DISCHARGE PETITION FOR HEALTH CARE REFORM

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

Mr. DINGELL. Mr. Speaker, I have introduced a discharge petition today, number 3. I am urging all of my colleagues to join in signing it on both sides of the aisle.

The discharge petition provides for essentially an open rule. It allows full opportunity for open debate, and it allows full opportunity for amendment. It permits the minority to do what they feel is necessary, but it also assures that my colleagues on the Majority side will have full opportunity to participate.

There is no funny rule here, no cooking of the process. It is a full, open and fair process, both with regard to the amendment process and with regard to the actual handling of time and other parts of the legislation.

I urge all of my colleagues on both sides to join in signing this discharge petition on the patients' bill of rights. It is almost the first of July. The important part of the session is almost behind us, and all that we really are going to have time on from now on is to address budget appropriation and spending matters.

Mr. Speaker, I urge my colleagues to do something that the American people want. Sign the discharge petition and support the patients' bill of rights.

PUTTING POLITICS BEFORE OUR CHILDREN

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

Mr. KINGSTON. Mr. Speaker, as a father of four, I was very disappointed in the White House's behavior last week and many of the Democrat leadership Members in the House. We had a gun control debate. We had a good debate on juvenile justice, and we agreed, ultimately, on four out of five key issues. Included in that was closing the loophole for gun shows, stricter enforcement, stricter penalties that involved guns, trigger locks, and yet, because it was not exactly what the White House and the Democrat leadership wanted, they put politics over children and torpedoed the bill, killed it, voted it down, and now we have nothing.

In the political body, something is always better than nothing if we want to advance the cause, but it is just obvious that politics count more than children's safety. As a father, I take off my Republican hat and I say, I regret it as a parent.

Something is going on out there with our children. We need to look at all aspects of the pop culture. Is it the violent video games? Is it the fact that the average TV-viewing child has seen 16,000 murders on TV by the time he is 18 years old? Is it a problem in our schools that maybe our classrooms are too large? We should look at all of those things. I am sorry that the White House put politics over children.

SUPPORT THE PATIENTS' BILL OF RIGHTS

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

Ms. DELAURO. Mr. Speaker, for the past 2 years, the American public has been very clear in its desire for managed care reform. It has sent the same consistent message time and time again that medical decisions should be made by doctors and patients and not by insurance company bureaucrats.

Yet, the Republican leadership foiled meaningful HMO reform in the last Congress, and they are stalling as we speak. Today, congressional Democrats are signing a discharge petition calling for real managed care reform to be brought to the House floor immediately, because the Republican leadership will not bring that bill to the floor of the House.

This petition calls for a very, very simple set of comments: the ability to choose one's own doctor, an easy thing to grasp on to, guaranteed access to emergency rooms, guaranteed access to specialty care. Freedom from gag rules to prevent doctors from offering care, and the ability to hold HMOs accountable.

Mr. Speaker, I urge my colleagues to sign on to the discharge petition. The families of this country should be able to make their medical decisions free from the heavy hand of HMO accountants. Let us sign our names today and support a real patients' bill of rights.

SUPPORT MANAGED CARE REFORM

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, last week, our children and families were denied protection from guns. This week, and for 2 years, we have been denied protection from managed care. We have been denied a patients' bill of rights.

I promised the people of the 11th Congressional District of Ohio that when I got to Congress, I would work for a patients' bill of rights and campaign finance reform.

□ 1030

I am chagrined, however, that I have not had the opportunity to debate these two issues. This is the second discharge petition I have had to sign. Over 122 million Americans are not insured with enforceable patient protections without a Federal Patients' Bill of Rights. Over 5,960,000 persons in Ohio alone are denied that protection.

I rise with my colleagues, my Democratic colleagues, to sign this discharge petition seeking a debate on a Patients' Bill of Rights that will allow patients access to needed care, allow them to have doctors make a determination with regard to their health care, and provide patients the opportunity to appeal.

EDUCATION

(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, I rise today on behalf of our Nation's children. Our children are being denied basic educational opportunities.

As a former teacher, I know one of the most important challenges facing this country is improving our educational system. We need to expand opportunities, set rigorous standards so our children learn the basics before being promoted to the next grade. This is crucial to our country's social and economic well-being.

A talented and dedicated teacher must be in every classroom. Creativity and innovation in public education must be encouraged, while still holding them accountable for results. Every classroom and library should be connected to the Internet so all students can be computer literate and be prepared for the 21st century.

Finally, we need to make sure our schools are healthy places to learn. Next week I intend to introduce legislation to improve air quality in our Nation's school buildings based on an existing Environmental Protection Agency program. Our children must have a healthy learning environment.

Let us make the commitment not only to our children but also to the future of this great Nation, and make education our number one priority.

SIGNING THE DISCHARGE PETITION TO ALLOW DEBATE ON THE PATIENTS' BILL OF RIGHTS

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

Mr. HOLT. Mr. Speaker, today many of us are signing the discharge petition to bring a Patients' Bill of Rights to the floor for free and open debate. I know the American public want it. I certainly know my constituents want it.

They want a restoration of the doctor-patient relationship so that doctors can determine medical necessity, so that doctors and their patients can make the medical decisions, so that health care plans are held accountable for their medical decisions or lack of decisions.

I am certainly proud that I have able to take the first legislative action in the Congress on the subject by introducing in subcommittee an amendment to hold health care plans accountable for their medical decisions.

The leadership has been holding the American public in the waiting room. This discharge petition will allow us to get out of the waiting room and get the health care that we Americans deserve.

WHAT A DEMOCRATIC MAJORITY IN CONGRESS WOULD MEAN

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

Mr. REYNOLDS. Mr. Speaker, not counting social security, the Congressional Budget Office or CBO projects an $824 billion in budget surpluses over the next 10 years. Again, that is not counting the temporary surplus in the social security trust fund.

Guess what the Democrats are planning to do with the surplus. Well, if the statements by the President, the House Minority Leader, and the Minority Leader in the other body are any indication, we might be surprised to learn that what they want to do is take this surplus and raise taxes; Members have heard that right, raise taxes, not cut them.

Many people in Washington are shaking their heads over the recent statements by Democratic Party leaders, the gentleman from Missouri (Mr. GEPHARDT) and Mr. DASCHLE. The gentleman from Missouri said earlier this month while in Ann Arbor, Michigan, unbelievably, that he would consider cutting defense and raising taxes in order to expand Washington's role in our schools.

Now we have a Democratic leader in the other body who stated on CNN's Evans and Novak that tax increases were ''on the table.'' I guess there is really no need to ask what a Democrat majority in Congress would mean.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KINGSTON). Members must be reminded to not make reference to statements off the floor of Members of the other body.

DEMOCRATS TAKE THE NEXT STEP TOWARD REAL PATIENT PROTECTIONS

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

Mr. MENENDEZ. Mr. Speaker, today Democrats take the next step in the long, arduous road to real patient protections, despite the fact that Republicans continue to construct roadblocks to meaningful managed care reform.

Republicans will claim that they are moving managed care reform through the committee process, but what they will not tell us is that these so-called reforms lack meaning and enforcement.

The American people deserve more than empty promises and rhetoric. They deserve to choose their doctor. They deserve access to specialists. They deserve to have doctors, not health care bureaucrats, making their vital medical decisions. Most importantly, they deserve legal remedies to hold their health plans accountable.

The Democratic Patients' Bill of Rights provides these guarantees. Republicans are up to the same old tricks again this year. They will not even allow us to bring the Democratic Patients' Bill of Rights to a debate here on the floor for the American people to listen and ultimately for all of us to vote on.

Last year, protecting their special interests, they narrowly defeated the real patient protections Democrats pushed to the floor. Then realizing that we represented the views of Americans across this country, they put forth a watered down proposal to try to detract from the real issues.

Again this year Republicans are doing the same thing. This discharge petition should serve as a wake-up call to Republicans that Americans want real patient protections and they want it now.

REAL REFORM FOR THE TAX CODE

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

Mr. HEFLEY. Mr. Speaker, oftentimes people come up to me and say, the politicians are always talking about reforming the Tax Code, getting rid of the Tax Code, making it easier to file our taxes, but nothing ever changes. How come that is?

The short answer is that the special interests benefit from the Tax Code, and the complexity of the Tax Code is a source of enormous government power. Thus, it would not be in the interests of anyone who wants to expand government power to change the Tax Code in a more sane direction.

Another reason is equally valid. It is called Tax Code progressivity. Any attempt to change the Tax Code into something that made sense, that actually looked like it was designed on purpose, would be met with howls of protests from the liberals. They would say it was unfair because it would undermine progressivity.

A flat tax, one rate, meaning that the more you make the more taxes you pay, is already a system that is fair and that makes high earners pay their fair share. A sales tax would also be fair.

In my view, if Members are against the flat tax or the sales tax, all the talk about reforming the Tax Code is simply empty rhetoric.

THE HOUSE MUST ADDRESS CERTAIN DISTURBING TRENDS IN GUN VIOLENCE

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

Mr. BLAGOJEVICH. Mr. Speaker, among the disturbing trends in America relating to gun violence are those loopholes where teenagers and criminals can get guns at gun shows. This House has yet to address this issue.

Another dangerous trend is the increasing availability of military-style weapons to the civilian market. Examples of these are laser sights, high-capacity ammunition clips, and the 50-caliber sniper rifle.

Mr. Speaker, the 50-caliber sniper rifle is among the most destructive and powerful weapons available today. It fires armor-piercing ammunition. It was designed to take out armored personnel, helicopters, and concrete bunkers. It was used in the Gulf War. It has a range of up to 4 miles. You can shoot one of these from the Capitol and hit the Washington Monument with accuracy. It is 5 feet long and weighs over 28 pounds. You do not need it for hunting, yet you can buy it legally. It is less regulated than handguns, and it ought to be available only if you are in the military fighting a war.

Mr. Speaker, this House must address this issue immediately.

A TRIBUTE TO WILLIAM RONEY, A TENNESSEE HERO, AND A PLEA FOR CONGRESS TO DEBATE AND PASS MEANINGFUL LEGISLATION

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

Mr. FORD. Mr. Speaker, I wanted to rise and pay tribute to a young man in my district, a hero in my district, William Roney, who just recently on Sunday, June 20, alerted families in a Park Estates apartment in East Memphis Park in my district of a fire that had developed and which eventually consumed portions, large portions of the building.

Because of his actions, he certainly could have driven right by and made a phone call, but he jumped out of his car, knocked on doors, waved and yelled, and got all the families out of this building. It is my hope that those in my community will certainly pay the type of respects and certainly honor him in a way that he deserves.

I would say to my colleagues here in the Congress, we have heard a lot of talk this morning about guns and HMO reform and campaign finance. I would hope my colleagues, particularly on this side of the aisle and even on my side of the aisle, would realize that all we have really done in this Congress is pass a bunch of suspension bills. We fly back on Monday evenings and Tuesday evenings to vote on naming Post Offices and other Federal buildings.

HMO reform, people are crying out for it. Campaign finance reform, people are crying out for it. People want some action on guns, maybe not what we want, maybe not what the other side wants, but people want something. Let us rise up and do what the American people have elected us to do: not pass suspension bills, but pass meaningful legislation.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES ACT, 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 218 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 218

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the house resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(c) of rule XIII or section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 10, line 16, through page 13, line 13; ''Notwithstanding any other provision of law,'' on page 13, line 16; ''Notwithstanding any other provision of law,'' on page 15, line 20; ''Notwithstanding any other provision of law,'' on page 17, line 14; ''Notwithstanding any other provision of law,'' on page 18, line 4; ''Notwithstanding any other provision of law,'' on page 19, line 5; ''Notwithstanding any other provision of law,'' on page 19, line 25; ''Notwithstanding any other provision of law,'' on page 25, line 9; ''Notwithstanding any other provision of law,'' on page 32, line 8; page 50, lines 1 through 9; page 50, line 22, through page 51, line 12; and page 52, lines 1 through 10. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, and shall not be subject to amendment. Points of order against the amendment printed in the report for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 218 is an open rule that governs the consideration of H.R. 2084, the Department of Transportation and related agencies appropriations bill for the fiscal year ending September 30, 2000.

The rule waives clause 4(c) of rule 13 requiring a 3-day availability of printed hearings on a general appropriations bill, and section 401(a) of the Congressional Budget Act prohibiting consideration of legislation containing contract authority not subject to appropriation against consideration of the bill.

□ 1045

The rule also provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Appropriations.

In addition, the rule waives clause 2 of rule XXI, prohibiting unauthorized or legislative provisions in an appropriations bill, against provisions in the bill, except as otherwise specified in the rule.

The rule waives clause 2 of rule XXI against the amendment printed in the report accompanying this resolution, which may be offered only by a Member designated in the report and at the appropriate point in the reading of the bill, shall be considered as read, and shall not be subject to amendment.

Mr. Speaker, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

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

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

Mr. Speaker, this bill provides for the appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000.

The underlying legislation represents an increase in safety measures and resources in every area of America's transportation system, from our airports and roads to bridges and railroads.

The Committee on Appropriations carefully looked into each area and determined how best to target our valuable transportation dollars for maximum efficiency and safety.

H.R. 2084 urges our transportation agencies to set priorities for competing requirements and compels those agencies to select priorities among their vast ranges of programs.

The bill meets the funding obligation limitations set by the 105th Congress in the transportation legislation known as TEA 21, which provides $27.7 billion in highway program obligation limitations, a $3.5 billion increase over last year's level.

This much needed funding is directed to the States to construct and improve roads and highways. This includes the bridge replacement and rehabilitation program that provides assistance for bridges on public roads, including a discretionary set-aside for high cost bridges and for seismic retrofit of bridges.

The bill also includes technical assistance to other agencies and organizations involved in road building activities.

The bill provides for $5.8 billion in transit program obligations, the funding level guaranteed in TEA 21, an $824 million increase over last year's level.

This includes Federal financial assistance programs for planning, developing, and improving comprehensive mass transportation systems in both urban and nonurban areas.

The bill recommends $4.6 billion for air traffic services, a 7.1 percent increase over the fiscal year 1999 level. Air traffic services make up an integral part of aviation safety.

Over the past several years, the problem of runway incursion continues to worsen, now occurring at a rate of almost one per day.

The bill also includes a general aviation provision to improve safety, including a $5 million grant for contract tower cost sharing and an additional $500,000 for the important aviation safety program.

In addition, the bill provides $571 million for grants to the National Railroad Passenger Corporation, Amtrak, which has undergone remarkable rehabilitation over the past 4 years.

This funding will cover capital expenses and preventative maintenance. In addition, the Federal Government will continue to work with Amtrak to help it reach its goal of total self-sufficiency.

Mr. Speaker, safety should remain the Federal Government's highest responsibility in the transportation area. Clearly, this bill addresses those needs and concerns.

In conclusion, I would like to commend the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their hard work on this measure.

I urge my colleagues to support this rule and the underlying bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me the time.

This is an open rule which will allow for full consideration of the bill making appropriations for the Department of Transportation.

As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments which are germane and which follow the rules for appropriation bills.

Assisting transportation is one of the oldest and most important duties of the Federal Government. Our leaders, going back to the Founding Fathers, knew that transportation is the glue that holds the Nation together. Therefore, passage of this bill, which funds the Department of Transportation and related agencies, is one of the highest priorities of the Congress.

The bill funds highway construction and highway safety and transit. It assists our Nation's air traffic control system and airport improvements. It makes possible Amtrak and Federal railroad programs.

I call attention to the report of the committee, which directs the Federal Aviation Administration to give priority consideration of grant applications for the development of Dayton International Airport, in my district. Dayton is considering three projects, including an aircraft parking apron, site development work, and engineering for an aircraft hangar, and expansion of de-icing facilities.

This bill was adopted by a voice vote in the Committee on Appropriations. It is supported on both sides of the aisle.

I want to commend the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations, for a great job, and the gentleman from Minnesota (Mr. SABO), the ranking minority member, for their work in bringing this bill to the House floor.

The resolution was reported by a voice vote in the Committee on Rules. It is an open rule. I urge adoption of the rule and the bill.

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

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

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

Mr. HALL of Ohio. 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 416, nays 3, not voting 15, as follows:

[Roll No. 247]

YEAS—416

Abercrombie	Castle	Foley
Ackerman	Chabot	Forbes
Aderholt	Chambliss	Ford
Allen	Chenoweth	Fossella
Andrews	Clay	Fowler
Archer	Clayton	Frank (MA)
Armey	Clement	Franks (NJ)
Bachus	Clyburn	Frelinghuysen
Baird	Coble	Frost
Baker	Coburn	Gallegly
Baldacci	Collins	Ganske
Ballenger	Combest	Gejdenson
Barcia	Condit	Gekas
Barr	Conyers	Gephardt
Barrett (NE)	Cook	Gibbons
Barrett (WI)	Cooksey	Gillmor
Bartlett	Costello	Gilman
Bass	Cox	Gonzalez
Bateman	Coyne	Goode
Becerra	Cramer	Goodlatte
Bentsen	Crane	Goodling
Bereuter	Crowley	Gordon
Berkley	Cubin	Goss
Berman	Cummings	Graham
Berry	Cunningham	Green (TX)
Biggert	Danner	Green (WI)
Bilbray	Davis (FL)	Greenwood
Bilirakis	Davis (IL)	Gutierrez
Bishop	Davis (VA)	Gutknecht
Blagojevich	Deal	Hall (OH)
Bliley	DeGette	Hall (TX)
Blumenauer	Delahunt	Hansen
Blunt	DeLauro	Hastings (FL)
Boehlert	DeLay	Hastings (WA)
Boehner	DeMint	Hayes
Bonilla	Deutsch	Hayworth
Bonior	Dickey	Hefley
Bono	Dicks	Herger
Borski	Dingell	Hill (IN)
Boswell	Dixon	Hill (MT)
Boucher	Doggett	Hilleary
Boyd	Dooley	Hilliard
Brady (PA)	Doolittle	Hinchey
Brady (TX)	Doyle	Hinojosa
Brown (FL)	Dreier	Hobson
Brown (OH)	Duncan	Hoeffel
Bryant	Dunn	Hoekstra
Burr	Edwards	Holden
Burton	Ehlers	Holt
Buyer	Ehrlich	Hooley
Callahan	Emerson	Horn
Calvert	English	Hostettler
Camp	Eshoo	Houghton
Campbell	Etheridge	Hoyer
Canady	Evans	Hulshof
Cannon	Everett	Hunter
Capps	Ewing	Hutchinson
Capuano	Farr	Hyde
Cardin	Fattah	Inslee
Carson	Filner	Isakson

Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
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
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
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
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—3

Baldwin
Kolbe
Wu

NOT VOTING—15

Barton
Brown (CA)
DeFazio
Diaz-Balart
Engel
Fletcher
Gilchrest
Granger
Kaptur
Kuykendall
Leach
Olver
Portman
Rogers
Towns

□ 1113

Mr. INSLEE changed his vote from ''nay'' to ''yea.''

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.

Stated for:

Mr. KUYKENDALL. Mr. Speaker, on rollcall No. 247, I was inadvertently detained. Had I been present, I would have voted ''yes.''

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 218 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2084.

□ 1114

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. CAMP in the chair.

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

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

□ 1115

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

Mr. Chairman, today the House considers the third appropriations bill for Fiscal Year 2000, the Department of Transportation and Related Agencies Appropriations bill. This bill includes appropriations for our Nation's highways, transit systems, funding for the Coast Guard, the Federal Aviation Administration, the Federal Railroad Administration, and several other smaller agencies both within and separate from the Department of Transportation.

The bill totals $12.7 billion in discretionary budget authority, an increase of over $400 million over the fiscal year 1999 freeze level. Several of my colleagues have sought reductions to previous appropriations bills to bring those bills more in line with the levels provided in fiscal year 1999.

Mr. Chairman, it is important for the House to understand that more than 70 percent of the funding provided in this bill as discretionary spending is not within the control of the Committee on Appropriations. Funding of $28.8 billion for the highways and transit programs, though included in this bill, is mandatory. This committee has no control over the spending levels.

The bill does include increases for highway and transit programs, but the committee had no other choice. The bill presented to the House in no way alters the funding levels contained in TEA21.

Let me also note, Mr. Chairman, that the House recently passed the authorization for the Federal Aviation Administration. That bill contains provisions which had the effect of increasing funding for the FAA by $14 billion over the levels assumed in the budget resolution. It guarantees $3 billion a year in general fund subsidies for aviation programs within the discretionary caps.

Next year, if the FAA authorization bill were enacted, the only truly discretionary program over which this subcommittee would exert any control would be the Coast Guard. Creating new mandatory programs, whether they are off-budget or within the discretionary caps, creates more Federal spending, not less. Such mandatory spending is uncontrollable and makes the Congress' job of balancing the budget and reducing the national debt doubly difficult.

If the committee were required to reduce program levels within the bill to the levels provided last year, the House would be asked to do one of three things: One, reduce funding for the Federal Aviation Administration just days after passing an authorization containing $14 billion in new spending above the budget resolution and a few weeks after an aviation accident in Arkansas; two, reduce funding for the Coast Guard search and rescue operations and drug interdiction activities; or three, nearly eliminate all the Federal funding for Amtrak. The reported bill is a lean and balanced bill given the TEA21 aviation needs and one that should be supported by the House.

To briefly summarize, $4 billion for the Coast Guard, including $521 million for drug interdiction; $10.5 billion for the FAA, including $2.25 billion for the AIP program; $27.7 billion for the Federal-aid highways program, the same level as guaranteed by TEA21; $368 million for NHTSA, again the same level as authorized; $718 million for the Federal Railroad Administration, including $571 million for Amtrak; $5.8 billion for the Federal Transit Administration, the same level as guaranteed by TEA21; and several smaller appropriations for other modal administrations and independent agencies.

The bill has been developed in cooperation with the minority and the gentleman from Minnesota (Mr. SABO). We have had a good close working relationship over the past several years,

and this year was no different. The bill has encountered no significant disagreements, passing through both the subcommittee and the full committee markups with only minor amendments. The administration has also indicated its support for the bill.

The overarching priority for the committee in developing this bill has been safety, and I would like to bring several initiatives to the attention of the Members. Recently, the Inspector General of the Department of Transportation found that the Office of Motor Carriers, the office responsible for keeping trucks on the roads safe, had less than an arm's length relationship with the industry it regulates. Last year, the committee tried to transfer the Office of Motor Carriers from the Federal Highway Administration to the National Highway Traffic Safety Administration. The committee was unsuccessful.

This year the bill provides a total of $70 million more for inspectors but includes a limitation that none of these funds are available if the Office of Motor Carriers remains within the Federal Highway Administration. Hopefully, this limitation will encourage the administration and others to have legislation or to change the current placement and management of the Office of Motor Carriers as they have indicated they will do.

I would just tell the Members, on Monday I went out on a highway truck inspection. A large number of the trucks that were inspected off of Route 50 in my Congressional district were in such violation of the law that they were pulled off the road, meaning they could not move until they were either fixed there or towed away. One out of every five trucks on the major interstates that my colleagues and their constituents and their families are driving on are very, very unsafe.

This is an issue of safety. Fourteen to 15 people die every day with regard to accidents involving trucks. The bill provides a total of $4 billion for the Coast Guard, an increase of $150 million over the 1999 enacted level. Within the funds provided for the Coast Guard is $521 million for drug interdiction activities, a 40 percent increase over last year's level.

All in all, Mr. Chairman, it is a balanced bill, and I urge its adoption.

Mr. Chairman, I include the following for the RECORD.

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses:					
Immediate Office of the Secretary	1,624	1,967	1,867	+243	-100
Immediate Office of the Deputy Secretary	585	612	612	+27	.....
Office of the General Counsel	8,750	9,150	9,000	+250	-150
Office of the Assistant Secretary for Policy	2,808	2,924	.....	-2,808	-2,924
Office of the Assistant Secretary for Aviation and International Affairs	7,650	7,732	7,632	-18	-100
Office of the Assistant Secretary for Budget and Programs	6,349	6,790	6,770	+421	-20
Office of the Assistant Secretary for Governmental Affairs	1,941	2,039	2,039	+98	.....
Office of the Assistant Secretary for Administration	19,722	18,847	17,767	-1,955	-1,080
Office of Public Affairs	1,565	1,836	1,836	+271	.....
Executive Secretariat	1,047	1,102	1,102	+55	.....
Board of Contract Appeals	561	520	520	-41	.....
Office of Small and Disadvantaged Business Utilization	1,020	1,222	1,222	+202	.....
Office of Intelligence and Security	1,036	1,574	1,454	+418	-120
Office of the Chief Information Officer	4,875	5,075	5,000	+125	-75
Office of Intermodalism	957	1,187	.....	-957	-1,187
Office of the Assistant Secretary for Transportation Policy and Intermodalism	.....	.....	3,781	+3,781	+3,781
Subtotal	60,490	62,577	60,602	+112	-1,975
Y2K conversion (emergency funding)	(7,754)	.....	.....	(-7,754)	.....
Office of civil rights	6,966	7,742	7,742	+776	.....
Transportation planning, research, and development	9,000	6,275	2,950	-6,050	-3,325
Transportation Administrative Service Center	(124,124)	.....	(157,965)	(+33,841)	(+157,965)
Minority business resource center program	1,900	1,900	1,900	.....	.....
(Limitation on direct loans)	(13,775)	(13,775)	(13,775)	.....	.....
Minority business outreach	2,900	2,900	2,900	.....	.....
Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)	(-815)	.....	.....	(+815)	.....
Total, Office of the Secretary	81,256	81,394	76,094	-5,162	-5,300
Coast Guard					
Operating expenses	2,400,000	2,607,039	2,491,000	+91,000	-116,039
Defense function	300,000	334,000	300,000	.....	-34,000
Title I - Readiness (emergency funding)	(100,000)	.....	.....	(-100,000)	.....
Title IV - Counterdrug (emergency funding)	(16,300)	.....	.....	(-16,300)	.....
Y2K conversion (emergency funding)	(27,715)	.....	.....	(-27,715)	.....
Y2K conversion (emergency funding)	(4,058)	.....	.....	(-4,058)	.....
Emergency funding (P.L. 106-31)	(200,000)	.....	.....	(-200,000)	.....
Acquisition, construction, and improvements:					
Vessels	219,923	165,760	205,560	-14,363	+39,800
Aircraft	35,700	22,110	38,310	+2,610	+16,200
Other equipment	36,569	53,726	59,400	+22,831	+5,674
Shore facilities & aids to navigation facilities	54,823	55,800	55,800	+977	.....
Personnel and related support	48,450	52,930	50,930	+2,480	-2,000
Subtotal, A C & I appropriations	395,465	350,326	410,000	+14,535	+59,674
Offsetting collections (user fees)	.....	-41,000	.....	.....	+41,000
Title I - Counterdrug (emergency funding)	(100,000)	.....	.....	(-100,000)	.....
Hurricane Georges (emergency funding)	(12,600)	.....	.....	(-12,600)	.....
Title IV - Counterdrug (emergency funding)	(117,400)	.....	.....	(-117,400)	.....
Environmental compliance and restoration	21,000	19,500	18,000	-3,000	-1,500
Alteration of bridges	14,000	.....	15,000	+1,000	+15,000
Retired pay	684,000	721,000	721,000	+37,000	.....
Reserve training	69,000	72,000	72,000	+3,000	.....
Title I - Readiness (emergency funding)	(5,000)	.....	.....	(-5,000)	.....
Research, development, test, and evaluation	12,000	21,709	21,039	+9,039	-670
Title I - Readiness (emergency funding)	(5,000)	.....	.....	(-5,000)	.....
Total, Coast Guard	3,895,465	4,084,574	4,048,039	+152,574	-36,535
Federal Aviation Administration					
Operations (Airport and Airway Trust Fund)	5,562,558	6,039,000	5,925,000	+362,442	-114,000
Y2K conversion (emergency funding)	(14,946)	.....	.....	(-14,946)	.....
Y2K conversion (emergency funding)	(13,852)	.....	.....	(-13,852)	.....
Facilities & equipment (Airport & Airway Trust Fund)	1,900,000	2,319,000	2,200,000	+300,000	-119,000
Title II - Antiterrorism (emergency funding)	(100,000)	.....	.....	(-100,000)	.....
Y2K conversion (emergency funding)	(106,612)	.....	.....	(-106,612)	.....
Y2K conversion (emergency funding)	(15,521)	.....	.....	(-15,521)	.....
Research, engineering, and development (Airport and Airway Trust Fund)	150,000	173,000	173,000	+23,000	.....
Y2K conversion (emergency funding)	(147)	.....	.....	(-147)	.....
Y2K conversion (emergency funding)	(220)	.....	.....	(-220)	.....
Grants-in-aid for airports (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(1,600,000)	(1,750,000)	(1,867,000)	(+267,000)	(+117,000)
(Limitation on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(+300,000)	(+650,000)
Total, Federal Aviation Administration	7,612,558	8,531,000	8,298,000	+685,442	-233,000
(Limitations on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(+300,000)	(+650,000)
Total budgetary resources	(9,562,558)	(10,131,000)	(10,548,000)	(+985,442)	(+417,000)

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Highway Administration					
Limitation on administrative expenses	(327,413)	(350,432)	(356,380)	(+28,967)	(+5,948)
Limitation on transportation research	.....	.....	(422,450)	(+422,450)	(+422,450)
Federal-aid highways (Highway Trust Fund):					
(Limitation on obligations)	(25,511,000)	(26,245,000)	(26,245,000)	(+734,000)	.....
(Revenue aligned budget authority) (RABA)	.....	(1,456,350)	(1,456,350)	(+1,456,350)	.....
(RABA transfer under Title III)	.....	(-502,120)	.....	.....	(+502,120)
(Adjustment)	.....	(63,000)	.....	.....	(-63,000)
Subtotal, limitation on obligations	(25,511,000)	(27,262,230)	(27,701,350)	(+2,190,350)	(+439,120)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	.....
(Liquidation of contract authorization)	(24,000,000)	(26,000,000)	(26,125,000)	(+2,125,000)	.....
Motor carrier safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(100,000)	(155,000)	(105,000)	(+5,000)	(-50,000)
(Limitation on obligations)	(100,000)	(105,000)	(105,000)	(+5,000)	.....
(RABA transfer under Title III)	.....	(50,000)	.....	.....	(-50,000)
Additional provisions - Division A P.L. 105-277:					
Surface transportation projects, Massachusetts	100,000	.....	.....	-100,000	.....
Surface transportation projects, Arkansas	100,000	.....	.....	-100,000	.....
Appalachian development highway system, Alabama	100,000	.....	.....	-100,000	.....
Appalachian development highway system, West Va	32,000	.....	.....	-32,000	.....
State infrastructure banks (rescission)	(-6,500)	.....	.....	(+6,500)	.....
Total, Federal Highway Administration	332,000	.....	.....	-332,000	.....
(Limitations on obligations)	(25,611,000)	(27,417,230)	(27,806,350)	(+2,195,350)	(+389,120)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	.....
Total budgetary resources	(27,367,047)	(28,549,346)	(28,938,466)	(+1,571,419)	(+389,120)
National Highway Traffic Safety Administration					
Operations and research (Highway Trust Fund)	87,400	.....	87,400	.....	+87,400
Operations and research (highway trust fund):					
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	.....	.....
(RABA transfer under Title III)	.....	(125,450)	.....	.....	(-125,450)
(Liquidation of contract authorization)	(72,000)	(197,450)	(72,000)	.....	(-125,450)
Y2K conversion (emergency funding)	(752)	.....	.....	(-752)	.....
National Driver Register (highway trust fund)	2,000	2,000	2,000	.....	.....
Subtotal, Operations and research	(161,400)	(199,450)	(161,400)	.....	(-38,050)
Highway traffic safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(200,000)	(206,800)	(206,800)	(+6,800)	.....
(Limitation on obligations):					
Highway safety programs (Sec. 402)	(150,000)	(152,800)	(152,800)	(+2,800)	.....
Occupant protection incentive grants (Sec. 405)	(10,000)	(10,000)	(10,000)	.....	.....
Alcohol-impaired driving countermeasures grants (Sec. 410)	(35,000)	(36,000)	(36,000)	(+1,000)	.....
State Highway safety data grants (Sec. 411)	(5,000)	(8,000)	(8,000)	(+3,000)	.....
Total, National Highway Traffic Safety Administration	89,400	2,000	89,400	.....	+87,400
(Limitations on obligations)	(272,000)	(404,250)	(278,800)	(+6,800)	(-125,450)
Total budgetary resources	(361,400)	(406,250)	(368,200)	(+6,800)	(-38,050)
Federal Railroad Administration					
Office of the administrator	21,215	.....	.....	-21,215	.....
Railroad safety	61,488	.....	.....	-61,488	.....
Safety and operations	.....	95,462	94,448	+94,448	-1,014
Offsetting collections (user fees)	.....	-66,461	.....	.....	+66,461
Subtotal	82,703	29,001	94,448	+11,745	+65,447
Railroad research and development	22,364	21,800	21,300	-1,064	-500
Offsetting collections (user fees)	.....	-21,300	.....	.....	+21,300
Next generation high-speed rail	20,494	12,000	22,000	+1,506	+10,000
Alaska Railroad rehabilitation	10,000	.....	.....	-10,000	.....
Alaska Railroad capital improvements (Division A)	28,000	.....	.....	-28,000	.....
Rhode Island Rail Development	5,000	10,000	10,000	+5,000	.....
Capital grants to the National Railroad Passenger Corporation	609,230	570,976	570,976	-38,254	.....
Rail initiative trust fund (Highway Trust Fund) (RABA transfer under Title III):					
(Liquidation of contract authorization)	.....	(35,400)	.....	.....	(-35,400)
(Limitation on obligations)	.....	(35,400)	.....	.....	(-35,400)
Total, Federal Railroad Administration	777,791	622,477	718,724	-59,067	+96,247
(Limitations on obligations)	.....	(35,400)	.....	.....	(-35,400)
Total budgetary resources	(777,791)	(657,877)	(718,724)	(-59,067)	(+60,847)

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Transit Administration					
Administrative expenses	10,800	12,000	12,000	+1,200	
Administrative expenses (Highway Trust Fund, Mass Transit Account)					
(Limitation on obligations)	(43,200)	(48,000)	(48,000)	(+4,800)	
Subtotal, Administrative expenses	(54,000)	(60,000)	(60,000)	(+6,000)	
Y2K conversion (emergency funding)	(250)			(-250)	
Formula grants	570,000	619,600	619,600	+49,600	
Formula grants (Highway Trust Fund):					
(Limitation on obligations)	(2,280,000)	(2,478,400)	(2,478,400)	(+198,400)	
(RABA transfer under Title III)		(212,270)			(-212,270)
Subtotal, Formula grants	(2,850,000)	(3,310,270)	(3,098,000)	(+248,000)	(-212,270)
University transportation research	1,200	1,200	1,200		
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)		
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)		
Transit planning and research (general fund)	19,800	21,000	21,000	+1,200	
Transit planning and research (Highway Trust Fund, Mass Transit Account):					
(Limitation on obligations)	(78,200)	(86,000)	(86,000)	(+7,800)	
(RABA transfer under Title III)		(4,000)			(-4,000)
Subtotal, Transit planning and research	(98,000)	(111,000)	(107,000)	(+9,000)	(-4,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)		
National transit institute	(4,000)	(4,000)	(4,000)		
Transit cooperative research	(8,250)	(8,250)	(8,250)		
Metropolitan planning	(43,842)	(49,632)	(49,632)	(+5,790)	
State planning and research	(9,158)	(10,368)	(10,368)	(+1,210)	
National planning and research	(27,500)	(33,500)	(29,500)	(+2,000)	(-4,000)
Subtotal	(98,000)	(111,000)	(107,000)	(+9,000)	(-4,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,251,800)	(4,929,270)	(4,638,000)	(+386,200)	(-291,270)
Capital investment grants (general fund)	451,400	490,200	490,200	+38,800	
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(1,805,600)	(1,960,800)	(1,960,800)	(+155,200)	
Subtotal, Capital investment grants	(2,257,000)	(2,451,000)	(2,451,000)	(+194,000)	
(Fixed guideway modernization)	(902,800)	(980,400)	(980,400)	(+77,600)	
(Buses and bus-related facilities)	(451,400)	(490,200)	(490,200)	(+38,800)	
(New starts)	(902,800)	(980,400)	(980,400)	(+77,600)	
Subtotal	(2,257,000)	(2,451,000)	(2,451,000)	(+194,000)	
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,000,000)			(-2,000,000)	
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)		(1,500,000)	(1,500,000)	(+1,500,000)	
Job access and reverse commute grants (general fund)	35,000	15,000	15,000	-20,000	
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(40,000)	(60,000)	(60,000)	(+20,000)	
(RABA transfer under Title III)		(75,000)			(-75,000)
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(75,000)		(-75,000)
Washington Metropolitan Area Transit Authority (general fund)	50,000			-50,000	
Trust fund share of transit programs (Highway Trust Fund) (rescission of contract authorization)	(-665)			(+665)	
Interstate transfer grants - transit (rescission)	(-600)			(+600)	
Total, Federal Transit Administration	1,138,200	1,159,000	1,159,000	+20,800	
(Limitations on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(+386,200)	(-291,270)
Total budgetary resources	(5,390,000)	(6,088,270)	(5,797,000)	(+407,000)	(-291,270)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	11,496		12,042	+546	+12,042
Mandatory proposal		(12,042)			(-12,042)
Subtotal	(11,496)	(12,042)	(12,042)	(+546)	
Research and Special Programs Administration					
Research and special programs		33,340			-33,340
Hazardous materials safety	16,063		17,813	+1,750	+17,813
Emergency transportation	997		1,459	+462	+1,459
Research and technology	3,676		3,547	-129	+3,547
Program and administrative support	8,544		9,542	+998	+9,542
Subtotal, research and special programs	29,280	33,340	32,361	+3,081	-979

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Offsetting collections (user fees)	.....	-4,575	.....	.....	+4,575
Y2K conversion (emergency funding)	(182)	.....	.....	(-182)	.....
Y2K conversion (emergency funding)	(100)	.....	.....	(-100)	.....
Pipeline safety:					
Pipeline Safety Fund	29,000	33,939	30,598	+1,598	-3,341
Oil Spill Liability Trust Fund	4,248	4,248	5,494	+1,246	+1,246
Pipeline safety reserve	(1,400)	.....	(1,300)	(-100)	(+1,300)
Subtotal, Pipeline safety	33,248	38,187	36,092	+2,844	-2,095
Y2K conversion (emergency funding)	(150)	.....	.....	(-150)	.....
Emergency preparedness grants:					
Emergency preparedness fund	200	200	200	.....	.....
(Limitation on obligations)	(11,000)	.....	(14,300)	(+3,300)	(+14,300)
Total, Research and Special Programs Administration	62,728	67,152	68,653	+5,925	+1,501
(Limitations on obligations)	(11,000)	.....	(14,300)	(+3,300)	(+14,300)
Total budgetary resources	(73,728)	(67,152)	(82,953)	(+9,225)	(+15,801)
Office of Inspector General					
Salaries and expenses	43,495	44,840	44,840	+1,345	.....
Surface Transportation Board					
Salaries and expenses	16,000	17,000	17,000	+1,000	.....
User fees	.....	-2,600	.....	.....	+2,600
Offsetting collections	-2,600	-14,400	-1,600	+1,000	+12,800
General Provisions					
Transportation Administrative Service Center reduction	-15,000	.....	-10,000	+5,000	-10,000
Transit discretionary grants (rescission of contract authorization)	(-392,000)	.....	.....	(+392,000)	.....
National Aviation Review Commission (rescission)	(-849)	.....	.....	(+849)	.....
Amtrak Reform Council	450	750	750	+300	.....
Urban discretionary grants (rescission)	(-4,026)	.....	.....	(+4,026)	.....
Net total, title I, Department of Transportation	14,486,343	14,593,187	14,520,942	+34,599	-72,245
Appropriations	(14,043,239)	(14,593,187)	(14,520,942)	(+477,703)	(-72,245)
Rescissions	(-405,455)	.....	.....	(+405,455)	.....
Emergency appropriations	(848,559)	.....	.....	(-848,559)	.....
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(+2,891,650)	(+601,300)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	.....
Net total budgetary resources	(48,006,190)	(50,111,453)	(50,640,508)	(+2,634,318)	(+529,055)
TITLE II - RELATED AGENCIES					
Architectural and Transportation Barriers Compliance Board					
Salaries and expenses	3,847	4,633	4,633	+786	.....
Y2K conversion (emergency funding)	(60)	.....	.....	(-60)	.....
National Transportation Safety Board					
Salaries and expenses	53,473	57,000	57,000	+3,527	.....
Rental payments (supplemental P.L. 160-31)	2,300	.....	.....	-2,300	.....
Offsetting collections	.....	-10,000	.....	.....	+10,000
Emergency fund	1,000	.....	.....	-1,000	.....
Total, National Transportation Safety Board	56,773	47,000	57,000	+227	+10,000
Total, title II, Related Agencies	60,680	51,633	61,633	+953	+10,000
Appropriations	(60,620)	(51,633)	(61,633)	(+1,013)	(+10,000)
Emergency appropriations	(60)	.....	.....	(-60)	.....
Net total appropriations	14,547,023	14,644,820	14,582,575	+35,552	-62,245
Scorekeeping adjustments:					
Pipeline safety (OSLTF)	1,400	-5,000	-3,000	-4,400	+2,000
General Provision (Sec. 329)	4,000	.....	.....	-4,000	.....
FTA: Job access (mass transit category)	-25,000	.....	.....	+25,000	.....
FTA: Job access (non-defense discretionary)	25,000	.....	.....	-25,000	.....
Emergency funding	-848,619	.....	.....	+848,619	.....
FY 1999 adjustments to CBO rescissions	205	.....	.....	-205	.....
Total, adjustments	-843,014	-5,000	-3,000	+840,014	+2,000
Net grand total	13,704,009	14,639,820	14,579,575	+875,566	-60,245
Appropriations	(14,109,464)	(14,639,820)	(14,579,575)	(+470,111)	(-60,245)
Rescissions	(-405,455)	.....	.....	(+405,455)	.....
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(+2,891,650)	(+601,300)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	.....
Net grand total budgetary resources	(47,223,856)	(50,158,086)	(50,699,141)	(+3,475,285)	(+541,055)

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
302B SUMMARY					
Total mandatory and discretionary	12,982,809	13,480,820	13,420,575	+437,766	-60,245
Mandatory	684,000	721,000	721,000	+37,000	.....
Discretionary:					
Highway category: (Limitation on obligations)	(25,883,000)	(27,821,480)	(28,085,150)	(+2,202,150)	(+263,670)
Mass Transit category	721,200	1,159,000	1,159,000	+437,800	.....
(Limitation on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(+386,200)	(-291,270)
Total, Mass Transit category	(4,973,000)	(6,088,270)	(5,797,000)	(+824,000)	(-291,270)
General purpose discretionary	12,298,809	12,759,820	12,699,575	+400,766	-60,245

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

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise in support of the bill/rule. I would like to thank Chairman WOLF and Ranking Member SABO for all the hard work they've put into this bill.

On June 1st of this year, Norfolk Southern and CSX Transportation finalized their acquisition of Conrail. As a result of this acquisition, train traffic through parts of my district, has increased significantly. The rail crossings in these cities literally split the cities in half, and increased traffic has been causing traffic backups and delays.

With the Chairman's assistance and with commitments from NS and CSX and the State of Ohio, funds have been secured to construct grade separations at three different rail crossings in my district. When construction is completed, residents in Berea, Olmsted Falls and Olmsted Township will be relieved of traffic backups and delays as a result of train traffic.

In too many cases they will still have to contend with train whistle noise. Once the grade separations are built, trains will not be required to sound their whistles when passing those specific intersections. Several densely populated neighborhoods in my congressional district will, however, experience an increase in whistle noise from passing trains. Many of these homes are located within 30 to 40 feet of the railroad tracks, and the increased traffic through this area means increased noise for these residents.

Currently, Federal regulations require each lead locomotive to have a warning device that produces a sound level of 96 decibels at least 100 feet ahead of the locomotive. The State of Ohio requires trains to sound their whistles 1,320 feet before a crossing and continuously while passing through it.

In addition, all major railroads have operating rules that require their engineers to blow train horns—normally four consecutive times—at highway-rail grade crossings as a warning to motorists and pedestrians.

These regulations were implemented to protect public safety, but the disturbance train whistles cause nearby residents should be addressed. In 1994, Congress passed the Swift Rail Development Act which directs the Federal Railroad Administration to mandate the use of train horns at all public crossings.

This legislation also allows for ''quiet zones'' whenever communities establish alternatives that provide the same level of safety at crossings as that provided by train whistles. The FRA is in the process of drafting new regulations on train whistles and ''quiet zones.''

I have written to Secretary Slater on the issue of quiet zones. I have proposed that the railroad tracks through the 10th District be designated as ''Pilot Corridors'' and be used to demonstrate the use of supplementary safety measures that would provide the same level of safety as the sounding of a locomotive horn.

The pilot corridors would include Norfolk Southern's Nickel Plate Line, which runs through some of the very densely populated residential neighborhoods. The stretch of the Nickel Plate Line through Lakewood includes 27 at-grade crossings within 2.7 miles of track. The other tracks that should be included in the pilot corridors are the Conrail Mainline through Berea, Olmsted Falls, and Olmsted Township; and the stretch of the Berea-Greenwich line that runs through Berea and Olmsted Falls.

All of these tracks are experiencing significant increases in freight traffic due to the operating changes of the Conrail acquisition. While I understand the importance of warning motorists, pedestrians, and cyclists at these crossings, my constituents are being awakened in the middle of the night by train operators that blow their horns loud and long. There must be a way that we can have safe railroad crossings without the railroads being a nuisance to residents living near tracks.

Through a pilot corridor demonstration project in my district, we can use some of the latest safety procedures to ensure safety while protecting the peace and quiet of the neighborhoods. Photo-enforcement, median strips, 4-quadrant gates, long arm gates, one-way paired streets, and enforcement/education efforts are among the most up-to-date supplementary safety measures available that may help maintain safety while keeping peace in our residential areas.

I applaud the FRA in its efforts to draft and implement quiet zone regulations, and I hope that a portion of the funds appropriated in this bill can be used for that purpose. I believe we can maintain the safety of these rail lines while making areas like the cities in my district quieter environments in which to live.

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

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

Mr. SABO. Mr. Chairman, I will not go through the details of the bill as the chairman did. But let me commend the gentleman from Virginia (Mr. WOLF) for conducting fair and very professional hearings in an excellent bill before us today.

Let me mention the staff of the committee on the minority side. Cheryl Smith from the minority staff; Marjorie Duske from my personal staff, who worked very hard on this bill. Let me also thank the members of the majority staff, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and David Whitestone, all of whom have worked very hard and in a very professional way on this bill. This work is outstanding.

The bill before us is a good one, and should be passed. As always, one has a few concerns. I have some concern that funding for FAA operations may be a little tight. I am a little concerned over some technical language as relates to transit. But we will continue to look at those issues as we go to conference.

But it is a good bill. It moves transportation funding in this country forward in a positive fashion. I would hope the bill would remain intact, and it would serve the House well.

Mr. Chairman, I rise in strong support of the fiscal year 2000 Transportation and related agencies appropriations bill. Let me start by commending Chairman WOLF for his hard work in putting together a bill that addresses the transportation needs of our citizens, communities and businesses. I also want to thank the majority staff—John Blazey, Rich Efford, Stephanie Gupta, Linda Muir and David Whitestone—for the fine job that they do.

This bill was developed in a bipartisan manner and is balanced and fair.

The bill provides $12.7 billion in new budget authority and $50.7 billion in total resources. While technically speaking this level is $400 million over last year, the bill actually provides new budget authority about equal to last year's level, adjusted for $400 million in one-time rescissions adopted last year that cannot be continued into 2000.

Mr. Chairman, two-thirds of the outlays in the bill are mandated highways and transit firewalls in TEA–21. As a result, obligation levels for highway programs increase by $2.2 billion or 8.5 percent over 1999 and $6.2 billion or 29 percent since 1998. Transit obligation authority will increase by $432 million or 8.1 percent over 1999 and $953 million or 20 percent since 1998.

The FY2000 Transportation appropriations bill is just $425 thousand below its 302(b) allocation in budget authority and at the 302(b) allocation in outlays. These 302(b) allocations are adequate, but not generous, and they are absolutely necessary if we are to fund vital safety, security and operational requirements of the Coast Guard, the FAA, and AMTRAK.

COAST GUARD

The bill provides $3.3 billion in discretionary resources and $721 million in mandatory resources for the Coast Guard. This provides a discretionary increase of $116 million or 3.6 percent over 1999, excluding mandatory retired pay and excluding 1999 emergency supplementals which will fund some year 2000 pay requirements. While these levels are short of the President's request, I believe they are adequate for the Coast Guard to accomplish its national defense, search and rescue, and law enforcement missions.

Coast Guard drug interdiction activities are funded at $541 million—a 40 percent increase over the 1999 level.

In addition, we have had great interest from some members in certain Coast Guard facilities. This bill does not mandate the closure of any facilities. In fact, the bill ensures that air facilities in Long Island and Michigan will remain open, and provides funding for a new air facility in Illinois for southern Lake Michigan.

FEDERAL AVIATION ADMINISTRATION

With regard to aviation, this bill does not shortchange the FAA. It includes $10.5 billion for the FAA, primarily to fund increased air traffic control and airport development requirements. This provides a 10 percent increase of $985 million, including a $300 million or 15 percent increase for the airport improvement program—funded at its highest level ever of $2.25 billion.

Mr. Chairman, I understand that there is concern about some of the reductions in the FAA operations budget, particularly those that may impact the air traffic controllers pay agreement. I share these concerns and intend to work diligently in conference with the Senate to ensure that we have adequately funded all aspects of the new air traffic controllers compensation agreement negotiated with the FAA last year.

AMTRAK

Mr. Chairman, this bill also includes $571 million in capital grants for AMTRAK—An amount that is $37 million or 6 percent below last year's level. Since FY1995, funding for AMTRAK in this bill has been cut by over $200 million or nearly 30 percent.

The bill also provides AMTRAK with the flexibility it needs to use these funds for preventive maintenance on equipment and track—a good business practice adopted by other transportation modes.

In our hearings this year, we heard testimony from both AMTRAK and the DOT inspector general about the progress AMTRAK is making toward operational self-sufficiency. Ridership is up. Revenues are up.

Nevertheless, we also heard testimony that AMTRAK must receive the entire $571 million in this bill if AMTRAK is to continue to launch high speed rail, make improvements in its performance, and meet its on-going financial obligations. AMTRAK is relying on receiving the full amount of its FY2000 request, and anything less than that amount could effectively force the railroad into bankruptcy.

In closing, the FY2000 Transportation appropriations bill deserves our strong support. I urge members to support it and to reject any amendments to cut the funding provided in the bill.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I rise for the purpose of engaging the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations, in a colloquy.

Mr. Chairman, as you know, Salt Lake City has been selected the site of the 2002 Winter Olympic Games. Hosting the games poses a significant challenge to any area, particularly with respect to transportation. This challenge is manageable, however, with support from the Federal Government.

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

Mr. COOK. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the committee recognizes the importance of a successful Winter Olympic Games to the Salt Lake community, the State of Utah, and to the entire country. In light of the national interest in a successful Olympic experience in Salt Lake City, the subcommittee bill includes almost $75 million for various transportation infrastructure investments. These funds are available for transportation planning, park and ride lots, intelligent transportation systems, buses, highways, and the south-north light rail system. These appropriations were secured, I might say, by the diligence of the gentleman from Salt Lake City.

The bill, however, does include a prohibition on the use of Federal funds to execute a letter of no prejudice, a letter of intent or full funding grant agreement for the west-east light rail line. This limitation was added by the committee and was not requested by the gentleman from Utah (Mr. COOK). I and the committee staff have spoken with the gentleman and his staff to discuss the reasons why, in the opinion of the committee, this limitation is necessary and appropriate and in the interest of the American taxpayer.

Mr. COOK. Mr. Chairman, I appreciate the generosity of the committee for including appropriations for Salt Lake City and its surrounding communities to meet the requirements of the Olympic Games. The chairman and his staff of the committee have spoken with me and my staff about the reasons why the limitation on the west-east line was included in the bill.

It is my hope that over the next several months that I and other members of the Utah delegation could address the issues identified by the committee and seek ways to provide the necessary appropriations to ensure a successful Winter Games in Salt Lake Valley.

Mr. WOLF. Mr. Chairman, I say to the gentleman from Utah (Mr. COOK), we look forward, the committee and the members, to working with the gentleman from Utah and other members of the delegation to address the most critical transportation requirements related to the Salt Lake City 2002 Winter Olympic Games, and I appreciate the help of the gentleman.

Mr. COOK. Mr. Chairman, I commend the gentleman for his work.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS).

(Mr. LEWIS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Chairman, I want to commend the gentleman from Virginia (Mr. WOLF), the chairman, and the gentleman from Minnesota (Mr. SABO), the ranking member, for their good work on this bill.

Mr. Chairman, I rise in support of H.R. 2084.

Metropolitan Atlanta is facing a crisis. Declining air quality and bumper to bumper traffic are clouding Atlanta's future.

The people who bear the heaviest burden of air pollution—poor people, the elderly, and children—are those who most need our protection. As we speak, Atlanta's hospitals are bracing for a rush of respiratory emergencies as this season's ozone season approaches.

Traffic in and around Atlanta is so congested that the term "quick commute" has become an oxymoron. Parents spend more time in traffic than attending little league games and PTA meetings. Atlantans now rank traffic, public transportation and air pollution alongside education and crime as their top concerns.

More roads will not solve Atlanta's problem. In fact, more roads are not an option. Federal funding cannot be used for road construction because Georgia has not filed the State Improvement Plan required by the Clean Air Act.

The best way to improve this situation and the quality of life for my constituents is to expand the Metropolitan Atlanta Rapid Transit Authority system.

MARTA's Board has identified the western light rail extension as the most cost effective addition to the system. The project would reduce congestion and air pollution, and improve access to educational and employment resources—linking thousands of students to Georgia Tech University and workers to Fulton County Industrial Park.

While I realize the severe constraints we face in making responsible decisions about spending our transportation tax dollars, one million dollars dedicated to studying the MARTA west side extension is a sound and responsible investment.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. PASTOR), a very hard-working member of our subcommittee.

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

Mr. PASTOR. Mr. Chairman, first of all, I want to commend the gentleman from Virginia (Mr. WOLF) for bringing forth a fair, bipartisan bill through the subcommittee and also through the full committee, and I want to thank him for working with us and congratulate him on the bill.

There are two issues that are addressed in this bill that I would like to take a few minutes to talk about. One deals with an issue that he talked about and it deals with the issue of truck safety on our highways. He should be commended for bringing that issue forth and highlighting it.

We had a hearing in which we had interest groups that were making presentations at that hearing, and there were several options that were proposed. One would be to strengthen the Office of Motor Carriers to ensure that the enforcement of safety becomes its objective. Also, the possibility of creation of an office within the Department of Transportation whose only objective would be truck safety.

There are several hybrids. The most recent one that I read about was former Congressman Mineta's proposal and suggestion what we can do and should adopt in terms of strengthening the enforcement of truck safety on our highways. So I commend the chairman and I look forward to working with him to resolving this issue.

The other issue that I would like to commend the committee, the ranking member, and also the chairman is the issue of truck safety as it deals with our borders. The Inspector General, in a report, told us that California seems to have adequate safety inspection along the borders, but Texas, New Mexico, and Arizona are lacking somewhat in terms of ensuring that the trucks coming across from Mexico meet all the safety standards.

The chairman and the ranking member have addressed this problem by providing monies so that the Department of Transportation would have additional Federal inspectors at the borders and also would provide monies to the States so that they could establish facilities where we could conduct these safety inspections.

□ 1130

I hope that as this bill goes forward through the House to conference that the issue of truck safety at the borders will be addressed with additional resources made available to the States and additional Federal inspectors also being made available to the border. I congratulate the ranking member and the chairman for a great bill and move its adoption.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

(Mr. GARY MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Chairman, I rise in strong support of H.R. 2084, the fiscal year 2000 Transportation Appropriations Bill. I would like to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for their hard work in crafting this bill in such a good, bipartisan manner. H.R. 2084 appropriates $13.4 billion in new budget authority for transit programs for fiscal year 2000, $437.8 million more than last year.

Some of the dollars have a great deal of importance to my district which includes Ontario International Airport located in my district. $2.25 billion is appropriated for the Airport Improvement Program, $300 million more than last year and $650 million more than the President requested.

$957.1 million to procure air traffic control facilities and equipment, an increase of 13.4 percent from the previous fiscal year. The bill also provides funding for key projects located in and around my district. H.R. 2084 provides $3 million for fleet replacement for the Foothill Transit Agency, $1 million for the Orange County Transitway Corridor, $1 million for the purchase of compressed natural gas buses for San Bernardino County, and $7 million for acquisition of buses for Los Angeles County.

Finally, the bill provides $5 million for oceanic air traffic modernization which is extremely important to American airline passengers traveling to and from Asia.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a new member of our subcommittee.

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Chairman, I thank very much the gentleman from Virginia (Mr. WOLF), the chairman of our subcommittee, for his tireless, equal, just work and the gentleman from Minnesota (Mr. SABO), our ranking member, who has certainly been a leader in providing for each of us the input we have wanted as we discussed this transportation appropriations bill for fiscal year 2000.

Mr. Chairman, I rise in support of the legislation. As a member of Michigan's appropriations transportation team for 14 years, I find coming here to the United States Congress to be quite a blessing to work in a bipartisan way on such a very important bill that affects all of us as American citizens.

We heard a lot of testimony on truck safety and what we need to do to begin to address it, and we did that in a bipartisan fashion. I know there were many, many requests for transit assistance and because of the limited dollars that we are able to work with, we were not able to fill all of those. We hope to work more on this.

I thank the committee and the staff for, in a bipartisan way, making sure that we did what we could with those dollars that were available to us. A few of my colleagues from Michigan are a bit upset that some of their concerns were not taken into heed, and that is mainly because I did not know about them, but I will work with the entire Michigan delegation as we move to conference.

The gentleman from Michigan (Mr. KILDEE) and the gentleman from Georgia (Mr. LEWIS) have certain interests that they would like to see addressed. Again we will work with them as we move to conference. As a new member of this subcommittee and under the leadership of the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO), I urge my colleagues to vote ''yes'' for this most important, very fine, bipartisan appropriations bill.

Mr. Chairman, I want to rise in strong support for H.R. 2084, the Transportation Appropriations bill for the next fiscal year. This responsible, reasonable and rational bill is the result of a lot of hard work, long hours and diligence on behalf of both my Democratic and Republican colleagues and staff, and shows that Congress can be both fiscally prudent and make a real change for improving the transportation needs of our nation.

As one of the newest members to the august Appropriations Committee, I am pleased to be part of this debate that will be the first bill from one of the two subcommittees on which I am honored to serve. While this bill provides $50.7 billion in total funding to highway, highway safety, and mass transit programs, almost 70 percent of this money is part of the guarantee from the Transportation Efficiency Act of the 21st Century, or TEA–21. As my colleagues know, this money is beyond the scope and control of the House Appropriations Subcommittee on Transportation. As we point out in our Committee Report, the funding increases associated with TEA–21 have used up most of the 8.5 percent increase in outlays allocated for the next fiscal year. As a result, we had to make many difficult decisions with the meager amount of funds that was available.

This bill does many great things, and I would like to point out some specific additions:

The bill will expedite the backlog of sexual harassment cases at the FAA. FAA Administrator Jane Garvey is to be commended for her hard work and effort at eliminating the problem of sexual harassment at the FAA, and we were successful in getting language added that would hopefully eliminate this backlog of cases.

The bill provides that the Department of Transportation work hard to ensure that qualified small businesses, women-owned businesses, and minority-owned businesses get their fair share of the advertising pie.

This bill provides more funding for road safety and innovative programs that will make travel safer for all Americans.

I am especially honored to serve on this Subcommittee as I served the majority of my career as an elected member for the Michigan House of Representatives on the same Subcommittee. As such, I have over 20 years of experience working with transportation-related issues and budgets for the State of Michigan, and I am glad to be able to use this knowledge to improving the transportation needs of all Americans. As the first Democratic Member of this Committee since the retirement of Congressman Bob Carr, I want to add and note that I am ready and willing to work with all of the different transportation entities of the State of Michigan to ensure that Michigan retains its fair share of these meager resources. While we were not able to meet everyone's transportation needs, it is my sincere hope and desire that we will be able to sit down together and try to help my colleagues during conference committee.

As I said earlier, I want to work with all of my Michigan colleagues—Democratic and Republican alike—during conference committee on this bill. I want to, however, cite some specific examples. Congressman DALE E. KILDEE has been ardently working with the Federal Aviation Administration (FAA) to secure funding to upgrade the antenna system at Bishop Airport. According to the December 8, 1998 edition of the Flint Journal, ''In dozens of documents cases this year, air traffic controllers have lost radar signals of aircraft in Flint's airspace. Federal Aviation Administration documents show the radar is not scheduled to be replaced until September 2002. FAA officials, controllers and technicians have said they do not believe the system's weaknesses are compromising the safety of pilots and fliers, but could cause delays and added stress for controllers.'' Because Congressman KILDEE was focusing his efforts at the FAA, Congressman KILDEE was not able to make a formal request to the Subcommittee in time for consideration of this budget. I want to make a formal request that, among my Michigan colleagues, we give full consideration to Congressman KILDEE'S issue, and hope that we can work out something during conference consideration.

I also wanted to assist Congressman JOHN LEWIS of Georgia in confronting the difficult task of meeting the transportation needs of a rapidly growing population in Atlanta, Georgia. Congressman LEWIS is seeking support for expanding the service of his region's wonderful Metropolitan Atlanta Rapid Transit Authority, and it is also may hope that we are able to work with Congressman LEWIS during conference committee on this issue as well.

Finally, I would like to once against thank the hard work that Ms. Cheryl Smith and Mr. John Blazey on putting this whole package together. Sometimes, we forget that we are fortunate to have a dedicated staff willing to pay the price of long hours and thankless service that public service requires.

Again, I strongly encourage my colleagues to support this bill.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. First, I would like to congratulate my colleague from Virginia for his work on the transportation bill today. I have an issue, however, that I would like to bring to his attention.

Mr. Chairman, the Rock County Airport which is located in the district that I serve has recently begun to see an increase in air traffic for business deliveries to local employers.

In order to accommodate these important deliveries, the Rock County Airport is in desperate need of improvement. Rock County began work on these improvements, but Federal assistance is needed to address this immediate need. These improvements are critical not only to the local businesses in the district I represent but also to the local economy and the livelihood of the employees who work at these businesses.

I understand the committee report has included a list of airports which the committee directs the FAA to give priority consideration for grant funding next year. Would the gentleman be willing to communicate to the Federal Aviation Administration that these improvements to the Rock County Airport are to be considered a priority for grant funding as well?

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

Mr. RYAN of Wisconsin. I yield to the gentleman from Virginia.

Mr. WOLF. Absolutely. I appreciate my colleague from Wisconsin bringing this important issue to our attention. I understand the merits of the project. I am committed to making sure that it is communicated to the FAA that this project receives the same priority consideration as those included in the committee report. The gentleman has my word on that.

Mr. RYAN of Wisconsin. I thank the gentleman from Virginia. I sincerely appreciate my colleague's commitment. I look forward to working with him on the Rock County Airport issues.

Mr. SABO. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), one of the members who always has very high interest in the Coast Guard.

Mr. DELAHUNT. I thank the ranking member for yielding me this time.

Mr. Chairman, I do stand here in strong support for the United States Coast Guard and to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. Sabo) for their leadership in crafting this bill under such tight budget constraints. I also applaud them for increasing the Coast Guard's acquisition, construction, and improvements account to help replace its aging vessels and aircraft and to thank them for including readiness funding in the supplemental bill passed earlier this year. However, the administration's requested level for operating expenses represents the absolute minimum required for the Coast Guard to perform the fundamental duties it has been assigned by the Congress.

Let us not forget that these services often are matters of life and death. The men and women of the Coast Guard have put their lives on the line every day for 200 years to save thousands of recreational and commercial mariners. Over 45,000 people in the last decade alone have been saved by the Coast Guard.

Moreover, the General Accounting Office has documented that during the 1990s, the Coast Guard has been assigned vastly increased responsibilities while its workforce has been shrunk by nearly 10 percent and has operated within a budget that has risen by only 1 percent in actual dollars. The Coast Guard's new assignments go considerably beyond basic vessel safety and search-and-rescue, including marine environmental protection, fisheries management, overseas military port security, international maritime training, and, of course, drug interdiction.

In the wake of these increased mandates, at the same time as a decrease is planned in search-and-rescue spending, the Coast Guard needs adequate funding to meet its new tasks and perform its traditional but critical basic services to protect people, the environment, and the United States economic interests.

Again, I thank the appropriators for their hard work in meeting the challenges of assembling this spending bill and look forward to continuing to work with the committee to increase funding to at least the administration's requested level.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. KING), the great author of a new book which he hopes becomes a best seller.

Mr. KING. Mr. Chairman, I thank the gentleman for yielding me this time, and, most importantly, I thank him for his kind remarks about the book.

Mr. Chairman, I would like to express my support for this important legislation to fund transportation projects in fiscal year 2000 and to communicate my sincere appreciation to the gentleman from Virginia (Mr. WOLF) for his efforts in including $4 million for a project of great importance to me and my constituents, the New York Metropolitan Transportation Authority's Long Island Railroad East Side Access Project. This project, to be completed by the year 2009, is a major commuter rail improvement project which will enable 50,000 existing and tens of thousands of new commuters on the Nation's busiest commuter rail line, the Long Island Railroad, to travel directly to final destinations on Manhattan's East Side without spending over half an hour backtracking on subways from Penn Station on the West Side.

Over $100 million in combined prior Federal appropriations and State and local funds have already been dedicated to this critical project which will greatly improve transit flow and reduce vehicular traffic in the New York City region. East Side access is supported by a Statewide bipartisan majority of New York's congressional delegation and is the top funding transportation priority of Governor Pataki.

I look forward to working with the gentleman from Virginia and the other members of the committee as this vital project goes forward. I thank the gentleman for all his courtesies and generosity on this project.

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

Mr. KING. I yield to the gentleman from Virginia.

Mr. WOLF. I appreciate the remarks of the gentleman from New York. I would like to point out that the Federal Transit new starts funds provided in H.R. 2084 for this project will help. They would not be there without his effort, and will help to maximize previous Federal investments in the 63rd Street Subway Tunnel and Connector Project. All these projects are linked together to alleviate congestion, promote environmentally sound transportation, and enable weary commuters to spend more quality time with their families by reducing lengthly daily commutes.

I look forward to working with the gentleman from New York and other members of the New York delegation to ensure that this project will be adequately funded as it moves into the heavy construction phase.

Mr. KING. I thank the gentleman from Virginia.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. CLYBURN), one of the members of our subcommittee.

Mr. CLYBURN. I thank the ranking member for yielding me this time.

Mr. Chairman, I know the gentleman from Virginia is aware of the recent media reports detailing the use of racial profiling by numerous law enforcement agencies as they patrol our Nation's highways. Indeed, one study by a nongovernmental entity found that along the I–95 corridor in Maryland, African Americans comprised only 17 percent of all drivers, yet accounted for 73 percent of all police searches.

As chairman of the Congressional Black Caucus, I have been directed by the Caucus to request the General Accounting Office to conduct its own comprehensive study to determine the extent and magnitude of this problem.

Mr. Chairman, I call this to the gentleman's attention so that he will know that next year, I will address this issue in our hearings. These citizens are driving on roads paid for with funding in the Transportation Appropriations bill, yet are experiencing discriminatory law enforcement practices on these highways. I hope that next year we can explore whether there are avenues through the Department of Transportation to assist in eradicating this unfair practice.

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

Mr. CLYBURN. I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman from South Carolina for drawing our attention to this important matter. I am hopeful that his GAO study will be completed by our hearing schedule next year, and I look forward to examining its results. I look forward to working with the gentleman from South Carolina in addressing the issue.

Mr. CLYBURN. I thank the gentleman for his commitment to working together to find a solution to an issue about which millions of African Americans harbor intense feelings.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. RAHALL).

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

Mr. RAHALL. I thank the distinguished ranking member for yielding me the time.

Mr. Chairman, I rise in my capacity as the ranking Democrat on the Subcommittee on Ground Transportation. I want to express my appreciation to the gentleman from Virginia for giving some funding priority to those transit new start projects which are under full funding grant agreements.

The authorizing committee undertook an extensive review of these projects when preparing legislation enacted last year as TEA 21 which among its many initiatives authorized the transit program through fiscal year 2003.

Among the new start projects being funded in the pending legislation is the Tren Urbano in San Juan, Puerto Rico. As I noted in a recent letter to the gentleman from Virginia, San Juan is densely populated and at times its transportation facilities appear to be paralyzed with congestion. In fact, downtown San Juan has an exceedingly high vehicle density, some 4,200 vehicles per square mile, which is expected to increase by almost 50 percent by 2010.

In a situation like this, the Tren Urbano system is a logical, environmentally benign means to facilitate transportation in the area.

The pending measure, in accordance with the recommendations of the FTA, would appropriate $82 million for Tren Urbano for the next fiscal year. I applaud the committee and the ranking member for making this recommendation.

However, what I find disturbing is language included in the Committee Report accompanying this appropriation measure.

In the Report, the Committee notes it is troubled by the findings of a financial management oversight contractor which indicate that the Commonwealth of Puerto Rico may not have sufficient financial resources to build and maintain the project. Consequently, a number of time consuming reports are required before the appropriation would be available.

First, I would note that the Committee on Transportation and Infrastructure, in its extensive review of this project, did not at any point find anything which would lead one to question the ability of Puerto Rico to meet its financial responsibilities with respect to Tren Urbano and at the same time adequately meet other transportation requirements of the region. In addition, earlier this year the Transportation and Infrastructure Committee requested that the General Accounting Office conduct a review of all existing projects under Full Funding Grant Agreements. The results of this review are expected shortly.

Second, it is my understanding that the financial management report referenced by the Committee Report does not exist, at least, in final form. With all due respect to the Committee, it is relying on hearsay and innuendo rather than official reports with respect to this particular project. The fact of the matter is that the so-called financial management report at issue here was never approved by the FTA.

Third, I would urge the Committee to rethink the costly bells and whistles it has recommended be attached to this appropriation. The various reports called for in the Committee Report are simply not necessary, especially since a GAO review is already underway, and will cause delays. As we all know, delays in transportation projects lead to increased costs, and cost overruns, and that is something we are all seeking to avoid. In this regard, I would emphasize that statements made in a Committee Report, even from the Appropriations Committee, do not carry the force of law.

Again, I applaud the Committee's funding recommendation in this matter but strongly urge that the appropriation be made final by the Conference Committee without unnecessary strings attached.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Transportation Appropriations Bill. Unlike the bill on the Senate side, the House version understands that each State has different needs. The Senate bill placed a cap on transit spending for a State.

□ 1145

This cap, if enacted, would mean a loss of over $160 million in transit aid to New York City and State alone. In a country which is trying to emphasize the importance of using public transportation these caps are counterproductive.

The House bill uses a funding formula which takes into account the number of mass transit riders a region handles. The same Senators who may support caps for mass transit I would assume would be opposed to similar caps on highway spending. The House bill shows an understanding that funding for mass transit is equally as important as other transportation funding.

I commend both the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for constructing a bipartisan balanced bill. I do wish to raise one concern:

In this bill there is money earmarked for the East Side Connector, which will allow commuters from Queens and Long Island to end up in New York City. This project is worthy and important, but it only makes sense if at the same time we institute a plan to finish the Second Avenue subway in New York City. When the estimated 50,000 new commuters wind up in Grand Central in New York most of them will have to continue on an additional commuter line, the Lexington Avenue line. Currently the Lexington Avenue line is the only one that goes up the East Side of Manhattan, and it is already terribly crowded. Adding thousands of additional commuters will only add to the already overburdened state of this line. The solution is to create a line along Second Avenue in Manhattan, which has been in the works on and off for over 30 years, and part of it has already been constructed. This subway line will allow the city's economic growth to continue and make the subway system an asset and not a hindrance. The Senate bill allows for funding to continue the process of building the Second Avenue subway, and I do support this bill, but I hope that in conference the appropriators will follow the Senate version.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding this time to me, and I thank the gentleman from Virginia (Mr. WOLF) for all his incredible work, and I rise today in support of this bill and commend him for his efforts. I especially want to thank the gentleman from Virginia for including $6 million in this bill for the redesign of the New Jersey/New York Metropolitan airspace. This is a critical effort that will benefit not only the residents of northern New Jersey and New York State, but other parts of the region. Once completed, this redesign will become the model for other regions such at Boston, Washington, D.C., Chicago and Miami.

For over a decade residents in my district in northern New Jersey have been plagued by the problem of aircraft noise. According to the Federal Aviation Administration, redesign of the airspace will solve many of the region's air noise problems. The airspace over Newark, Kennedy and LaGuardia airports is the busiest, most congested and most complex in the Nation. These three major airports have over 1 million flight arrivals and departures a year. Further, the high volume of flights is complicated by the fact that these three airports share the same airspace. When Newark changes departure and arrival patterns, adjustments have to be made at Kennedy and LaGuardia airports as well.

Last year the FAA announced it would begin the process of redesigning the airspace over New Jersey and New

York Metropolitan region. This was to be the first area in the country addressed by the FAA, and results could be applied to other regions during future airspace redesign processes. The $6 million included in the transportation appropriations bill will enable the airspace redesign to move ahead in a timely manner. It will provide much needed relief from the constant loud intrusion of aircraft noise.

Again, my thanks to the gentleman from Virginia (Mr. WOLF) for including this critical funding in his bill, and I urge my colleagues to support it.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the subcommittee for yielding this time to me. I wish to comment on section 332 of the transportation appropriations bill.

The Committee on Appropriations has seen fit to include language which prohibits the National Highway Transportation Safety Agency from implementing a final rule for Section 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. By preventing the implementation of a final rule, section 332 will undermine the key provision of the 1996 immigration law, a law passed by overwhelming majorities in both Houses of Congress. By nullifying laws to the appropriations process, this measure undermines the legislative process itself.

Regarding the section 656(b) of the immigration law, it is unfortunate to see the national ID card hysteria is alive and well. I do not support a national ID card and do not know anyone in Congress who does. I do support immigration laws that stop illegal aliens from using fraudulent documents to take jobs and benefits away from Americans. There is no national ID card in the 1996 immigration reform law. It merely directed the Department of Transportation to establish reasonable standards for permitting the abuse of State issued driver's licenses. It is entirely optional for States to use a Social Security number on State driver's licenses. The 1996 immigration reform law encourages States to create driver's licenses, birth certificates and other forms of ID that are hard to counterfeit. Fourteen States, for example, already have tamper resistant driver's licenses, but only in the wildest imagination does any of this constitute a national ID card.

Neither the legislation, nor the proposed rules, require that the individual States include an individual's Social Security number on the driver's license. This will remain a State option. It is not mandatory.

Driver's licenses and Social Security cards are the most fraudulently duplicated IDs, and without making them tamper resistant we are asking illegal aliens to use them to commit fraud and, of course, wrongfully gain citizenship.

While I will not ask my colleagues to vote against H.R. 2084, the transportation appropriations bill we are now considering, I wish to voice my strong concerns about this provision and the process which allowed it to be included in the bill. If the legislative process means anything, we have to stop overturning and changing legislation through appropriation bills.

Mr. Chairman, I plan to work with members of the Committee on Appropriations, including the gentleman from Virginia (Mr. WOLF), to ensure that this does not happen again.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise to engage in a brief colloquy with the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation, regarding Federal Aviation Administration's acquisitions of transponder landing systems.

Mr. Chairman, H.R. 2084 and the accompanying committee report directs the FAA to acquire and install several transponder landing systems. Is it the gentleman's understanding that the intent of the report language also directs FAA to move immediately to commission these systems pending a successful in-service review and validation of TLS at the Watertown, Wisconsin, airport, and further, that FAA should perform the in-service review and validation at Watertown as soon as possible?

Mr. WOLF. Mr. Chairman, would the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, that is my understanding, that the transponder landing system was issued a type certificate by FAA Administrator Jane Garvey during May of 1998, and barring any setbacks with the review and validation, FAA should proceed to acquire and commission these systems as soon as practicable.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from Virginia very much for allowing me to engage in this colloquy.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I just wanted to thank the committee for its work and to ask that they once again consider in conference as they come back with the Senate report and obviously the House report; in the House Report there is $2 million for the Blue Line in Chicago. It is a line that needs to be completely rebuilt at a cost estimate of $425 million. The State of Illinois has passed a rather robust transportation authorization of over a billion dollars that the Chicago Transit Authority will receive to redo those lines, so from the State point of view, and of course Mayor Daley and the Governor of the State of Illinois have worked together on the legislative process, so we have got the dollars from the State of Illinois to really make a big infusion, but we have only been able to receive $3 million thus far from the authorized amount of money at $325 million from the House of Representatives.

So I would simply ask that in conference my colleagues take another look at the needs of the Blue Line in Chicago, and I thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for their work on this issue.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. WELLER).

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

Mr. WELLER. Mr. Chairman, I rise in support of this legislation. I want to take a moment just to thank the gentleman from Virginia (Mr. WOLF) for not only his friendship but his leadership on issues important to Illinois and the district I represent, and I particularly want to thank him, Mr. Chairman, for his assistance in response to the Amtrak tragedy that occurred in my district in the village of Bourbonnais, and I really appreciate the assistance and the extraordinary effort that he gave on behalf of the local communities there.

I also want to point out that this legislation today that is before us is good for Illinois. I would point out that this legislation includes $25 million in new start funds for extensions, for new extensions, for Metro which is the mass transit rail system serving the suburbs as well as Chicago Metropolitan Area. I point out particularly that one of the beneficiaries of this new funding will be extension of the Southwest Line, an additional 11 miles out to the village of Manhattan in the district that I represent; would also note that this will allow for additional expansion beyond Manhattan, out to the Joliet Arsenal development at the Midway National Tall Grass Prairie and Abraham Lincoln National Cemetery.

This legislation also includes $1.6 million for the city of Joliet to assist with their maintenance of mass transit facility and help us with a bridge in the Morris area.

So, Mr. Chairman, I thank my colleagues very much for their able assistance and leadership.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise in support of this transportation appropriation. The business of transportation and appropriations is to fund important national projects, and few are as important as this. Transportation is the lifeline of our national economy. Our roads, our bridges, our highways, our railways and our airports are what connect the various parts of our American family. Product made in San Francisco can reach a market in San Antonio on a safe road

in a short period of time, and this propels the economic growth of our Nation and protects the safety of our drivers.

So I commend the gentleman from Virginia (Mr. WOLF) for his leadership on this issue. He has done his best to make the most of this bill, and he and his staff have accepted the very difficult budget constraints we currently work under and produced a bill that we can all be proud of. I am proud to serve on his committee and proud of his work.

I am especially pleased to point out to my colleagues that the bill includes a $1.6 billion increase for highway improvements and a $333 million increase for airport improvements. These increases are in addition to a forty percent increase for the Coast Guard's Drug Interdiction Program. These increases represent priority funding for priority goals.

I would also like to praise Chairman WOLF'S ability to work with the other side of the aisle, identify key transportation needs and still develop a fiscally sound transportation bill. This bill proves that we in Congress can get it done if we get it together.

When we lower our voices and raise our sights, it's amazing what we can accomplish. And this bill is proof of that. I am proud to be a member of this important and bipartisan committee and I look forward to working with Chairman WOLF in the future.

In closing, I want to commend again Mr. WOLF for successfully steering this bill down the road to passage. And I urge all my colleagues to end this journey by voting this bill into law.

Mr. GUTIERREZ. Mr. Chairman. I rise today to reiterate my strong support for much-needed and already authorized funding for the Douglas Branch of the Chicago Transit Authority's Blue Line.

I am extremely concerned about the inadequate level of funding H.R. 2084 includes for the Blue Line and I urge conferees from the House and the Senate who will consider this legislation to dramatically increase funding for this vital project.

The Douglas branch of the Blue Line is more than a century old. It has never undergone systematic capital improvements. Due to its age and deterioration, the Blue Line has become increasingly difficult to operate efficiently and safely.

The House of Representatives clearly recognized the need to improve and rebuild the Douglas branch of the Blue Line and authorized federal funding of $315 million in TEA–21 legislation passed last year. Obviously, many projects were competing for this limited pool of money and this authorization represented a thoughtful and reasonable response to the needs of Chicago-area residents who use the Blue Line.

In response to this federal authorization of funds, the State of Illinois has appropriated more money than is needed for the local matching portion of this project. Improving the Blue Line has the strong support of the entire Illinois Congressional delegation, the Illinois Legislature, Governor George Ryan and Chicago Mayor Richard M. Daley.

The need for an adequate appropriation of funds could not be more urgent. The Chicago Transit Authority has reduced services on the line drastically, with weekend and late evening services eliminated. Speeds have been reduced considerably on the Blue Line, making daily commutes impossible or extremely inefficient for the 27,000 passengers who rely on this route to travel to work, school, health care facilities and other essential destinations.

Mass transit is absolutely vital to the economic health of the Chicago area and the many communities this transit link serves directly, including the Pilsen and Little Village neighborhoods. The funding request I have been joined by local, state and federal leaders in making for the Blue Line is very important to the economic vitality of the community I represent.

Unfortunately, H.R. 2084 includes only two million dollars in funding for the Douglas Branch of the Blue Line, far less than the $77 million that was requested for this year. This level of funding is inadequate to serve the needs of the residents who count on this vital transit line. I urge the members of this Congress to respond to the needs of the people of the Chicago area and provide the requested level of funding for the Blue Line.

Mr. MATSUI. Mr. Chairman, I rise to extend my most sincere thanks to Chairman WOLF and the Ranking Member, Mr. SABO, and the Members of the Committee, for their willingness to provide funding for Sacramento's transportation priorities contained in the Department of Transportation and Related Agencies Appropriations Bill for Fiscal Year 2000.

Funding in this legislation will allow Sacramento to make significant advancements on projects that are urgently needed to address the population growth and transportation inadequacies confronting our region. Specifically, I am grateful for $25 million for the Sacramento light rail extension project and the $1.25 million allocation for the Sacramento compressed natural gas bus program. Both projects are needed to assist efforts to ease traffic congestion and provide efficient, affordable, and environmentally sound modes of transportation to our region.

I also thank the Committee for the $1 million in funds for the Sacramento Transportation Information Technology Project and seek clarification in noting that this program supports the efforts of Sacramento County, California. This project represents the latest undertaking by Sacramento County under a program that will permit our community to develop and implement a model intelligent transportation system. Watt Avenue is a major north-south artery in the region surrounded by tremendous geographic restrictions, making expansion extremely impractical. These restrictions result in much larger than normal traffic flows for an arterial of its character. By creating a transit priority system to permit queue jumping for buses, this program will improve transportation efficiency, increase traffic flow, reduce emissions of air pollutants, improve traveler information, and build on existing projects among other priorities.

Again, on behalf of the Sacramento community, I thank the Committee for its recognition of these transportation priorities so vital to the stability and growth of our region.

Ms. JACKSON-LEE of Texas. Mr. Chairman I rise to urge my colleagues to vote in favor of H.R. 2084, the Transportation Appropriations for FY 2000. I would like to thank both Chairman WOLF of the Appropriations Subcommittee on Transportation and the Ranking Member, Congressman SABO, for including much needed projects for the city of Houston, as well as those for the entire State of Texas.

The bill provides a total of 50.7 Billion, 7% more than current funding, with nearly 70% of the total earmarked for highway safety and mass transit programs under guarantees set by the new highway and transit law (''TEA21'') enacted by Congress last year. The amount provided for highways includes $1.5 Billion more than initially authorized, due to a TEA21 mechanism that automatically increases guaranteed highway spending to match increases in gas tax revenues to the Highway Trust Fund.

Both the Congress and the Administration recognized the need to invest more resources in our transportation system with the enactment last year of TEA–21 and the firewalls established for road, bridge and mass transit needs. H.R. 2084 affirms the goal by funding roads, bridges and mass transit systems at TEA–21's firewall levels. In addition, this measure will increase funding for federal transportation programs, including additional resources for needed improvements to airports and aviation infrastructure.

The investment levels contained in this bill are a major step in beginning to close America's infrastructure funding shortfall and reversing decades of infrastructure disinvestment. As a result of that disinvestment, 59 percent of our roads are in poor to fair condition and nearly one third of our bridges are in disrepair. In addition, 22 percent of all buses and 33 percent of all rail vehicles are over aged. The number of seriously congested airports rose from 22 percent to 32 percent in less than 10 years.

The measure provides $28.9 Billion for highway programs (6% more than the current level), $5.8 Billion for mass transit (8% more than current funding), $2.8 Billion for Coast Guard operations (8% less than in FY 1999), $10.5 Billion for the FAA (10% more than the current amount), and $571 million from Amtrak (6% less than current funding).

I am pleased by this report and would like to thank the Committee for the hard and diligent effort. I know that each member on the committee and their staffs put long hours into the formation of this bill, considering each request with the best interest of the nation in mind.

Mr. Chairman, I am disappointed that the light rail option in Houston, Texas has not been explored as a viable alternative. As congestion continues to grow in our metropolitan areas we need to explore other options besides the automobile. I would have liked to see funds dedicated to the study of a light rail system in Houston.

I would like to thank the Committee for including a total appropriation of $52.7 Million for the Houston Regional bus project. The plan, developed by Houston METRO, consists of a package of major improvements to the region's existing bus system. It includes major service expansion in most of the region, new and extended HOV facilities and ramps, several transit centers and park-and-ride lots, and supporting facilities.

I am also thankful, Mr. Chairman, that the City of Houston received $1 million dollars for the redevelopment of its Main Street Corridor. This money will go to the revitalization of the heart of the 2000 square mile Houston region. This backbone runs through both my district and that of Representative KEN BENTSEN.

The corridor runs from Buffalo Bayou north through downtown, midtown, Hermann Park,

and Texas Medical Center. Main Street links two important economic hubs—Downtown and Texas Medical Center, as well as entertainment, cultural, and governmental centers.

To reinforce and sustain the development activity in the corridor, the City of Houston initiated the Main Street Corridor Redevelopment Program. The program focuses on the coordination of transportation, land development, and community systems. This program will ensure that the Main Street Corridor linking downtown to the Astrodome becomes an urban place befitting of local, national and international recognition in the next millennium.

This project focuses on coordinated transportation and Community system planning for the eight-mile long Main Street Corridor—the ten-mile square historic heart of the Houston region. Current and proposed highway, street, and transit investments will be planned in concert with substantial economic redevelopment to maximize efficiency of transport systems and guide real estate development and to preserve significant community assets. Long term results will increase development density, increase access to jobs, reduce automobile trips, lower emissions, and reduce long term capital investment in regional infrastructure.

I thank both Chairman WOLF and Ranking member SABO for their recognition of the worthiness of this investment in the infrastructure of Houston. I am hopeful that the Chairman and Ranking Member will protect this project when we proceed to conference, and add the additional $500,000 I have requested to keep this project on schedule. This revitalization is vital to ensuring the future of this center of commerce and business.

I know that my constituents in the 18th Congressional District support providing the resources to meet these transportation needs. I believe that spending on America's infrastructure is truly a strong investment in the future of America.

Once again, I want to urge my colleagues to support H.R. 2084 and vote, yes for America's infrastructure future.

Mr. SENSENBRENNER. Mr. Chairman, I rise today to support the research and development provisions in H.R. 2084, the Department of Transportation and Related Agencies Appropriations Bill, for FY 2000. As Chairman of the Committee on Science, I believe this bill's research funding provisions meet the requirements for a solid research and development base in support of the Department of Transportation's (DOT) mission. Like Chairmen YOUNG and WOLF, I too recognize that investing in research today will improve the safety and efficiency of travel in the future.

Last month the Science Committee passed H.R. 1551, the Federal Aviation Administration Civil Aviation Research and Development Act. The bill included a $208.5 million authorization for research and development programs at the Department of Transportation. Like H.R. 2084, H.R. 1551 proposes a $173 million dollar commitment to the Research, Engineering and Development account at the Federal Aviation Administration. This is an increase of $23 million over the FY 1999 enacted or a 15.3 percent increase for FAA Research and Development programs and will provide FAA with the resources necessary to expand their Research and Development activities.

In addition, I am pleased H.R. 2084 funds the Advanced Technology Development and Prototyping function of the FAA's Facilities and Equipment account at a level of $33 million dollars. These critical projects and activities are assisting us to develop the next generation of communications, navigation and surveillance capabilities necessary to meet the projected increases in aviation in the 21st century.

Similarly, the bill supports the Safe Flight 21 program at FAA at the authorized level of $16 million. Although I would have liked to have seen Safe Flight 21 in the research account, and not in the Facilities and Equipment account, I do believe this is a program of merit and worthy of support.

While I believe H.R. 2084 provides DOT and FAA with the resources necessary to conduct world class research that is mission critical to DOT, I cannot support the bill as a whole. I believe that the $50.7 billion appropriated by this legislation is more than we can afford for the Department of Transportation.

Mr. SHAW. Mr. Chairman, I rise today in support of H.R. 2084, the FY 2000 Transportation Appropriations Bill.

While this bill contains many worthy provisions, I was disappointed that no funding was included for Broward County's (FL) busing program. As my colleagues may recall, last year Congress appropriated $1 million for new buses in Broward County.

Considering that Broward County is still rapidly expanding, and that current transit service is inadequate (especially in the western areas of the county), I am hopeful that some funding can be added in conference committee for this worthwhile program.

Mr. Chairman, considering the numerous budgetary constraints Chairman WOLF is operating under, he did a commendable job in bringing this bill to the floor today, I urge my colleagues to support this legislation.

Mr. SERRANO. Mr. Chairman, I rise in strong support of H.R. 2084, the bill making appropriations for the Department of Transportation and Related Agencies for the fiscal year 2000.

As a new member of the Subcommittee, it has been a pleasure to be part of such a fair, bipartisan process. I particularly commend our Chairman, the gentleman from Virginia (Mr. WOLF) and our Ranking Democrat, the gentleman from Minnesota (Mr. SABO) for the good work they have done in developing this bill and the attention they have paid to fairly distributing funds among the various modes of transportation, and to balancing the needs of the nation with the needs of individual members and their districts.

And I would be remiss if I did not express my appreciation and thanks to the staff, Cheryl Smith and Marjorie Duske on our side, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and David Whitestone. They are thoroughly professional and dedicated public servants.

Given the stringent budget constraints facing the Subcommittee, this bill is quite an accomplishment. Of considerable importance, the bill fully funds the highway and transit programs as called for in TEA–21, so that projects many of us worked hard to achieve can proceed without interruption. But it also provides the resources needed to continue the safe and efficient operation of our nation's transportation system. This system has been described as the circulatory system of America, without which our economy would clog and slow.

Again, Mr. Chairman, I would like to thank Mr. WOLF and Mr. SABO and all the other talented people who have worked so hard to develop this bill, and I urge my colleagues to support it.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today in support of H.R. 2084, the Fiscal Year 2000 Transportation Appropriations Act. This bill provides a total of $50.7 billion in FY 2000 for the Transportation Department and related agencies. The bill's funding includes $14.6 billion in direct appropriations and nearly 70% of the bills funding comes from guarantees set forth in the Transportation Equity Act for the 21st Century—TEA–21.

I would like to commend Chairman FRANK WOLF and Ranking Member SABO and the leadership of the Full Committee on Appropriations for putting together a bill that increases funding for highways, highway safety, transit, and operations at the Federal Aviation Administration.

This bill provides $7 million for bus acquisition for Los Angeles County and $5 million for the Municipal Transit Operators Coalition. Further, this bill meets the transportation needs for the State of California. However, I am concerned that once this bill passes the House and moves to conference that it may be subject to the language offered to the Senate's bill. As part of last year's landmark highway and transit authorization bill, TEA–21, California is slated to receive 14.6% of the total federal allocation for transit funding. However, the so-called ''Transit Equity Provision'' included as part of the Senate Appropriations Committee's FY 2000 Transportation Appropriations bill artificially caps California's share of transit funding at 12.5%. This reduction will result in a loss of at least $120 million for the State of California in fiscal year 2000.

California accounts for roughly one-quarter of the nation's transit users, yet we receive only about 15% of the federal transit funding. A majority of our statewide transit capital programs are financed from state and local resources, but we need the federal funding to continue to provide and expand effective service and to spur economic growth. Furthermore, capping the state's federal transit aid will reopen the carefully crafted distribution formulas enacted just one year ago, and invite a host of new problems.

When this bill goes to conference, I urge the leadership of both the Committee and Subcommittee to fight this provision and avoid reopening TEA–21. I urge passage of this legislation and I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2084, the FY2000 Transportation Appropriations Act.

This Member would like to begin by commending the distinguished gentleman from Virginia (Mr. WOLF), the Chairman of the Transportation Appropriations Subcommittee, and the distinguished gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee, for their hard work in bringing this bill to the floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Transportation Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes $1 million in funding for vital improvements to the bus maintenance facility in the City of Lincoln, Nebraska.

The City's of Lincoln's bus system, known as StarTran, is the primary provider of public transportation services in the area, with 65 buses and vans serving over 1.7 million riders annually. The need for increased bus service in the area continues to grow, but Lincoln's share of Federal transit assistance has steadily declined over the last several years. As a result, the City has had to use more and more of its General Fund revenues just to maintain current StarTran services, which makes major projects such as facility improvements next to impossible without a one-time infusion of Federal dollars.

For several years, the bus maintenance and operations facility have not provided adequate space for the duties that must be performed there and the result has been decreased safety and efficiency. For example, none of the current stalls in the maintenance area are capable of lifting a bus any more than a few inches because of lack of overhead clearance, sloping floors prevent what should be simple maintenance functions, and narrow stalls provide insufficient workspace around the buses.

In order to correct these deficiencies, StarTran will use the Federal funds for the construction of a 15,000 square foot expansion adjacent to the current facility. This expansion would include new repair bays that would be properly sized with lift capabilities; an improved service and cleaning area; a level, safe, and more efficient work area; and a relocated tire and brake shop that will eliminate the need to perform tire work in the parking lot. These improvements would go a long way in providing the proper tools with which to maintain StarTran buses as well as a safe area for the department employees.

Mr. Chairman, this Member urges his colleagues to support H.R. 2084.

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

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

The CHAIRMAN. All time having been yielded back, pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in House Report 106–196 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read and shall not be subject to amendment.

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

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

The Clerk will read:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,867,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $612,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,632,000: *Provided,* That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,770,000, including not to exceed $40,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,039,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $17,767,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,836,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,102,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $520,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,222,000.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,454,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $5,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY AND INTERMODALISM

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy and Intermodalism, $3,781,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $7,742,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $2,950,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $157,965,000, shall be paid from appropriations made available to the Department of Transportation: *Provided,* That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: *Provided further,* That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further,* That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further,* That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further,* That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2001: *Provided,* That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,791,000,000, of which $300,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further,* That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further,* That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: *Provided further,* That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of

aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $410,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $205,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; $38,310,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; $59,400,000 shall be available for other equipment, to remain available until September 30, 2002; $55,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; and $50,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001: *Provided*, That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation: *Provided further*, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $18,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $721,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,000,000: *Provided*, That no more than $23,000,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,039,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,925,000,000, to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, $5,000,000 shall be for the contract tower cost-sharing program and $600,000 shall be for the Centennial of Flight Commission: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That no more than $28,600,000 of funds appropriated to the Federal Aviation Administration in this Act may be used for activities conducted by, or coordinated through, the Transportation Administrative Service Center: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than five years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of the FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency.

□ 1200

POINTS OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''to be derived from the Airport and Airway Trust Fund'' on page 11, line 8, through page 11, line 9 on the grounds that this is legislation on an appropriations bill in violation of clause 2 of Rule XXI of the Rules of the House.

This provision is legislation on an appropriations bill because it provides funding for FAA operations solely from the Airport and Airway Trust Fund. Funding the program entirely out of the Trust Fund has the effect of changing existing law, which precludes funding from the Trust Fund in a fiscal year unless a general fund component has been included and, therefore, constitutes legislation on an appropriations bill.

My point of order would strike the provision which makes the source of funding for FAA operations, the Airport and Aviation Trust Fund, but leaves the overall funding level for FAA operations in place. This would have the effect of making all funding provided for FAA operations from the General Fund.

Mr. Chairman, I want to strongly emphasize that it is not my intention that all FAA operations funding should come from the general fund. My goal is that the FAA operations funding should be from both the Trust Fund and the General Fund at levels consistent with the levels determined by the House last week in AIR 21. There, the House overwhelmingly, by a vote of 316-to-110, and I might add with 67 percent of the Republicans voting in favor of it, passed the bill which provided a general fund component for FAA operations. By contrast, the appropriations bill being considered today provides no general fund component at all, thereby ignoring the overwhelming will of the House just last week.

However, I would certainly acknowledge that it ultimately would be irresponsible to eliminate all funding for FAA operations, which would mean no funding for important services such as flight safety inspectors and the air traffic control system.

I had intended to cure this problem of having all FAA operation funding coming from the general fund by offering an amendment to restore the levels of Trust Fund and General Fund spending for FAA operations to the levels

that were overwhelmingly approved by this House last week in AIR 21. Unfortunately, my friends on the Appropriations Committee objected to making this amendment in order, even though the House had overwhelmingly expressed its will just last week.

I regret having to take this action, and I still would be amenable to agreeing on an amendment that would restore the balance between General Fund spending and Trust Fund spending, if my friends on the Appropriations Committee would be interested in doing this. I again emphasize, it is not my intention to have to do this, I regret having to do it. I had an amendment to cure it which was not made in order by the Committee on Rules, and I regret that as well.

So it leaves me no recourse but to object on this point of order.

Mr. COBURN. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. Mr. Chairman, I make a point of order against provisions of the bill and would request that the point of order that the gentleman from Pennsylvania (Mr. SHUSTER) just made be expanded to include starting on page 10, line 17 and include through page 13, line 13.

The Federal Aviation Administration operations are unauthorized. They have never been authorized by this Congress and, therefore, are in violation of clause 2, rule XXI prohibiting the expenditure of funds for programs not authorized by law.

Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. Is there any other Member who wishes to be heard on the point of order?

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair is then prepared to rule on the points of order.

The language identified by the point of order provides that the amendment appropriated in the pending paragraph be derived from the Airport and Airway Trust Fund. In the absence of any provision of existing law to support the inclusion of that language in a general appropriation bill, the language constitutes legislation in violation of clause 2 of Rule XXI.

The point of order is sustained.

In response to the point of order of the gentleman from Oklahoma (Mr. COBURN), the entire paragraph from line 17 on page 10 through line 13 on page 13 is stricken from the bill unauthorized.

Are there any amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,200,000,000, of which $1,917,000,000 shall remain available until September 30, 2002, and of which $283,000,000 shall remain available until September 30, 2000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, I rise to a point of order against the phrase ''notwithstanding any other provision of law'' on page 13, line 16, on the grounds that it is legislation on an appropriations bill and violates clause 2 of Rule XXI of the Rules of the House.

This phrase has long been recognized as legislative in nature and has the effect of waiving all other legislative constraints on the provision of funds for FAA facilities and equipment.

I would emphasize, Mr. Chairman, that there are approximately 35 legislative provisions in this appropriations bill. We were not consulted on any of them. Had we been, we might have been able to work out many of these points. Nevertheless, we will not be objecting to a majority of these legislative provisions, even though we were not consulted on them. Indeed, had we been consulted, I believe we could have worked out many of them.

So I insist upon my point of order on this particular matter at this time.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $173,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, $1,867,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $2,250,000,000 in fiscal year 2000 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER: Mr. Chairman, I rise to a point of order against the phrase, ''notwithstanding any other provision of law'' on page 15, line 20 on the grounds that it is legislation on an appropriations bill and violates clause 2 of Rule XXI of the rules of the House.

This phrase has long been recognized as legislative in nature and has the effect of waiving all legislative constraints on the provision of liquidating cash from the airport and airways Trust Fund for aviation improvement program grants.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

Mr. SHUSTER. Some have argued that the TEA–21 highway and transit firewalls somehow have caused the appropriators to underfund other discretionary spending. This is false. The truth is that TEA–21 provided more, not less, funds for remaining discretionary appropriations.

First, all the increased spending for the highway and transit firewalls was fully reflected in the firewalls and fully offset by other saving provisions in TEA–21.

Second, the current, overall discretionary spending caps were only adjusted downward by the amount of highway and transit spending provided in 1998.

In other words, existing discretionary spending was not reduced by the amount of firewall

spending, but rather by the amount that the appropriations had previously provided for FY 1998.

Third, there is no longer any pressure on the existing discretionary spending caps to fund increased highway trust fund spending.

Without a doubt, if these new highway and transit firewalls had not been created, there would have been inordinate pressure within the existing caps to increase trust fund spending above FY 1998 levels.

Fourth, because of differences in CBO's and OMB's scoring of the discretionary cap adjustments an extra $900 million of outlays was added to the Appropriations Committee's 302 allocation for FY 1999.

Over the next five years, the effect of this adjustment is between $4 and $5 billion.

The fact is that TEA–21 made more funds available for remaining discretionary programs. If certain non-firewall transportation programs remain underfunded, the cause is not TEA–21, but rather decisions by the appropriators to spend the money elsewhere.

Finally, the argument that other transportation programs are underfunded because the appropriators cannot reduce firewalled spending to increase other, general fund programs has already been rejected by the Congress and the President.

The sole purpose of the firewalls—which I remain my colleagues was a compromise from the House position of taking the highway trust fund off-budget—was to guarantee that future gasoline taxes are spent for their intended purposes.

TEA–21 settled for once and for all that this Congress will no longer continue the charade of masking the size of general fund spending through raiding the Highway Trust Fund.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA.

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Florida:

Page 16, after line 8, insert the following:

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the obligated balances authorized under section 48103 of title 49, United States Code, $300,000,000 are rescinded.

Mr. YOUNG of Florida. Mr. Chairman, this is an amendment that is authorized by the rule and it is an amendment to reduce the unobligated balances in the FAA airport improvement program by $300 million. Because of a limitation on obligations, most of these funds would not be obligated over the next year, so we estimate that the impact on the program will be relatively minor.

The obligation limitation in the bill for fiscal year 2000 will remain at $2.25 billion, which we believe will provide adequately for our Nation's airports.

Mr. Chairman, this bill is a good bill, and it has been worked out by the subcommittee and the full committee to bring to the floor under a pretty good bipartisan agreement. But we were able to reduce this $300 million without having a severe impact on the programs.

Now, this bill, because of the T–21 program, has been stripped of a lot of its ability to fund other transportation projects. In this bill, some of those other transportation projects are Amtrak, which is funded at only $570 million, but the United States Coast Guard, which was funded at approximately $4 billion.

Now, in an attempt to reduce the overall cost of this bill, we could have gone to Amtrak. But to arrive at a number that we thought we should arrive at, we would have to basically wipe out Amtrak, and I do not think that most of the Members of the House want to do that.

In addition, we could go deeply into the Coast Guard budget, but the Coast Guard budget is already inadequate, and it is recognized by this bill that it is inadequate by assuming that part of the Coast Guard funding will be taken up by another subcommittee.

Now, that has happened in the past, and we have done that, and we have done it fairly successfully. But what the Members need to know is that the Coast Guard as it went to war in Kosovo, and regardless of where that war stands today, the Coast Guard went to war. They were there. They sent three ships. They did not get any extra money in the supplemental that we provided for the other services, except to bring their pay raise situation into line with the other uniformed military services.

Mr. Chairman, we cannot afford to be cutting into the Coast Guard's ability to do search and rescue missions. We cannot afford to cut into the Coast Guard's ability to do drug interdiction. We cannot afford to cut into the Coast Guard's ability to do port security and other responsibilities they have with seaports, not only in the United States, but in other parts of the world. So in order to get to the level that we thought was more acceptable to the House, we offer this amendment, $300 million. And the $300 million is just coming out of funds that are not going to be obligated over the next year anyway for the most part.

So I would suggest to my colleagues that this is a good amendment. This makes this good bill even better, and I would hope that the Members would be willing to accept this amendment and move on to further consideration of the bill.

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

Mr. Chairman, I would agree with my friend that this is a good bill; while I do not think anybody would agree with every sentence in it, I agree it is a good bill. I support the bill.

Further, I would say that my good friend, the gentleman from Florida (Mr. YOUNG) and his people did consult with us on this particular amendment and we agree with him, even though this is legislation on an appropriations bill, we do agree with him on this, and so we support him in this effort.

I also must add that with regard to T–21, T–21 took absolutely no money from Amtrak. T–21 took absolutely no money from the Coast Guard. T–21 funding was all offset, even the general portion part of it. So I would respectfully say it is a red herring to talk in terms of T–21 being a culprit in terms of causing limited funding for other provisions.

That having been said as an aside, I come back to the main issue here which is the amendment which is before us. I thank the gentleman for consulting with us on this amendment. We agree with him, and we support his amendment.

□ 1215

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

Mr. Chairman, this is one of these amendments and one of these proposals we seem to have seen regularly this session, like we had on the emergency supplemental. It is a pretend that we are cutting when in fact we are not.

The amendment really does not do any damage to the bill, because it does not cut any money that we were planning to spend in the year 2000. It does not provide any outlay savings. It does not complicate the AIP program through August 6. I assume that program will eventually be extended, at which point new contract authority will be given to fund it throughout the balance of the fiscal year.

So it is one of these amendments, if it makes someone feel good, I guess that is a plus. But it is also one of our pretend schemes which really is not doing anything.

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

Mr. Chairman, this bill was developed by an appropriations subcommittee in an attempt to represent all of the elements of the House. After months of hearings and weeks of negotiations, that subcommittee was able to produce a bipartisan product. Nobody got what they wanted, but it was a reasonable compromise.

Now, once again, we are faced with the fact that the chairman of the committee has been forced to unilaterally attempt to alter a bill which had been put together originally in a bipartisan manner.

We have seen the chairman come to the floor and amend the agriculture bill. We have seen the chairman come to the floor and amend the legislative branch bill. In his defense, he is not doing that because he wants to start a fight. He has done it because he has been instructed, apparently by his leadership, to change the funding level in these bills in order to satisfy a hardline element within the caucus of the majority party.

They have a perfect right to do that if they want, but I think we need to really lay out what the reality is. We are being asked to believe that somehow, because of the tiny cut that was made in the legislative appropriations bill and the tiny cut that was made in the agriculture bill and now the tiny

cut which is being offered in this bill, that somehow some progress is being made by this Congress in reaching or in producing appropriation bills which will be passable and signable by the President.

In fact, that is not the case at all. This chart shows what I mean. Because the majority party has made a decision to increase the military budget by about $19 billion, the fact is that they have produced cuts on the domestic side of the ledger in their 302 allocations, as they are known in the budget. They have produced cuts which total almost $40 billion below last year's budget, adjusted for inflation.

We are being asked to believe that these bills are going to be made passable by the tiny cuts that were made in the legislative branch, the agriculture branch, and now this bill today, when in fact if we total up all the cuts made so far by the majority party in response to the demands of the hardliners and their caucus, this is all that we fill up the thermometer with.

As we can see, the amount of money represented by those cuts is so small it is virtually impossible to see unless one is standing next to it, as I am. So we are being asked to believe that this amendment today will actually contribute in any meaningful way to savings, and in fact it does not.

The fact is that the majority party and elements in this caucus can continue to deny that they are in denial if they want, but the fact is that in order to be able to pass all 13 appropriation bills, they are going to have to do something besides pretending that these tiny little cuts will fill up this bottle, in the end.

The fact is that this House is not going to vote for a labor-health-education appropriation bill which is $10 to $12 billion below last year's level in terms of current services. This House is not going to vote for funding for EPA and HUD and veterans benefits. They are not going to vote for a bill which takes those programs down $6 billion to $8 billion below current services.

So we are going to continue to come out here with these tiny little amendments pretending that some progress is being made, when in fact the gap between the rhetoric and the reality is the gap between the top level of this little amount of red in the bottom of the thermometer up to the top of the thermometer.

When the Majority gets real, when you get into this range, let us know. Until then, there is not a whole lot that the minority can do to help the other side.

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

Mr. Chairman, I think it is very important that the American public know that every Member of this House voted for a budget resolution that would not touch social security money. Only two Members of this House voted for the President's budget, which said that we have to spend some social security money.

Having said that, to me actually the savings thus far are $170 million. To most people in Oklahoma and the rest of the country, $170 million saved is a lot of money. I know it is not here in Washington, but to those who are actually paying the taxes, $170 million is a lot of money.

I think we as a House have to tell the American public either we meant what we said when we voted on our respective budgets that we would not spend social security money, and I would note for the RECORD that the gentleman from Minnesota (Mr. SABO) did in fact vote for his party's budget and did not vote for the President's budget; that in fact, then, if Members say something, i.e., we are not going to spend social security money, regardless of how hard it is and regardless of how tough a job it is, that we ought to make every effort in good faith to try to do that.

The gentleman makes some real points. I would tend to agree with him. I do not think we will pass a bill in Labor-HHS with those kinds of cuts. But I think it is entirely possible that we can pass a Labor-HHS bill that has $700 million or $800 million or $900 million less because we are obligated to do that, recognizing that any money that we spend above our level target of $438 billion will in fact come from social security money.

Mr. Chairman, the gentleman has great experience in the appropriations process. I understand that. But I also understand that it is time for us to do what we say we are going to do. That means honoring our commitment and making sure that when we vote for something, we mean it.

It is fine if we all want to disavow the votes on the budgets, the respective votes on the budgets. I do not intend to do that. Yes, I am part of that portion of the Republican conference that, number one, believes that the government is too big; number two, believes if we tell people we are not going to spend social security, we should not do it, and which should die trying not to spend their money. We can do that.

This amendment that is before us will delay the expenditure of money. No, it does not save any money right now, but it will delay the spending of the money. In Washington, if we can delay spending money, we may be able to get better at not spending it.

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

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

Mr. OBEY. I thank the gentleman for yielding, Mr. Chairman. Just three points, Mr. Chairman.

First, I am not from Minnesota. The gentleman from Minnesota (Mr. SABO) is from Minnesota.

Secondly, it was not this Member that voted for the Republican proposition to move $19 billion out of domestic funds into the military budget. That has nothing whatsoever to do with saving money for social security, it has a lot to do with priorities.

Thirdly, I would simply make the point, the gentleman has misstated my votes. He has said that I had voted for the Democratic alternative on the budget. The fact is that when we voted, I took the well of the floor and I stated that I voted for that amendment only as a substitute for the Republican amendment, but that I would vote against both on final passage because I felt that neither reflected reality. I still feel that way.

Mr. COBURN. I thank the gentleman. I stand corrected.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I want to agree with what the gentleman from Wisconsin (Mr. OBEY) said and what the gentleman from Oklahoma (Mr. COBURN) said and just make one further comment on the chart of the gentleman from Wisconsin.

There is another number that should have been on there. That is the agreed-upon budget as established in 1997, which would be $17 billion below the lowest number that the chart of the gentleman from Wisconsin (Mr. OBEY) showed.

Whether we like it or not, everybody has pretty much signed off on that number. That is the number we are working to, and not to the $25 billion or the other.

Mr. COBURN. Reclaiming my time, Mr. Chairman, there are three principles.

One is that almost every Member of the House, and in one way or another every Member of the House, has cast a vote to not spend social security money.

Number two, we do have a 1997 budget agreement that is law that the President has already said he is not going to follow, but that does not mean we should not.

Number three, one of our obligations as Members of this body is to rebuild confidence in it, not to tear it down. If we say we are not going to touch social security money, then we ought to make the effort.

Finally, I would say $170 million is not much. We have a long ways to go. But the assumption we are going to pass a bill that has $19 billion in increased defense spending, I do not think that is a true assumption.

So I am willing to work with anybody that will help me fund Labor-HHS adequately.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

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

Mr. COBURN. Mr. Chairman, I am willing to work with anyone that will

help us fund veterans affairs appropriately, that will help us make appropriate judgments in all the other areas where we are worried about the balances and the targets that have been set.

One of the ways to do that is to make sure we do not spend money in these early bills that we do not have to. If we can take $300 million or $570 million, which is my goal for this bill, and move towards it, that is a half a billion.

In Oklahoma half a billion dollars is a lot of money.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. COBURN was allowed to proceed for 30 additional seconds.)

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

Mr. COBURN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that the idea that somehow social security is going to be saved because out of a gap of anywhere from $25 billion to $35 billion these cuts are going to save the grand total of almost $300 million is patently preposterous. That does not begin to save either social security or provide a rational balance of priorities within accounts in the appropriation bill.

So I would simply suggest this debate has nothing to do with social security. It has a whole lot to do with spending priorities.

I would also add, in disagreement with the gentleman from Florida, not all of us did sign onto that budget deal 2 years ago. At the time I called it a giant ''Public Fib,'' and I still regard it as being such, as the numbers in that chart demonstrate.

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

Mr. Chairman, just a couple of points. Mr. Chairman, with regard to this amendment, this $300 million reduction is a cut in budget authority currently available to the FAA.

Just a few minutes ago, or now probably a half-hour ago, the CBO reaffirmed to the staff that this bill will result in savings. Apparently others have raised technical points over the last days as to what CBO has considered but CBO does not find these agreements convincing.

Certainly this amendment is less painful, as the gentleman from Florida (Mr. YOUNG) than cuts to the Coast Guard drug interdiction, which both sides want; the FAA, and other programs. This is precisely the responsible action to take.

Let me just say one other thing that I just thought of when I was listening to the gentleman from Oklahoma (Mr. COBURN). I think this is all going to work out.

I did not support the amendments that the gentleman offered to the agriculture bill, but I think I would be less than honest if I did not say that the gentleman has been courageous and has come here to propose and to argue for his point of view. Everyone ought to have the ability to come here and make their case. He has made his case I think in a fair, fair way. I did not vote that way. But I think this process has come together. I think he has actually been helpful on this bill.

I think the gentleman from Florida (Mr. YOUNG) has been very, very faithful in trying to keep to the numbers. I think it will come together with the other side of the aisle whereby we can pass these appropriation bills, spending as little as possible, with integrity and faithfulness to the American people, recognizing the difference in views that we may have. The gentleman from Florida (Mr. YOUNG) is committed to doing that just as the gentleman from Oklahoma (Mr. COBURN) is.

□ 1230

It takes a lot of courage to kind of do what the gentleman from Oklahoma (Mr. COBURN) has done. Although I have not, and he knows that I have not, agreed, there is a great quote, and I do not have it with me, but I use it in speeches that I give. It was a quote by Bobby Kennedy that he gave in South Africa to a group of students in 1966. It is a profound speech that moves me every time that I read it, where he talks about moral courage and timidity and to brave the censure of your colleagues. The gentleman from Oklahoma (Mr. COBURN) has done that. Again, I feel an obligation to say I did not vote for those amendments, but one has to respect that, and one has to admire that.

I respect the gentleman from Florida (Mr. YOUNG) in what he is doing. I hope that we can work together to pass bills in a way in which we all can be proud.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $356,380,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That $70,484,000 shall be available to carry out the functions and operations of the office of motor carriers.

LIMITATION ON TRANSPORTATION RESEARCH

Necessary expenses for transportation research of the Federal Highway Administration, not to exceed $422,450,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration: *Provided*, That this limitation shall not apply to any authority previously made available for obligation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000.

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

I yield to the gentleman from Maine (Mr. BALDACCI) for the purpose of a colloquy.

Mr. BALDACCI. Mr. Chairman, I thank the gentleman from Minnesota (Mr. SABO) for yielding to me, and I thank him for extending this courtesy.

Mr. Chairman, we have an unusual situation in Maine where the weight limit on trucks that are traveling through Maine is much lower than it is in the surrounding States and in the provinces in Canada.

Presently in the surrounding States, in New Hampshire, New York, and Massachusetts and in Eastern Canada and the provinces is in excess of 100,000 pound trucks. In the State of Maine, because of the Federal Highway Administration and a weight limitation of 80,000 pounds on the interstate system, it has forced the State of Maine trucks and the trucks coming in from the surrounding communities to have to go on State and local roads.

This has created a tremendous safety problem on our roads. We have had deaths and tragedies and accidents because of these heavy trucks being forced to use State and local roads because of these inequities and those exemptions that have been given around Maine and through the provinces.

I solicit the help and want to work together with the gentleman from Minnesota (Mr. SABO) to see if we can look into this and try to resolve this in a fair and equitable manner.

Mr. SABO. Mr. Chairman, I thank the gentleman from Maine for his presentation. It is a new problem, and we will try and work with the gentleman in the future.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, U.S.C., that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,125,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' on page 17, line 14 on the grounds that it is legislation on an appropriations bill and violates clause 2 of rule XXI of the rules of the House.

This phrase has long been recognized as legislative in nature and has the effect of waiving all legislative constraints on the provisions of liquidating cash from the highway trust

fund for the Federal Aid Highway Program.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, $105,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $105,000,000 for ''Motor Carrier Safety Grants''.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' at page 18, line 4 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, U.S.C., and part C of subtitle VI of title 49, U.S.C., $87,400,000 of which $62,928,000 shall remain available until September 30, 2002: *Provided,* That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000 are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any provision of law'' on page 19, line 5 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411, to remain available until expended, $206,800,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411, of which $152,800,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $10,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $36,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, $8,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: *Provided further,* That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That not to exceed $7,500,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,750,000 of the funds made available for section 410, and not to exceed $223,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under Chapter 4 of title 23, U.S.C.: *Provided further,* That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' on page 19, line 25 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $94,448,000, of which $6,800,000 shall remain available until expended: *Provided,* That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further,* That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $21,300,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 United States Code sections 26101 and 26102, $22,000,000, to remain available until expended.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000, to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $570,976,000 to remain available until expended: *Provided,* That the Secretary shall not obligate more than $228,400,000 prior to September 30, 2000.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000: *Provided,* That no more than $60,000,000 of budget authority shall be available for these purposes: *Provided further,* That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $800,000 shall be transferred to the Department of Transportation Inspector General for costs associated with the audit and review of new fixed guideway systems.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $619,600,000, to remain available until expended: *Provided,* That no more than $3,098,000,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available

until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $21,000,000, to remain available until expended: *Provided*, That no more than $107,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,368,000 is available for state planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,638,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $1,960,800,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' on page 25, line 9 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $490,200,000, to remain available until expended: *Provided*, That no more than $2,451,000,000 of budget authority shall be available for these purposes: *Provided further*, That there shall be available for fixed guideway modernization, $980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $490,200,000; and there shall be available for new fixed guideway systems, $980,400,000, to be available as follows:

$10,400,000 for Alaska or Hawaii ferry projects;

$45,142,000 for the Atlanta, Georgia, North line extension project;

$5,000,000 for the Baltimore central LRT double track project;

$4,000,000 for the Canton-Akron-Cleveland commuter rail project;

$3,000,000 for the Charlotte, North Carolina, north-south corridor transitway project;

$25,000,000 for the Chicago METRA commuter rail project;

$2,000,000 for the Chicago Transit Authority Douglas branch line project;

$2,000,000 for the Chicago Transit Authority Ravenswood branch line project;

$2,000,000 for the Cincinnati northeast/northern Kentucky corridor project;

$2,000,000 for the Clark County, Nevada, fixed guideway project;

$1,000,000 for the Cleveland Euclid corridor improvement project;

$1,000,000 for the Colorado Roaring Fork Valley project;

$35,000,000 for the Dallas north central light rail extension project;

$1,000,000 for the Dayton, Ohio, light rail study;

$35,000,000 for the Denver Southwest corridor project;

$25,000,000 for the Dulles corridor project;

$12,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

$4,000,000 for the Houston advanced transit program;

$52,770,000 for the Houston regional bus project;

$1,000,000 for the Johnson County, Kansas, I–35 commuter rail project;

$1,000,000 for the Kenosha-Racine-Milwaukee rail extension project;

$4,000,000 for the Long Island Railroad East Side access project;

$5,000,000 for the Los Angeles Mid-City and East side corridors projects;

$50,000,000 for the Los Angeles North Hollywood extension project;

$1,000,000 for the Los Angeles-San Diego LOSSAN corridor project;

$703,000 for the MARC commuter rail project;

$1,000,000 for the Massachusetts North Shore corridor project;

$5,000,000 for the Memphis, Tennessee, Medical Center rail extension project;

$3,000,000 for the Miami-Dade Transit east-west multimodal corridor project;

$3,000,000 for the Miami-Dade Transit North 27th corridor project;

$1,000,000 for the Nashville, Tennessee, commuter rail project;

$99,000,000 for the New Jersey Hudson Bergen project;

$2,000,000 for the New Orleans Canal Street corridor project;

$6,000,000 for the Newark rail link MOS–1 project;

$1,000,000 for the Norfolk-Virginia Beach corridor project;

$4,000,000 for the Northern Indiana south shore commuter rail project;

$2,000,000 for the Oceanside-Escondido, California light rail system;

$5,000,000 for Olympic transportation infrastructure investments: *Provided*, That these funds shall be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games: *Provided further*, That none of these funds shall be made available for the Salt Lake City west-east light rail project, any segment thereof, or a downtown connector in Salt Lake City, Utah;

$1,000,000 for the Orange County, California, transitway project;

$20,000,000 for the Orlando Lynx light rail project (phase 1);

$1,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;

$7,000,000 for the Phoenix metropolitan area transit project;

$3,000,000 for the Pinellas County, Florida, mobility initiative project;

$11,062,000 for the Portland Westside light rail transit project;

$2,000,000 for the Puget Sound RTA Link light rail project;

$12,000,000 for the Puget Sound RTA Sounder commuter rail project;

$12,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;

$25,000,000 for the Sacramento south corridor LRT project;

$1,000,000 for the San Bernardino, California Metrolink project;

$7,000,000 for the San Diego Mid Coast corridor project;

$23,000,000 for the San Diego Mission Valley East light rail transit project;

$84,000,000 for the San Francisco BART extension to the airport project;

$20,000,000 for the San Jose Tasman West light rail project;

$82,000,000 for the San Juan Tren Urbano project;

$53,962,000 for the South Boston piers transitway;

$1,000,000 for the South DeKalb-Lindbergh, Georgia, corridor project;

$3,000,000 for the Spokane, Washington, South Valley corridor light rail project;

$3,000,000 for the St. Louis, Missouri, MetroLink cross county corridor project;

$50,000,000 for the St. Louis-St. Clair County MetroLink light rail (phase II) extension project;

$1,000,000 for the Tampa Bay regional rail project;

$5,433,000 for the Twin Cities Transitways projects;

$46,000,000 for the Twin Cities Transitways—Hiawatha corridor project;

$37,928,000 for the Utah north/south light rail project;

$2,000,000 for the Virginia Railway Express Woodbridge station improvements project;

$1,000,000 for the West Trenton, New Jersey, rail project; and

$3,000,000 for the Whitehall terminal reconstruction project.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' on page 32, line 8 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,000,000, to remain available until expended: *Provided*, That no more than $75,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $12,042,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $32,361,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,704,000 shall remain available until September 30, 2002: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the last word. I do so for the purpose of engaging in a colloquy with the gentleman from Virginia (Chairman WOLF).

Mr. Chairman, I understand that the gentleman from Virginia (Chairman WOLF) is concerned, as we all are, with the effects of peanut allergies on individuals who fly on our Nation's airlines, as well as for other reasons.

As the gentleman knows, included in the 1999 Omnibus Appropriations bill was language to ban the Department of Transportation from implementing peanut-free buffer zones on airlines without the Department first conducting a study on peanut allergies. In fact, in Fiscal Year 2000's Agriculture, Rural Development, Food and Drug Administration Appropriations bill, $300,000 was earmarked for the peanut industry to conduct research to find a vaccination for peanut allergies and eliminate the allergy that is contained in the peanut.

I ask the gentleman from Virginia (Chairman WOLF), is it true that the language included in the omnibus bill was a change to permanent law and does not need to be addressed again this year?

Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, that is correct. The language included in the omnibus bill is permanent law.

Mr. CHAMBLISS. Moreover, Mr. Chairman, can the gentleman from Virginia verify if a peanut allergy study has been conducted by the Department of Transportation as specified in the 1999 omnibus bill?

Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, the Department of Transportation has yet to issue a report on their peanut allergy study.

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for his clarification in this matter and the leadership that he provides for this committee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $36,092,000, of which $5,494,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; and of which $30,598,000 shall be derived from the Pipeline Safety Fund, of which $17,074,000 shall remain available until September 30, 2002: *Provided*, That in addition to amounts made available from the Pipeline Safety Fund, $1,300,000 shall be available for grants to States for the development and establishment of one-call notification systems, emergency notification, damage prevention, and public education activities, and shall be derived from amounts previously collected under 49 U.S.C. 60301.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: *Provided*, That not more than $14,300,000 shall be made available for obligation in fiscal year 2000 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $44,840,000.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2000, to result in a final appropriation from the general fund estimated at no more than $15,400,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,633,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $57,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any

program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 311. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 314. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 315. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 316. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 317. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2000.

SEC. 318. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $10,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $147,965,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 319. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 320. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 321. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 322. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 323. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 324. (a) None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 326. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 327. Notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be

provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

□ 1245

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

Mr. Chairman, I rise as assistant majority leader and as a member of the New York delegation to seek support from the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from Virginia (Mr. WOLF), to protect funding crucial to New York State and to uphold the historic legislation covering highway and transportation programs, which is known colloquially as TEA–21.

This time last year, the Transportation Equity Act for the 21st Century, known as TEA–21, was signed into law. The success of this bill is due to a 3-year effort of the authorizing committee, the appropriating committee, and support from a broad coalition. TEA–21 has been an enormous success. It established a new funding formula structure for distributing funds to States. This funding formula represents a carefully crafted, well-balanced compromise.

Mr. Chairman, the Senate will soon consider its version of the transportation appropriations bill for the fiscal year 2000. On May 27, the Senate Committee on Appropriations included a controversial provision that unfairly caps transit aid at 12.5 percent of the total amount of transit dollars that any one State may receive. This legislation, as crafted, adversely affects the Nation's two most transit-dependent States, those of California and New York, and would result in an estimated loss of $1.2 billion over a 6-year period or at a minimum $200 million per year for New York and $120 million per year for California.

This artificial cap was included in the Senate Committee on Appropriations with no notice or public debate on its merits. I wanted to ask the distinguished subcommittee chairman for his support for maintaining that historic compromise.

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

Mr. LAZIO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman bringing this to my attention, and also the gentleman from New York (Mr. SWEENEY). I have also spoken to the gentleman from California (Mr. DREIER) about the same thing.

The gentleman has my commitment to do everything we can to attempt to make this the way it should be with regard to fairness. We have never been into punishing one State over another, so I can assure the gentleman we will work with the gentleman, and the gentleman from New York (Mr. SWEENEY), and the other members of the New York delegation, and also the California delegation who have come to me again, as I said, the gentleman from California (Mr. DREIER) and others, to make sure that there is fairness.

Mr. LAZIO. Mr. Chairman, I want to express my gratitude to the subcommittee chairman and my friend on behalf of the House who supported the compromise, and as a member of the New York delegation, and I just wanted to reiterate how important this is.

New York has one-third of the Nation's transit riders, California has about 14 percent. Combined the two States make up almost half of the entire Nation's transit users. On a daily basis, New York State has over 7.5 million transit riders. On the MTA system alone, the daily ridership is 7.2 million. For the millions of people who use mass transit, the environment and the economy, we should uphold the allocation formulas we worked so hard for in that historically crafted bill.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, I would just tell him that a member of my family lives in New York City and I understand how congested the traffic is and the needs and everything else, so the gentleman makes a very credible point.

Mr. LAZIO. I ride on that subway myself.

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

Mr. LAZIO. I yield to the gentleman from New York (Mr. SWEENEY) who has been working very hard on this issue and, as a matter of fact, has gathered on a bipartisan basis signatures for the subcommittee chairman.

Mr. SWEENEY. Mr. Chairman, I thank my good friend, the gentleman from New York (Mr. LAZIO).

Quickly, I want to applaud this effort, and I am proud to join it. As the chairman knows, 81 members from both the New York and California delegation sent a letter to the chairman last week, and I wanted to add a point to this.

I represent a rural area, and on behalf of the rural areas in New York and California, I wanted to just stress that rural transit systems have few sources of revenue to make up for huge cuts to their Federal formula funding allocation. So this will hit disproportionately those areas pretty significantly.

As the gentleman from New York (Mr. LAZIO) has pointed out, we in New York have committed to a high standard on infrastructure repair and transportation repair. A higher share of our own resources are committed to transit than any other State; nearly 70 percent of our $12 million Statewide transit capital program financed from State and local resources.

So this is a critical issue for us in my district and throughout New York State. And, again, I want to applaud the efforts of my colleague, the gentleman from New York (Mr. LAZIO), and ask the Chairman for his support and thank the gentleman for the opportunity to express this concern.

Mr. WOLF. Mr. Chairman, will the gentleman once again yield?

Mr. LAZIO. I yield to the gentleman from Virginia.

Mr. WOLF. I would give the gentleman the same type of commitment, Mr. Chairman, as with the gentleman from New York (Mr. LAZIO), and I appreciate the gentleman bringing it to my attention. Both gentlemen have talked to me about it a number of times, and we will do everything we can to help.

Mr. LAZIO. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his support.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 328. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 329. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

AMENDMENT OFFERED BY MR. SANFORD

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

The Clerk read as follows:

Amendment offered by Mr. SANFORD:

Page 42, line 15, after the dollar amount, insert the following: ''(plus an additional reduction of $1,000,000)''.

Page 42, line 18, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

POINT OF ORDER

Mr. SABO. Mr. Chairman, I rise to make a point of order against the gentleman's amendment because he seeks to amend a paragraph that has already been read under the 5-minute rule. The House manual clearly states in Section 876(2) that when a paragraph or section has been passed, it is not in order to return thereto.

I regret to say the gentleman's amendment comes too late, and I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) wish to be heard on the point of order?

Mr. SANFORD. No, Mr. Chairman, I will withdraw the amendment. It was a last chance to save the taxpayers $1 million. We had indeed passed this section of the bill, but, nonetheless, I wanted to try.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 330. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $750,000, to remain available until September 30, 2001.

SEC. 331. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 332. None of the funds appropriated by this Act may be used to issue a final standard under docket number NHTSA 98–3945 (relating to section 656(b) of the Illegal Immigration Reform and Responsibility Act of 1996).

SEC. 333. (a) Section 110(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4109(b)(2)) is amended by striking all that follows ''research'' and inserting a period.

(b) Section 312 of the Arctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441) is amended by striking subsection (c).

SEC. 334. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2000.

SEC. 335. None of the funds in this Act may be used to carry out the functions and operations of the office of motor carriers within the Federal Highway Administration.

SEC. 336. Section 3027 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note: 112 Stat. 336) is amended by adding at the end the following:

''(e) Government share for operating assistance to certain smaller urbanized areas.—Notwithstanding 49 U.S.C. 5307(e), a grant of the Government for operating expenses of a project under 49 U.S.C. 5307(b) in fiscal years 1999 and 2000 to any recipient that is providing transit services in an urbanized area with a population between 128,000 and 128,200, as determined in the 1990 census, and that had adopted a five-year transit plan before September 1, 1998, may not be more than 80 percent of the net project cost.''.

SEC. 337. Section 130 of Title 23, United States Code, is amended in subsection (f) by striking ''90 percent'' where it appears in the last sentence and inserting ''100 percent''.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against section 337 on page 50, lines 1 through 4. This is legislation on an appropriation bill and is in violation of clause 2 of rule XXI.

This provision is an amendment to section 130 of title 23 to raise the Federal share for rail-highway grade crossing projects funded under the Transportation Equity Act for the 21st Century, TEA–21.

Mr. WOLF. Mr. Chairman, I would like to be heard on that, if I may.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) may be heard on the point of order.

Mr. WOLF. I am going to concede the point of order, Mr. Chairman, but this is the provision that deletes the non-Federal match for the section 130 grade crossing program.

In 1998, the unobligated national balance totaled $148 million and now may be as high as $220 million. Many States have difficulty expanding the section 130 funds and, as a result, some States have a few years of unobligated balances that could be used to eliminate grade crossings.

For example, the State of Wisconsin has $13 million in unobligated balances. The State of Oregon has $6,888,000 in unobligated balances. If we were to delete the non-Federal match, it would permit States to reduce those unobligated balances and eliminate a greater number of grade crossing hazards than previously planned and, therefore, improving safety for the American family.

Mr. Chairman, maybe this is an area the authorizers could look at, because I think it would enable States to move that money quickly and, I think, bring about safety. Each year there are 3,500 collisions at grade crossings with nearly 1,500 injuries and 500 deaths. The tragic accident we heard of earlier, that we worked with the gentleman from Illinois (Mr. WELLER) on, certainly demonstrates that more needs to be done to upgrade safety at grade crossings. With that, hopefully, this can be looked at in some way, because I think it would be good in helping to save lives.

Mr. Chairman, I do concede the point of order.

The CHAIRMAN. The language cited by the point of order directly amends existing law. As such, it constitutes legislation. The point of order is sustained. The section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 338. Section 3030(b) of the Transportation Equity Act for the 21st Century (112 Stat. 373–375) is amended by adding at the end the following:

''(71) Dane County Corridor—East-West Madison Metropolitan Area.''.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against section 338 on page 50 lines 5 through 9. This is legislation on an appropriation bill and is in violation of clause 2 of rule XXI. This provision is an amendment to TEA–21 to authorize a mass transit project in Dane County, Wisconsin.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) concedes the point of order.

The language cited directly amends existing law. As such, it constitutes legislation, and the point of order is sustained. This section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 339. Funds provided in Public Law 104–205 for the Griffin light rail project shall be available for alternative analysis and environmental impact studies for other transit alternatives in the Griffin corridor from Hartford to Bradley International Airport.

SEC. 340. Section 3030(c)(1)(A)(v) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by deleting ''Light Rail''.

SEC. 341. Notwithstanding any other provision of law, the federal share of projects funded under section 3038(g)(1)(B) of Public Law 105–178 shall not exceed 90 percent of the project cost.

SEC. 342. The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

□ 1300

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 342, on page 50, line 22 through page 51, line 4.

This is legislation on an appropriations bill and is in violation of clause 2 of rule XXI. This provision reauthorizes the payments from the War Risk Insurance Program. The House has twice passed versions of the War Risk Insurance Program this year, and a 5-year reauthorization of the program has passed the House and is currently pending in the Senate.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded.

The language cited by the point of order conveys authority to the Executive. As such, it constitutes legislation.

The point of order is sustained. The section is stricken.

The Clerk will read.

The Clerk read, as follows:

SEC. 343. Notwithstanding current policies or guidelines of the Department of Transportation, the Administrator of the Federal Aviation Administration is hereby authorized to issue grant awards utilizing funds limited in this bill under ''Grants-in-aid for airports'' fifteen days after transmittal of recommended grant awards to the Office of the Secretary of Transportation for Congressional notification purposes.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 343, on page 51, lines 5 through 12.

This is legislation on an appropriations bill and is in a violation of clause 2 of rule XXI.

This provision mandates changes in the FAA's grant award and processing policies so that all grant awards must be issued within 15 days of the notification of their approval.

A similar provision was included in H.R. 1000, which passed this House overwhelmingly last week.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The language cited by the point of order conveys authority to the Executive. As such, it constitutes legislation.

The point of order is conceded and sustained.

The section is stricken.

The Clerk will read.

The Clerk read, as follows:

SEC. 344. None of the funds in this Act shall be available to execute a letter of no prejudice, letter of intent or full funding grant agreement for the Salt Lake City west-east light rail line, any segment thereof, or a downtown connector in Salt Lake City, Utah.

SEC. 345. Of the funds made available to the Coast Guard in this Act under ''Acquisition, construction, and improvements'', $10,000,000 is only for necessary expenses to support a portion of the acquisition costs, currently estimated at $128,000,000, of a multi-mission vessel to replace the Mackinaw icebreaker in

the Great Lakes, to remain available until September 30, 2005.

SEC. 346. Notwithstanding the Federal Airport Act (as in effect on April 3, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to subsection (b), the Secretary of Transportation may waive any term contained in the deed of conveyance dated April 3, 1956, by which the United States conveyed lands to the city of Safford, Arizona, for use by the city for airport purposes: *Provided*, That no waiver may be made under subsection (a) if the waiver would result in the closure of an airport.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 346, on page 52, lines 1 through 10.

This is legislation on an appropriations bill in violation of clause 2 of rule XXI. This provision waives deed restrictions for an airport in Safford, Arizona. Moreover, it would allow the airport to sell land without having to reinvest the proceeds of the sale in the airport, which is contrary to provisions in Title 49 of the U.S. Code and to the usual practice of the House when deed restrictions have been removed for other airports across the country.

Mr. KOLBE. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, while I will concede the point of order, I would like to inquire of the gentleman from Pennsylvania (Mr. SHUSTER), the distinguished chairman, about his reasons for objecting to this.

Let me just state, for the record, that I have been working closely with the local community, the local FAA representatives, the Aircraft Owners and Pilots Association, for years to draft language that is acceptable and have attempted to work with his committee and committee staff to do that. This has been the result of long discussions to get us to where we are. It only allows the FAA to waive terms contained in the 1956 deed of conveyance more than 40 years ago. It does not require them to do so.

This is land which is vitally needed in order for this small rural community where unemployment is three times the rate of other areas in Arizona to develop an industrial park in this area. I am just curious as to why this particular provision, looking at all the provisions in here that were not singled out, as to why this one has been singled out.

Mr. SHUSTER. Mr. Chairman, continuing to rise on my point of order, I will respond to the gentleman by pointing out that he did ask us to put this in AIR–21, and we said that if they could provide us with information showing that it conformed with other actions of the past, we would be happy to consider it.

Moreover, and even more importantly, we have required other airports across America to conform, particularly even an airport in my own congressional district in Chambersburg, Pennsylvania. So when we have required this of other airports, including an airport in my own congressional district, it hardly seems fair to provide this special consideration for an airport in another part of the country. And those are my reasons, I say to my good friend.

Mr. KOLBE. Mr. Chairman, I would simply state that we are prepared to use language that conforms precisely to language that was used in AIR–21 last week on another project in Newport News that would apparently do that. We have attempted to have discussions with the staff about this and apparently have not had a great deal of success.

I must say that this objection is very devastating to this community, which has been trying very hard for a long time to get this very small project of economic development off the ground. I would just simply say that I do not think that this language is different than has been provided in other cases, and I do believe we can point to that.

Mr. SHUSTER. Mr. Chairman, I would like to respond to further emphasize that requiring my own community of Chambersburg, Pennsylvania, to adhere to the law certainly was difficult for them. But having required them to adhere to the law, it would seem very, very unfair to give a special waiver to another community.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The language cited by the point of order explicitly waives existing law. As such, it constitutes legislation.

The point of order is sustained.

The section is stricken.

Mr. SABO. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I want to thank the gentleman from Minnesota for yielding and for his hard work on this piece of legislation.

Mr. Chairman, I have a concern about this legislation in regard to an authorization for a critical transit project in Dane County, Wisconsin, which is in my district. I would like to engage the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Ground Transportation, in a colloquy.

Mr. Chairman, Dane County and the City of Madison are currently examining future transportation needs, including various mass transit options. Traffic congestion and the need for additional parking will need to be addressed as the population of the region continues to grow into the next century. Dane County, which contains Madison, is working hard to promote concentrated development along existing and potential transit corridors.

In addition, I would like to note the strong potential of new mass transit options since Madison Metro consistently ranks as one of the finest in the Nation with excellent service and ridership that ranks higher than most similar cities.

Unfortunately, Dane County was not ready for new start projects authorization when TEA–21 was enacted last year. Their planning for future transit needs has now reached a point where an authorization for a new start project would be appropriated.

I understand that such an authorization would be most appropriately included on a bill from the committee of jurisdiction, the House Subcommittee on Ground Transportation. I would like to obtain the assurance of the gentleman from Wisconsin (Mr. PETRI) that an authorization for the Dane County project would be considered in the subcommittee's next appropriate vehicle.

Mr. PETRI. Mr. Chairman, if the gentlewoman would yield, I would like to thank the gentlewoman and assure her that the subcommittee would be pleased to consider an authorization for the Dane County project in our next appropriate vehicle.

I understand that Dane County has a number of transit options under consideration and would be seeking Federal funding for continued planning and evaluation in budget year 2002. And I am quite sure that the need of the county can be addressed by our committee on a timely basis, and I look forward to working with my colleague toward that end.

Ms. BALDWIN. Mr. Chairman, I thank the gentleman for his comments. I look forward to working with him to address the transit needs of Dane County.

Mr. SABO. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for the purposes of a colloquy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman, the ranking member, for yielding.

Mr. Chairman, I thank the chairman for his hard work. I would like to enter into a colloquy on an important matter in my community that many of us have worked on, and that is included in H.R. 2084, the Houston, Texas Main Street Corridor Project, of which a request was made for some $8 million. It received $1 million in funding for fiscal year 2000.

I would hope, as we move this bill to conference, that, in recognizing the commitment that the committee has made to infrastructure and making our communities less congested, that we could seek an additional funding of $500,000 to keep this project on schedule.

Traffic congestion and a depleted infrastructure threatens the future of this vital backbone of transit. Houston's Main Street Corridor has been the heart of the 2,000 square mile Houston region for many years. In fact, we have gathered together a diverse community collaboration and coalition that have organized around enhancing the Main Street Corridor.

The Corridor runs from Buffalo Bayo north through Downtown, Midtown, Hermann Park, and the Texas Medical Center. Main Street links two important economic hubs, Downtown and

Texas Medical Center, as well as the entertainment, cultural, and governmental centers. The City of Houston and I and others believe that this funding is necessary to ensure that effective traffic management will continue the redevelopment of this center of commerce and business, the very principles of this committee.

Long-term, this project will result in increased development density, increased access to jobs, reduced automobile inventories, lower emissions, and reduced long-term capital investment in the regional infrastructure, again, the principles of this committee.

I would ask my colleagues, the ranking member, and the chairman to work with me on this matter.

Mr. SABO. Mr. Chairman, I thank the gentlewoman from Texas for bringing this important matter to the consideration of the subcommittee.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. SABO) has expired.

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

Mr. SABO. Mr. Chairman, as we go to conference and consider all our alternatives, we will keep the request of the gentlewoman in mind.

Let me add, however, for the gentlewoman and for all other Members that part of this bill carries very significant increase in transit formula funding for local transit agencies and we may have limits as to what we can do in discretionary funding. But communities should also look to the additional formula funding for potential use in preliminary engineering on some of these projects.

I thank the gentlewoman for bringing this to our attention.

Mr. Chairman, I yield to my friend, the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, the gentlewoman has spoken to me about this. Everything is very tight. The gentleman from Minnesota (Mr. SABO) and I can work together and see. But we will certainly take a very, very close look at it, I promise.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman would continue to yield, this is most helpful to me, and I thank the gentlemen very much for their cooperation in working on this very important project.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 347. None of the funds in this Act may be expended to review or issue a waiver for a vessel deemed to be equipped with a double buttom or double sides.

This act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2000''.

AMENDMENT OFFERED BY MR. ROGAN

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

The Clerk read as follows:

Amendment offered by Mr. Rogan:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the U.S. Department of Transportation, Federal Highway Administration, on April 13, 1998).

Mr. ROGAN. Mr. Chairman, in order to defer to my colleague from South Carolina (Mr. SANFORD) I ask unanimous consent to withdraw my amendment for the time being.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. SANFORD

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

The Clerk read as follows:

Amendment offered by Mr. Sanford:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be further reduced by $1,000,000.

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

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

There was no objection.

Mr. DUNCAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

□ 1315

Mr. SANFORD. Mr. Chairman, first of all I would applaud the gentleman from Pennsylvania (Mr. SHUSTER), I would applaud the gentleman from Virginia (Mr. WOLF), I would applaud the gentleman from Oklahoma (Mr. COBURN) for what they have done to in essence refine this bill as we go through this process here on the House floor. What this amendment does is it basically continues that simple theme of refining and focusing this bill, because this bill looks at the Transportation Administrative Service Center which was basically founded by the Department of Transportation back in 1997.

It last year was funded at about $109 million. This year it is projected to be funded at about $148 million. All this amendment does is it takes one of those million dollars of increase, and again, there are roughly about $50 million of increase, it takes one of those million dollars and it cuts it. The reason it does that is because it is basically a shot over the bow to this service center to say, ''Let's really look under the hood at some of these expenses and really examine closely whether or not they are in the best interests of the taxpayer.''

A lot of the things that this service center does basically for the Department of Transportation makes a whole lot of sense. Whether it is with photocopying or telecommunications services, there are certain advantages to one-stop-shopping which this center does. But some of the expenses when we really looked at them to me did not pass the litmus test of best interests of the taxpayer.

Let me give my colleagues just a few of those. First of all, it has like career development seminar and workshops designed to assist organizations in promoting employee empowerment. It goes on to say, ''Emphasis is on providing employees with the tools, the information, the resources they need to seek opportunities that will make them more marketable and enhance their careers.''

That is a good thing, but I do not know that it is really in the best interest of building more roads and bridges and airports across this country. Similarly, another component of the center was fitness center equipment consulting.

I read from their own web page:

''If you're thinking of purchasing exercise equipment for your employees but are not sure what it should cost, what's most effective, what's currently popular, let our staff with over 50 years of experience in exercise physiology and fitness equipment handling assist you to facilitate your plans.'' That is a very nice thing, but again it is almost a bureaucracy within a bureaucracy. I do not think the taxpayer really wants to see a lot of those.

Another one here I see, responding to employee stress. It says here, ''These are difficult times, downsizing, changing work styles, uncertainty about the future, family stresses. The effects of too much stress can start showing up in the workplace in big and small ways. Let us help you help them.''

A lot of these things, I am sure, are very reasonable things. That is why this bill only cuts $1 million of the basic $50 million of increase, asking them to carefully look under the hood to really examine whether or not all these expenses are warranted. I think the committee has already taken up the Inspector General's study which basically discontinued the computer operations over at the service center. This is again a shot over the bow. It is nothing more than that.

Mr. DUNCAN. Mr. Chairman, I withdraw my point of order and state that I have no objection to this amendment.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. SABO. Mr. Chairman, I rise in opposition to this amendment.

This amendment cuts $1 million from the Transportation Administrative Service Center, which has already been cut in the request by $10 million in this bill.

The center finances common administrative services, such as payroll, accounting, copying and telecommunications that can be performed more

economically and efficiently through a central organization rather than the various modal administrations of the Department of Transportation.

Mr. Chairman, the entire purpose of the Transportation Administrative Service Center is to save the government money by consolidating redundant administrative overhead and functions. Individual departmental agencies may purchase administrative services outside the Transportation Administrative Service Center only if they can demonstrate that doing so is cost beneficial to the department as a whole.

Rather than supporting the Transportation Department's effort to control costs by centralizing administrative functions, this amendment would penalize the Department.

The net effect of the Sanford amendment might well be that the various agencies in the Department will seek out other sources for their needs which could cause duplication of procurement, accounting and other administrative services and higher costs overall.

In the end, Mr. Chairman, this amendment will not save money, it will cost the government money, and it should not be adopted.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I have no objection to the amendment offered by the gentleman from South Carolina.

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

Mr. Chairman, this is a good amendment. It takes a million dollars away from a $39 million increase. The reason it does, it says to the people who are working in this center, you can spend the money more wisely, more efficiently.

The concept of the center is fine, but a 45 percent increase in your spending this year? We are going to cut some of that back. We recognize the value of this center, but we can save a million dollars and send a signal that ''next year, if you are not better, you are not going to see this kind of increase. Regardless of what is there, you cannot justify the inefficiencies that you are generating.''

The Sanford amendment takes just $1 million out of a $39 million increase and says, ''We want you to wake up and smell the roses, do some things a little more efficiently, and let's save some money.'' It is not even 1 percent of their budget, it is about three-quarters of 1 percent, and it is of an increase. They had $109 million last year, we are going to give them $148 million this year.

I want to make one other statement. Earlier in our debate today, we talked about how $170 million was not much. $170 million will pay for the Social Security for 1.8 million Americans this year. When this bill is finished, if we pass it, we are going to have savings of about $555 million. That is enough to pay the Social Security for 5.4 million Americans. That is a good achievement. We ought not to lose sight of that.

Let us save an additional $1 million, we can save another couple of hundred thousand people their opportunity for Social Security, and we can live up to the commitment that we all agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDREWS

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

The Clerk read as follows:

Amendment offered by Mr. Andrews:

Page 52, after line 13, insert the following new section:

SEC. 348. The amount otherwise provided by section 330 for the Amtrak Reform Council is hereby reduced by $300,000.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. ANDREWS. Mr. Chairman, I believe that one of the bipartisan success stories of the last few years in America's transportation policy has been the improvements that have taken place in Amtrak. I am a frequent rider on Amtrak and a great devotee of its efforts. I salute all the men and women who work so hard for Amtrak.

I also believe that the efforts of the chairman of the authorizing committee the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the appropriations subcommittee the gentleman from Virginia (Mr. WOLF), together with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Minnesota (Mr. SABO), their ranking members, have helped to take what was a very critical and difficult situation just a few years ago and turn it into a success story. I commend and congratulate them for that.

This amendment is really offered in the spirit of continuing the success that I believe they and the thousands of men and women who work for Amtrak have achieved, because it is based on the idea, Mr. Chairman, that too many cooks spoil the broth. Amtrak has achieved a labor-management cooperation. It is achieving a program of progress together with its unions and its management that have improved service, increased revenues and expanded future opportunities for Amtrak for years to come.

I believe when something is on the right track, when something is proceeding the way that it should, that second-guessing and Monday morning quarterbacking really is inappropriate. The role of the Amtrak Reform Council lends itself to the possibility of that Monday morning quarterbacking and second-guessing.

There is a delicate balance that has been established in labor and management in Amtrak, with the cooperation of the rail unions, with the able leadership of the board of directors of Amtrak, and its management headed by Mr. Warrington. I think that the possibility of mischief being created that would upset that delicate balance, that frankly would roll back meaningful and important labor protections for men and women who work for Amtrak would be the wrong thing to do.

Now, I had contemplated offering an amendment that would have the effect of defunding, or zeroing out, or eliminating the Amtrak Reform Council. In retrospect, I believe that would be the wrong approach to take at this time. Again, I would salute the efforts of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Virginia (Mr. WOLF) in contributing to the worthy mission of the Amtrak Reform Council.

In lieu of that idea, I offer this amendment which limits the funding in the new fiscal year for the Amtrak Reform Council to the same amount that the reform council received in fiscal year 1999, namely, $450,000. I would commend the gentleman from Virginia as chairman of the subcommittee and the gentleman from Minnesota as ranking member for their efforts they have already made in reducing the funding request, which was well over $1 million, down to $750,000, and I thank them for that. I believe, though, that there is no evidence that justifies an increase in the funding of the Amtrak Reform Council, so it is the express intent of my amendment and the effect of my amendment that we reduce the funding for the Amtrak Reform Council down to its fiscal year 1999 level of $450,000.

Those of us who believe that there is risk of mischief, that there is the chance that important labor protections would be undone, those of us who believe that the balance that the board of directors and the management and labor of Amtrak are achieving would be disrupted, believe that the best way to limit that risk is to appropriately limit the funding of the Amtrak Reform Council to the level that it was funded in the 1999 budget of $450,000.

To summarize, this is a compromise between those of us who believe that maybe there is no role at all for the Amtrak Reform Council and those who would wish to see it do more. The compromise calls for the limitation of funds to the 1999 level. The amendment cuts $300,000 from the level of appropriation. I again express my appreciation to the chairman and ranking member for the fiscally prudent steps they have already taken. I would just respectfully say I believe we should just go a little further and limit the funding to the 1999 level, in particular importance to making sure that the important labor protections that are in our law protecting Amtrak employees and passengers remain in the law.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey which would restrict funding for

the Amtrak Reform Council to $450,000, or the level enacted in fiscal year 1999. The bill before my colleagues contains an appropriation for the ARC of $750,000 which is what the administration asked for, well below the $1.3 million that the ARC requested for fiscal year 2000. We have taken them down dramatically to the level requested by the administration.

Secondly, this was part of the Amtrak authorization bill. We want to do everything we can to see that Amtrak makes it. For those of us who voted for the ARC in the authorization bill, we need to give them the ability to do their work. If we don't, it would be a mistake.

I have a letter from Mr. Carmichael, Chairman of the Amtrak Reform Council. He says:

''Cutting ARC's funding to $450,000 would damage ARC severely. Specifically, the cut would mean eliminating our valuable program of field hearings that are providing important insights into the problems of Amtrak and rail passenger service throughout the Nation, and laying off at least two of our small staff of six''—they only have a staff of six—''just at the time when we will be preparing our first annual report under the Congressional mandate.''

□ 1330

The Congress created the panel. I think to wound the panel at this time would be a mistake.

In 1998 Amtrak lost $930 million. Amtrak's high speed program, the most important element in Amtrak's program to improve its financial performance to meet the goals of the Amtrak Reform and Accountability Act, is now falling behind schedule, and now for Congress to try to save $300,000, which is the amount that Amtrak loses in about an 8-hour period, by underfunding the organization as it is trying to bring fiscal sanity and some semblance of making this organization run appropriately would really be shortsighted. It would be self-defeating for those who really want Amtrak to survive, to make it, as the members of this committee and most Members of the Congress want. It would be a mistake.

So I have great respect, and sometimes we just say those things, but I am not just saying it for the gentleman from New Jersey (Mr. ANDREWS), but I really think this would actually hurt Amtrak. Since Congress in its wisdom set up the ARC to help Amtrak stay alive, we should not take their ability away.

So, therefore, I urge the defeat of the amendment, Mr. Chairman.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment also.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. SHUSTER. I withdraw my point of order; yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER) for 5 minutes.

Mr. SHUSTER. Mr. Chairman, I join with the chairman of the Committee on Appropriations' subcommittee in opposing this amendment.

We made a deal, and the deal when we decided to continue to support Amtrak was that there would be this independent commission of public spirited, unpaid volunteers appointed by the congressional leadership and the President under our reform law to have them look at Amtrak.

Now why does Amtrak need looked at?

Amtrak lost $930 million last year. The Federal Government, the taxpayers of America, subsidized Amtrak to the tune of $1.7 billion last year. So this paltry $300,000 that we are debating right here now represents 2 ten-thousandths of 1 percent of the money that the taxpayers put into Amtrak. We need this tiny sum so that the commission can do its work. One of the reasons we need this additional tiny sum is because the President was so tardy in appointing the commissioners. We need to let them do their work. If they can come up with one small recommendation, to figure out how to save 2 ten-thousandths of 1 percent of the money the taxpayers put in this bill, this will cover this tiny amount of money that we are speaking about here today.

But the issue really is not the money. The issue here is there are those who do not want any oversight of Amtrak, any independent oversight of Amtrak. They want us to keep pouring billions of dollars into Amtrak without having any outside group looking over their shoulder. It is wrong, and it is causing me to rethink my support of Amtrak.

We have got to provide adequate funding, and if we do not provide adequate funding, then it is time, I guess, for us to start looking at more drastic measures concerning Amtrak.

Let us not renege on the deal we made when we passed Amtrak reform, which included having this provision in it. Let us adequately fund it, tiny as those funds may be, so that they can do the job they are supposed to do, and I urge a vote against this amendment which breaks the deal that we made previously.

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

I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I just want the RECORD to show some of the fiscal facts about the Amtrak Reform Council and, in particular, what many of us believe is its potential for doing mischief to the rights of working men and women in the hard-fought rights of those who belong to collective bargaining units to unions in the Amtrak company.

The director, the executive director of the commission, makes $148,000 a year, more than we do. Now I am sure that individual works very hard, but so do we, and I am not sure that that is an appropriate expenditure.

There is $700,000 for technical support and analysis that was requested without much delineation as to what that was for. One of our concerns is that there would be the overuse of outside consultants, often at the cost of $400 an hour or so, and again I want to say for the record that the gentleman from Virginia (Mr. WOLF) I think has done an admirable job in paring down this request, and I acknowledge and respect that. They have proposed a great deal of travel from their travel budgets.

And I would also point out that ARC, the Amtrak Reform Council, has at its disposal the resources of the Department of Transportation already. We do not need to reinvent this wheel or charge the public twice for something already at its disposal. The Inspector General's office at the DOT is also conducting an ongoing assessment of Amtrak. The GAO is available with its resources to investigate and think about these questions, and then various other offices under the auspices of the Secretary of Transportation.

So I simply believe that it is prudent and right to strike a balance by limiting funding of the ARC to last year's amount that was in last year's bill of $450,000, and I would just caution that many of us are concerned that broader financing means broader power, and broader power means the ability to do broader mischief to the hard-fought rights that were won in collective bargaining of the men and women who work for Amtrak.

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

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

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 218, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there any other amendments?

AMENDMENT OFFERED BY MR. ROGAN

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

The Clerk read as follows:

Amendment offered by Mr. Rogan:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the U.S. Department of Transportation, Federal Highway Administration, on April 13, 1998).

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

Mr. ROGAN. Mr. Chairman, I offer this amendment for the residents of Pasadena and South Pasadena in California. Their historic communities are threatened today by a proposal to construct an extension to the 710 freeway through South Pasadena. This extension will cost the taxpayers over $1½ billion and will slice the historic community of South Pasadena into quarters. My amendment offered today will prohibit funds from this bill from being allocated to the planning or construction of the 710 freeway project.

Mr. Chairman, as my colleagues may know, we face considerable traffic and congestion problems in that region. Steps must be taken to alleviate this challenge. However, building an expensive, environmentally-harmful freeway in the middle of historic South Pasadena is not the only or the best solution. Studies indicate that the 710 freeway extension will destroy more than 1,000 South Pasadena historic homes and dislocate more than 4,000 people. More than 7,000 old trees and 70 national historic buildings will be razed. In fact, the National Trust for Historic Preservation has vehemently opposed the 710 freeway and has worked to stop this devastating project. This is the first time in the history of the National Trust For Historic Preservation that they have taken a stand against a Federal Highway project, but this organization has seen the danger of continuing the 710 freeway.

Mr. Chairman, the Federal Government shares the concerns of the community leaders regarding this pork barrel project. A tentative ruling on ordering a preliminary injunction was issued by Judge Dean Pragerson in the U.S. Federal District Court on June 2 of this year. Judge Pragerson found that the FHA and Cal Trans failed to properly evaluate Pasadena's multimode, low-build alternative. In fact, Judge Pragerson found a lack of new consideration regarding the impact upon historic homes and upon the environment in this community.

We do have options which reduce traffic and minimize the impact of traffic mitigation efforts upon the area's environment. Studies show that a multi-modal, low-build alternative could move traffic through the affected area at average speeds of almost 18 miles per hour. As proposed, the 710 extension would only move traffic at an average speed of 18½ miles per hour. This is a meager improvement that does not justify leveling a community or spending $1.5 billion on a project that is not needed.

Further, the low-build alternative will provide 90 percent of the transportation benefits of the proposed 710 extension for one-tenth of the cost.

I share with the Chair a strong desire to improve our infrastructure in a manner that enhances communities, protects the environment and uses taxpayer dollars in a sensible way, but the 710 freeway project stands in direct opposition to these principles. My amendment will stop this project in its tracks for the year so that more sensible alternatives to reduce traffic in the area can be pursued.

Mr. Chairman, I urge adoption of the amendment.

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

Mr. ROGAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that we have examined this amendment. It does not affect the firewalls in TEA–21, and therefore I have no objection to the gentleman's amendment.

Mr. ROGAN. Mr. Chairman, I thank the gentleman from Pennsylvania for those words.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

We did this several years ago for the gentleman from New York (Mr. NADLER). In fact, I believe, if my memory serves me, that we actually carried it in the bill. I think we should defer to a Member who known firsthand their own congressional district. Each member knows their Congressional districts needs. This was the same principle we used with regard to Mr. NADLER in the past, and it is the same principle we would use here.

So I rise in support of the amendment offered by the gentleman from California (Mr. ROGAN).

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

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

Mr. MARTINEZ. Mr. Chairman, I really do not know why this amendment is before us since there is no mention in the appropriation bill of the 710 freeway. Regardless, I understand that the gentleman is here to try to protect one of his cities that he represents, and that is commendable except that all the other cities in his district are in support of the completion of the freeway.

Let me try to explain to my colleagues what the situation is with a little bit of the background since the distortion I have heard here today from the gentleman from the district to my north which is understandable given his contention about the completion of the freeway in regards to that city.

First, let me correct something. The City of Pasadena is not in support of his amendment. They, in fact, passed a resolution in support of the completion of the freeway. We have letters which we will provide at the appropriate time in the full committee from the Transportation Department, from Cal Trans, from everybody else involved except the City of South Pasadena.

Now, why I find this is illogical is because the record of decision that was signed by Rodney Slater, the Secretary of Transportation, was only to move the freeway from the present closure that it has now on Fremont and Valley to Huntington Drive, which is a much wider street, to alleviate the traffic congestion, the accidents and the environmental and soundness of having that freeway dump out on Valley Boulevard.

Now the low-built proposition that has been offered several times and in several different manners has been studied over the period of some 35 years, and everyone that studied that has found that it is inappropriate and that it would not correct the situation that exists and would only make matters more complicated.

The gentleman uses statistic of 18 miles per hour on surface streets; that is absolutely true; and then 18 miles per hour on a freeway that cannot possibly be except in the heaviest of congestion, and if that freeway were completed, there would not be that congestion.

□ 1345

But more than that, the whole misunderstanding of this situation, as I said earlier, is that the record of decision only takes the freeway, relieving that congestion to the City of Alhambra to Huntington Drive, and the portion that goes to that point is not in the gentleman's district, but is in my district.

I have certainly the right to stand and try to protect my city of Alhambra from all of the impacts that have been created, because South Pasadena is unwilling to be a good neighbor, because through South Pasadena that freeway would not present all of the problems that the gentleman has described, because it would be undergrounded through there, the top of it would be landscaped, historical buildings would be replaced and refurbished, so everything would be put back in order and it would not cut the city into quarters, as he has stated.

More than that, this situation has existed there for 34 years. If the Transportation Department did not intend to complete this freeway, they should have never built it, because every city along that route suffers from lack of completion of that freeway.

As far as displacing people, the freeway has for a long time displaced people in that the State was required to buy homes and over 40 percent of the homes in that area have been purchased by the State and are already owned by the State towards the eventual completion of that freeway.

But the record of decision that everybody agreed to came to the conclusion that the first thing to do was to move it from Fremont and the valley where it has created such a problem to Huntington Drive. Then the decision would be made. So at this point in time, any funding that would be denied would be denied for a completion that does not go through the gentleman's district, but up to the gentleman's district and, thereby, relieving the situation in the city below it.

If that at that time comes to pass, that the freeway would need to be completed, that would have to be addressed

at that time with new environmental impact reports done and the like.

At this point in time, the only thing he would be prohibiting is from funding for, if at some future date somebody would decide to fund that portion of the freeway to Huntington Drive, he would be preventing us from alleviating a series of problems that are created not only by the lack of completion of the freeway, but because of the elevated corridor, which is now going to put an extensive amount of train traffic through the district with many of the crossings being at grade, not below grade, and in this record of decision also, money was appropriated or was established that would be appropriated for the taking of those railroad crossings and putting them below grade.

So at this point in time I oppose the gentleman's amendment, and I would urge my colleagues to oppose it, since the completion that is taking place is within my district.

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

Mr. Chairman, I have a question for the gentleman from California (Mr. ROGAN), and I would like to engage him in a colloquy at this time.

Mr. Chairman, I do not know anything about this project, although I do not know where it is, what it is, and I suspect most House Members do not. Is this a highway demo?

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

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

Mr. ROGAN. Mr. Chairman, this is a completion of a freeway project that was designed 50 years ago.

Mr. SABO. Mr. Chairman, reclaiming my time. Is this a highway project that was designed by the State of California with general highway funds?

Mr. ROGAN. Mr. Chairman, if the gentleman will yield, I cannot answer the question of the gentleman. It was designed before I was born. I am not sure where the source of the design came from.

Mr. SABO. But it is not a demo project that we have specifically designated by Federal law?

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

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

Mr. MARTINEZ. Mr. Chairman, the answer to the gentleman's question is yes. The State of California designed that freeway with the intention of completing it.

Mr. SABO. Mr. Chairman, reclaiming, my time, but it is not a demo?

Mr. MARTINEZ. No, Mr. Chairman.

Mr. SABO. So this is a project, Mr. Chairman, that has proceeded under whatever the procedures are in California, I assume using general Federal highway aid money, through the normal environmental process, dealing in whatever fashion they do in California with local units of government. I gather some of this project is built right now, and right now it is at a stop; is that accurate?

Mr. MARTINEZ. Mr. Chairman, if the gentleman will yield, yes, it is.

Mr. SABO. Mr. Chairman, I am finding it difficult to understand why on the House floor where most of us do not know what we are doing, we should make a judgment on what happens in the State of California with funds that they control, subject to the normal procedures that we have.

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

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

Mr. ROGAN. Mr. Chairman, I appreciate the gentleman's inquiry, and I will try to enlighten the gentleman.

In fact, the point the gentleman makes is the point that is currently before the Federal court. A permanent ruling is going to come down on July 1, but the Federal court, in a temporary ruling to an injunction has said a number of these factors have not been considered, such as the environmental impact, the impact upon the historic area of the community. So what I am attempting to do in this amendment is to stop the spending of Federal dollars on a project that could go forward through the general funds of the FHWA when, in fact, it may be a waste of money and certainly would have a very bad impact on the community.

Mr. SABO. So, Mr. Chairman, reclaiming my time, this highway is also in the courts?

Mr. ROGAN. Yes.

Mr. SABO. And we are going to prejudge what the courts are going to do?

Mr. ROGAN. Mr. Chairman, if the gentleman will continue to yield, all I am attempting to do, as I indicated in my opening statement, is try to protect an historic area of the community and protect the environment.

Mr. SABO. Mr. Chairman, reclaiming my time, I am sure the gentleman is, but I am sort of curious why the U.S. House of Representatives on a late afternoon on the House floor, where most of us are not familiar with the project, should override whatever the normal procedures are and adopt an amendment saying we cannot do something which one normally can do in the State of California.

Mr. ROGAN. Mr. Chairman, if the gentleman will again yield, it is because we have the purse strings here, and we have the right in the oversight to say whether or not such projects are going to be developed.

Mr. SABO. Mr. Chairman, reclaiming my time, I do not know that we have often done that, although I hate to say never, on particular projects that are not demos.

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

Mr. SABO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I think we did several years ago, and the gentleman from New York (Mr. NADLER) can better explain, as the gentleman is here.

Mr. SABO. Mr. Chairman, that was that big elevated thing in New York?

Mr. WOLF. Yes, Mr. Chairman. We interceded against it.

Mr. SABO. But was that not a highway demo?

Mr. WOLF. Mr. Chairman, the staff tells me that it was not. That was in opposition to the State of New York in defense to the gentleman from the district.

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

Mr. SABO. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, just as much as I can shed light on this for the benefit of my colleague from California, I guess it was the year before last there had been basically authorization within the Federal highway bill for an interstate to run down to Charleston, South Carolina.

Our environmental community did not want that road running down to Charleston, and so we were actually able, with the help of the gentleman from Pennsylvania (Mr. SHUSTER), to take it out and stop the road in Georgetown, South Carolina. So I do think there is historical precedence here.

Mr. SABO. Mr. Chairman, reclaiming my time, was that a demo?

Mr. SANFORD. No, it was not.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. SABO) has expired.

(By unanimous consent, Mr. SABO was allowed to proceed for 2 additional minutes.)

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

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

Mr. MARTINEZ. Mr. Chairman, there are several differences between the examples that have been given here today. The freeway was set for completion, the design was there. The reason it was stopped is because in the State of California, we have a law that requires the cities to give permission for street closures when freeways were being built through a city. South Pasadena used that gimmick to stop the freeway because they refused to close the streets for the freeway to be built.

Some 17 years later, when I was elected to the State legislature, with a negotiation with South Pasadena, we were able to pass a law that took that right of veto, because it actually amounts to veto, away from cities so that freeways that were for the best interests of the community and the surrounding communities and the whole area of L.A., because that completes a circulation pattern in the county of L.A., then that was passed and signed by the governor. Subsequent to that, we have had at every instance a roadblock put by South Pasadena trying to stop the freeway.

Now, every community in southern California has got a freeway running to it, by it or through it. We have all had to suffer the indignation during the

building of it and we have all had to put up with a lot of inconveniences, in many cases no sound walls until more recently a bill was passed to require more sound walls.

All of these things have been mitigated for South Pasadena in every way. As I said, it will be undergrounded through South Pasadena, no on ramps or off ramps, everything that is possible to be done for South Pasadena has been done, and yet they refuse. Every county in L.A. at one time or another has passed a resolution in order to complete that freeway because of the suffering that it causes everywhere else, and more than that, the State Transportation Department is in total support of the completion of that freeway. CALTRANS is in total support of that freeway. Everybody except South Pasadena is in support of completion of that freeway because of the need for it.

Mr. SABO. Mr. Chairman, I remain confused.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

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

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

The CHAIRMAN. Pursuant to House resolution 218, further proceedings on the amendment offered by the gentleman from California (Mr. ROGAN) will be postponed.

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

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

Mr. BENTSEN. Mr. Chairman, I will not take the full 5 minutes. I was unable to be here for the earlier part of the debate. I wanted to rise in strong support of the fiscal year 2000 Transportation Appropriations bill, and in particular, to commend the chairman and the ranking member for crafting this bipartisan legislation.

In particular, I want to express my appreciation to the committee for providing $1 million appropriations for the planning and design of the Main Street Corridor project in Houston, Texas, a large part of which runs through my congressional district. The city of Houston, in collaboration with the Houston Metro and the Main Street Coalition, Incorporated is about to undertake a study of one of the most comprehensive urban redevelopment projects in Houston's history.

The city of Houston is committed to redeveloping Main Street. Redeveloping the city's ''urban spine'' is critical to Houston's ability to compete economically, culturally, and socially in the next century. This project has the potential for becoming a thriving retail and commercial anchor for the future of economic growth.

I again appreciate the work of both the chairman and the ranking member for including this, and I recommend passage of the bill.

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

Mr. Chairman, I am going to support the Transportation Appropriations bill, but I want to raise an issue that was discussed last year during the TEA–21 debate. The Federal Government is mandating that communities reduce their emissions from air pollution and is requiring that the private sector clean up its act on air emissions, yet it continues to provide funds to local transportation agencies that are, in fact, polluting the environment. I will give my colleagues an example, and I would ask us to reconsider our priorities in the very near future.

We are going to spend $2.7 billion on traditional polluting mass transit using diesel fuel while only $50 million is going to clean technology.

I would just ask both Chairmen WOLF and SHUSTER, who are here today, that next year, when we bring this spending bill up, that the Federal Government makes more of an effort to lead through example and make sure that every Federal transit dollar that is spent, no matter who spends it, is spending it in the purchase and the use of clean technology, clean buses and clean mass transit.

For those of us that have worked on air pollution issues, it is frustrating to see the Federal Government, State governments, and local governments mandate that private citizens and the private sector clean up their act, while we have not redirected our resources towards the cleanest technology available. I would just ask the subcommittee chairman if he would be willing to work with we in the next fiscal year to make sure next year's allocation places a priority on the cleanest technology available and that Federal funds should be used on technology that will not only get our people around, but also do it without polluting the air.

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

Mr. BILBRAY. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I will. As the gentleman knows, there is money in the bill here, I believe $100 million, directed toward that effort, but we will be glad to work with him to see that we can do a better job for more.

Mr. BILBRAY. Mr. Chairman, reclaiming my time, I appreciate that. I think this is the beginning of a process that we can work together. Mr. Chairman, I want to point out that Chairman SHUSTER on the Transportation Committee has started this process. Traditionally for the last 30 years, Washington has been subsidizing dirty polluting diesel fuel while we have purported to be for clean air.

□ 1400

I appreciate Chairman SHUSTER and WOLF in trying to change that mindset. I would just ask that next year, going into the next millenium, we draw the line and say we will now support the clean air strategies with our commitment of Federal transportation funds.

AMENDMENT OFFERED BY MR. NADLER

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

The Clerk read as follows:

Amendment offered by Mr. Nadler:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds in this Act shall be available to carry out the project specified in item 732 of the table contained in section 1602 of Public Law 105–178.

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

The CHAIRMAN. A point of order is reserved.

Mr. NADLER. As Yogi Berra said, Mr. Chairman, it feels like deja vu all over again.

This time I rise to offer an amendment to keep valuable taxpayer dollars from being wasted on an outrageous boondoggle in my district in New York.

The issue is simple: The Miller Highway, which is 13 blocks long, the entire thing, 13 blocks, half a mile, was almost completely rebuilt only 5 years ago at a cost to the taxpayers of almost $90 million. It has a life expectancy expectancy of 35 to 40 years before major rehabilitation work may be necessary.

Now Donald Trump wants us to spend $300 to $350 million to tear it down, a brand new highway, and bury it, bury it so it will not block the views of the Hudson River from some of the apartments in his new Riverside South luxury housing development. For $350 million of the taxpayers' money, Donald Trump will get higher prices for his condos.

To add flame to the fire, nobody even pretends there is any transportation purpose for this project whatsoever. Indeed, the proposal is to replace a straight segment of highway with a curved segment, never a good idea from a transportation perspective.

Nobody in the area affected in the community wants this project. It is opposed by every local elected official, the State senator, the State assembly member, the New York City council member, the Manhattan borough president, and the two local community planning boards.

In past years this project has been opposed consistently by the Porkbusters Coalition, the Council for Citizens Against Government Waste, the National Taxpayers Union, the Taxpayers for Common Sense, not to mention the administration.

Much is said in this Chamber about stopping waste and put an end to taxpayers' subsidies for millionaires and billionaires. Today we have an opportunity to buttress these statements with actions.

To make it even worse, this is a project that is not going to happen. What we are doing is wasting money on planning an engineering studies for a project that will not happen.

In the letter that was quoted on the floor last year from the mayor of the city of New York, he says as follows, dated March 26, last year: ''While the administration is fully committed to the Miller Highway relocation,'' they think it is a good project, unlike me, ''it is critical that the funds for the project not redirect or act as an offset for Federal or State funds for other Transportation and Infrastructure projects in New York City. The city has numerous pressing highway and transportation needs that have Federal financial support, and the administration would not be able to support a relocation proposal that reduced the Federal commitments to these other projects.''

In other words, they are only going to do this project if the House decides that we are going to take $300 million over and above what New York normally gets for transportation and give it specifically for this project. That is obviously not going to happen.

They are not willing to, the city government is not willing to take $300 million from the normal city Federal aid for transportation, take it away from other projects for this. So what we are left with is a project that is not going to happen because no one is going to put the money into it, but we will waste 6 million a year, $5 million a year on environmental and planning studies and engineering studies for a project that will never happen.

My amendment is simply saying, do not waste that $6 million, $10 million on planning study for a project that should not happen and that will not happen.

Mr. SHUSTER. Mr. Chairman, I move to strike the word.

Mr. Chairman, it will be my intention in a moment to withdraw my reservation on my point of order, but I would make the point that I do not see any additional dollars being spent beyond T–21 on this project unless there is very substantial investment in the project by both the State and the city.

As the gentleman has pointed out, that seems to be, in all probability, not going to happen.

Therefore, Mr. Chairman, I would withdraw my reservation on my point of order and ask the gentleman if he would withdraw his amendment.

The CHAIRMAN. The point of order is withdrawn.

Mr. NADLER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. NADLER. Mr. Chairman, if I heard correctly, and if in fact what the gentleman from Pennsylvania (Mr. SHUSTER) is saying is that unless the city and the State come up with a specific financing plan to show a commitment for the bulk of the money, three-quarters or whatever of the several hundred million dollars that this will take, which I do not believe can happen, but that unless that happens there will not be additional funding for this project, then I think that is a very wise statement and it would render the amendment unnecessary.

Mr. Chairman, I ask unanimous consent to withdraw the amendment, and I appreciate the commitment from the gentleman from Pennsylvania.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there any further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 218, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from New Jersey (Mr. ANDREWS);

The amendment offered by the gentleman from California (Mr. ROGAN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. ANDREWS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 141, not voting 4, as follows:

[Roll No. 248]

AYES—289

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Waters
Watt (NC)
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)

NOES—141

Aderholt
Archer
Armey
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilbray
Bliley
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Everett
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoekstra
Horn
Houghton
Hunter
Hyde
Isakson
Istook
Johnson (CT)
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Lewis (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McIntosh
Mica
Miller (FL)
Miller, Gary
Morella
Nethercutt
Northup
Packard

Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Pryce (OH)
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Scarborough
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Wicker
Wolf
Young (FL)

NOT VOTING—4

Brown (CA)
DeFazio
Fletcher
Gilchrest

□ 1430

Messrs. MILLER of Florida, HASTINGS of Washington, ADERHOLT, KINGSTON, KASICH, HAYES, BRYANT, SMITH of Michigan, and SHADEGG changed their vote from ''aye'' to ''no.''

Messrs. HILL of Montana, FORBES, YOUNG of Alaska, DEMINT, DUNCAN, SALMON, GEORGE MILLER of California, DICKEY, FOSSELLA, STEARNS, MOLLOHAN and METCALF and Mrs. EMERSON changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1430

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 218, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. ROGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROGAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 241, noes 190, not voting 3, as follows:

[Roll No. 249]

AYES—241

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
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
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Dooley
Doyle
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
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—3

Brown (CA)
DeFazio
Gilchrest

□ 1438

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan:

At the end of the bill, insert the following new section:

SECTION ____. Amend paragraph ''Capital investment Grants'' by striking ''$2,451,000,000'' and inserting ''$1,470,600,000''. On page 26, line 15, strike ''$980,400,000'' and insert ''$0''.

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

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

There was no objection.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I rise to make a point of order against the amendment because the author seeks to amend a paragraph that has already been read under the 5-minute rule.

The House Rules and Manual clearly state in Section 872 that: ''When a paragraph or section has been passed it is not in order to return thereto.''

This amendment comes too late, and I ask for a ruling from the Chair, but in deference to the gentleman from Michigan (Mr. SMITH), Mr. Chairman, I ask that he be given several minutes to explain his amendment.

PARLIAMENTARY INQUIRY

Mr. SABO. Mr. Chairman, parliamentary inquiry. Did I understand my friend from Virginia (Mr. WOLF) to raise a point of order against the amendment but requests unanimous consent that the gentleman from Michigan (Mr. SMITH) might have 2 minutes to explain his amendment before a ruling by the Chair?

The CHAIRMAN. The Chair would ask the gentleman from Virginia (Mr. WOLF) has he made a point of order or has he simply reserved a point of order?

Mr. WOLF. Mr. Chairman, I will reserve a point of order in deference to the gentleman, and then I will make the point of order after the gentleman has an opportunity to explain.

The CHAIRMAN. The point of order is reserved, and the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Chairman, this is an amendment that the gentleman from Ohio (Mr. CHABOT) and I had introduced. I understand that TEA–21 might be a reason for claiming it out of order. In addition, it amends page 26 of the bill.

Let me just briefly tell the body our concern with spending millions of dollars for new fixed-rail starts. This amendment, if passed, would have saved $980 million. What happens is, these new subway systems, these new fixed-rail systems are not paying their way. They are extremely expensive.

I am going to say this very quickly and very briefly. It is an issue that should concern us all. I understand that most of these new starts are Republican projects, but a Department of Transportation study has found that subsidies for building and operating mass transit rail programs cost between $4,800 and $17,000 annually for each rider.

Then, after we build the system, we continue to subsidize them. We have increased the Federal Government's cost share because local communities are not interested in putting in 50 percent of the cost. I think it is an issue that we need to consider. We need to look about us as we are threatened with spending the Social Security surplus money. It is a special challenge to each one of us to make sure we be very frugal. There is not a single mass transit rail system in the U.S. that covers its operating cost with fares.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there any further amendments to the bill?

If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 218, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

□ 1445

The CHAIRMAN. The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 429, nays 3, not voting 3, as follows:

[Roll No. 250]

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 (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
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
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
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
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
Myrick
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
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
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
Stupak
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
Vitter
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—3

Chenoweth
Paul
Royce

NOT VOTING—3

Brown (CA)
DeFazio
Gilchrest

□ 1503

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 217 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 217

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 33) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute, if offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

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

Mr. Speaker, this is a fair and appropriate rule for consideration of a constitutional amendment. This is not something we do every day. The rule provides the minority with two bites at the apple by making in order a substitute as well as the motion to recommit. It should engender no opposition, and I urge all Members to support this rule.

Mr. Speaker, the United States flag is a cherished symbol of the very best our Nation represents. It signifies the lasting ideals that have come to define our Nation, ideals that men and women have risked and often lost their lives for; ideals like freedom.

There are some well-intentioned, honorable Americans who will assert that it is precisely this freedom that allows us to defile our flag. I politely disagree with those folks. The flag may be just a symbol, but burning it flies in the face of the respect that we have for our liberties, our Constitution, and our history as a Nation. Worst of all, it strikes a devastating blow to our national unity, and our unity is what makes us great. While we all come from different backgrounds and may worship different gods, we can all come together as Americans under our flag. We can disagree on the most challenging issues in our great democracy and have great debate, but at the end of the day we know that our flag is still flying and it represents all of us together, united. The soldier serving overseas understands it in the same way that the World War II vet saluting ''Old Glory'' on Memorial Day does. It is an unspoken pride and it comes from the heart. It is not something easily explained. It is something easily understood.

Today, we have the opportunity to affirm our commitment to our uniquely American values and to uphold the will of the American people. I say that because 49 States, including my home State of Florida, have asked us to take action to protect the flag. This will require amending the Constitution, an action which is not to be taken lightly. But it is an action that our Founding Fathers deemed appropriate on issues of integral national importance, and I believe this is one of them. This, I believe, is what the American people are asking us to do, for those individuals who have fought to preserve our freedom and for those individuals who are interested in the future of our country.

I urge support for this rule, and I urge thoughtful consideration on the final vote on the matter before us.

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

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend the gentleman from Florida (Mr. GOSS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Florida (Mr. GOSS) in cosponsoring this resolution to prohibit desecration of the flag.

Mr. Speaker, as one who served in World War II, I served not only to defend our flag but also, and probably even more importantly, I served to defend the ideas for which the flag stands.

Still, I do not believe that people should be allowed to desecrate the flag. I think there are far better ways to express unhappiness than by engaging in an act that so many American citizens find offensive.

Mr. Speaker, every time I meet with American Legion veterans, they tell me their number one priority is protecting the flag that they fought so hard to defend. I think this is the least this country can do for these men and the many other Americans who risked their lives for the United States to grant that wish to them.

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

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a man whose experience on behalf of his Nation is well-known to those who know him. We are very proud to have him be the author and lead speaker on this.

Mr. CUNNINGHAM. Mr. Speaker, first of all, I would say that even though I am the author of this amendment, I am not the author of this amendment. I was just flying close wing on Congressman Solomon, a Marine Corps who always hates to hear that the Navy owns the Marine Corps. Jerry Solomon since 1990 has persevered on this particular issue. When he retired, he asked myself and his replacement to push the issue, to bring it before the American people and have a constructive dialogue.

In 1989, in a 5–4 decision, the Supreme Court wiped out 200 years of tradition. In 1990, there was another vote but just for a resolution. The Supreme Court acted again with the same five individuals. The Supreme Court has told us that this is the only way to proceed, and many legal scholars agree.

Mr. Speaker, I would say from the onset, some of my colleagues have a difference of opinion on this issue. This has won by over 300 votes every time it has come up and we will pass this here today with over 300 votes. But I would chastise anybody that would characterize an opponent of this particular issue as nonpatriotic. As a matter of fact, I would stand side by side with that individual, because people have different beliefs on this issue. Fortunately, they are in a minority of those.

Secondly, that 85 percent of the American people feel that those individuals are wrong that oppose this particular amendment. Forty-nine States have asked us to pass this amendment, and their legislatures and the governors. The 50th State has actually passed this in the House and the Senate but not in the same year, and they plan to do it.

Some people will say that this is an unnecessary Federal statute, but yet the Supreme Court told us that this is necessary.

I would ask my colleagues not to bring a circus event, of bringing bandanas, underwear, those kinds of things with the American flag on them. That is not what we are talking about here. We are talking about the desecration of an American flag.

There would be those people that say it abridges the first amendment. Legal scholars again disagree, that this is expressive conduct, not actual speech; that no one is prevented from expressing themselves on an idea such as the flag through speech, or any other manner, except for the desecration of a flag.

We are not talking about burning handkerchiefs or underwear as some of my colleagues have brought forward or other things. We are talking about the American flag. This amendment is supported by 120 different organizations. The Flag Alliance has put together a

grassroots. Eighty-five percent of the citizens, 49 States, and prior to the Supreme Court decision, by one vote, 48 States already had laws in which they did not feel that the first amendment was abridged.

In 1995, this House passed this 312–120. We lost it by three votes in the Senate. Since that time, we have had a change in the Senate to where now we can pass this bill in the Senate. This bill can go forward. In 1997, we passed it in the House but we got tied up with other judiciary legislation and it was not taken up in the Senate.

Mr. Speaker, this is the opportunity that we have been waiting for since 1989, not only in the House and in the Senate, the American people, but every State legislature in this country that disagree with the minority dissenting views on this particular issue. The Citizens Flag Alliance has put together a good coalition. Jerry Solomon, the original author of this, has put together a coalition.

□ 1515

And for those that would chastise us saying this is a political issue, I would beg difference with them. For many of us, and including my friend the gentleman from Massachusetts (Mr. MOAKLEY), this is a deeply reserved and caring issue for us, important to the core, to the heart, and to the mind and the soul. If anything, this brings unity to people, it brings freedom and the idea of what the flag stands for, and for those reasons we go forth with this amendment with hope and prayer that this amendment will pass in the House and Senate, it will be ratified by three-quarters of the States, which we agree that it will be.

I thank the chairman of the committee, the gentleman from Illinois (Mr. HYDE), the gentleman from Florida (Mr. CANADY) of the subcommittee and my colleagues on both sides of the aisle for the support of this amendment.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, I support the rule, I support the amendment. I want to commend former Member Mr. Solomon and the Duke-ster, the gentleman from California (Mr. CUNNINGHAM), and all those involved.

My colleagues, in some cities in America it is illegal to kiss in public. It is illegal to sing and yodel in public. It is illegal to ride a skate board. It is illegal to burn trash and to burn leaves, but someone can burn the flag. In America it is illegal to tear the labels off of pillows, it is illegal to touch or desecrate a mailbox, but someone could literally rip the stars and stripes off our flag.

Beam me up.

Mr. Chairman, I have been listening to all the scholars. They say the Constitution allows for Americans to burn the flag, and the courts have ruled that Americans can burn the flag. That is why today we must change and move the process to change the Constitution.

Let me remind Members the first Constitution permitted and allowed slavery, slavery. The first Constitution allowed and in fact treated women and Native American Indians like cattle. That was wrong, and it was right to change the Constitution.

The bottom line is a people who do not honor and respect the flag do not respect their neighbors or their country, and a people that do not honor and respect the flag do not actually respect themselves, nor our great freedoms.

I say today if dissidents wish to express their first amendment rights and to proclaim their political statements: Burn their money, Burn their brassieres, Burn their pantyhose, Burn their BVDs, But leave the flag alone.

The flag is sacred, and it is time that we start protecting it and paying tribute and honor to our flag which represents our great republic.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I appreciate the comments of the gentleman from California earlier that said that those of us who oppose this amendment should not be challenged on our patriotism. That certainly should be true. But I do rise in support of the rule because obviously it is constitutional to amend the Constitution; that we cannot object to. But I do have questions about what we are doing to the spirit of America, the spirit of the Constitution in a desire to protect a symbol.

Not too long ago Hong Kong was taken over by Red China. The very first law that Red China passed on Hong Kong was to make it illegal to burn a flag. The first time Hong Kong ever had that law, the British do not have a law like this. Red China, as soon as they took over Hong Kong, they pass a law to make it illegal to burn a flag.

But it does not stop there. On an annual basis we, the Congress, require the State Department to report to us any human rights violations around the world. The human rights violations in Red China are used specifically to decide whether or not they will get Most Favored Nation status. Last year, in 1998, the report came to the Congress in April of this year, and it reported that indeed there were violations of human rights. What were the human rights violations that we are condemning by this report and we are going to use against the Red Chinese? Two individuals burned the Hong Kong or the Red Chinese flag.

I think it is just a little bit hypocritical if we want to claim the Red Chinese are violating human rights because somebody there burned the flag at the same time we intend to pass that law here.

The spirit of the Constitution did not require this. We have had 212 years of our history since the Constitution was passed. We have not had this pass. We have not required this. Where is the epidemic? I cannot remember ever seeing, and of course I am sure it has been on television where an American citizen burned the flag. It must happen; it will happen again. As a matter of fact, it will probably happen more often because there will be more attention given to it once this law is passed.

Where I see the burning of the American flag, where I get outraged is when the foreigners are doing it because they are so defiant about our policies around the world. But that is a lot different. We are not dealing with that hatred toward America that we are dealing with here.

We are dealing with a few deranged individuals that were willing to challenge the spirit of the Constitution. They say this is not free speech, but it is indeed expression, just as religion is, just as the study of philosophy is, just as our personal convictions. To say that this is not protected under the Constitution, the current Constitution, I think is quite wrong. I think we do protect that.

And, yes, one would say this is egregious, this is horrible, to burn this flag. But that is the purpose of the first amendment, to protect obnoxious and uncomfortable speech.

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

Mr. Speaker, let me just say in response to what the gentleman from Texas (Mr. PAUL) has said about the Chinese's first act was to ban the burning of flags, I understand that was also the same act of Adolf Hitler.

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

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

I just simply wanted to make a couple of comments before I yield back. I think that the flag is obviously very much part of our life every day here. We start out with the pledge, many of our institutions. When we sing the national anthem, whatever occasion, before sports events, we speak of what so proudly we hailed before the twilight's last gleaming. When we have the tragedy of death in our military, we have the presentation of the flag at the ceremonial part of that process, and I think quite often the flag is so much part of our life that when somebody desecrates it in any way most Americans are outrageously offended.

I suppose for many overseas who still see the American flag as the last best hope for freedom and opportunity it must be puzzling if that flag is devalued in its homeland, in the United States of America. What would that mean if one sees Americans burning the American flag? It is a curious message to send.

I believe that there are limitations on the first amendment. I think they

have been recognized, I think they are appropriate for public safety and public well-being. They are well understood. I believe this is an area where a case can be made clearly for the well-being of the United States of America and its people. We should accept the responsibility of protecting the one symbol that unites us, our flag.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR POSTPONEMENT OF FURTHER CONSIDERATION OF H.J. RES. 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES, AFTER GENERAL DEBATE TODAY; TO A TIME DESIGNATED BY THE SPEAKER

MR. CANADY of Florida. Mr. Speaker, I ask unanimous consent that after debate on H.J. Res. 33, notwithstanding the operation of the previous question, it may be in order at that point for the Chair to postpone further consideration of the bill to a time designated by the Speaker on which consideration may be resumed at a time designated by the Speaker.

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

Mr. WATT of North Carolina. Reserving the right to object, Mr. Speaker, let me be clear, and I do not intend to object. What I have been told is that the debate on the substitute amendment will be conducted tomorrow. I assume we are not contemplating carrying it beyond tomorrow; are we?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. That is my understanding. We would proceed with general debate today and then conclude consideration of this bill tomorrow with the debate on the substitute amendment.

Mr. WATT of North Carolina. That is a little different than the unanimous-consent request.

I guess the only thing that leaves me a little uneasy is that this could go on, and on, and on.

Mr. CANADY of Florida. If I could address that, I believe that my objection to that would be as great or perhaps greater than the objection lodged by the gentleman from North Carolina (Mr. WATT), so I believe that it is the intention to have this bill come to a final vote tomorrow morning.

Mr. WATT of North Carolina. I wonder if the gentleman might consider revising his unanimous-consent request to that effect, and then if it becomes necessary to go beyond tomorrow, we could come back and address that tomorrow.

I am just trying to make the record absolutely clear on this. I do not think either he or I can bind the leadership to this.

Mr. CANADY of Florida. Mr. Chairman, I will withdraw the unanimous-consent request, and we will discuss it further.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

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. 775. An act to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 775) ''An Act to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Committee on Commerce, Science, and Transportation: Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, and Mr. WYDEN;

Committee on the Judiciary: Mr. HATCH, Mr. THURMOND, and Mr. LEAHY; and

Special Committee on the Year 2000 Technology Problems: Mr. BENNETT and Mr. DODD; to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 1554, SATELLITE COPYRIGHT, COMPETITION, AND CONSUMER PROTECTION ACT OF 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1554) to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. BLILEY; TAUZIN; OXLEY; DINGELL; and MARKEY.

Provided that Mr. BOUCHER is appointed in lieu of Mr. MARKEY for consideration of sections 712(b)(1), 712(b)(2), and 712(c)(1) of the Communications Act of 1934 as added by section 104 of the House bill.

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE; COBLE; GOODLATTE; CONYERS; and BERMAN.

There was no objection.

□ 1530

POSTPONING FURTHER CONSIDERATION OF H.J. RES. 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES, AFTER GENERAL DEBATE TODAY TO A TIME DESIGNATED BY THE SPEAKER

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that after debate on H.J. Res. 33, notwithstanding the operation of the previous question, it may be in order at that point for the Chair to postpone further consideration of the bill until the following legislative day on which consideration may resume at a time designated by the Speaker.

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

There was no objection.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 217, I call up the joint resolution (H.J. Res 33) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 33 is as follows:

H.J. RES. 33

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the

United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

The SPEAKER pro tempore. Pursuant to House Resolution 217, the joint resolution is considered as having been read for amendment.

After 2 hours of debate on the joint resolution, it shall be in order to consider an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour of debate on the joint resolution.

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

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J.Res. 33.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 33 proposes to amend the Constitution of the United States to restore the power of Congress to protect the flag of the United States from physical desecration. An identical constitutional amendment was approved by the House in the 105th Congress and a similar measure was also approved by the House in the 104th Congress.

House Joint Resolution 33 provides simply, and I quote, the Congress shall have the power to prohibit the physical desecration of the flag of the United States. The amendment itself does not prohibit flag desecration; rather, it empowers Congress to enact legislation to prohibit the physical desecration of the flag. Subsequent legislation passed by Congress would define, within the parameters established by the constitutional amendment, what constitutes the flag of the United States and what constitutes physical desecration of the flag.

Under the amendment, such legislation would not stop anyone from expressing any idea or opinion. No one would be prevented from saying anything about the flag or anything else. Free, full, and robust debate of public issues would proceed unimpeded. The only thing that would be prohibited would be conduct involving physical acts against the flag which are designed to cause the desecration of the flag.

Mr. Speaker, we are considering this amendment to the Constitution because in 1989, in the case of Texas v. Johnson, the Supreme Court of the United States, by a 5-to-4 margin, ruled that flag-burning is an act of expression protected by the First Amendment of the Constitution.

The Congress initially responded to the decision in Texas v. Johnson by passing the Flag Protection Act of 1989. This statute was specifically crafted to address concerns raised by the Supreme Court in the Johnson opinion. However, in 1990, the Supreme Court in United States v. Eichmann, another 5-to-4 decision, struck down the Flag Protection Act as inconsistent with the First Amendment. The court stated that even though the Federal statute ''contains no explicit content-based limitation. . . . the Government's asserted interest is related to the suppression of free expression.''

Based on the decisions in Johnson and Eichmann, it is apparent that the Supreme Court, as presently constituted, would find any meaningful flag protection statute unconstitutional. This reality was recognized in 1995 by Assistant Attorney General Walter Dellinger of the Office of Legal Counsel, when he wrote, and I quote, that the ''Supreme Court's decision in the Eichmann case, invalidating the Federal Flag Protection Act, appears to foreclose legislative efforts to protect flag burning.''

As I noted earlier, Texas v. Johnson was decided by the slimmest of majorities and it overthrew what until then was settled law; until the Johnson decision, punishing flag desecration had been viewed by most as compatible with both the letter and the spirit of the First Amendment. Indeed, noted civil libertarians such as Chief Justice Earl Warren, Justice Hugo Black, and Justice Abe Fortas had unequivocally supported the legal protection of the flag.

In 1969, Justice Black wrote, and I quote: ''It passes my belief that anything in the Federal Constitution bars . . . making the deliberate burning of the American flag an offense.'' Chief Justice Warren said, and I quote again: ''I believe that States and the Federal Government do have power to protect the flag from acts of desecration and disgrace.'' Finally, Justice Fortas has expressed the view that ''the flag is a special kind of personality. Its use is traditionally and universally subject to special rules and regulations. The States and the Federal Government have the power to protect the flag from acts of desecration.'' This constitutional amendment which is before the House today is based on the conviction that Warren, Black, and Fortas were right, and that both the Johnson and the Eichmann cases were improperly decided.

It is well established that when speech or expressive conduct infringes on certain conventionally protected rights and interests, the First Amendment does not provide for the speech or expressive conduct.

As Professor George Fletcher has observed, and I quote, ''Several historically entrenched exceptions to the First Amendment illustrate this general thesis. Using words to defame another invades the right to a good name. . . . Making copies of another's artistic or literary creation trenches upon copyright, the author's property right in her work. Under circumstances, verbal insults constitute intentional infliction of emotional distress, entailing a duty to pay compensation for the injury.''

Obscenity, which undermines fundamental standards of civilized life, is recognized as outside the protection of the First Amendment. Symbolic speech or expressive conduct can also cause harm by infringing on protected rights and interests. It is essential to understand that as Professor Fletcher notes, ''there are instances of conduct in which the relevant harm is not only to individuals, but to a collective sense of minimally decent behavior necessary to sustain group living.'' Public nudity, public fornication, and other indecent acts may be intended to convey a particular message. The expressive element of such conduct does not, however, insulate that conduct from proscription.

Now, we all agree that the government should not attempt to suppress ideas because we happen to find them offensive or disagreeable. But as Justice Stevens said in his dissent in Eichmann and I quote: ''It is equally well settled that certain methods of expression may be prohibited if (a) the prohibition is supported by a legitimate societal interest that is unrelated to suppression of the ideas that the speaker desires to express; (b) the prohibition does not entail any interference with the speaker's freedom to express those ideas by other means; and (c) the interest in allowing the speaker complete freedom of choice among alternative methods of expression is less important than the societal interest supporting the prohibition.''

A prohibition on the physical desecration of the flag of the United States easily satisfies the test set forth by Justice Stevens. There is a compelling societal interest in maintaining the physical integrity of the flag as a national symbol by protecting it from acts of physical desecration. Such protection can be afforded without any interference with the right of individuals to express their ideas by other means. The interest of the American people in protecting the flag far outweighs any interest in allowing the crude and inarticulate expression involved in burning, shredding, trampling, or otherwise desecrating our flag.

Mr. Speaker, 49 of the 50 States have adopted resolutions calling upon the Congress to pass a flag protection amendment and send it back to the

States for ratification. The legislatures of these States have recognized that the desecration of our flag does harm to our collective sense of minimally decent behavior necessary to sustain our life as a Nation. The legislators of these States know, as we do, that passing another statute will not restore protection for the flag. They know that a constitutional amendment is the only means to restore the protection for the flag of the United States.

The constitutional process for amendments established by Article V recognizes that the Constitution is ultimately grounded in the will of the people. Today, we simply respond to the clear and strong message sent to us by the people speaking through the legislatures of 49 States.

The purpose of this amendment is not to change the First Amendment. There is no problem with the First Amendment. The problem is with the Supreme Court's interpretation of the First Amendment. The measure before the House today is simply designed to correct the novel and flawed interpretation of the First Amendment adopted by the court a decade ago and to restore the protection which was previously given to the flag of the United States.

Chief Justice Rehnquist in his dissent in Texas v. Johnson, summed up the case for protecting the flag as well as anyone. He said, ''The American flag . . . throughout more than 200 years of our history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular party, and it does not represent any particular political philosophy. The flag is not simply another idea or point of view competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence, regardless of what sort of social, political or philosophical beliefs they may have. I cannot agree,'' the Chief Justice said, ''that the First Amendment invalidates the act of Congress and the laws of 48 of the 50 States which make criminal the public burning of the flag.''

I would submit to the House that the Chief Justice of the United States had it right. As we today act under Article V of the Constitution, we in this House of Representatives should now recognize on behalf of the people of the United States that the physical desecration of the flag does not deserve the protection of the law, and we should accordingly adopt this resolution and move forward with this measure to restore protection for the flag of our Nation.

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

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to express my gratitude to the gentleman from North Carolina (Mr. WATT) for agreeing to manage this bill. He is the ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary, and I appreciate the hard and continuing work he has put in on this subject matter.

I would like to join in this discussion to begin by asking the question that must be asked of all legislation that comes on the floor: What is the problem? In other words, why are we here today? When we deal with questions of civil rights, when we deal with questions of police abuse, when we deal with questions of international policy, when we deal with the crisis in Haiti, we are all brought here because there is a problem.

Does anyone know how many cases of flag-burning have occurred in this year or last year, or any of the years? Well, I am glad I asked that question, because I will provide my colleagues with the answer. The answer is that since 1990, we have had 72 reported cases of flag burning that I can bring to my colleagues' attention. I do not know of any in recent times. I think it is important that we consider in the midst of all of the issues that weigh upon the House of Representatives why this measure keeps coming back up time and time again.

The issue is really around the First Amendment and the Bill of Rights, not flag burning because the test that we will be putting the Members of this great body to is whether we have the strength to remain true to our forefather's constitutional ideals and defend our citizens' rights to express themselves, even if we disagree vehemently with their method of expression.

□ 1545

Madam Speaker, I have always deplored flag-burning as a tactic, as a strategy, as a policy. But I am strongly opposed to this attempt to amend or start the process to amend the Constitution of the United States because it simply goes against the ideals and elevates a symbol of freedom over freedom itself.

How ironic that we would now take the symbol and forget the message, the purpose which this symbol represents. For if this resolution were adopted, and thankfully it has never been finally processed out of the legislative system, it would represent the first time in our Nation's history that the people's representatives in this House voted to alter the Bill of Rights to limit the freedom of speech of our citizens.

So what we are considering here, notwithstanding the explanations that it is very popular to do this, is that we are saying that now, in the year 1999, over 200 years after the Bill of Rights, we have now decided that there was a flaw in the Bill of Rights and we now need to make a change. There was a mistake.

I resist that argument, and it would it seem to me that if we were going to alter the Bill of Rights, it would have to be over a measure far, far more grave and threatening than merely the conduct, one particular form of conduct that we might resent.

What about burning the Bible? Does that not raise Members' temper a few degrees? How obscene it would be to burn a Bible publicly. Of course, someone might say, well, sure, we ought to include that, too, or we ought to look at that next. But these acts, as despicable as they are, are protected speech under the First Amendment.

So I would say to the Members that the true test of any Nation's commitment to freedom, to this freedom of expression, lies in the inability to protect unpopular expression, the kinds of things, the conduct that we do not like, exactly like flag-burning and Bible-burning.

Remember what Justice Oliver Wendell Holmes stated: ''The Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought we hate, the conduct and action we seriously dislike.''

So what we are really doing is saying that since this is such a repulsive act, we are going to take it out from under the protection of the Bill of Rights, from the First Amendment. So by limiting the free speech protections and the First Amendment, I suggest we are setting the most dangerous precedent that has ever come out of the Subcommittee on the Constitution in the Committee on the Judiciary.

If we open the doors to criminalizing constitutionally protected expression related to the flag, I am afraid that there will be further efforts to limit and censor speech or conduct that we do not like.

We do not like it, we do not like flag-burning. That is why we want to stop it. But guess what, there are some other things that we do not like and we may want to start curbing just as well. Once we decide to limit freedom of speech in any respect from a constitutional point of view, the limitations on freedom of the press and limitations on freedom of religion may not be far behind. This is not a road that I would like to go down.

The courts have ruled. The ultimately deciders of what is constitutional, they have said that. They have said that flag-burning, as despicable as it is, is protected freedom of speech.

So it is tempting for us, the only people in government that have the power, to say we will show the court who is boss, we will show that Supreme Court. We will amend the Constitution to outlaw flag-burning. We will pass this amendment through the States, and then they will not be able to write any more decisions about this conduct that we dislike so much.

However, if we do, we will be carving an awkward exception into the document designed to last for the ages, and that with only 27 amendments, has

never been modified. We will be undermining the very constitutional structure that Thomas Jefferson and James Madison designed to protect our rights.

In effect, we will be glorifying the very people in our national community who disrespect the flag and what it stands for while we will be denigrating the constitutional vision of James Madison and Thomas Jefferson.

The concern about the tyranny of the majority led the Framers to create an independent judiciary, free of political pressure, to ensure that the legislative and executive branches would honor the Bill of Rights. A constitutional amendment like this banning flag desecration flies in the very face of this carefully balanced structure.

Madison warned against using the amendment process to correct every perceived constitutional defect. I repeat that warning here, because it applies to what we are considering, particularly concerning issues which easily inflame public passion.

Unfortunately, there is no better illustration of Madison's concern than this proposed flag-burning or anti-flag-burning amendment. History has proved that efforts to legislate respect for the flag only serve to increase flag-related protests, as few as they are, and a constitutional amendment would be far more inflammatory than even a statute.

Almost as significant as the damage this resolution would do to our own Constitution is the harm it would inflict upon our international standing in the area of human rights. Consider the demonstrators who ripped apart Communist flags before the fall of the Iron Curtain and committed crimes against their country. Yet, freedom-loving Americans applauded their brave actions.

If we pass this amendment, we will be beginning to align ourselves with autocratic regimes such as those in Iran and the former South Africa, and diminish our own moral stature as a protector of freedom in all its forms. Let us not do it.

For those who believe a constitutional amendment will honor the flag, I just want to read them the two sentences from the Supreme Court's 1989 decision on the subject, Texas and Johnson: ''The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong. We can imagine no more appropriate response to burning a flag than waving one's own; no better way to counter a flag-burner's message than to salute the flag. We do not consecrate the flag by punishing its desecration. For in doing so, we dilute the freedom that this cherished emblem represents.''

Madam Speaker, I close with only one additional comment. That is, as soon as the polls that are taken on this subject let our citizens know that this would be the first time in our Nation's history to cut back the First Amendment freedoms of speech and expression, then, guess what happens? They do not support the flag-burning proposal.

So please join with those of us who are patriots in a perhaps deeper sense, who really believe that protecting freedom of speech includes the kind we abhor, the kinds we like least, the kinds that we detest. Join me in opposing this flag desecration amendment.

Madam Speaker, I thank the ranking member of the subcommittee who is now managing the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), the chief sponsor of this amendment.

Mr. CUNNINGHAM. Madam Speaker, I thank my colleagues for their views, but I would say, Madam Speaker, 85 percent of the American people feel those views are wrong, they are absolutely wrong, and 49 States have asked us to pass this, and 49 legislatures have asked us to pass this amendment.

We have passed this on the House floor by over 300 votes every time it comes up. Unfortunately, the Senate has not reacted in one case, and in 1997 the Senate did not have time to take it up. This is the first time that we can.

I would say to my friend, whose 85 percent of the American people do not give a rat's rear how many times flag-burning has existed, I ask Members to give themselves a vision, Iwo Jima, and the men, Ira Hayes and the rest of them that put up that American flag. Now allow some hippie to go up there and burn it. They do not care how many times. It is the issue.

Madam Speaker, my colleague brings fear into this, fear that we are doing something. Well, this country ran fine for 200 years-plus until one liberal Supreme Court said no to 200 years of tradition. Forty-eight States have laws to protect the American flag. Is that radical, that 48 States believed that the First Amendment is not abridged, that the First Amendment is not abridged, it is expressive conduct, and the Supreme Court has ruled on that?

There are more Supreme Court Justices in history that have said that this amendment is in line and should be passed than there are of the five that ruled against this in 1989. And we say that that is wrong.

My colleague, the gentleman from California (Mr. BILBRAY) does not care how many times. The flag in his office was draped over his father's coffin. He has that flag in his office today.

I would tell my colleague that if he cringed at people burning the Communist flag, I cheered. My mother and father were Democrats. They voted for Ronald Reagan, but they were Democrats. They taught my brother and I that the lowest thing on Earth is a socialist and a Communist. So if Members want to burn the Communist flag, be my guest. My mom and dad are Democrats. I lost my dad.

I would tell my colleagues, they say that this is despicable to burn the American flag. Yet they would allow it to happen. The 85 percent of the American people that support this, and we will pass this bill, I say to the Members in the minority view, and who will remain so, we are going to pass this in the House, we are going to pass this in the Senate, and 49 States have vowed to ratify it. All that does is it gives Congress the right to proceed.

□ 1600

It is not a self-enacting bill. The 48 States have got to react to what they believe. I believe in States rights.

So I would say to my colleagues, if one thinks something is despicable, change it. If one wants to spread fear, fear of 200 years of tradition, it is okay by 85 percent of the American people.

Mr. WATT of North Carolina. Madam Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Madam Speaker, our Founding Fathers must be very puzzled looking down on us today. Instead of seeing us dealing with the very real challenges that face our Nation, they see us laboring under this compulsion to amend the document that underpins our democracy.

They see a house of dwarfs trying to give this government a great new power at the expense of the people, the power for the first time to stifle dissent.

The threat must be great, they must be saying, to justify changing the Bill of Rights and, for the first time, decreasing rather than increasing the rights of the people. They see their beloved Bill of Rights being eroded into the Bill of Rights and Restrictions.

What is the threat? What is the threat? Madam Speaker, I ask again, what is the threat? Is our democracy at risk? What is the crisis to the Republic? What is the challenge to our way of life? Where is our belief system being threatened? Are people jumping from behind parked cars, waiving burning flags at us, trying to prevent us from getting to work and causing America to grind to a halt?

Do we really believe that we are under such a siege because of a few loose cannons? Do we need to change our Constitution to save our democracy? Or, Madam Speaker, are we offended?

The real threat to our society is not the occasional burning of a flag, but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshipped as pagans would, rather than to keep it as the beloved symbol of our freedom that is to be cherished.

These rare but vile acts of desecration that have been cited by those who would propose changing our founding document do not threaten anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk

burns a flag, freedom is not at risk and we are not threatened. My colleagues, we are offended. To change our Constitution because someone offends us is in itself unconscionable.

The Nazis, Madam Speaker, the Nazis and the fascists and the imperial Japanese army combined could not diminish the rights of even one single American. Yet, in an act of cowardice, Madam Speaker, we are about to do what they could not.

Where are the patriots? Where are the patriots? Where are the patriots? Whatever happened to fighting to the death for somebody's right to disagree? We now choose, instead, to react by taking away the right to protest. Even a despicable low-life malcontent has a right to disagree, and he has a right to disagree in an obnoxious fashion if he wishes. That is the true test of free expression, and we are about to fail that test.

Real patriots choose freedom over symbolism. That is the ultimate contest between substance and form. Why does the flag need protecting? Is it an endangered species? Burning one flag or burning 1,000 flags does not endanger it. It is a symbol. But change just one word of our Constitution of this great Nation, and it and we will never be the same.

We cannot destroy a symbol. Yes, people have burnt the flag, but, Madam Speaker, there it is again right in back of the Speaker's chair. It goes on. It cannot be destroyed. It represents our beliefs.

Now poets and patriots will tell us that men have died for the flag. But that language itself, Madam Speaker, that language itself is symbolic. People do not die for symbols. They fight and die for freedom. They fight and die for democracy. They fight and die for values. They fight and die for the flag means to fight and die for the cause in which we believe. My colleagues would have us change that.

We love and we honor and respect our flag for that which it represents. It is different from all other flags. I notice in the amendment that we do not make it illegal to burn some other country's flags, and that is because our flag is different. No, it is not because of the colors or the shape or the design. They are all relatively the same.

Our flag is unique, because it represents our unique values. It represents tolerance for dissent. This country was founded by dissenters that others found to be obnoxious.

What is a dissenter? In this case, it is a social protester who feels so strongly about an issue that he would stoop so low as to try to get under our skin, to try to rile us up, to prove his point, and to have us react by making this great Nation less than it was.

How do we react? Dictators and dictatorships make political prisoners out of those who burn their Nation's flags, not democracies. We tolerate dissent and dissenters, even the despicable dissenters.

What is the flag, Madam Speaker? The American flag? Yes, it is a piece of cloth. It is red and white and blue, and it has 50 stars and 13 stripes. But if we pass this amendment and desecrators decide to go into a cottage industry and make flags with 55 stars and burn them, will we rush to the floor to amend our Constitution again?

If they add a stripe or two and set it ablaze, it surely looks like our flag, but is it? Do we rush in and count the stripes before determining whether or not we are constitutionally offended? What if the stripes are orange instead of red? How do we interrupt that? What mischief do we do here? If it is a full-size color picture of a flag they burn, is it a crime to desecrate a symbol of a symbol? What are we doing?

Our beloved flag represents this great Nation, Madam Speaker. We love our flag. Because there is a Republic for which it stands, made great by a Constitution that we want to protect, a Constitution given to our care by giants and about to be nibbled to death by dwarfs.

Madam Speaker, I call upon the patriots of the House to rise and defend the Constitution, resist the temptation to drape ourselves in the flag, and hold sacred the Bill of Rights. Defend our Constitution. Defeat this amendment.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Madam Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time. I want to start by commending the gentleman from California (Mr. CUNNINGHAM) for his diligent hard work on this amendment and to help carry the good work brought forward by my predecessor, Gerald Solomon.

Madam Speaker, I rise today as one of the lead cosponsors and supporters of this constitutional amendment. There are many reasons to do so. As we know, there is a deeply reserved desire by many Americans to protect the flag because they recognize that the American flag holds a sacred place in their hearts.

Prior speakers spoke of the flag serving as a mere symbol. He said that this country was founded by dissenters. I would like to say that it was not founded just by dissenters, it was founded by dissenters who risked their lives, their blood, who took action because it requires action to provide freedom. They did so for their flag.

I would also like the prior speaker and those who would dissent here to consider that the Medal of Honor is specifically awarded to those who have fought for their flag and on its behalf.

I take very personally the issue. I recall a year ago my own father, a veteran of World War II, passed away. Prior to his passing, one of his great concerns was that the flag that is bestowed upon veterans by our country for their service be provided at his wake, be shown at his wake in the most meaningful way. If it means nothing, then why does one have, as their last thoughts, thoughts of the flag? If it means nothing, then tell that to those who go to war and march behind it. If it means nothing, then those who have gone and given their lives and made the ultimate sacrifice have done so because of the flag.

Further, I believe that, as an elected public official, it is our duty to represent the views of an overwhelming majority of Americans who want us to restore to them the power to prohibit the physical desecration of our flag.

Madam Speaker, as citizens of the United States, we are concerned with protecting individual rights. We fight to protect our freedom of religion. We fight to protect our freedom of assembly. Essentially, we protect our right to live as free citizens.

So, Madam Speaker, why would anybody find fault with protecting the very symbol of that freedom. Here, in Congress, we are here to pass laws to protect and rename old buildings, and laws to protect citizens from creditors, and laws to protect citizens from predators. We do these things for the right reasons and good reasons. Can we not do the same for the very symbol of what is right and good and just in our Nation?

Every Member of Congress takes the time to have his or her picture taken with the flag of the United States as a backdrop. Every Member of Congress takes the time to march in parades with our flag. Every Member of Congress takes the time to present the American flag to groups of constituents back in their district. Why? Is it because this is just some sort of studio prop? No. It is because the flag is a symbol that everyone understands and respects.

Madam Speaker, we cannot use the flag of the United States as a prop and then fail to protect it and what it stands for. We cannot, we should not, we must not cave in to intellectual snobbery. Being patriotic and sharing a deep love for the American flag is not politically incorrect. So let us stop acting like we are all too smart to be patriotic.

Madam Speaker, some of my colleagues will argue today that this amendment would infringe on the individual right to free speech. The right to free speech is the bedrock of America's founding. I will be the first to passionately defend the First Amendment. But burning an American flag is not free speech. It is inexcusable conduct that must be condemned. We should not protect such reprehensible behavior any more than we should protect arsonists and vandals.

Madam Speaker, I am not alone in this argument. There are many people far more distinguished than I who believe that flag burning does not deserve to be a constitutionally protected form of speech.

As the gentleman from California (Mr. CUNNINGHAM) has pointed out,

nearly 10 years ago to this very day the Supreme Court ruled that flag burning was an act of free expression by the slimmest margins, one vote. In that case, the four dissenters based their opposition on the fact that flag desecration is expressive conduct as distinguished from actual speech.

□ 1615

In this regard they stated that the government's interest in preserving the value of the flag is unrelated to the suppression of ideas that flag burners are trying to suppress.

Madam Speaker, let me finish by quoting Harvard law professor Richard D. Parker. Mr. Parker is a self-proclaimed liberal Democrat who has spoken so eloquently in support of this amendment in the past. He said, ''The American flag doesn't stand for one government or one party or one party platform. Instead, it stands for an aspiration to national unity despite, and transcending, our differences and diversity. A robust system of free speech depends, after all, on maintaining a sense of community. It depends on some agreement that, despite our differences, we are 'one'; that the problem of any American is 'our' problem. It is thus for minority and unpopular viewpoints that the aspiration to and respect for the unique symbol of national unity is thus most important.''

Madam Speaker, I move to protect that symbol of unity, and I urge all of my colleagues to vote in support of this resolution.

Mr. WATT of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have yielded time to several people, and I want to thank them for debating this issue. I wanted to accommodate their schedules, but now I want to kind of set the framework for this debate a little bit.

I want to thank my colleagues, the gentleman from Florida (Mr. CANADY) and the gentleman from California (Mr. CUNNINGHAM), for already during the debate on the rule and the debate on the bill making it clear that this is not about one side being patriotic and the other side being unpatriotic. I do not think there is a single Member of the Congress of the United States that I would dare call unpatriotic. We all are patriots. We all believe in our country. This is an honest dispute about how we reflect that patriotism.

The gentleman from Florida (Mr. CANADY) has gone out of his way, particularly this year, to set a framework for us to have this debate in a way that we can honor each other and honor our differences on this issue. And I was never more proud of the process than I was at the hearing that we had on this proposed constitutional amendment when I saw my colleagues, the gentleman from California (Mr. CUNNINGHAM), a decorated hero, and the gentleman from Maryland (Mr. GILCHREST), a Republican also and a decorated hero, on opposite sides of this important issue.

This is not about one side being patriotic and the other side being unpatriotic. And I hope that throughout the course of this debate today and tomorrow my colleagues will keep that fact in mind and not stoop to calling one side unpatriotic or not make this about who is patriotic. This is not about that.

I want to correct my good friend, the gentleman from California (Mr. CUNNINGHAM), who earlier in the debate suggested that this was about liberals versus conservatives. It is not about that either, Madam Speaker. If we look at the lineup of the members of the Supreme Court who decided this issue we will not find the liberals lined up on one side of the issue and the conservatives lined up on the other side of the issue.

The members who joined in the opinion to declare the burning of the flag a protected expression under the first amendment were Justices Brennan, Marshal, Blackmun, Scalia and Kennedy. Three of those five justices were Republican justices, Republican appointees, to the court. And I do not think there is anybody who is running around these days saying that Justice Scalia is a liberal.

So this is not about liberals versus conservatives. It is about how we believe the First Amendment protects us, and what expressions we believe ought to be protected, and how we play out our own patriotism.

Now, I want to acknowledge that the very first time I came to the Congress of the United States and debated this amendment I did not believe what I just said. I was one of those people who came to the Congress saying I do not know how anybody who supports the Constitution of the United States could not believe that the First Amendment to the Constitution is protective of somebody who expresses themselves by burning the flag.

But over the last four sessions of Congress, and this is the fourth time we will have debated this issue in the four terms that I have been in the Congress of the United States, what I have started to do is I have started to listen to my colleagues, like the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Florida (Mr. CANADY), who are on the opposite side of this issue. What I have seen is that people on our side of this issue have started to listen to the other side, and I have heard them start to listen to us. And where we are today is a product of listening to each other, because we now understand that a patriot like the gentleman from California (Mr. CUNNINGHAM) can disagree with a patriot like the gentleman from Maryland (Mr. GILCHREST) on this important issue. This is not about who is patriotic.

We are going to recognize today that anybody who comes to this well, Republican or Democrat, regardless of which side of this issue they are on, is going to be recognized to engage in the debate. We are not censoring anybody. If somebody wants some time, I welcome them to come and state their position on this proposed constitutional amendment.

So this is not about patriotism, it is not about liberal versus conservative, it is not about Republican versus Democrat. It is about how we learned what the first amendment was about, and how we learned what patriotism was about, and what we think the Constitution protects, and what we think ought to be unprotected by the Constitution. That is what this debate will be about.

So I want to right here welcome and encourage my colleagues to come to the floor, debate this important proposal, tell us what their experiences have been with the first amendment and how it gets applied to them. I invite my colleagues to tell us what their experiences have been regarding patriotism, and tell us what their experiences have been regarding liberty and honoring the liberties that we have in this country. And if my colleagues come to the floor and engage in the debate with that attitude, this will be one of the most powerful debates ever conducted on the floor of the House.

I want people to come and debate this important issue, and I want them to bring their stories. I want to start by telling my colleagues my story.

I went to law school, and some people say it is the best law school in the country, although I am sure we could generate a serious amount of debate on that.

Mr. CANADY of Florida. Madam Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Madam Speaker, I would agree with the gentleman on that.

Mr. WATT of North Carolina. Madam Speaker, reclaiming my time, I thought the gentleman was going to spring up, because we went to the same law school. So it is even about people from the same law school disagreeing on this, as my colleagues will see.

I thought I knew the Constitution. I had studied it. By the time I got to the third year of law school, I thought nobody could teach me anything else. And then I went into the practice of law in a small law firm that was known for its civil rights reputation.

One day I got a call from my senior law partner and he asked me to go down to another county and represent some people who had been charged with disturbing the peace and resisting arrest and various and sundry other offenses that people get charged with when they engage in demonstrations, and I said, fine.

So I went traipsing off to the next county, and what I found when I started to investigate was that a group of Native Americans, with tomahawks and other such kinds of instruments, had gathered in front of a school to demonstrate and to express their position on an issue. And I kept inquiring about what the issue was, and I found

that those Native Americans were there demonstrating because they did not want to go to school with black students. They did not want their children to go to school with black students.

Well, I was black then, I am still black, and I said to myself, now, I do not know if I want to be here representing these people who are demonstrating against going to school with black kids. And I called up my senior law partner and I said, ''Julius, why did you send me down here to represent these people knowing what they were demonstrating about?'' And he asked me one simple question. He said, ''Do you not believe in the first amendment to the Constitution?'' It stopped me dead in my tracks.

I will never ever forget that question that my senior law partner asked me on that occasion. It brought home to me, after all the education I had gotten about what the first amendment meant, the book learning, what the first amendment was really about. It is about tolerating the views and defending the rights of people to express those views even if they disagree with the views we hold.

□ 1630

That is what our First Amendment is all about. It did not come as any surprise to me later in my legal practice to find that my law firm went to represent the Ku Klux Klan. There was not a single person in my law firm who believed in anything that the Ku Klux Klan stood for. But when it came time to defend their right to demonstrate and express themselves, we were right in court there saying we may not agree with the ideas they express, but we will defend until the end their right to express them.

I am not here today, my colleagues, to defend people who burn the flag. I abhor flag burners. But I am here to defend the Constitution of the United States. I am here to defend the First Amendment. I am here to defend the freedom of expression. I am here to defend the right of people who have views that are contrary to mine to express those views and to be heard in a democracy that we call America.

I believe that is what the First Amendment and our Bill of Rights is about. The Bill of Rights was not put in place by the majority to protect the majority. It was put in place to protect the minority from the tyranny of the majority. And when we diminish that, we diminish our constitutional government.

Now, my colleagues are going to be put in this debate to a clear choice. I want to applaud the Committee on Rules, I do not get to do that very often, for giving us the opportunity to exercise that clear choice. Because the underlying proposed amendment to the Constitution of the United States that my friend and colleague from Yale University also supports reads like this. It says, ''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''

My colleague says he does not object to the First Amendment, he objects to the Supreme Court's interpretation of the First Amendment. That is one choice that we all have to vote on the amendment that has been proposed by my colleague the gentleman from Florida (Mr. CANADY). We are going to have an opportunity tomorrow to vote on an alternative. It is an alternative that I will offer to this House to be voted on, and it reads like this. It says, ''Not inconsistent with the First Article of Amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.''

So if they believe that the First Amendment is sacred, if they are honoring the First Amendment, if they believe that this new guy on the block, the new proposed amendment, is important but they want it to be interpreted subordinate and in conformity with the First Amendment to the Constitution that is currently on the books, I am going to ask my colleagues to vote for the substitute, then, because I believe in the First Amendment.

Now, I am not going to say that those who believe that the First Amendment is different than my interpretation of it are not patriots. I would not dare call my good colleague the gentleman from California (Mr. CUNNINGHAM) unpatriotic. I have seen him. He is a wonderful patriot. But I submit to this body that we must not put in the Constitution an amendment that we believe to be at odds with the First Amendment. And if we do, we must make it clear that the First Amendment is to be the ruling amendment in our Constitution. It has served us for over 200 years, and it will continue to serve us. But it will do so only if we allow it.

Madam Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will just speak briefly. I want to express my appreciation to the gentleman from North Carolina (Mr. WATT) for the spirit in which he has approached this debate concerning this constitutional amendment throughout the process, from the subcommittee hearing through the subcommittee markup, full committee markup, and now on the floor today.

I believe that the gentleman from North Carolina (Mr. WATT) is exactly right when he says that no one should question the patriotism of anyone who might take a differing viewpoint on this particular issue. I understand that those who are opposed to this amendment base their opposition on principles that they hold very dear. This is the sort of issue which tends to engender passionate feelings. And I respect that.

I just again want to express my gratitude to the gentleman from North Carolina (Mr. WATT) for approaching this issue and dealing with it on the merits rather than on the basis of an attack on the motivations or the patriotism of those who have a differing viewpoint.

Madam Speaker, I yield 1½ minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Madam Speaker, I would say to my colleague that if he thinks he was opposed to the Ku Klux Klan, my opposition was to those that protested in a war that many of my friends lost their lives, but yet I would fight for the right for them to protest.

Many of us felt that the Tom Haydens, the Jane Fondas, and the Bill Clintons went too far by protesting in the enemy's camp. That was different. But I would also say that 90 percent, 90 percent, of the Supreme Court justices through history have supported this amendment. It was only one Supreme Court in 1989, the same Supreme Court that in 1990 by one vote overrode 200 years of tradition.

That is why 85 percent of the American people, 120 organizations, say that this is the correct thing to do and disagree with my colleagues on the other side of this issue. They also support the First Amendment.

When I went into the camps of those anti-war protesters and sat down with them, disagreed with them, I supported their First Amendment rights to do that. In this amendment, it does not take away from those rights. This particular amendment does not enfranchise the First Amendment. They still have full ability to speak, to express themselves in any legal way outside of the desecration of the American flag.

Forty-eight States had this prior to that one Supreme Court vote. It is wrong, Madam Speaker.

Mr. CANADY of Florida. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank my colleague for yielding my the time.

Madam Speaker, I rise in strong support of House Joint Resolution 33.

First I would like to agree with my colleague the gentleman from North Carolina (Mr. WATT) that what we should hear today and I believe what we are going to hear today is a series of speakers on both sides talking about their personal experiences and what all of the issues arising from this mean to us. I think that is appropriate. That is a good debate for us all to have.

We have heard from my good friend and colleague the gentleman from New York (Mr. SWEENEY) about how much this means to him and to his family. My story is more brief but I think sheds light on my own view.

I am the first native born American in my family. My parents were immigrants. They came to this country as so many other immigrants do, even today, because they want for their children the freedoms and opportunities that this country offers, more importantly what this country should offer.

My parents were not born American. That means that they had to affirmatively choose to take up the values and the principles and the ideals that are the foundation of our citizenship. They did so gladly and they did so naturally. I sometimes think that those Americans who had to choose to be American, that had to take that affirmative step, perhaps they have a greater appreciation for what this country offers.

At an early age, my parents taught me respect for our Nation, her leaders, and her most distinct symbol, Old Glory. I learned that from an early age. But I have to admit, Madam Speaker, I never really appreciated just how important the flag was as a symbol until I left this country, until I lived and worked overseas in a land where there was no Declaration of Independence, there was no Bill of Rights, the sort of wonderful document that we are all talking about and debating and interpreting today.

As my wife Sue and I traveled around East Africa is where we were, every time we saw Old Glory, whether it be at embassies or at private homes, our spirits were lifted by what it symbolized not just for us but for the rest of the world, nations and people struggling to be free. If we fail to protect the flag, that symbol both here and abroad is tarnished. And I submit to my colleagues, each time the flag suffers physically, our stature in the eyes of the world suffers just as clearly.

If we fail to protect the flag, people around the world may believe that we do not care, that we have become tired or complacent or self-doubting. The flag is a symbol. But in a time where the eyes of the world are upon us, symbols matter; and no symbol matters more than our flag. Our constituents are not complacent. Our constituents care. Every survey ever done tells us that. They want to protect the flag. So should we.

Finally, I think part of the debate is going to be what the First Amendment means today. And I think it is easy to draw lines between action and thought and expression. We have done so in the past. We have created hate crime laws. We do have laws for destruction of symbols like gravestones and synagogues and churches. We have done that.

I urge us all today, as we go through this debate, to follow the principles and respect what my colleague has suggested and support this House resolution.

Mr. WATT of North Carolina. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I rise in opposition to this amendment. I have myself served 5 years in the military, and I have great respect for the symbol of our freedom. I salute the flag, and I pledge to the flag. But I served my country to protect our freedoms and to protect our Constitution. I believe very sincerely that today we are undermining to some degree that freedom that we have had all these many years.

We have not had a law against flag desecration in the 212 years of our constitutional history. So I do not see where it is necessary. We have some misfits on occasion burn the flag, which we all despise. But to now change the ability for some people to express themselves and to challenge the First Amendment, I think we should not do this carelessly.

□ 1645

Let me just emphasize how the first amendment is written. ''Congress shall write no law.'' That was the spirit of our Nation at that time. ''Congress shall write no laws.''

We have written a lot of laws since then. But every time we write a law to enforce a law, we imply that somebody has to arrive with a gun, because if you desecrate the flag, you have to punish that person. So how do you do that? You send an agent of the government to arrest him and it is done with a gun. This is in many ways patriotism with a gun. So if you are not a patriot, you are assumed not to be a patriot and you are doing this, we will send somebody to arrest them.

It is assumed that many in the military who fought, but I think the gentleman from North Carolina pointed out aptly that some who have been great heroes in war can be on either side of this issue. I would like to read a quote from a past national commander of the American Legion, Keith Kreul. He said:

> Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a golden calf. Instead, they carried the banner forward with reverence for what it represents, our beliefs and freedom for all. Therein lies the beauty of our flag. A patriot cannot be created by legislation.

I think that is what we are trying to do. Out of our frustration and exasperation and our feeling of helplessness when we see this happen, we feel like we must do something. But I think most of the time when we see flag burning on television, it is not by American citizens, it is done too often by foreigners who have strong objection to what we do overseas. That is when I see it on television and that is when I get rather annoyed.

I want to emphasize once again that one of the very first laws that Red China passed on Hong Kong was to make flag burning illegal. The very first law by Red China on Hong Kong was to make sure they had a law on the books like this. Since that time they have prosecuted some individuals. Our State Department tallies this, keeps records of this as a human rights violation, that if they burn the flag, they are violating human rights. Our State Department reports it to our Congress as they did in April of this year and those violations are used against Red China in the argument that they should not gain most-favored-nation status. There is just a bit of hypocrisy here, if they think that this law will do so much good and yet we are so critical of it when Red China does it.

We must be interested in the spirit of our Constitution. We must be interested in the principles of liberty. We should not be careless in accepting this approach to enforce a sense of patriotism.

Mr. GOODLATTE. Madam Speaker, I yield 15 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. I would address my colleague that just spoke in the well. Is it not true that the gentleman votes ''no'' on over 90 percent of the issues and finds reason not to vote for issues on this House floor? Is that true?

Mr. PAUL. If the gentleman will yield, I think that is correct, because probably 90 percent of the time, this Congress is doing things that are not constitutional, and I think they are very legitimate.

Mr. CUNNINGHAM. My point is made. I thank the gentleman.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, I want to share with Members some words written by a third grader:

> ''I feel so proud whenever I see
> my country's flag flying over me.
> The red's so bold
> the white's so clear
> the brightness of the blue is all so dear.
> I love my country
> my family, too,
> but most of all I love
> the red, white and blue.''

Madam Speaker, these words were written because this child was allowed to value our flag, to understand the importance of the symbolism embodied in our flag and its importance in representing the values of our country.

Madam Speaker, the child who wrote these words, Carolyn Holmes, is grown now. She still values this country. She still values our flag. Madam Speaker, we must teach our children values.

If we allow the desecration of our flag, we allow those who desecrate it to teach our children a values lesson which may yield bitter fruit.

Madam Speaker, this issue is important. We worry about how to help our children learn the basic values for a civil society. Respect is one of the most important of these. Children need to be taught respect. Respect for the flag seems a very good place to begin. Let it spread from there to respect for others and their ideas.

It is important to remember here that it takes the States to ratify what we do and it takes the voice of the people in those States. So let the people speak. Let them speak.

Madam Speaker, the flag desecration amendment should be passed.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Madam Speaker, I rise today in strong support of House Joint Resolution 33, and I commend the gentleman from California for bringing this forward.

Madam Speaker, it was on June 14, 1777, that the Continental Congress passed the first Flag Act, calling for the symbol of the United States of America to bear its Stars and Stripes.

Over the years, the flag has grown to become a symbol of freedom and a faithful tribute to those, living and deceased, who have fought to protect and preserve peace both here and abroad.

Madam Speaker, we stand and pledge our allegiance to the flag every day, but it is our United States soldiers who salute and serve beneath the flag who truly bear the burden of ultimate allegiance. They sacrifice their lives to protect our freedom and our liberty.

Madam Speaker, I want to share with Members a poem by Father Denis Edward O'Brien, United States Marine Corps, that shows the special relationship our soldiers have with the flag of the United States. I quote Father O'Brien:

It is the soldier, not the reporter,
who has given us freedom of the press.

It is the soldier, not the poet,
who has given us freedom of speech.

It is the soldier, not the campus organizer,
who has given us the freedom to demonstrate.

It is the soldier
who salutes the flag,
who serves beneath the flag,
and whose coffin is draped by the flag
who allows the protester to burn the flag.

Madam Speaker, when we allow our flag, the very essence of our country, to be destroyed, in my opinion we dishonor the men and women who gave their lives serving under that flag so that every one of us could live free.

I know, Madam Speaker, that many of my colleagues will raise important constitutional questions about adding an amendment to protect the flag. But when it comes down to it as a representative of the people, I believe that we have the support from the majority of the American people on this issue.

Madam Speaker, I have had the honor of serving the citizens of the Third District of North Carolina for 5 years. I can say with absolute honesty that I have never personally spoken with any citizen on this issue who did not express support for congressional action to protect and preserve the integrity of the United States flag.

With many of our United States veterans and a majority of the American people backing this measure, it has my full and absolute support.

Madam Speaker, I hope this House will support House Joint Resolution 33.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Madam Speaker, I rise in strong support of the constitutional amendment to protect the American flag. I want to commend the gentleman from California (Mr. CUNNINGHAM) for bringing this forward. His leadership is important in this because of his background. But I also want to relate to the American people how I feel that they feel about why Congress should be called upon to enact a flag protection amendment. They have done this ever since 1989 when the Supreme Court did the decision-making as to burning or desecrating the flag. The storm of protest coming from the American people since that time, I think, has been consistent.

While public opinion on most issues tends to be volatile, every reliable survey, every single one that they have conducted on this issue over the last 10 years indicates, shows clearly, that 75 percent or better of the American people believe it should be illegal to burn, trample or destroy Old Glory. They tell me it is illegal to burn trash, but we can burn the flag. It is illegal to destroy Federal property, even a mailbox. But it is okay to destroy the flag.

This indicates that while Americans hold their first amendment rights dear to their hearts, they also understand that our flag should be honored and protected against senseless acts of vandalism. People can still express their views without resorting to vandalism.

Madam Speaker, the American flag is not just a piece of cloth. It is a symbol that reflects the values, the struggles and the storied history of our great country.

I urge my colleagues, those that oppose this amendment, to rethink exactly what the flag means to the American people, those who protest what has taken place, what took place in 1989. I would urge everyone to defend the principles that it embodies by voting for this very important amendment to the Constitution.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. I thank the gentleman for yielding me this time.

Madam Speaker, today the House has this opportunity to make an important statement on behalf of all of us and on behalf of every soldier who has fought and died for the principles upon which our Nation was founded. I commend the gentleman from California (Mr. CUNNINGHAM) for introducing this important legislation and the gentleman from Illinois (Mr. HYDE) for bringing this measure to the floor.

I have long been a strong supporter of prohibiting the desecration of our Nation's flag, and I have served and fought to protect the freedoms of our Nation, freedoms represented by our flag, to people throughout the world.

Although opponents of this measure contend that this amendment infringes upon the freedom of speech, to that I take exception. While we defend the right of any person, no matter how misguided, to argue against the principles for which our Nation stands, we should not contend that destroying our flag is in any sense such an argument.

Our flag has been a citadel of freedom and a beacon of hope to the world. It has stood with our courageous servicemen and women in two world wars, in Korea, Vietnam, in Panama, Grenada, Kuwait, Bosnia and more recently Yugoslavia, and anywhere that Americans have fought and died to oppose oppression. Our flag represents everything good about our Nation and its desecration stands as an insult to every American.

Our flag symbolizes our Nation's great history. Within that field of stars and stripes stands the devotion of countless numbers of citizens who have loved and honored the principles of freedom and justice.

In this city of many monuments representing our Nation's pride, honor and history, let us take this opportunity to protect the greatest monument of them all, our flag, the flag of the United States of America. It is proudly displayed as a monument in virtually every courthouse, every school, library, city, town and village throughout our Nation.

In closing, Madam Speaker, and in urging my colleagues to support this amendment, let me remind my colleagues of the thoughts reflected by Supreme Court Justice John Paul Stevens who said, and I quote, ''The flag uniquely symbolizes the ideas of liberty, equality and tolerance, ideas that Americans have passionately defended and debated throughout our history.''

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. BILBRAY).

□ 1700

Mr. BILBRAY. Madam Speaker, I rise in support of the resolution, and, Madam Speaker, I would just ask my colleagues to remember that when the Constitution, including every amendment, was drafted the drafting fathers assumed they would be reasonable, commonsense applications of laws, and I would like to remind my colleagues that the first amendment existed, A, because of the fifth article which specifically says not only do the legislators of America have a right to amend the Constitution when they think there has been a mistake or there needs to be something clarified, but they have a responsibility to do it. In fact, the first amendment would not be here if the fifth article had not been acted on by the legislative body and other legislators.

Madam Speaker, I want to point out one thing, is that we are not talking about the first amendment being restricted. We are talking about, as we have talked about with other amendments, that reasonable commonsense restrictions are not a threat to our

constitutional freedoms, but they are the best safeguards that abuses and extremist approaches to our first amendment, second amendment, third amendment and every part of the Constitution is the greatest threat to those constitutional protections.

As Thomas Jefferson articulated quite clearly his intention for freedom of speech and the articulation of the first amendment, and that was to encourage the intellectual exchange in our society and not as just a protection to the individual who wanted to speak up, but to the protection of society so that they could get the intellectual exchange and contribute to the dialogue in our community.

Madam Speaker, the burning of the American flag is not being expressed as an intellectual exchange. It is just like somebody screaming fire in a movie house. It is someone trying to invoke an emotional response. Screaming fire happens to invoke fear. Burning the American flag is trying to invoke outrage and purposefully trying to invoke an emotional response. That emotional response, just like carnal pornography, is not protected under the first amendment. It has never been perceived to be protected. The intellectual exchange of disagreement about political activity is. But when we get to this emotional response I think we have got to be the reasonable, commonsense approach and say there are some things like burning the flag which do not encourage intellectual exchange in our society.

And I want to point out again that those who would not change the Constitution no matter what, we need sometimes to correct mistakes made by the Supreme Court. That is why our Constitution has Article V. I think we all agree, I think everyone agrees, that the Dred Scott decision was an absolute farce, it was wrong, it should not have been done. So the 14th amendment was passed to address that mistake, and I think history has proven that the 14th amendment overall was a good piece of legislation and was an amendment that was needed.

Madam Speaker, I think history is going to prove that this amendment to the Constitution is desperately needed to correct a wrong the Supreme Court has made just recently that they had not for 200 years.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Madam Speaker, I thank the gentleman from Florida for the time and the opportunity to share today.

I join to support this proposal to protect our flag, the red, white and blue, the leading symbol of freedom not in just this country, but in the world. Much of the world, when they look at that flag, they know it means freedom, the greatest freedom in the world.

My grandfather was an immigrant from Sweden, and he taught me at a very young age to be so proud to be an American because he was so proud to be an American, and he was so proud of the red, white and blue; it meant so much to him. We all know young men who have given it all. Today I want to mention three that left the small town I come from of Pleasantville, a thousand people. Three young men, Roger, Danny and Bruce, went to Vietnam at about the same time. The only one to return was my brother Bruce. Roger and Danny gave it all. They left their blood in the swamps of Vietnam, they left their life there, they gave everything. They gave their future to preserve that flag.

Four out of five Americans support this proposal. When do we get 80 percent to agree on anything? Forty-nine States have passed resolutions urging us to do this. When do we get 49 State governments of both parties to agree on anything?

This is the symbol of freedom. Should it not have a higher priority than money or mailboxes or other things that we are not allowed to desecrate?

As Justice Rehnquist noted, the flag is not simply another idea or point of view competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with almost mystical reverence. All should. In my view it is literally the fabric which binds us together, it is the symbol of who we are and the emblem we rally around when times get tough.

A businessman from my district, an immigrant from Iran, recently invited me to the opening of his new facility, and instead of cutting a ribbon he run up the American flag on the pole, and he allowed me to do that, and he said the reason I want that flag on my pole that looks right out my window of my office, because I understand the freedom in this country that I did not have in Iran, that I did not have when I was in Germany for a short time. I want to look at that flag and never forget. He said also outside my window at the house from my dining room table I want a flag that I can look out there in light hours and see the symbol of freedom that America has presented to the whole world.

Let us join those, the majority of Americans, the majority of States, who realize this is more than a flag. It is a symbol that embodies the bloodshed by Americans so that we can be free.

Mr. WATT of North Carolina. Madam Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Madam Speaker, I thank the gentleman for yielding this time to me.

Madam Speaker, if there is one bright shining star in our constitutional constellation, it is the first amendment of the Bill of Rights. That is the amendment that embodies the very essence upon which our democracy was founded because it stands for the proposition that anyone in this country can stand up and criticize this government and its policies without fear of prosecution. But here we are yet again in the 106th Congress debating an amendment that would seriously weaken the first amendment and freedom of expression in this country.

Now I want to be clear. I am going to oppose this amendment, not because I condone or I do not feel repulsed by the senseless act of disrespect that is shown from time to time against one of the most cherished symbols of our country, the American flag, but because I recognize that our Constitution can be a pesky document sometimes. It challenges us, and it reminds us that this democracy of ours requires a lot of hard work. It was never meant to be easy. Our democracy rather is all about advanced citizenship. It is about the rights and liberties embodied in the Constitution that will put up a fight against what we believe and value most in our lives. Our Constitution is going to challenge us, and it is going to say, ''Hey, you believe in freedom of expression or free speech in this country? Let's see how we react when someone steps up on their soap box at high noon and expresses at the top of their lungs ideas and beliefs that are completely contrary to ideas and beliefs that we have fought for and believed in during our entire lives.''

That is what advanced citizenship is about. That is what the challenge in the Constitution is for us. And yes, the Supreme Court has ruled on numerous occasions that the repulsive disrespect and the idiotic act of desecrating the American flag is freedom of expression protected under the first amendment.

As former Supreme Court Justice Jackson said in the Barnette decision, and I quote:

''Freedom to differ cannot just be limited to those things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the very heart of the existing order.''

There are few things that evoke more emotion, passion, pride or patriotism than the American flag; I recognize that. But if we pass this amendment today, where do we stop? Do we next try to prohibit the desecration of the Bible? Or the Koran? Or the Torah? Or perhaps even this book that I like to carry around in my pocket to remind me how difficult our democracy is? The Constitution? The Declaration of Independence? Or the very Bill of Rights itself? They too are symbols of our country that young men and women have fought for and died for.

Let us not go down that path today. We have done pretty well these passed 210 years without having to amend the Constitution to deal with a few individuals' act of senseless desecration.

There are other ways of dealing with content neutral acts. If someone steals my flag, they can be prosecuted for theft and trespassing. If they steal my

flag and burn it, they can be prosecuted for theft, trespass, criminal damage to property. If they burn it on a crowded subway station, they can also be prosecuted for inciting a riot, reckless endangerment, criminal damage to property and theft. There are other ways that this type of conduct can be prosecuted, but if someone buys a flag, goes down in their basement and because they do not like the government decides to desecrate it or burn it, are we going to obtain search warrants and arrest warrants to go in and arrest that person and prosecute them? We do not need to do that.

That is why I encourage my colleagues today, Madam Speaker, to oppose this amendment and not change 210 years of history in this country.

Mr. CANADY of Florida. Madam Speaker, I yield 1½ minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Madam Speaker, I thank the gentleman for time, and, Madam Speaker, if colleagues would listen to the debate today, they would conclude that we are here to make a choice between defending the flag and defending the Constitution. In fact, the opposite is true. What we are here doing today is to try to reconcile our respect and our affection for the flag for our respect and our commitment to the Constitution.

I happen to disagree with the Supreme Court decision, but this process that we are following today does not do damage to the first amendment or to the Constitution. In fact, we are following a constitutional process.

I believe that we owe the blessings of liberty and freedom to those who served and sacrificed for this Nation, and as I attend the Memorial Day parade or Memorial Day service and I watch the tears streaming down the face of those veterans that are there, I know that our flag is more than a symbol. Somehow it is a link to the friends that they left on the battlefield or their friends who left parts of themselves on the battlefield.

I believe that the desecration of our flag is an insult. It is an insult to our Constitution, it is an insult to the liberty and freedom that is in it. It is an insult to the sacrifice, and it is an insult to the values that these men and women share: Honor and value, valor and courage.

Veterans groups. I think every major veteran group supports this. Forty-nine States have expressed to the Congress that we ought to act on this.

I would just urge my colleagues to support this amendment.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I rise in strong support of the legislation that we have here to have a constitutional amendment to prohibit the desecration of the United States flag.

I listened to some of the debate, I respect my colleagues, but this is not an issue about speech. What one can say is anything they want in this country, but conduct is what we are focusing on.

I suppose if someone believes that they, in fact, are embodied with the right to burn this flag being displayed directly behind me, go ahead, but they have to get through me first, and when they do that, they really upset me. Now why do they upset me? I suppose that that statement written on a blackboard long ago when I was a college student at the Citadel that said those who serve their country on a distant battlefield see life in the dimension the protected may never know.

I have seen that flag on a distant battlefield. I understand what it represents, the physical embodiment of everything that is great about our Nation and perhaps not so great. Each of us individually when we see that flag, we get a tingle inside, and it is personal. We should do everything we can to protect that which is so vitally important to us as a Nation.

As I listened to some of my colleagues here, I am puzzled. I am puzzled because some of those who are in opposition to this amendment are also in opposition to our efforts to bring prayer back into school, our efforts to revitalize America to find its moral center. I do not know how those advocates want to see America. See, America, a little over 200 years young; are we going to be seen as some meteor that shined brightly but moved quickly across the span of world history?

□ 1715

Or, do we believe, as I do, if we permit the eyes of our mind to see a greater vision, I believe America has what it takes to reach deep, to revitalize itself, to find its center, its moral center, its proper balance, to seek the greater understanding, to have wise tolerance, and to respect each other for an enduring peace. As we do that, there are certain things that we have to respect in our society, and one that represents the physical embodiment of this Nation, and we are sensitive to liberty, is, in fact, Old Glory.

That is what this amendment is about. I respect the Committee on the Judiciary for bringing it to the floor, and I ask all of my colleagues to vote for this constitutional amendment.

Mr. WATT of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Madam Speaker, I can think of no greater symbol of freedom, no higher embodiment of American ideals than the flag of the United States of America. Since the Revolutionary War, our flag has served as a sacred reminder of who we are, what we stand for, and the dreams we hope to achieve. Therefore, I am pleased to rise today in support of H.J. Res. 33, which reaffirms our national commitment to protect our great flag. As in the 104th and 105th Congress, I am proud to say that I am once again a cosponsor of H.J. Res. 33.

Madam Speaker, support for prohibiting the desecration of our flag is apparent not just from my constituents in the 18th District of Pennsylvania, but from 279 of my colleagues that have cosponsored this resolution. Our flag represents the very essence of what it means to be an American. By honoring and respecting our flag, we, in turn, honor and respect those who gave their lives and lost loved ones in the fight to protect this important symbol of America.

Under our great flag, many different cultures, beliefs, and ethnicities can find common ground and come together as one. It is this unit and freedom that is represented by our flag and forms the cornerstone of America. Throughout our history, the United States has called upon her husbands and wives, sons and daughters to travel to foreign lands and defend freedom and liberty at all costs. We owe it to them to ensure the American flag, the very symbol they fought and died to protect, is respected and cherished by all.

Prohibiting the desecration of the flag does not deny any individuals any freedoms or beliefs, but it does serve to strengthen our commitment to these very ideals. We should join together in this effort to preserve the symbol of our national unit.

Madam Speaker, I urge my colleagues to support the sacrifices of all of our Nation's citizens; support the very beliefs that our great country was founded upon, and support our great American flag.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I thank the gentleman for yielding and for his leadership on this issue.

Madam Speaker, I rise in strong support of this constitutional amendment. Not all physical actions constitute free speech, and I am hardly alone in asserting that flag desecration is not free speech to be protected under the first amendment.

I believe that the States and Federal Government do have the power to protect the flag against acts of desecration and disgrace, wrote former Chief Justice Earl Warren. This view is shared by many past and present Justices of the U.S. Supreme Court across the ideological spectrum, including Hugo Black, Abe Fortas, Byron White, John Paul Stevens, Sandra Day O'Connor, and current Chief Justice William Rehnquist.

These eminent men and women have not taken a merely political stance based upon shallow assumptions. Rather, they rely upon well-established principles. ''Surely one of the high purposes of a democratic society'' wrote Rehnquist, ''is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people, whether it be murder, embezzlement, pollution or flag-burning.''

The flaw with the opposition's entire line of reasoning is their concept of

free speech. It is not and never has been the right to do anything you want to do any time you want to do it. Rather, it is a precious liberty founded in law; a freedom preserved by respect for the rights of others.

To say that society is not entitled to establish rules of behavior governing its members is either to abandon any meaningful definition of civilization, or to believe that civilization can survive without regard to the feelings or decent treatment of others. To burn a flag in front of a veteran or someone else who has put his or her life on the line for their country is a despicable act not deserving of protection.

It is well established that certain types of speech may be prevented under certain circumstances, including lewd, obscene, profane, libelous, insulting or fighting words. When it comes to actions, the limits may be even broader. That is where I will vote to put flag desecration, where 48 State legislatures thought it was when they passed laws prohibiting it.

This amendment does not in any way alter the first amendment. It simply corrects a misguided 5-to-4 court interpretation of that amendment. As Justice Rehnquist eloquently observed in concluding his dissent, ''Uncritical extension of constitutional protection to the burning of the flag risks the frustration of the very purpose for which organized governments are instituted. The Government may conscript men into the Armed Forces where they must fight and perhaps die for the flag, but the government may not prohibit the public burning of the banner under which they fight.''

Madam Speaker, I am proud to play a part in trying to right that wrong.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. YOUNG of Florida. Madam Speaker, I rise in support of H.J. Res. 33.

Madam Speaker, the American flag is a symbol of our nation's freedom and liberty. Today we have an opportunity to protect that sacred symbol by approving House Joint Resolution 33, a Constitutional Amendment authorizing Congress to prohibit the physical desecration of the flag of the United States.

Our children learn the story of Francis Scott Key waiting throughout the night of September 13, 1813 in hopes that the British had not broken through the American defenses in Baltimore Harbor. At the break of dawn, Key's fears were quieted as he awoke to find that the flag, battered with holes ripped by cannon fire, was still flying proudly over Fort McHenry. Since the early part of this century, millions of visitors have flocked to the Smithsonian to view this huge flag and continue to do so today, nearly two hundred years after that fateful night in Baltimore. This national symbol is so important that it is now being carefully restored so that future generations of Americans can reflect on our distinct and glorious heritage.

American service members have proudly marched, sailed, or flown under the flag in every conflict from the Mexican War to the recent Kosovo campaign. Just this past April, an American pilot was shot down deep in Serb territory while flying a mission during the war in Kosovo. Clutching a small American flag that he had kept tucked away in his flight suit, the pilot said it was the Stars and Stripes that gave him the hope, strength, and endurance that was required to withstand such an ordeal. For the benefit of my colleagues who may not have seen this story, I will include this story in the Congressional Record following my remarks.

The American Flag is a symbol of courage and bravery. We all recall the famous scene of our Marines in World War II raising Old Glory high above the blood stained beaches of Iwo Jima, signifying that America had just won one of this century's fiercest battles. Today, a sea of small flags quietly stands guard over the graves of these fallen heroes across our nation's cemeteries. These men and women fought and died to protect our nation and the sanctity of our flag, and that is precisely why we must approve this legislation today. We must pay tribute to this strength and pride of America and her people by honoring Old Glory.

Madam Speaker, the flag stands for much more than the 50 states and 13 original colonies. It stands for freedom, liberty, and democracy, ideals attributed to our great country by peoples from around the globe. The great naval hero John Paul Jones once wrote, "The Flag and I are twins . . . So long as we can float, we shall float together. If we must sink, we shall go down as one." Madam Speaker, today we must heed the words of John Paul Jones. May the flag always fly freely and proudly over our land, and may we revere and cherish it forever.

[From the St. Petersburg Times, April 7, 1999]

U.S. FLAG GAVE DOWNED PILOT HOPE WHILE AWAITING RESCUE

WASHINGTON—Crouched in a shallow culvert deep in Serb territory, one of the worst moments for the F–117A stealth fighter pilot downed over Yugoslavia came when barking search dogs drew within 30 feet of his hiding place.

The U.S. pilot reached for a folded American flag that he had tucked inside his flight suit next to his skin and said a silent prayer.

''It helped me not let go of hope,'' the pilot said in an interview released Tuesday by the *Air Force News*, ''Hope gives you strength. . . . It gives you endurance,''

The dogs moved on, and after he spent six hours watching passing headlights on a nearby road, helicopters from the Air Force's 16th Special Operations Group picked him up, backed by support planes that swooped in for the rescue.

The Pentagon is withholding the pilot's name and details surrounding the crash of his F–117A and his rescue, although senior defense officials say a Serb missile probably shot the plane down March 27. It was the first F–117A to go down in combat.

The plane went down near Budjenovci, 35 miles northwest of the Yugoslav capital, Belgrade, and the pilot bailed out as ''enormous'' G-forces worked against him.

''I remember having to fight to get my hands to go down toward the (ejection seat) handgrips,'' he said. ''I always strap in very tightly, but because of the Intense G-forces, I was hanging in the straps and had to stretch to reach the handles.''

He can't remember reaching the handle. ''God took my hands and pulled,'' he said.

Although slightly disoriented, the pilot began radio contact with NATO forces as he parachuted toward a freshly plowed field 50 years from a road and rail intersection.

''I knew I was fairly deep into Serbian territory,'' he said, but he remembered his training. ''It didn't panic me. I just got very busy doing what I needed to do.''

After he hit the ground, the pilot buried a life raft and other survival equipment and spent the next six hours in a ''hold-up site''—a shallow culvert 200 yards from his landing site. He made only infrequent radio contact with NATO rescuers in order to avoid detection by Serb forces who might be listening and racing to capture him.

''For the downed guy,'' he said, ''it's very unsettling to not know what's going on. You're thinking, 'Do they know I'm here? Do they know my locations? Where are the assets and who is involved: What's the plan? Are they going to try to do this tonight?' It's the unknowns that are unsettling.''

Passing cars and trucks might have been Serb military or police, but the pilot said he couldn't confirm they were looking for him, although search dogs came close.

''There was some activity at that intersection,'' he said. ''Thank God no one actually saw me come down.''

The pilot said he concentrated on staying low and on the American flag, which a fellow airman gave him as he strapped in for his mission at an air base in Aviano, Italy.

''Her giving that flag to me was saying, 'I'm giving this to you to give back to me when you get home,'" the pilot said. ''For me, it was representative of all the people who I knew were praying. It was a piece of everyone and very comforting.''

The airman who gave the pilot the U.S. flag was among the first to greet him when he returned to Aviano and he opened his flight suit to show her he still had it, the *Air Force News* reported. The airman's name also was withheld by the Pentagon.

So far, the pilot hasn't rejoined the NATO airstrikes, although he has asked his commanders to put him back into combat. ''All I asked was that I be able to stay here for as long as possible before heading back'' to the United States, he said.

The distinctive arrowhead-shaped F–117A, which has a 43-foot wingspan, is armed with laser-guided bombs and equipped with sophisticated navigation and attack systems. Stealth technology uses curved or angular surfaces to reduce radar reflections.

Mr. WATT of North Carolina. Madam Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Virginia for yielding me this time. I thank the ranking member, the gentleman from North Carolina (Mr. WATT), and the gentleman from Florida (Mr. CANADY), the chairman of the subcommittee.

One of the good things that has occurred in this debate is the recognition that no one's patriotism is diminished, and we would hope that that is a clear and salient point as we debate this constitutional issue.

Before I came to the floor, I thought for a moment where my patriotism

might have developed. Where did I first refine and understand what a glory it is to live and love and be free under the flag of the United States of America. I was reminded of going to school, and I am always encouraging my youngsters to make sure they pledge allegiance to the flag every day, as we do.

I would hope in every school our children are taught to pledge allegiance to the flag of the United States of America. It is symbolic of all of who we are, and it is symbolic of the fact that we stand as a people in this Nation, united, because of the freedom that is offered through those who have died, and the wisdom of our Founding Fathers who structured this fragile Nation on the premise of a democratic unit and on the premise of a Bill of Rights. Not an afterthought, but rather, something that was separate and set aside to reinforce the fact that we have freedom of expression.

Madam Speaker, I say to my colleagues, be reminded that we have lasted these 400 plus years not because we keep people from expressing themselves, but we have managed not to have coups and revolutions and deposing of leaders in an illegal and unconstitutional manner, because people believe they can petition the government. I go to my American Legion halls. I am supporting my good friend, Mr. Lee, who is going to put up a monument to World War II veterans in my district. We believe in exercising pride in our country.

But this amendment says something different, and I am not sure if it is because Gregory Lee Johnson burned a flag in Dallas, Texas, and I am from Houston, against protesting the Reagan administration policies. But the Supreme Court and the Court of Appeals indicated that the Texas law was wrong because freedom of expression is one that is guaranteed by the first amendment, and the intent of the burning of a flag is not to create a fire, but it is to inflame passions because I am so vigorously against policies of the government or otherwise.

So I thought for a moment, what made me a patriot. Does this amendment, my vote for or against it, make me stand taller than my neighbor? And I disagreed with myself; it does not. My vote against it does not diminish my patriotism, because I stand with the likes of Senator John Glenn, a hero who just these past months made us to proud of his recent trip into space, and he acknowledged the fact that those who served in the Armed Forces risked their lives, believed it was our duty to defend our Nation, Senator Glenn said. I can tell my colleagues that in combat, I did not start thinking with the philosophy of our Nation, I put my life on the line. I fight for the flag because it symbolizes freedom.

Let us fight for the freedom of expression and not vote for this amendment; vote it down.

Madam Speaker, I stand to oppose this amendment to the Constitution to prohibit physical desecration of the flag of the United States. This effort to amend the Constitution is an exercise in misjudgment and a waste of precious time. This is not the first time we have visited this issue, and I renew my opposition.

In 1984, in front of the Dallas City Hall, Gregory Lee Johnson burned an American flag as means of protest against Reagan administration policies. Johnson was tried and convicted under a Texas law outlawing flag desecration. He was sentenced to one year in jail and assessed a $2,000 fine.

After the Texas Court of Criminal Appeals reversed the conviction, the case went to the Supreme Court. In a 5-to-4 decision, the Court held that Johnson's burning the flag was protected expression under the First Amendment. The Court found that Johnson's action fell into the category of expressive conduct and had a distinctively political nature.

The Court found that fact that an audience takes offense to certain ideas or expression does not justify prohibitions of speech. The Court also held that state officials did not have the authority to designate symbols to be used to communicate only limited sets of messages noting that ''[i]f there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.''

The flag is a symbol of freedom. The red bars are tributes to the blood shed by the colonists who revolted against tyrannical oppression, including censorship and the inability to protest government policies. The proposed amendment slaps the faces of those marvelous patriots and decries the very freedoms for which the flag flies.

The intent of burning the flag is not to start a fire, but to inflame passions. That simple fact is why it is a form of expression protected by the First Amendment to our Constitution. And that is why it would be a contradiction of the Constitution itself to make this particular form of free speech a crime.

For those who say our brave men and women did not die in all the wars the past 200 years to end up have people free to burn our country's flag with impunity, I say those patriots died to uphold the notion of freedom, including freedom of speech and freedom of expression.

In 1990, Congress considered and rejected H.J. Res 350—a similar Amendment to the U.S. Constitution. Again in 1995 Congress considered the same amendment, (H.J. Res. 79), but did not get the necessary two third majority vote of the Senate.

The First Amendment implication of this resolution is most damaging. If passed, this would be the very first time in the history of our nation that we altered the Bill of Rights to place a severe limitation on the prized freedom of expression. This would be a dangerous precedent to set, because it would open the door to the erosion of our protected fundamental freedoms.

The Amendment as written is vague. It states that, ''Congress shall have power to prohibit the physical desecration of the flag of the United States.'' What does the term desecration actually mean?

Is it the burning of the flag? Flag burning is the preferred means of disposing of the flag when it is old. The Court noted in Texas versus Johnson, that according to Congress it is proper to burn the flag, ''When it [the flag] is in such a condition that it is no longer a fitting emblem for display.'' What criteria would be used to determine when the flag is no longer fit for display and can thus be burned without penalty?

It is rare that a flag is ever burned in our country as a form of political speech or otherwise. From 1777 through 1989, only 45 incidents of flag burning were reported; since the 1989 flag decision, fewer than ten (10) flag burning incidents have been reported per year.

After all, the importance of our flag is not in its cloth, it is in what it symbolizes. The important thing about symbols is that they don't burn. No matter how much cloth goes up in flame, no matter how much hatred is hurled at it, our flag is still there.

American patriotism cannot be legislated, because the right to criticize the government is at the very heart of what it means to be an American. It was dissent that brought this country into being, and dissent has helped make us what we are today.

Madam Speaker, for these reasons, I urge my colleagues to vote ''no'' on H.J. Res. 33.

Mr. CANADY of Florida. Madam Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. HAYES).

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

Mr. HAYES. Madam Speaker, I thank my colleague for yielding me this time. I thank the gentleman from California (Mr. CUNNINGHAM) for bringing this to the floor of the House.

To put this issue in context, I was at Fort Bragg this Monday morning for the retirement ceremony for Sergeant Major David Henderson. To see over 500 of our finest young men and women of the 82nd Airborne assembled behind our colors, just put this whole issue in the proper perspective for me.

I support the resolution of the gentleman from California (Mr. CUNNINGHAM). Our Nation's history is replete with tales of courageous Americans who have ventured to foreign lands to defend the principles represented by the Stars and Stripes. These young patriots fought for our freedom and democracy, not because they were forced, but because they knew in their hearts that their cause was righteous, that making the ultimate sacrifice for freedom, liberty, and justice was worth the risk. We today, as a Congress, also have the opportunity to do in our hearts what we know is right.

The American flag is a symbol of more than nationhood. It is a symbol of the land we love, the home of the free and the brave. It is known around the world as a symbol for democracy and the noble ideals that characterize our democratic republic: Rights, responsibility, equal opportunity, and freedom. I, along with the vast majority of Americans, believe that Congress can afford our flag protections consistent with the first amendment. It is my duty, it is our duty to defend our flag from desecration and to protect

the honor of generations of courageous Americans who have fought and died for the freedoms that all Americans enjoy today.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, I thank my colleague for yielding me this time. Let us remind our colleagues what we are voting on a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States .

Madam Speaker, last night I was at a documentary over at the National Air and Space Museum; perhaps many other Members also went. The gentleman from Texas (Mr. SAM JOHNSON) was there, and I believe Pete Peterson, a former member, was there. The documentary was a film that took oral history from the prisoners of war who were in Vietnam, particularly Hanoi Hilton, and they took these oral histories that were given to the Air Force Academy and made them into the film, and it traced the background of the cadets, their training, these young cadets in the academies to their capture by the North Vietnamese where they were finally put into prison and they were tortured.

The whole depiction in this film would bring home the point that they had a sense of honor, and all of them together decided they would not go home unless the person who was most hurt went home first, and they would not go home unless ultimately, all of them went home at the same time, and they decided that when they returned to America, they would return with honor, and nothing less, nothing more.

So they were there under very difficult situations, being tortured, and at this point in their lives they had no hope perhaps of even coming home, and many of them died.

□ 1730

But the most poignant part of the whole film is when they were told they were going to be released. They put on their uniforms that the North Vietnamese gave them and they went out to the tarmac. Down came this large plane, a C–130, and it had a big American flag. As soon as they saw that American flag, the tears were in their eyes.

Once they got on board the aircraft they were all given a uniform, the uniform of their rank. And they looked at the buttons and they saw the symbol of the United States. Again, they broke down and that forced all of them to cry.

What I am saying to my colleagues today, would Members want to allow these prisoners of war to come home and to see our citizens desecrating the flag in front of these very noble individuals who spent their entire lives behind a door with no knob? In fact, near the end one of the prisoners said that to him, he feels so much gratefulness and thanksgiving now that he is back in the United States, and every morning when he gets up and he realizes the doorknob is on his side, that is another day of freedom.

I urge support for this House Joint Resolution 33.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, I thank my colleague, the gentleman from Florida, for yielding time to me and allowing me to speak on behalf of House Joint Resolution 33.

I am a strong supporter of everyone's First Amendment rights to the freedom of speech and expression, and I feel a hallowed symbol like our flag deserves to be respected and protected as a national treasure.

We do have limits. Court-made law restricts our freedom of speech, as limited by the example in lots of law school classes of not screaming fire in a crowded theater. That is court-made law that restricts my freedom of speech. What we are trying to do today with this amendment is by legislation to say there is something on the same level of yelling fire in a crowded theater unjustly. One of them is desecrating or burning the symbol of our country.

Those who desecrate our flag undermine the powerful symbol that thousands of Americans have died trying to defend, as my colleague, the gentleman from Florida, just talked about.

Our flag represents the principles our Nation was founded upon. I feel it should be afforded the maximum protection we can under legislative-made law, just like court-made law has protected people from being unjustly stomped by leaving a crowded theater when someone says, but wait a minute, I have a right to yell in a crowded theater. That is my freedom of speech. They do not have that, just like we need to protect our flag using the same idea, but this is legislative-made protections.

For these reasons, I am proud to be a cosponsor of House Joint Resolution 33, and I urge my colleagues to join me in support of this important resolution.

Mr. CANADY of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from North Carolina (Mr. WATT) for his leadership in the subcommittee and in this debate, and the spirit in which he has approached this issue. This is an issue which stirs emotions on both sides, but I believe today we have conducted a debate which for the most part focuses on the substance of what is at stake here.

I also want to thank the gentleman from Virginia (Mr. SCOTT) for his leadership in the past on this issue. I believe that he conducted the debate with the same spirit when he was the ranking member during the last session of the Congress. I appreciate that as well.

I think it is important that we acknowledge someone who is not here today. That is the gentleman from New York, Mr. Solomon, who has provided leadership in bringing forward this amendment during the last two Congresses. He brought a real passion to this issue which I think resulted in the success that we saw in the last two Congresses.

Finally, I want to acknowledge the great leadership that the gentleman from California (Mr. CUNNINGHAM) has provided. He has picked up the banner from the, no pun intended, from the former chairman of the Committee on Rules, and has provided outstanding leadership for this issue.

Madam Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT).

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Virginia (Mr. SCOTT) is recognized for 6 minutes.

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

Madam Speaker, this proposed amendment, if enacted by Congress and ratified, would reduce our rights of freedom of speech and expression embodied in the Bill of Rights for the first time in over 200 years. Those freedoms have made this country the envy of the world, and those freedoms have protected us from the kinds of upheavals over religious and political expressions that plague other countries even today.

But freedom is not a popularity contest. If that were the case, we would not need a Bill of Rights. Popular expression does not need protection. In fact, the First Amendment only comes into play when there is a need to protect unpopular religious or political expression.

I would ask my colleagues to consider the consequences before they start chipping away at the First Amendment. Some refer to this amendment as the anti-flag-burning amendment, but this amendment will not prohibit flag-burning. The truth is that even if this amendment is adopted, flag-burning will still be considered the proper way to honor the flag at ceremonies in order to properly dispose of a worn-out flag.

So this amendment has nothing to do with the act of burning the flag. It is the expression, the speech, which is the target of this amendment. Proponents of this amendment seek to prohibit activities and expressions with the flag when they disagree with those expressions. That is why the term ''desecration'' is used, not ''burning.'' ''Desecration'' has religious connotations.

In other words, this amendment would give government officials the power to decide that one can burn the flag if he is saying something reverent in a ceremony, but he is a criminal if he burns the flag while saying something disrespectful at a protest. This is

absurd, and in direct contravention with the whole purpose of the First Amendment.

The government has no business deciding which political expressions are sufficiently reverent and which expressions are criminal because someone important got offended. That is why the practical effect of this amendment will be jailing of political protestors and no one else, because those who steal flags and destroy them, or those who provoke riots by burning a flag, can already be prosecuted under current law.

We have already seen the dangers of going down the path of patriotic legislation when in World War II we had laws compelling schoolchildren to pledge allegiance to the flag. We got so wrapped up in our drive to compel patriotism that we lost sight of the high ideals for which our flag stands, and passed laws that forced schoolchildren to salute and say a pledge to the flag, even if such acts violated their religious beliefs.

Fortunately for the American people, the Supreme Court put an end to that coercion with the landmark case of West Virginia State Board of Education versus Barnett. Obviously the majority in Barnett, Justice Jackson wrote, ''If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what is orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.''

Madam Speaker, unfortunately today we are poised and anxious to prescribe what is orthodox in politics and nationalism, even when there is no disagreement on this subject matter, and even when there is no evidence that flags are being burned in protest in any number sufficient to provoke an amendment to our Bill of Rights.

In fact, history reflects that the only time flag-burning occurs with any frequency is when these constitutional amendments are being considered.

Furthermore, Madam Speaker, the proscription required under this amendment is undefined. The text of the resolution states that ''Congress shall have the power to prohibit the physical desecration of the flag of the United States.''

This is the same language presented in the last Congress, and even after several hearings on the subject in the House and Senate, we have no idea of what will constitute desecration or what will constitute a flag.

At a hearing during the last Congress, at least one witness supporting the amendment agreed that the use of the flag in advertising could be considered desecration. How many car dealers or political candidates using flags in advertisements will be considered criminals, or will it depend on their political views?

Even wearing a flag tie could be an offense punishable by jail under this amendment, because the Federal flag code now considers the flag worn as apparel as a violation. When is a flag a flag? Is a picture of a flag a flag? Is it a flag when the wrong numbers of Stars and Stripes are there before the flag is destroyed?

With so many unanswered questions and unintended consequences, I would hope that we would take a closer look at this amendment before we consider passing it. Otherwise, any criminal statute enacted under this amendment will be inherently vague and unworkable.

In conclusion, Madam Speaker, I would urge that this body be guided by the words of Justice Brennan when he wrote: ''We do not consecrate the flag by punishing its desecration, for in so doing we dilute the freedom that this cherished emblem represents.''

Madam Speaker, let us not betray the freedom our flag represents. I would urge everyone to stand up for the high ideals that the flag represents by opposing this attack on our Bill of Rights.

Mr. CANADY of Florida. Madam Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM), the prime sponsor of this amendment, for the purpose of closing the general debate.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) is recognized for 3½ minutes.

Mr. CUNNINGHAM. Madam Speaker, I would like to thank not only the gentleman from Florida (Mr. CANADY) for his candor, but my colleagues on the other side as well for the way they have conducted themselves on this particular issue. I feel they are wrong, and that is why I am offering the amendment.

Mr. Pete Peterson was a good friend of mine. The gentleman from Kentucky (Mr. ROGERS) asked me to go to Vietnam and raise the American flag for the first time over Ho Chi Minh City. We used to call it Saigon. I refused the gentleman from Kentucky. It was too hard. Pete called me personally and said, DUKE, I was a prisoner for 6½ years. I need you to help me raise this flag over Vietnam.

Both of us cried because of what it means, not only to us but to the people that we buried, the people that we fought with, and to the people that believe from the deepest part of their heart that this symbol should be protected.

This is not a matter of freedom of speech. There is free speech. There is nothing in this amendment that prevents someone from speaking or writing or doing any of the other things, but just the radical burning of the symbol that we hold dear. It is despicable.

I had plane captains cry when their pilots did not come back overseas. My plane captain, Willy White, grabbed me by the arm one day and said, Lieutenant Cunningham, Lieutenant Cunningham, we got our MIG today, didn't we, because of his involvement in that team concept.

And we talk quite often about what we do, whether it is Kosovo, or what message we give to our men and women under arms. Can Members imagine what message we would send to our men and women if this goes down, the symbol that they fight for? It is more to them than just an inanimate object. It is very, very important.

The gentleman knows that there is not a political motive in my body on this particular issue. It is something I believe deeply, from the bottom of my heart, and feel emotionally about. We have over 282 cosponsors from both sides of the aisle on this. We expect to have well over 300 votes on this and pass it in the Senate. It is because the American people also feel this.

My colleagues talk about the Supreme Court and their decisions. Look at history. Over 200 years of Supreme Courts have held that 48 States could rule that desecration of a flag is wrong, and have penalties. Only one Supreme Court in the history of the United States in 1989, by a narrow vote of one vote, changed 200 years of history.

The American people are saying that is wrong; that we believe that this flag, this dimension, the support of unity for all the things that both sides of the aisle fight for, is very important.

□ 1745

I would ask, I would beg my colleagues to vote for this amendment.

Mr. DINGELL. Madam Speaker, I rise today to express my outrage at a deplorable and despicable act which disgraces the honor of our country—the burning of the United States flag. Behind the Speaker hangs our flag. It is the most beautiful of all flags, with colors of red, white, and blue, carrying on its face the great heraldic story of 50 states descended from the original 13 colonies. I love it. I revere it. And I have proudly served it in war and peace.

However, today I rise in opposition to H.J. Res. 33, the flag amendment, which for the first time in over 200 years would amend our Bill of Rights.

Madam Speaker, throughout our history, millions of Americans have served under this flag during wartime; some have sacrificed their lives for what this flag stands for: our unity, our freedom, our tradition, and the glory of our country. I have proudly served under our glorious flag in the Army of the United States during wartime, as a private citizen, and as an elected public official. And like many of my colleagues, I treasure this flag and fully understand the deep emotions it invokes.

But while our flag may symbolize all that is great about our country, I swore an oath to uphold the great document which defines our country. The Constitution of the United States is not as visible as is our wonderful flag, and oftentimes we forget the glory and majesty of this magnificent document—our most fundamental law and rule of order; the document which defines our rights, liberties; and the structure of our government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity and defined the rights of the people in this great republic.

The principles spelled out in this document define how an American is different from a citizen of any other nation in the world. And it is

because of my firm belief in these principles—the same principles I swore an oath to uphold—that I must oppose this amendment. Because if this amendment is adopted, it will be the first time in the entire history of the United States that we have cut back on our liberties as Americans as defined in the Bill of Rights.

Prior to the time the Supreme Court spoke on this matter, and defined acts of physical desecration to the flag under certain conditions as acts of free speech protected by the Constitution, I would have happily supported legislation which would protect the flag. While I have reservations about the propriety of these decisions, the Supreme Court is, under our great Constitution, empowered to define Constitutional rights and to assure the protection of all the rights of free citizens in the United States.

Today, we are forced to make a difficult decision. There is regrettably enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this nation. This vote is not a litmus test of one's patriotism. What we are choosing today is between the symbol of our country and the soul of our country.

When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong; but recognizing that the defense of the Constitution, and the rights guaranteed under it, is the ultimate responsibility of every American.

I urge my colleagues to honor our flag by honoring a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to support our American Flag and as an original cosponsor of House Joint Resolution 33 which will protect our most cherished national symbol.

The American Flag is probably the most recognizable symbol in the world. Wherever it stands, it represents freedom. Millions of Americans who served our nation in war have carried that flag into battle. They have been killed or injured just for wearing it on their uniform because it represents the most feared power known to tyranny and that is liberty. Where there is liberty there is hope. And hope extinguishes the darkness of hatred, fear and oppression.

America is not a perfect nation, but to the world our flag represents that which is right and to Americans it represents what Chief Justice Charles Evans Hughes referred to as our ''national unity, our national endeavor, our national aspiration.'' It is a remembrance of past struggles in which we have persevered to remain as one nation under God, indivisible, with liberty and justice for all. Those who would desecrate our flag and all it represents have no respect for the brave men and women for whom the ideals and honor of this nation were dearer than life.

Madam Speaker, this bill will not make individuals who desecrate our flag love our nation and those who sacrificed to secure the freedoms we have today. But it will give Americans a unified voice in decrying these reprehensible acts.

Mr. WELDON of Florida. Madam Speaker, today I rise in strong support of H.J. Res. 33, the Flag Desecration Constitutional Amendment.

Our nation's flag is a sacred symbol of our country's liberty that so many men and women in uniform have fought and died to defend. As the symbol of that liberty, the flag deserves, better yet, demands our greatest respect. Additionally, the flag of the United States of America is a symbol of the perseverance of American values. It is greatly disturbing that it is sometimes burned or otherwise desecrated as an act of protest. It is disgraceful that some individuals would desecrate the flag that our nation's veterans have fought so valiantly to defend. It is also disheartening that we would even have to debate this issue on the floor of the House of Representatives.

Madam Speaker, as we draw near to the new millennium, it is important that we finally enact protections for our flag. I believe that this Congress is committed to doing everything we can to ensure the flag that signifies the very liberties and responsibilities that we hold dear.

Mr. RILEY. Madam Speaker, I rise today in strong support of this amendment. Our flag represents the best qualities America has to offer—freedom, equal opportunity, and religious tolerance. Furthermore, it serves as a symbol of the blood, sweat, hard work and sacrifices many before us have made. We owe so much of what we have and who we are to those who have fought to protect our country.

It disturbs me every time I hear of attacks on our Nation's symbol of freedom. An attack on the flag is an attack on our heritage and everything our ancestors fought for. Thousands of people have lost their lives protecting our flag and the liberties we enjoy today.

Madam Speaker, we should not tolerate flag desecration and I urge your support of this very important amendment.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong opposition to House Joint Resolution 33. I firmly believe that passing this bill would abandon the very values and principles upon which this country was founded.

Make no mistake, I deplore the desecration of the flag. The flag is a symbol of our country and a reminder of our great heritage; and I find it unfortunate that a few individuals choose to desecrate that which we hold so dear. However, it is because of my love for the flag and the country for which it stands that, unfortunately, I have no choice but to oppose this well-intentioned yet misguided legislation.

Our country was founded on certain principles. Chief among these principles are freedom of speech and expression. These freedoms were included in the Bill of Rights because the Founding Fathers took deliberate steps to avoid creating a country in which individuals' civil liberties could be abridged by the government. Yet that is exactly what this amendment would do. It begins a dangerous trend in which the government can decide which ideas are legal and which must be suppressed.

I believe that the true test of a nation's commitment to freedom of expression is shown through its willingness to protect ideas which are unpopular, such as flag desecration. As Supreme Court Justice Oliver Wendell Holmes wrote in 1929, it is an imperative principle of our Constitution that it protects not just freedom for thought and expression we agree with, but ''freedom for the thoughts we hate.''

Ultimately, we must remember that it is not the flag we honor, but rather, the principles it embodies. To restrict peoples' means of expression would do nothing but abandon those principles—and to destroy these principles would be a far greater travesty than to destroy its symbol. Indeed, it would render the symbol meaningless.

As I said, I admire the well-intentioned thoughts of those who support the flag desecration amendment, however, I believe their efforts are misdirected. It is essential that we maintain our country's ideals including those which allow for differences of opinion, at whatever the cost; and I ask my colleagues to join me in opposing this bill that violates the ideals and principles of our country.

Mr. BARRETT of Nebraska. Madam Speaker, I am proud to rise today in strong support for H.J. Res. 33, the Flag Desecration Constitutional Amendment.

Our flag was adopted as a sign of independence and as a national identity by the 13 original colonies. And though our country has changed significantly since that time, the flag still represents the same ideals.

It symbolizes freedom, equal opportunity, religious tolerance and goodwill for people of the world. It has represented our nation in peace, as well as in war; and it symbolizes our nation's presence around the world.

When I walk down the halls of our congressional office buildings, it strikes me that the flag hangs everywhere. No matter what our differences—and there are many—most members of Congress have a flag outside their office door. The flag unifies us in the way no other symbol does. It expresses our love for our country and tradition. It represents democracy, and it expresses our respect for those who died defending values that we, as Americans, hold dear.

Because of our deep reverence for the American flag, there are those who make extreme statements against the government and its policies by desecrating the flag. Unfortunately, the Supreme Court has ruled this disrespectful act is protected by the First Amendment of the Constitution.

Now, I have the utmost love and respect for our First Amendment rights—our freedom of speech is the most important right we have. But we can't allow the U.S. flag to be desecrated as a form of political expression. These acts are not protected speech, they are violent and destructive conduct that should insult every American.

The flag isn't just another piece of cloth. Allowing protesters to desecrate the flag is a slap in the face to brave men and women who laid down their lives in the name of U.S. flag and for all it stands.

Mr. PORTER. Madam Speaker, the first amendment to the Constitution, the supreme law of our land, proclaims that Congress shall make no law abridging the freedom of speech or of the press. The principle of free speech in our Constitution is an absolute, without proviso or exception.

The citizens of the newly freed Colonies had lived through the tyranny of a repressive government that censored the press and silenced those who would speak out to criticize it They wanted to make certain no such government would arise in their new land of freedom. The first amendment, as with all ten amendments of the Bill of Rights, was a specific limitation on the power of government.

Throughout the 210-year history of the Constitution, not one word of the Bill of Rights has ever been altered. However, the sponsors of

this amendment today, for the first time in our Nation's history, would cut back on the first amendment's guarantee of freedom of expression. I submit that only the most dangerous of acts of the existence of our Nation could possibly be of sufficient importance to require us to qualify the principle of free speech which lies at the bedrock of our free society.

The dangerous act that threatens America, they claim, is the desecration of the flag in protest or criticism of our Government. Now, Mr. Speaker, desecration of the flag is abhorrent to me, as to anyone else. It is offensive in the extreme to all Americans. But as I have said before, it is hardly an act the threatens our existence as a nation.

Such an act, Mr. Speaker, is in fact exactly the kind of expression our Founders intended to protect. They themselves had torn down the British flag in protest. Our founders' greatest fear was of a central government so powerful that such individual protests and criticisms could be silenced.

No, Mr. Speaker, we are not threatened as a nation by the desecration of our flag. Rather, our tolerance of this act reaffirms our commitment to free speech and to the supremacy of individual expression over governmental power, which is the essence of our history and the very essence of our values.

Mr. Speaker, this issue was addressed in a very eloquent and impassioned letter to the editor of the Chicago Sun-Times written by one of my constituents, David Haas of Grayslake, IL, a teacher at Waukegan High School. I believe that every member of this House should read Mr. Haas's words before casting their vote on this measure, and I include it for the RECORD.

[From the Chicago Sun-Times, June 23, 1999]

FREEDOM UP IN FLAMES WITH FLAG BURNING LAW

(By David Haas)

When I fought in the Vietnam War, I never dreamed that I would have to fight to defend the Bill of Rights when I got home. But that is what I must do now because Congress is just a few votes shy of amending the Constitution to outlaw the desecration of the American flag.

As a proud veteran, I strongly oppose this amendment, and it grieves me that I must caution our senators and representatives not to tamper with a basic freedom spelled out in the Bill of Rights.

To prohibit the symbolic act of flag burning would be an unnecessary abridgement of that freedom, an unwitting mockery of our most essential principles. We must not amend our Bill of Rights for the first time in our nation's history in an attempt to force patriotism on those who disagree with us.

I served my country for more than 21 years, both on active duty and as a naval reservist. I continue to serve my country as a teacher at Waukegan High School. My continual message to my students is that they must never give up on freedom; that their collective voices can make a difference, and will be heard and listened to, if only they will speak; and that even though they may be immigrants, minorities or poor, the Bill of Rights applies to them as much as to me.

My quiet patriotism comes from deep within, and always has taken the form of action, not displays, and I do not believe that displays of patriotism should be forced upon others. Such force never can lead to heartfelt, active patriotism, but only to weak and dishonest conformity. Is this what we want? It is where we are headed with this proposed amendment.

Like most Americans, I am deeply offended to see someone burn or trample the Stars and Stripes. I love my country, and proudly salute the flag. But I did not serve my country to protect a symbol of freedom. I served to protect our freedoms.

This constitutional amendment would do us all a grave and irreparable injustice by chipping away at the right of free speech. Those who support the amendment intend to protect the flag, but they would do so at too great a cost: the loss of our right to dissent, something the Supreme Court consistently has reaffirmed through the years.

This amendment is a clear case of good intentions gone awry. If the flag were to become sacred, who would monitor its use? A flag commission? The flag police? And what would the act of desecration entail—putting flag in paintings or clothes, or flying the flag upside down?

The flag is not a sacred object. To regard it as such would be an affront to all religious people. Ultimately, we must be able to realize that when a flag goes up in smoke, only cloth is burned. The freedom that flag symbolizes can only glow brighter from such an event. Our principles will continue to thrive in the heart.

Mr. STUMP. Madam Speaker, I rise in strong support of this resolution to protect the American flag.

This resolution does nothing to infringe upon the First Amendment's protection of free speech.

Speech is supposed to communicate something.

When a protester burns a flag in public, he knows he's doing it to insult and provoke, not to communicate.

Citizens of this great Nation enjoy more rights than any other on Earth.

But no right is absolute.

Every society has an obligation to set standards of conduct.

I support this resolution because it allows standards to be put in place while protecting our rights as individual Americans.

It merely grants Congress the ability to protect our Nation's most cherished symbol—the American flag.

The gentleman from Illinois is once again bringing legislation to the House floor based upon conviction and heartfelt sincerity.

Many American patriots have suffered and died to protect the flag.

As a fellow combat veteran of World War II, I commend his efforts and urge all my colleagues to support the resolution.

Every society, especially one changing as rapidly as ours, has to have some common bond, some symbol of unity. There's something about the human heart that demands such symbols for its affections.

For Americans, that symbol has always been ''Old Glory,'' perhaps the most recognizable national flag in the world. I don't think any other flag, or object of any kind, triggers such immediate associations as the Stars and Stripes. No other nation, to my knowledge honors its flag with a holiday as we do on Flag Day, June 14.

No mere abstraction like ''freedom'' or ''rights'' or ''pursuit of happiness'' can possibly have the same effect. People need something they can see or touch or feel. They need something real. The U.S. flag has been a heartfelt reality since it received its first salute when Captain John Paul Jones sailed into a French harbor.

The same emotion that inspired Francis Scott Key one war later to compose the national anthem has inspired generations of Americans. The sight of the U.S. flag has inspired tears of joy from Rome to Paris to Manila to Kuwait City, and every other city American troops have liberated.

From that day to this, our history and public life have been filled with sincere love for the flag. Many Americans are still moved when they see the old '40's film ''Yankee Doodle Dandy,'' and James Cagney's performance as George M. Cohan singing ''It's a Grand Old Flag.'' But one of the most valid images of that decade's central event—World War II—is the raising of the American flag on Mt. Suribachi by U.S. Marines.

Astronaut Neil Armstrong thrilled a nation when he planted the flag on the moon in 1969. Eleven years later in Lake Placid, New York, a proud goalie wrapped himself in the flag after the U.S. hockey team upset the once invincible Russians at the Winter Olympics.

A few years ago, the Phoenix Art Museum exhibited ''Old Glory: the American Flag in Contemporary Art,'' a display veterans and most Americans found offensive. One of these ''works of art'' was the American flag used as a doormat. This was to much for 11-year-old Fabian Montoya, who picked the doormat up and handed it too his father.

''I don't want anyone stepping on it,'' he said.

But my favorite is the story of Mike Christian, a naval aviator held captive in the ''Hanoi Hilton'' during the Vietnam War. It's a story told best by Leo K. Thorsness, a Congressional Medal of Honor winner whose condensed speech was published a year ago in John McCaslin's ''Inside the Beltway'' column in the Washington Times. It's worth quoting in full.

You've probably seen the bumper sticker somewhere along the road. It depicts an American flag, accompanied by the words ''These colors don't run.'' I'm always glad to see this because it reminds me of an incident from my confinement in North Vietnam at the Hoa Lo POW Camp, or the ''Hanoi Hilton,'' as it became known.

Then a major in the U.S. Air Force, I had been captured and imprisoned from 1967 to 1973. Our treatment was frequently brutal. After three years, however, the beatings and torture became less frequent. During the last year, we were allowed outside most days for a couple of minutes to bathe. We showered by drawing water from a concrete tank with a homemade bucket.

One day, as we all stood by the tank, stripped of our clothes, a young naval pilot named Mike Christian found the remnants of a handkerchief in a gutter that ran under the prison wall. Mike managed to sneak the grimy rag into our cell and began fashioning it into a flag. Over time, we all loaned him a little soap, and he spent days cleaning the material. We helped by scrounging and stealing bits and pieces of anything he could use.

At night, under his mosquito net, Mike worked on the flag. He made red and blue from ground-up roof tiles and tiny amounts of ink and painted the colors onto the cloth with watery rice glue. Using thread from his own blanket and a homemade bamboo needle, he sewed on the stars.

Early in the morning a few days later, when the guards were not alert, he whispered loudly from the back of our cell, ''Hey gang, look here!'' He proudly held up this tattered piece of cloth, waving it, as if in a breeze. If you used your imagination, you could tell it was supposed to be an American flag. When he raised that smudgy fabric, we automatically stood straight and saluted, our chests

puffing out, and more than a few eyes had tears.

About once a week the guards would strip us, run us outside and go through our clothing. During one of those shakedowns, they found Mike's flag. We all knew what would happen. That night they came for him. Night interrogations were always the worst. They opened the cell door and pulled Mike out. We could hear the beginning of the torture before they even had him in the torture cell. The beat him most of the night. About daylight they pushed what was left of him back through the cell door. He was badly broken. Even his voice was gone.

Within two weeks, despite the danger, Mike scrounged another piece of cloth and began making another flag. The Stars and Stripes, our national symbol, was worth the sacrifice for him. Now, whenever I see the flag, I think of Mike and the morning he first waved that tattered emblem of a nation. It was then, thousands of miles from home in a lonely prison cell, that he showed us what it is to be truly free.

Such contemporary stories convince me that Americans have not lost their love for the flag, and never will. They convince me that the overwhelming majority of patriotic Americans support our Constitutional amendment to protect the flag, the symbol of our national unity. They convince me that the same majority recognizes flag desecration to be a physical act of contempt, not a protected exercise in free speech. A nation with confidence in its own institutions and values will not hesitate to say, ''this you shall not do.''

Flag Day is dedicated to heroes and patriots like Fabian Montoya and Mike Christian. Like them, we should recall the things the flag represents. If we continue to do that on Flag Day and every other day, ''Long may she wave'' will never be a mere slogan. It will be a prayer etched in the hearts of every American and every lover of freedom.

And stitched into the very fabric of the United States Flag.

Mr. MURTHA. Madam Speaker, I'm proud to have joined with Congressman CUNNINGHAM in leading the effort in the 106th Congressman to pass a Constitutional amendment to protect the American Flag from desecration.

Our Flag is the symbol of our great nation—of who we are and how we got here. It is the symbol of hard-won freedom, democracy and individual rights. It is the symbol of our patriotism. It is the symbol that binds us together in our hearts and inspires us to strive to protect and preserve this land, this country and each other. It is an enduring symbol that unites generations. It is the embodiment of our struggles of the past, our strength in the present and our hopes for the future. It is the symbol of freedom.

Each of us associates a memory with our flag. We solemnly pledge allegiance to it as children with our hands on our hearts. It took our breath away to watch the astronauts place it on the moon. It flies proudly over the doors of our homes, the rooftops of our workplaces, and in our parades on Memorial Day and the Fourth of July. It has given many Veterans the will to persevere in conflicts against oppression around the world.

An American pilot was recently shot down in Yugoslavia and spent time hiding in hostile territory to avoid capture. After he was rescued, he was asked what he kept his thoughts focused on during hiding. His answer: the American Flag.

The debate over this amendment is a debate about the sanctity of America's ideals and of the sacrifices made by countless millions of fellow citizens for this country to become and remain free and strong and united under one Flag. It is not a debate about free speech. Burning and destruction of the flag is not speech. It is an act. However, it does inflict insult—insult that strikes at the very core of who we are as Americans and why so many of us fought—and many died—for this country. And many a lesser insult is not wholly protected under the First Amendment—we have laws against libel, slander, copyright infringement, and ''fighting words'' which pass muster under the First Amendment test.

We should hold our Flag sacred in our Constitution. It is the symbol of what we are, who we are, and all we have been through and fought against to get where we are together as a strong, free and united nation. I urge my Colleagues to support this Constitutional amendment today.

The SPEAKER pro tempore (Mrs. EMERSON). All time for debate has expired.

Pursuant to the order of the House, further consideration of the joint resolution will be postponed until the following legislative day.

APPOINTMENT AS MEMBERS TO INTERNATIONAL FINANCIAL INSTITUTION ADVISORY COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to 22 U.S.C. 262r, the Chair announces the Speaker's appointment of the following Members on the part of the House to the International Financial Institution Advisory Commission:

Mr. CAMPBELL of California,

Mr. Allan H. Meltzer of Pennsylvania.

ANNUAL REPORT OF THE NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce:

To the Congress of the United States:

As required by section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)), I transmit herewith the Annual Report of the United States Nuclear Regulatory Commission, which covers activities that occurred in fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 23, 1999.*

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.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON 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 Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. JONES 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 Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RESTORE PRAYER AND BIBLE READING TO THE SCHOOLS

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

Mr. DUNCAN. Madam Speaker, one of my constituents, Ernest Chase, of Englewood, Tennessee, has just sent me a cartoon showing two students standing outside of Columbine High School.

The drawing shows a young girl saying, ''Why didn't God stop the shooting?'' A young boy then replies, ''How could he? He's not allowed in school anymore.''

I know that God is everywhere and omnipresent. So I realize the cartoon is not theologically correct. However, it does make a very important point.

I know that this Congress will not put prayer and Bible reading back in the schools, but I believe we should. The problems of our children and our schools have grown much worse since we took prayer and Bible reading out.

I know that when we had prayer and Bible reading in the schools, most kids did not pay attention and were probably thinking about other things. But one could never know which young people had come to school hurting that morning, due to a family squabble, a health problem, loss of a loved one, or something else.

One could never know when a student who was hurting inside might be comforted or helped, even if in a small way, by some prayer or some Bible verse.

I know that some people say that prayer and Bible reading are the responsibilities of the family and the home, and I agree with that. But I also think it is a responsibility of the schools and society to teach and encourage good morals and values and ethics. As a popular phrase today says, character counts, and this should be taught in the schools.

George Washington once said, ''You cannot have good government without morality. You cannot have morality without religion; and you cannot have religion without God.''

We open up every session of this House and the Senate with prayer, and this has never been a problem. We have Catholic Priests, Protestant Ministers, Jewish Rabbis, and others lead us in prayer, and I do not think there has ever been a complaint. But we do not allow our schools to have the same privilege.

Some people say or think we cannot have prayer in public schools because one cannot mix church and State. Well, these words and even this idea are not mentioned in the Constitution. Our Founding Fathers came here to get freedom of religion, not freedom from religion; and there is a big, big difference.

In 1952, our U.S. Supreme Court said there is ''no constitutional requirement which makes it necessary for government to be hostile to religion and throw its weight against efforts to widen the effective scope of religious influence.'' Let me repeat that. The U.S. Supreme Court, in 1952, in Zorach v. Clauson said there is ''no constitutional requirement which makes it necessary for government to be hostile to religion and throw its weight against efforts to widen the effective scope of religious influence.'' Yet, this is exactly what government has done over the last 35 or 40 years.

William Raspberry, the great columnist of the Washington Post, wrote a few years ago, ''Is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost us far more than we have been willing to acknowledge?''

That is such a good question. Let me repeat it. William Raspberry said, ''Is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost us far more than we have been willing to acknowledge?''

He then told of something that Dennis Prager, a Jewish talk show host, once said on one of his shows. He said, ''if you were walking down the street of one of our Nation's largest cities late one night, in a high crime area, and you heard footsteps approaching rapidly from behind, and you turned and saw four well-built young men coming toward you, would you not feel relieved to learn that these young men were coming home from a Bible study.''

Today, most public high schools believe they cannot even allow nondenominational prayers at high school graduations.

We have come too far down the wrong road, and we need to do better, much better for the sake of our children. Prayer and Bible reading helped many children and never hurt anyone. It sent a message, even to young people who may not have been helped at the time, that there was a higher power to turn to when times got tough, as they do for all of us.

To those who say we should not try to impose morality on others, listen to the words of Judge Robert Bork in his book ''Slouching Towards Gomorrah'': ''Modern liberals try to frighten Americans by saying that religious conservatives 'want to impose their morality on others.' That is palpable foolishness. All participants in politics want to 'impose' on others as much of their morality as possible, and no group is more insistent than liberals.''

If we do not instill good morals and values and ethics of the Bible, then we will, by default, be teaching the bad morals found in our modern day obscene and violent movies, video games, the Internet, and in Godless classrooms.

We need to restore prayer and Bible reading to the schools of this Nation. It certainly would not solve all of our problems, but it would help.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Madam Speaker, I rise today to talk about the subject that is I think most on the minds of my constituents and most of the constituents throughout our country, and that is the subject of education. It is definitely the building block for the future; and as we head towards a more and more complicated future with more and more rapid change, that education basically life-long education is going to be critical to the prosperity of our country and certainly of our people.

We seem to have an unfortunate choice that is laid out before us if we are watching public policy makers on education; and that choice is, either bash public education or blindly support it. I am here to say that I do not think that is the choice that is put before us, and I would urge public policy makers to find a middle ground.

Basically, support for public education makes a great deal of sense. It has educated somewhere around 90 percent of the population. I personally benefited from it, as have millions of others. It has done a wonderful job of educating our children. It is one of the better things we did in the 20th century. But just because we support it does not mean that we should do so blindly or that we should never ask for reforms or never ask for it to be held accountable or to improve or for standards to be set.

I worry that, given that false choice between supporting and bashing public education, that we will miss out on that opportunity to reform it and set the standards that we should set. That is why I as a member of the New Democratic Coalition, a group of moderate Democrats. We are searching for that middle ground to try to find an area where, yes, we can support public education, but we can also set the standards and make the changes we need to improve it.

It makes a great deal of sense to say that we should spend money on school construction and to reduce class sizes, and I think we should. I think it is wrong to run away from a Federal obligation to help public education.

But it is equally wrong to continue the current Federal role in public education in the manner that we have set it up. That manner is totally bureaucratic and process oriented and not results oriented and not oriented towards encouraging local control, which could make an incredible difference in our education system.

So, yes, the Federal Government should support public education, but we should stop driving dollars out the way we are driving them out now, which is basically in a blizzard of programs, some 300 or 400. I have actually tried to count them over the course of the last 6 months and still have not quite tracked them all down.

They are designed totally along the lines of process. If one meets certain standards, one gets a certain amount of money. Basically, we have turned our school district personnel in this country into people who are more interested and spend more of their time, I am sorry, they are not more interested, they are forced to spend more of their time justifying their existence to the federal bureaucracy than they are spending time educating our children.

Why do they do that? Because they have to get the money. They have to fill out a variety of grants and a variety of programs to prove that they deserve the money in the first place, and then prove that they are spending it exactly how we told them to in the second place.

All of this takes away time from the classroom. I believe that it would make a good deal more sense to drive those dollars out far more narrowly and to drive them out based on standards and based on actual accountability and accomplishments. Instead of just driving money out based on whether or not they filled out a grant form properly,

we should take a look at it and say, let us set a measurable standard for the school district. Let them set the standard. It does not have to be driven down from the national government. Then measure them against their own standard in the future and reward improvement. Reward people who are accountable and are moving forward in education instead of just those who fill out the proper grant form.

I think this would help in two regards. One, it would give the right incentives to school district to work towards improving achievement for their students as opposed to work toward meeting some requirement that has been set by the Federal Government.

I will give one example of that. In my home State, for a while, we drove the money out for special ed based on how many special ed students there were, period. There was no ceiling on it. So slowly but surely we saw the creeping increase in the number of special ed students in school districts, not because there were more coming in, but because the school districts knew, if they could qualify more as special ed, they would get more money.

Did this do anything to improve the quality of education? No, but that was the incentive that we gave the school district.

Let us give the right incentive. Let us tell them that we will drive more dollars out to the degree to which they are improving the academic achievement of their students.

Another good idea that I have seen is one that was introduced by the gentleman from Florida (Mr. DAVIS) and the gentleman from Indiana (Mr. ROEMER) on alternative certification of teachers. In addition to encouraging local control and higher standards and accountability, we also need to make sure that we have the level-best teachers out there and as many of them as we need.

The idea of setting up alternative certification procedures so that professionals who may have worked in a variety of different fields who now want to get into teaching can without necessarily having to go through the normal certification process.

If we have somebody who has been a professional physicist for a number of years, it does not make sense to say to them they somehow cannot teach physics. Let us take advantage of that brain power we have out there to help our students.

But the biggest point I want to make today is one does not have to simply blindly support education. Support it, but expect results.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Madam Speaker, I think the previous speaker, I think millions of Americans agree that, among the most important priorities for any family, particularly young family, is their child's education. Along those lines, I believe that the essence of this country is about freedom. However, it seems that too often when it comes to education, there is no such thing as freedom.

□ 1800

There are many, many families across America who have no choice when it comes to selecting a school for their child. In fact, the controls dictate that they send the child to the school that has been zoned for them.

Now, frankly, I think ultimately what we need to do is to ensure that every parent across this country, regardless of income, because regrettably it is the low- and middle-income families that suffer the most, that regardless of income those parents have the ability, the opportunity, and the freedom to choose the best school possible for their child. I do not think there is a more important decision that a parent can make, yet in making that decision too many are deprived.

Along those lines we can also take steps to get to that point. Recently, the Republican Party has introduced legislation that will take us down the path to true freedom when it comes to education. The notion that we can take billions of dollars out of Washington and send it back home, whether Staten Island or Brooklyn, where I am from, or anywhere else across America, I think is common sense to the ordinary American. Because the average, ordinary American says, I think that my community, with the teachers and the principals and the administrators and the local PTAs, if given that money, would be in a better position to determine what is best for their children. Perhaps it would be smaller classrooms, perhaps more money dedicated to math and science. It could be a range of issues. It could be more money dedicated to arts.

But, sadly, the model that has been created over the last number of years is let us send billions to Washington with strings attached, with endless reams of red tape and bureaucracies that make it almost unreasonable to deliver quality education to the folks back home.

So that is why I think when we provide flexibility and reduce the amount of red tape and send that money back home to the communities that need the money and to the classrooms where that money belongs we are doing the right thing for America and for the families and the children across America. And at the same time we should demand appropriate accountability from school districts that too often are unaccountable to anybody.

So I think we have to move down this path of getting funds away from Washington. Because this money does not just fall out of the trees. The reality is that people get up every morning and go to work and at the end of the week, or every 2 weeks, out of that paycheck goes money to Washington. And that money stays here. But we want to send that money back home to where Americans really are.

I hope everyone will listen to the debate in the next few months. It could even go on for a year, because there are a lot of defenders of the status quo here. There are a lot of defenders of the status quo who believe in their heart that taxpayer money is better spent here in Washington by people who will never set foot in the communities of those taxpayers. They believe they know what is best for all America's children and all America's families.

And I just throw that out there; that if we believe that wherever we are in America, that our local school districts and our local communities and schools are in the best position and the best able to determine what is best for their children, then we should support common sense legislation like Straight A's: demands accountability and sends the money back home. However, if we do not believe the status quo is serving our children correctly, if we believe that there should be as many strings attached to the decision-making at the local level, if we believe that folks in Washington know best what is going on in Staten Island or Kansas or Texas or Alaska, if we believe that, then we probably do not support this legislation and we do not support initiatives to move to the path of freedom when it comes to education.

Madam Speaker, the next several months will underscore, I believe, this Congress' desire to improve education and raise academic standards. I would only hope all Members would support this legislation.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 591(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (112 STAT. 2681–210), I hereby appoint to the National Commission on Terrorism: Honorable Jane Harman of Torrance, California and Mr. Salam Al-Marayati of Shadow Hills, California.

Yours Very Truly,
RICHARD A. GEPHARDT.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mrs. EMERSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, let me say that this evening my plan is to discuss the Democrats' Patients' Bill of Rights.

I think many of my colleagues know that within the Democratic party we have, for several years now, highlighted and prioritized HMO reform as one of the major issues that we would like to see addressed in the House of Representatives, and our answer to the need for managed care/HMO reform is a bill called the Patients' Bill of Rights. And we call it the Patients' Bill of Rights essentially because it is a comprehensive way to provide protections to patients against some of the abuses that we have seen within managed care and within HMOs.

The reason I am here tonight, Madam Speaker, is because I want to highlight the fact that once again in this session of Congress, and just like the last session of Congress, Democratic Members, including myself, have been forced to resort to a petition process, what we call a discharge petition, that many of us signed. Today we started the process, this morning, and I believe now there are 167 Members, Democratic Members, who have signed a discharge petition at this desk over here near the well, because we have not been able to get the Republican leadership, which is in charge of the House of Representatives, to have a hearing or have a committee markup or bring to the floor the Patients' Bill of Rights.

That is an extraordinary procedure, to move to the discharge petition. It is something that the minority usually is not required to do because the majority party allows debate, or should allow debate, on issues that are of importance to the average American. But in this case, once again, I would suggest that the reason is because the Republican leadership is so dependent on the insurance industry and so determined to carry out the will of the insurance industry that they have been unwilling to let the Patients' Bill of Rights be considered in committee or come to the floor.

In fact, what we saw last year in the House and what we are seeing again this year in the House is essentially a three-pronged strategy by the Republican leadership to deny a full debate and vote on the Patients' Bill of Rights.

First of all, they simply delay for 6 months, since January, by not allowing the bill to be heard in committee or marked up in the committee. And then, when that seems to fail because the pressure gets too strong that they have to do something, they come forward with what I call a piecemeal approach.

Just the other day, about a week ago, in the Committee on Education and the Workforce, one member of the Republican leadership brought eight individual bills that were purported to deal with the need for HMO or managed care reform. But those were individually bills or collectively bills that did not add up to much in terms of adequate protections for patients in HMOs. And I would say that, once again, this piecemeal approach is a way to avoid having the comprehensive bill, the Patients' Bill of Rights, heard.

In fact, when the ranking member, the senior Democrat on the Subcommittee on Postsecondary Education, Training and Life-Long Learning, that sought to bring up the Patients' Bill of Rights, he was essentially gaveled down and told that he was out of order in trying to raise the Patients' Bill of Rights in committee.

And what happened today, my understanding is, that even some of the Republicans on the committee, who are not in the leadership and basically did not support the Republican leadership, threatened if they were not allowed to bring more comprehensive patient reform or HMO reform to the full Committee on Education and the Workforce, that they would basically support the Democrats and ask that the Patients' Bill of Rights or a more comprehensive approach be brought up. They essentially defied the Republican leadership.

It is nice to know that there are some Republicans here that are willing to defy the leadership over this very important issue of HMO reform. But, unfortunately, the leadership is still in charge and they simply postponed the markup on those HMO reform bills.

Now, the next step is, because we are signing this discharge petition, because so many of us will eventually sign this discharge petition, the next step in the effort to stifle managed care reform was what we saw last year in the Republican Congress, which is they then bring up a bill which is so loaded down with nongermane issues, like medical malpractice, medical savings accounts, health marts, that it obscures the basic patient protection legislation and causes such mucking up of HMO reform that the bill ultimately dies of its own accord.

So I do not know what the Republicans are going to do this year, but from what I can see they are simply stalling, refusing to bring up the Patients' Bill of Rights, and we are all, Democrats and friendly Republicans, going to have to keep pushing and pushing with our discharge petition.

I would like to yield now to a member of the Committee on Education and the Workforce, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding, and I wanted to agree with him and reemphasize some of the points that he has made.

Just a very simple one, and a point that I think is very important with regard to HMO reform, and that is that only the Congress, only the National Government can make the types of changes that need to be made with regard to HMO reform in this instance because of the nature of our laws in terms of interstate businesses and HMO involvement and insurance.

Our State lawmakers cannot modify the conditions that are placed and the requirements imposed in terms of those HMO agreements. They must fundamentally be made by the United States Congress. The States alone cannot do this. So it is not a repeat or a reiteration of what States have done.

Now, I think that along the way, many HMOs have, in fact, extended some of the benefits and some of the reforms on a single and a voluntary basis, and I commend them for that. But I think all too often this becomes a patchwork quilt of policy which does not have any symmetry, and it is necessary for Congress to act. And Congress has, frankly, not been able to get its act together and to, in fact, present a rational health care policy.

I think as the changes have occurred very rapidly in the health care programs and in the insurance benefits that are extended to our working families, clearly it means that in many instances consumers really do not have a place at the table when the HMO or health care decisions are made that affect their families and their lives.

And of course, as we know, increasingly health care professionals, including medical doctors, do not have a place at that table. So I think the primary effort here is to try to build a policy in which there is a voice for consumers, that there is a voice for health care professionals, along with those that are trying to obviously make health care efficient in terms of saving dollars and providing a benefit to service.

That is the ultimate goal. But we must act here because of the nature of interstate laws. And Congress is reluctant to do that. Today I signed the discharge petition. I was number 65. I think the gentleman from New Jersey was probably before me in that number. I think we have maybe 100 signatures, and if we can accomplish the goal of getting 218 signatures, then notwithstanding the fact that the majority, the leadership in this House, has not saw fit to schedule this bill for the floor, not even permitted votes on it to date in the committees of our House, then we, in fact, could bring that important priority that the American people have and that American families need to the House floor and act on that policy.

I know our counterparts in the Senate, the Senate Democrats, are experiencing the same problems; that it is being frustrated in terms of deliberate consideration. I think this system that we have is somewhat cumbersome and somewhat difficult, but it is the only recourse that we have based on the policy that is being enunciated in terms of trying to prevent these matters from being voted upon on the floor.

So I hope we can get the type of bipartisan support that is necessary to bring this important matter to the floor, and I commend the gentleman for his efforts in terms of voicing these concerns tonight on the floor and to the public.

□ 1815

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. If I could just follow up on a couple of things that he said.

We had today in the Committee on Commerce a subcommittee hearing on the question of independent and external review, which again I was somewhat critical of the fact that the Committee on Commerce, which has the major jurisdiction over health care in the Congress, has not had a hearing on the Patients' Bill of Rights but now again is sort of taking this piecemeal approach and looking at little pieces of this. But I would say that the issue of holding managed care companies responsible for denial of care with a real, reliable, and enforceable appeal and remedy is an important issue.

One of the things that came up was we had testimony from someone who was involved in the Texas law, and Texas has a very good law on the books that incorporates a lot of the patient protections that we have in the Patients' Bill of Rights, but one of the points that she made was exactly what the gentleman from Minnesota (Mr. VENTO) made, which is that this is great for Texas but the majority of Texans do not take advantage or cannot because of the ERISA Federal preemption that we have as a matter of Federal law.

One of the things that was stressed was that when Texas imposed an independent external review process, if they had been denied a particular treatment, one of the Federal courts has recently actually ruled that Texas did not have the power to do that at all because of the ERISA Federal preemption. So it just, once again, brings home the fact of why we need action on the Federal level.

The other thing that I thought was interesting was that I thought it was sort of painfully obvious at this hearing that there were several Republican Members who really supported a comprehensive approach and essentially agreed with all the Democrats that this is what we should be doing, yet it was very obvious that the Republican leadership had no intention of doing that.

So again, there are some Members that will join us on the other side and, hopefully, will sign our petition so we get to the 218. But so far, the Republican leadership has slammed the door and said, there is no way we are going to consider this Patients' Bill of Rights, and that is very unfortunate and what we have to keep fighting for.

I want to just briefly, if I could, mention some of the key things that we are fighting for in the Patients' Bill of Rights. And then maybe I will yield to one of my colleagues that are here joining me this evening.

The two most important things that I would say, one is this whole issue of providing for real enforceability. What happens now with many HMOs is that if they deny them care or particular treatment, the only review or appeal they have is an internal one within the HMO. And of course, they, being very prejudiced in most cases, will simply deny the appeal.

What we are saying is that there has to be an independent external appeal outside the HMO; and, in addition to that, there has to be ultimately the right to sue the HMO, which does not exist today under the Federal preemption. That is one of the most important aspects of the Patients' Bill of Rights.

The other one that is linked to that is the definition of ''medical necessity.'' Right now the insurance company decides what is medically necessary; and if they define that and all that happens once they are denied care or treatment is that that is reviewed, their own definition of what is medically necessary, then, even if they have a good independent appeal or the right to sue, it will not necessarily help them because they are using their definition.

What we say in the Patients' Bill of Rights is that the decision about what is medically necessary, what kinds of care they should receive should be made by the physician and the patient based on standard norms within the medical community for that particular specialty or whatever it happens to be and not by the insurance company. Those are the two key aspects that are not included in any of these eight piecemeal bills that are being circulated by the Republicans in the House or the legislation that the Republicans are bringing up in the Senate. Neither of those key points are included.

Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPS), who has a background as a nurse and who has been on the floor many times talking about this issue in very real terms because of her own experience.

Mrs. CAPPS. Mr. Speaker, I thank my colleague from New Jersey (Mr. PALLONE) for organizing this time for us to speak together.

It has been a day on behalf of patients, I believe, here in the Congress, and that feels good to me as a nurse that we are finally now speaking clearly. What we need to do now is move this discussion from a march onto the floor by many Members who seek to have it be placed on the agenda. We need to move it from the hearing room. We need to move it right to the deliberation stage.

It is fine for us to talk here, and I am glad we can have a chance to do that and maybe summarize some of the things that have been going on and some points that my colleague has been making. And it is wonderful to see a colleague from Illinois here, as well, ready to speak. Because this is not a situation particular to one part of the country. I am from California, and it involves me personally and directly with all of my constituents. It addresses all of us.

This is a national crisis now. This is an issue that needs to be addressed across this country and, for that reason, needs to be dealt with in this House. Yes, we have great examples of States, and I commend a State like Texas that has put into place within their State framework strong patient protection rights and has seen clearly that when they do this it does not make the cost of health care skyrocket. It really does not do that.

So it is wonderful to have the examples of communities and entities and States even where strong steps are taking place. But for us to speak on behalf of all of the citizens of this country, we need to do it here in this body, and I am pleased that we can do that.

Now a year has gone by. I was first running for office a year and a half ago as a nurse, as a school nurse, in my community for 20 years. The strongest stories that were told to me were told to me by patients who were so frustrated with their managed care, we have had managed care in California for a long time, and the flaws in it. That was good. That happened in the beginning when the cost of health care, which had skyrocketed, was brought down. But then the excesses began to show themselves and so many citizens, also patients, came up to me and talked to me about their stories, real horror stories, of what had happened to them, many of them quietly. They never really told anyone before. But we reached out to them.

I believe that the Patients' Bill of Rights gives voice to many of these concerns, the frustration about not being able to choose their own doctor, having any say in what choices they have for health care; the gag rules that prevent a health care provider from telling them all the options, whether or not their insurance covers it; access to specialties, to second opinions, to emergency room treatments.

These seem common sense to me, something that we should not really have to legislate about. But, unfortunately, we do because of these excesses that have come to bear.

The bottom line, as my colleague has pointed out, the bottom line has to do with who is making the important life-saving health and medical decisions, who do we trust our lives with, the lives of our loved ones with? Do we want it to be a bureaucrat who is an accountant, may be a whiz at being an accountant, or do we want to take advantage of someone's highly skilled training and dedication, someone we can look in the eye and can also look at our bodies and understand what health conditions we are talking about? So many of these decisions now are made without even access to the patient's records let alone meeting with the patient.

The second bottom line is who is going to be accountable when grave mistakes are made? And again, I hark the situation we heard about in our hearing today, when accountability is put into a protection clause in the health care law, it does not necessarily

skyrocket the prices. And when a life is at stake, I believe we need to really focus on that.

The hearing that my colleague and I attended today on the importance of a strong appeals process, that was a good hearing. But again, it is time to move it here to the floor where we can take some action on this.

Our country's health care system has changed from fee-for-service to managed care by and large. We have seen a revolution in health care, and we need to address the attendant issues which have gotten out of control. We do not want patients to have their medical needs denied because some third-party person is following a form here that has nothing to do with their own individual needs, and that is what we are talking about.

The patient that I am thinking of right now is a mother really with a very young child who came to me desperate with the situation that had happened to her, gave birth to twins, already had a child. So the household was full. One of the twins was born with many critical health problems. They discharged the little baby to this newly delivered mother and denied the request for skilled nursing care in the home.

It was an awful situation, just an awful situation. By the time they were able to seek redress and seek remedy for this, so much damage had been done to that young baby. And here was this household stressed to the limit with what was placed upon them, entirely inappropriate. The doctor recommended skilled nursing care in the home, and it was denied by the managed care company.

Now, this is exactly where we want this external appeal situation to be in place, but also the ability to seek redress when grievances are incurred.

This was during the campaign, and I made a pledge to this young family that I would work as diligently as I can. And I am. And I know that there is a commitment on the part of so many of us to do this, because we do have people's faces in our hearts as we are doing this. This is not some theory that we are trying to expound. We are talking about real-life situations, and we need to do it now. The longer we wait, the more hardships our country is faced with and the harder it is to really address some situations that have gotten so far out of control.

So I believe my message is to the leadership of this House that we need to pay attention to our constituents and come together. We can talk about Republican bills. We can talk about Democrat bills. This is really not a partisan issue. We should be able to demonstrate to the American people who send us here that we can enact common sense, patient first legislation that really speaks to the needs of our constituents and really addresses health care in our country. And it is about time that we do it.

Mr. Speaker, reclaiming my time, I want to thank the gentlewoman for her comments. I really appreciate when she uses those examples of her own constituent, because I keep stressing that this is really common sense. We are coming at this because our constituents have cried out and even from personal experiences.

I think I was actually gesturing to the gentlewoman today about the fact that at the hearing one of the, I do not know if he represented the HMOs, but he certainly seemed to be an apologist for the HMOs, who said that there was no reason to allow HMOs to be sued because they do not make medical decisions. And I was outraged by that. Because, in fact, that is the problem. They are making the medical decisions.

And I did not use the example today, but when my colleague was talking about the twins that were born, I was thinking about my own son, who is now four. When he was born, he was born C-section. And they had that rule then, it has been changed now in New Jersey because of the State law, that said that for a C-section they could only stay in the hospital 2 days. I guess the normal length of time that is recommended by physicians is 4 days. And after the second day, the doctor came to us and said, ''Well, you know, your wife has to go home because we have this policy that you can only stay 2 days. I do not agree with the policy,'' the doctor said outright to us, ''but I have no choice.''

Then I guess the law in D.C. requires that a pediatrician see the baby before it leaves the hospital. And he came and saw our son and said that he was jaundiced. And so they made an exception, said he could stay an extra day, the third day.

But to me that just brought home, of course they are making the medical decision. They are telling the doctor what to do. So how can they say they are not making the medical decision? They clearly are. And that is what we do not want. We do not want the insurance company to make the medical decisions that contrary to what physicians and nurses think should be the general practice. And that is what we have.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has also been out front on this issue on many occasions on the House floor.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his leadership on this issue and for organizing this discussion tonight.

I was happy to join that long line of people this morning who were signing a discharge petition to allow us to fully debate HMO reform on the floor of this House. I guess we are up to about 167 Members now who are saying simply, let us discuss HMO reform, let us bring up this important legislation so that we can represent what we are hearing from constituents.

But I did something else today. I put an appeal to my constituents on my website today so that they can join and be a force in helping to pass this legislation.

□ 1830

When you get to my web site, which by the way is www.house.gov/schakowsky, and if anyone wants to go there, I would welcome it. Whether or not you are in my district, I would appreciate hearing from you about this. It says, in flashing letters, ''Help me end HMO abuses.'' What I am asking them for, it is a constituent alert, send me your HMO horror stories. I think it will be helpful to us if we get them to tell us. All of us have heard and I have got lots of letters myself, but I am hoping to collect a lot more.

Let me read my colleagues this invitation. It says, ''The time is now for Congress to pass the Patients' Bill of Rights, H.R. 358. It is time for HMOs to be held accountable for their actions and for medical decisions to be made by doctors and nurses, not by HMO accountants.

There are proposals in Congress that claim to offer reform but instead would let HMOs go about their business of cutting care, limiting services, and raising costs while enjoying record profits. I need your help to pass real reform and defeat phony legislation. I know that many of you have fought battles with your HMOs and more often than not you lost. If you believe that it is time to stop HMO abuses, the time to act is now. E-mail me your HMO horror story, let me know if you have been denied care, forced to change your doctor in the middle of treatment, lost coverage, refused access to a specialist, or had to work for days to get what you deserved. Together, we can convince Congress to pass the Patients' Bill of Rights.''

The other thing that is on the web site is a petition that has been on many web sites around the country now calling on Congress to pass the Patients' Bill of Rights so that we can get our constituents involved in the process here, bring their voice here to Congress. That, I think, ultimately is going to be the thing that will pass this legislation. I want to urge people, and I think we are making a commitment today to do everything we can, but I am urging people who may be listening and I am certainly trying to urge my constituents to pick up the phone, call your Member of Congress, let the President know, let the Speaker of the House, DENNIS HASTERT, know that you want real HMO reform.

By that, we should be talking about H.R. 358. I think the gentleman has done a good job in describing the important pieces that are in that legislation that are not in others. I am a new Member of Congress. I have found that there are a whole lot of ways to either skirt an issue or to water it down. One of them is, first of all just do not bring it up. So that is why today so many of the Members of this body signed this discharge petition so that we could

have the debate. I think it is too bad that we have to go through these kinds of mechanisms in order to just discuss things.

One is, do not bring it up, delay it as long as you can. But the other is to offer a solution that sounds like a solution but is not really a solution. That is the other thing that is going on here. There are bills that people want to be able to stand up and say, ''Oh, this is the Patients' Bill of Rights. This will really solve the problem.''

We have looked carefully at all those proposals and seriously at all those proposals; and we know that the elements that need to be in there, really putting health care decisions in the hands of health care professionals, making sure that HMO plans are held accountable. I had a similar experience in Illinois where I was in the general assembly. The lobbyist for the HMO who came to testify before our health committee said, ''Oh, no, we don't make health care decisions. We only make coverage decisions. We're an insurance company.''

I said, ''Well, excuse me, sir, but in the real world, there is no difference between a health care decision and a coverage decision, because you are saying then to people, oh, you can have your heart transplant, but you have to go out and pay for it yourself. That bone marrow transplant might do you some good in your cancer treatment, but we aren't going to cover it, but you can go buy it yourself.''

Ordinary people cannot go out and buy expensive tests, expensive treatments, go off to a specialist that they feel that they need or that even their primary care doctor may feel that they need. So health care decisions are made every day by HMOs because they will only cover certain things. And so they should be held accountable.

That is what H.R. 358 does. It also gives patients the right to appeal those decisions and not just to appeal it to the HMO who just denied them the care, they will have the right to external appeal, someone outside, an objective observer to look in and say, ''Were you wrongfully denied the care that you asked for?''

So there is phony HMO reform and there is real HMO reform. That is what we are involved in with our discharge petition. I hope that is what we can engage the American people in, in a debate on this, real health care reform, HMO reform, and I hope that people will send their horror stories to me, will get the petition signed through the Internet and get this bill on the floor and get it passed.

Mr. PALLONE. I want to thank the gentlewoman. One of the things that I have noticed about newer Members like yourself is that you are always trying to get the public more involved through the Internet process. That is really great. I assure you that you are going to get all kinds of people contacting you, because the number one issue that I get contacted about in my district offices are problems with HMOs and managed care.

Again, I just stress what I said before, which is that we are not coming at this out of some cloud or pie in the sky notion. This is just what people are telling us on a regular basis. People are shocked when you tell them as the gentlewoman from California brought up and talked about the gag rule. I have told some of my constituents, the way the law is, the insurance company can tell the doctor that they cannot discuss with you a mode of treatment that is not covered by the insurance, even though they think you should have it. They cannot believe it. They think that that is a violation of the first amendment or un-American. Of course it is, all those things, but they are just shocked to find out that that is okay under the law.

Really we are just talking about common sense proposals that are coming to us. You will get a lot of them, I am sure, on the web site.

Mr. Speaker, I yield to the gentleman from New York (Mr. SERRANO) who again has joined me quite often in the past on this and other issues and I am pleased to see him here tonight.

Mr. SERRANO. I want to thank the gentleman once again. It has been said quite a few times on the floor, but you always manage to get us involved in discussing the issues that we should discuss. I am reminded of a conversation that I had with the spouse of a foreign dignitary from one of the Latin American countries that I will not mention, not to get into a discussion, a country that is not as advanced as we are, and I did with that spouse what I do with a lot of people. I said, what impresses you the most about our country and what do you find hard to understand?

She said, well, obviously your overabundance of food. You have so much food in this country, you hire people to keep food from falling out of the bins in the supermarket. That is how much food you have.

I said, ''What touched you or made an impression on you in a negative way?'' She said, ''Well, I got sick and it took me more time to discuss where I was going, who was going to treat me and what was available to me than the time it took me to realize that I was hurting and sick. I can't understand why your country would take such red tape and put it in front of people.''

Obviously that person, as you said, like many of our constituents, just do not understand until we try to explain it to them that there are things that are happening in this industry, this so-called health providers industry, that is just hard to believe, that a doctor, as you just mentioned, that a doctor would not be allowed to do what a doctor does best, which is to advise a patient on what he or she feels that patient should have because they are ordered basically or not allowed by an HMO or the coverage group to present that as an alternative.

This is the United States of America in 1999. We cannot seem to get people to understand that you just cannot do that. The whole idea, I mean, sometimes I have watched my wife during the times when we have to sign up here, we, Members of Congress, have to sign up for our health plans, and I have seen my wife sit there at the dinner table with the thought of three children at home ranging in ages from 17 to 10 and trying to figure out which one, is it three from this column and seven from that, if we are covered for this, we are not covered for this. We have to ask permission for this so that we can get that. I join her in that, I say, my God, if this is what we go through and we supposedly get told all the time that we have this fabulous plan, what is everybody else who has no clue as to what they are dealing with are going through?

Again it is picking from this column and from that column. I was very proud today, and I can say this with all honesty, when we marched into this Chamber and began to sign that petition to get this bill on the House floor. I have been here now 9 years and on many occasions I have to scratch my head and wonder why the other party in the last few years will not bring a bill to the floor. As I have said, I have stood here and scratched my head, but I have never scratched my head as much as on this bill.

I mean, this is something the American people want. This is something that you provide to everyone. This is not partisan in any way, shape or form. This is not something that one party can take and run with and say we did it, this is something we as a House, as a Congress, can say we did it because we did it for our families, we did it for the public, we did it for our friends, we did it for all of us.

And yet this resistance, this desire to either say no to bringing a bill to the floor or trying to present other measures which sound like they are addressing the issue when they are not addressing the issue. I think what has happened here tonight and for the next days and weeks is exactly what was mentioned here before by the prior speaker and, that is, to get the American public involved, to get the American public to let us know that their Members of Congress how they feel about this.

If there is a parent this evening who is going through the same kind of situations where you are trying to figure out what is the best way to get coverage and you have gone through these experiences where you cannot get the right information or the proper information or the right support from your doctor because his hands or her hands are tied, if you have to spend hours trying to figure out, do I ask for this medicine, do I allow this prescription, am I covered by it, am I not covered, if any of this has happened to you, it is time you wrote, it is time you e-mailed, it is time you visited a web

page, it is time you made a phone call, because I do not know of an issue that affects more Americans than this one at this moment.

I mean, we have stood on this floor and discussed an issue that we are making some gains on, which was the issue of the uninsured children. The gentleman was the first one to bring this to the House floor, the whole issue of uninsured people throughout this country. We have made some gains on that. But this continues still to be the one area in this country where we just do not want to budge.

I do not know who it is we are concerned that we are upsetting. Are HMOs more important than your family doctor? Is your family doctor someone that you are so proud of and then you turn around and you say, ''Well, don't prescribe this and don't prescribe that?'' What are we talking about here? Just a few minutes ago, and I want to close with this, we were debating and we will be debating tomorrow this whole issue of desecration of the flag. I remember my first time here on the House floor when I looked at that flag behind the podium and I said, I wonder if that flag could speak to us, what would it tell us.

It may not tell us to protect it from physical abuse. It may surprise us by telling us, ''Why don't you do that which makes me feel good and symbolizes everything I stand for.'' So on the same day that some people here are saying we have got to protect that flag, they reject a notion of protecting one of the things that the flag stands for, which is providing basic care to our children, to our women, to our elderly, to our working families in this country. And so what a better way to honor and respect the flag this week than for the Republicans to agree that they will bring this bill to the floor and discuss that issue here and give people the opportunity to get the coverage we deserve.

We are the greatest country on earth, we are the wealthiest country on earth, we are the greatest democracy on earth, but there are still a few pieces missing that we have to put together to fulfill our full potential. One of them right at the top is this inability we have to deal with this issue without worrying about who we upset, because we are not going to upset children, we are not going to upset the elderly, we are not going to upset the American people, and if we upset a few insurance companies, if we upset a few HMOs, we are not out to kill anybody.

□ 1845

We will work, and all we want is dialogue and the ability to give people their right. At the same time we protect the industry. Our job here is not to destroy one to save the other; it is to protect that which is right.

So I want to thank the gentleman once again. I know that he will be on the floor at other times with this issue again, and I will be glad to join him then as I have joined him today and in the past.

Mr. PALLONE. I want to thank the gentleman, and if I could just comment on what he said about why the Republicans will not bring it up. I sound so cynical in saying it, but I believe strongly that it is the power of the insurance industry and the power of the insurance lobby, and I, as my colleagues know, witnessed that myself. I mean they spend millions and millions of dollars on TV ads talking about why the Patients' Bill of Rights and HMO reform should not take place. In fact, in my last election about $4 million was spent in independent expenditure by, primarily by, the HMOs to try to defeat me because they see me as a spokesman on the issue. So they are willing to spend all this money.

Mr. SERRANO. Mr. Speaker, if the gentleman would yield because I want to get that right? He said that $4 million was spent by HMOs and insurance companies to try to get a Member of Congress out of here who supports children and elderly getting their fair share.

Mr. PALLONE. Absolutely, and it was not just done to me; it was done to others as well. And the irony of it is what you just said which is that, you know, if you look at what we are actually asking be done, it is not going to put them out of business.

In fact, today in the Committee on Commerce we had someone come in who was responsible and put together the Texas law which is very similar to our Patients' Bill of Rights, and as my colleagues know, one of the things she said was that all the debate in the State legislature in Texas about this, all the managed care and HMOs were saying we are going to be out of business, there will no longer be any managed care in Texas. In fact just the opposite is true. They have not suffered at all. There are more managed care options in Texas today in fact than in a lot of other States even though they have a very similar law on the books.

So we are not hurting them, but obviously they perceive that we are, and they are wrong, but we just have to keep making the point, so I want to thank you again for coming down.

And I would like to yield now to the gentleman from Maine who has not only been outspoken on this issue, but also on the issue of the cost of prescription drugs in a bill that he has sponsored to try to correct that problem, and he has been concentrating on these health care issues that impact all Americans.

I yield to the gentleman.

Mr. ALLEN. I want to thank the gentleman from New Jersey for organizing this special order on the Patients' Bill of Rights, and as you indicated, I have been spending a lot of time trying to lower the cost of prescription drugs for elderly. I think it is a very important issue and one we ought to be dealing with. In fact, that is one of the frustrations these days of being in this Congress. It seems hard to get good legislation up to the floor here for a vote.

As my colleagues know, last year the Patients' Bill of Rights legislation failed by just five votes, and in the past year the need for that legislation has not diminished. We ought to be able to get it up for a vote, but the Republican leadership is preventing that from happening.

So I am proud that we as Democrats today took the first step to filing a discharge petition, and lots of people around the country do not know what a discharge petition is, but it is a procedure by which we can bring legislation to the floor if we get 218 signatures on that petition without having it to go through the Republican leadership and the Committee on Rules.

As my colleagues know, we have already had to start a discharge petition in this House to try to get campaign finance reform legislation to the floor. Again, there was legislation that passed in the last Congress by 252 votes. With 252 Members supporting the legislation we still cannot bring that up. So we are going to try the same procedural tactic that we have used there.

As my colleagues know, my home State of Maine has been slow to move to managed care particularly under Medicare. We only have a few hundred people signed up for managed care under Medicare. But people are still anxious about HMOs and about managed care. In many respects what managed care companies are doing is good. The emphasis on prevention, when it is there is a real step forward in helping people take care of themselves in ways that perhaps they have not before.

But it is very important that managed care be more than managed cost. In the early days of managed care it has been clear that the companies have been successful in driving down costs. All we are saying with the Patients' Bill of Rights is we want to make sure that driving down costs does not come at the expense of quality care. That is really what this is all about. We want to make sure that certain provisions are really there for everyone.

Some States have enacted patient protections. My home State of Maine has, but there are still people because of Federal preemption who are not covered by those State laws. In Maine there are 250,000 people roughly who are not covered by the State patient protection provisions. My constituents recognize we need a national solution to a national problem, and that national solution is the Patients' Bill of Rights Act.

I know you have mentioned this before, but I want to go over what it would do. First of all, it would guarantee access to necessary care. The bill provides direct access to a specialist for patients with serious ongoing conditions. The bill requires access to and payment for emergency service. People who go to the emergency room when they are hurting need to know that as

long as a reasonably prudent lay person would do that, they are going to be paid, they are going to get coverage for that service. The bill also allows doctors to prescribe prescription drugs that are not on an HMO's predetermined list so that the doctor is making the decision, the doctor and the patient are making the decision, about the most appropriate care.

The Patients' Bill of Rights Act also provides a fair and timely appeal process when health plans deny care. The bill holds managed care plans accountable when their decisions to withhold or limit care injures patients, and it also guarantees protections for the provider patient relationship.

The bill bans gag clauses as well as bonuses and other financial incentives to doctors to deny care. The bill protects providers who advocate on behalf of their patients with the insurance company. And furthermore, the bill prevents drive-through mastectomies and other arbitrary medically inappropriate decisions by plans.

The American people are clear on this issue. They want real protection, they do not want a watered down bill, and we have a chance in this Congress to enact real reform, and that real reform would make health care plans accountable for their mistakes just as everyone else in this country except foreign diplomats are responsible for their mistakes.

I think this is a case where, as my colleagues know, we know the problem, we are just this far away from finding the right solution to the problem. We ought to pass the Patients' Bill of Rights Act. I regret that we have to go through this discharge petition process in order to try to bring this matter to the floor. It ought to come to the floor now.

We have had some Republicans in the past Congress who have been willing to sign on and support this legislation, and I hope we will have Republicans supporting this again, but for now we are simply going to do everything we can as Democrats just to say: Give us a vote, give the American people a chance to express their opinion, and let their representatives cast the vote on the Patients' Bill of Rights Act. We ask for support for that particular legislation.

And I just want to say to the gentleman from New Jersey (Mr. PALLONE), my friend and colleague, ''We really appreciate all the work you do on health care in general, and in particular, on the Patients' Bill of Rights Act.

Mr. PALLONE. I want to thank the gentleman, and I am glad you brought up the point about the drug formularies as well because there is that aspect of the bill as well, and the other thing I wanted that you brought up and I want to stress again is that, as my colleagues know, in some ways maybe we are fortunate in that we had to move this discharge process very late in the session last time. Even though 6 months have passed, if we are able to get not only all the Democrats to sign on to this discharge petition, but also able to get a few of our Republican colleagues, we still do have some time left to try to get this to the floor, and hopefully we will be successful, and we are certainly going to keep trying until we are successful and we do bring the bill to the floor.

So I want to thank the gentleman again, and I also want to yield now to the gentleman from Texas (Mr. GREEN), my colleague on the Committee on Commerce, and he has been really outstanding in particular in pointing out how in his home State of Texas where they have actually enacted significant patient protections and what a positive impact that has had on the State even though it does not apply, of course, to so many people that have been preempted by the federal law. I yield to the gentleman.

Mr. GREEN of Texas. Mr. Speaker, the biggest concern I have in comparing what we are trying to do here in Washington and what has been done in State of Texas and other States is that the States can pass laws that regulate insurance policies in their States.

Now I have employers that are multi State, employers who are self insured, and they come under federal law. So the State of Texas, the State of New Jersey, the State of Maine, State of California can do all they want and pass a Patients' Bill of Rights, but it only affects in fact less than 40 percent, in some cases maybe even less than 20 percent of the insurance policies that are issued in their State. In the State of Texas we have over 8 million people who have insurance policies that are covered by ERISA. When you think we have about 11 million, a little over 11 million people covered, that is a little less than 80 percent of the people are not covered by the State protections that were passed not only in 1997, but even earlier over the last 4 or 5 years, and that is why we need to have a federal legislation. And today is a special day, I guess, because we, a few of us, because of a frustration of not being able to have a managed care bill to debate here on the floor of the House and to compare our ideas or my ideas and yours or my colleagues' on the Republican side; we do not have that opportunity, and so we had to, all of us, a number of us, sign a discharge petition today to actually take a bill away from the committee you and I serve on. We serve on the Committee on Commerce. I am proud to be on that Committee on Commerce, but we are literally not doing the people's business by not addressing managed care reform and Patient Bill of Rights.

One of the concerns I had back during the Memorial Day recess, I spoke to some business owners in my district, and they said, well, we are concerned that this Patient Bill of Rights that you have will let our employees sue their employer, and I said that is the further these thing from the truth, and tonight I would like as much time as you have left to address some of those half truths and outright untruths that we have been hearing.

One, there is nothing in this bill that will allow for an employee to sue an employer. All this does is that that employer buys an insurance policy, it is covered under Federal law, that that employer, that employee will have some rights under that insurance policy. Never would there ever be a suit against the employer because again employers can afford a Cadillac insurance plan, or they can afford the Chevy insurance plan, but as my colleagues know, some will pay for everything, some pay for only certain things, maybe higher deductibles and things like that.

But that is not what is in this bill, so they are using scare tactics to say we are going to have employees suing employers. That is just not true.

The other thing that they used is, is it going to raise the cost of health care? In fact, one publication I saw said it could increase insurance rates 40 percent, which is outrageous. Today I heard testimony; I think you did, too; that the State of Texas that did the managed care reforms that we are trying to do, there were hardly any increases at all. In fact, the increases in managed care rates were comparable to States that had no reforms that were passed. In fact, even my argument, I think, that some of those increases were already built in because the managed care companies were increasing rates 3 or 6 percent depending on the market, and they were doing that in other States that have not done it.

So what we are trying to do and the other concern I have is that they say that it will increase rates. Well, it may increase rates, but maybe it will increase them because they are having to pay some of those claims because in the State of Texas one of the items that is important in a Patient Bill of Rights is an appeals process, a fair and accurate and fast appeals process. In the State of Texas, the number of appeals that have been appealed by the patient to an impartial body, 50 percent of those appeals have been found for the patient.

So granted, it may increase rates because for 50 percent they are going to have to start paying for actual health care instead of denying it unfairly, and that is what we found in the State of Texas. And so maybe that will increase their rates. I hope not because I think their actuaries already have premiums based on what those experiences ought to be.

So in the Texas experience, for less than the cost of a happy meal at McDonald's patients in managed care could really have some fairness and protection and accountability.

□ 1900

In my home State, we have passed a lot of these patient protections, including the external appeals and the accountability and the liability. Physicians are always frustrated, health

care providers saying wait a minute, if I do something wrong, my patient can sue me, but if I call an insurance company and they say no, you cannot do that, you have to do this and the patient is injured by that, that is not fair, because they cannot sue that insurance company because they are the one practicing medicine. So that is why accountability is so important.

I would hope we would have the same experience as the State of Texas has, who has had that accountability and liability in law now for 2 years. Again, I have heard testimony today literally that there was only one or two cases filed, simply because if we have a fair appeals process, people will get what they need, and that is adequate health care. People do not want to sue insurance companies, they just want to have them pay for what they should be paying for in their health care.

Again, one of the old truths that we have heard is that there will be a mass exodus in employers dropping insurance coverage. Again, in the State of Texas, we have had literally an increase in the number of people who are covered under managed care plans, even under the new rules we have. In fact, again today, under sworn testimony, we heard that Aetna Insurance said that the State of Texas, and I assume this was recently, said the State of Texas's insurance market is the filet mignon of insurance markets, and that is a quote from a hearing today that we both attended. I have to admit, if the State of Texas under our managed care reform is the filet mignon, all I am concerned about is the hamburger. Typically, most of our folks can afford decent hamburger. So there will be no mass exodus of employers dropping health care coverage just because we are giving insurance companies some rules to live by.

Emergency care so that a person does not have to drive by the closest emergency room to get to the one that may be on their list, because frankly, we want to make sure they have the quickest and fastest emergency room care as possible.

Anti-gag. A physician or health care provider should be able to talk to their patients. They ought to be able to say, this is what your insurance company will pay for, this is what they will not pay for. Again, we have employers who can pay for the Cadillac plan and the Cadillac plan may pay for everything, but the Chevrolet plan may not pay for everything, but that doctor ought to be able to talk to their patients.

Open access to specialists for women and children, particularly chronically ill patients, so that every time they do not have to go back to their family practice person or their gatekeeper before they go to their oncologist, for example, if they are diagnosed with cancer. That should not have to be the case. Women ought to be able to use their OB-GYN as their primary care. Children ought to be able to go to a pediatrician without having to go back to a primary care doctor.

Of course, I talked about the external and binding appeals process and how important it is, and how important it is to have the accountability linked to that, that the accountability is hardly ever used if one has a real effective appeals process.

Those are the important things that managed care reform bill offers. I do not know, I heard we had 161 signatures, 167 now, so I would hope that we get to the 218. Of course, we are going to have to have it bipartisanly, and last session it was. We had some Republican Members who were supportive of the Dingell bill, and hopefully we will see them come together over the next few weeks so we can really see some national managed care reform, similar to what the States have been doing and doing so successfully.

I hear all the time that we do not want to in Washington tell States what to do. Well, I do not want to do that. But we can use the States as a laboratory, as an example, and say, okay, it is working in Texas, has been for 2 years. There is not a lot of lawsuits, there is not an increase in premiums. Actually, people are winning half of those cases.

I like to use the example that if I was a baseball player and had a 300 batting average, which is a 30 percent batting average, I would be making $8 million a year. But for my managed care provider, if they are only right half the time when they decide my health care, I want a better percentage than the flip of a coin.

In Texas, that is our experience. We have seen that we have the flip of the coin. We want a better percentage. Managed care providers I hope will see that percentage where they are not overturned, because they are actually providing better care and they are providing for more adequate care to their customers, our doctors, patients, and our constituents.

So that is why I think it is important. This year we need to have a real Patients' Bill of Rights. Last session we had one that was worse than a fig leaf, because it actually overturned laws that were passed by our State legislatures. So it would have hurt the State of Texas, the bill that passed this House last session by 5 votes. Thank goodness the Senate killed it. This year, hopefully we will have a real managed care and Patients' Bill of Rights.

I thank the gentleman for his leadership as our health care task force person on the Democratic side. We are doing the Lord's work in trying to do this.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. I know our time has run out, but I think the gentleman said it well about using the Texas example to show how what we are proposing here works and has worked in Texas over the last two years.

EQUAL ACCESS FOR CHEMICAL DEPENDENCY TREATMENT

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 60 minutes as the designee of the majority leader.

Mr. RAMSTAD. Mr. Speaker, every day politicians talk about the goal of a drug-free America. Mr. Speaker, let us get real. We will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for the 26 million Americans presently addicted to drugs and/or alcohol. That is right, Mr. Speaker. Twenty-six million American alcoholics and addicts today.

Mr. Speaker, 150,000 people in America died last year from drug and alcohol addiction. In economic terms, alcohol and drug addiction cost the American people $246 billion last year alone. That is with a B, $246 billion. American taxpayers paid over $150 billion for drug-related criminal and medical costs alone. That is more than the American taxpayers spent on education, transportation, agriculture, energy, space, and foreign aid combined; more than in all of those areas combined the American taxpayers spent for drug-related criminal and medical costs.

According to the Health Insurance Association of America, each delivery of a new baby that is complicated by chemical addiction results in an expenditure of $48,000 to $150,000 in maternity care, physician's fees, and hospital charges. We also know, Mr. Speaker, that 65 percent of emergency room visits are alcohol or drug-related.

The National Center on Addiction and Substance Abuse found that 80 percent of the 1.7 million men and women in prisons today in this country are there because of alcohol and/or drug addiction.

Another recent study showed, Mr. Speaker, that 85 percent of child abuse cases involve a parent who abuses drugs and/or alcohol; 85 percent of child abuse cases are related to alcohol and drug abuse. Seventy percent of all people arrested in this country test positive for drugs; two-thirds of all homicides are drug-related.

Mr. Speaker, I ask the question: how much evidence does Congress need that we have a national epidemic of addiction, an epidemic crying out for a solution that works; not more cheap political rhetoric, not more simplistic quick fixes that obviously are not working. Mr. Speaker, we must get to the route cause of addiction and treat it like any other disease.

The American Medical Association in 1956 told Congress and the American people that alcoholism and drug addiction are a disease that requires treatment to recover. Yet, today in America, only 2 percent of the 16 million alcoholics and addicts covered by health plans are able to receive adequate treatment; only 2 percent of those with

insurance for chemical dependency treatment are able to get effective treatment.

That is because of discriminatory caps, artificially high deductibles and copayments, limited treatment stays, as well as other restrictions on chemical dependency treatment that are not there for other diseases. If we are really serious about reducing illegal drug use in America, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases. Providing equal access to chemical dependency treatment is not only the prescribed medical approach, it is also the cost-effective thing to do; it is also the cost-effective approach.

We have all the empirical data, including actuarial studies, to prove that parity for chemical dependency treatment will save billions of dollars nationally, while not raising premiums more than one-half of 1 percent in the worst case scenario. It is well documented that every dollar spent for chemical dependency treatment saves $7 in health care costs, criminal justice costs, and lost productivity from job absenteeism, injuries, and subpar work performance. A number of studies have shown that health care costs alone are 100 percent higher for untreated alcoholics and addicts than for people who have gone through treatment; 100 percent higher for those who go untreated.

Mr. Speaker, as a recovering alcoholic myself, I know firsthand the value of treatment, and as a grateful recovering alcoholic for 18 years, I am absolutely alarmed by the dwindling access to treatment for people who need it. In fact, over the last decade in America, 50 percent of the treatment beds for adults are gone. Even more alarming, 60 percent of the treatment beds for adolescents are gone.

Mr. Speaker, we must act now to reverse this alarming trend. We must act now to provide greater access to chemical dependency treatment.

That is why I have introduced the Harold Hughes, Bill Emerson Substance Abuse Treatment Parity Act named for two departed colleagues, one Democrat, one Republican, who did so much in this field of addiction; so much to raise public awareness, so much to help people in need, people who are suffering the ravages of drug and alcohol abuse. This is the same bill, Mr. Speaker, by the way, that last year had the broad bipartisan support of 95 House cosponsors.

This legislation would provide access to treatment by prohibiting discrimination against the disease of addiction. The bill prohibits discriminatory caps, prohibits higher deductibles and copayments that exist for treatment of other diseases. It also prohibits limited treatment stays and other restrictions on chemical dependency treatment that are different from other diseases. All we are saying, Mr. Speaker, is treat chemical addiction like other diseases.

Mr. Speaker, this is not another mandate. It does not require any health plan which does not already cover chemical dependency treatment to provide such coverage. It merely says that those which offer chemical dependency coverage cannot discriminate, cannot treat chemical dependency different from coverage for medical or surgical services for other diseases. In addition, the legislation waives the parity for substance abuse treatment if premiums increase by more than 1 percent, and it also exempts small businesses with 50 or fewer employees.

Mr. Speaker, it is truly the time to knock down the barriers to chemical dependency treatment. It is time to end discrimination against people with addiction. It is time to provide access to treatment, to deal with America's number 1 public health and public safety problem.

We can deal with this epidemic now or be forced to deal with it later. But, this problem, this epidemic will only get worse if we continue to allow discrimination against the disease of addiction.

As last year's television documentary by Bill Moyers pointed out, medical experts and treatment professionals agree that providing access to chemical dependency treatment is the only way to combat addiction in America.

We can build all the fences on our borders, we can build all of the prison cells that money can buy, we can hire thousands of new border guards, thousands of new drug enforcement officers, but simply dealing with the supply side of this problem will never solve it.

That is because, Mr. Speaker, our Nation's supply-side emphasis does not adequately attack the underlying problem. The problem is more than illegal drugs coming into our Nation, coming across our borders. The problem is more than that. The problem is the addiction that causes people to crave and demand those drugs.

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That is the problem, the addiction that causes people to crave drugs and to demand those drugs. So we need more than simply tough enforcement and interdiction. We need extensive education, and we need access to treatment.

Drug czar Barry McCaffrey understands. He said recently, and I am quoting, ''Chemical dependency treatment is more effective than cancer treatment, and it is cheaper.'' General McCaffrey also said, ''We need to redouble our efforts to ensure that quality treatment is available.'' Mr. Speaker, the director of our National Office of Drug Policy is right. All the studies back him up. Treatment does work, and treatment is cost-effective.

Last September the first national study of chemical dependency treatment results confirmed that illegal drug and alcohol use are substantially reduced following treatment. This study by the Substance Abuse and Mental Health Services Administration shows that treatment rebuilds lives, puts families back together, and restores substance abusers to productivity.

According to Dr. Ronald Smith, United States Navy Captain in the Medical Corps, and also Dr. Smith was formerly vice chairman of psychiatry at the National Naval Medical Center at Bethesda, Dr. Smith says ''The U.S. Navy substance abuse program works. It has an overall recovery rate of 75 percent.''

The Journal of the American Medical Association on April 15 of last year reported that a major review of more than 600 research articles and original data conclusively showed that addiction conforms to the common expectations for chronic illness, and addiction treatment has outcomes comparable to other chronic conditions, outcomes comparable to other chronic conditions.

The same study by the American Medical Association said that ''Relapse rates for treatment for drug and alcohol addiction are 40 percent,'' relapse rates. That compares favorably with those for three other chronic disorders: adult onset diabetes, 50 percent; hypertension, 30 percent; and adult asthma, 30 percent.

A March 1998 GAO report also surveyed the various studies on the effectiveness of chemical dependency treatment and concluded that treatment is effective and beneficial in the majority of cases. A number of State studies have also been done that showed treatment is cost-effective and good preventative medicine.

A Minnesota study, a study in my home State, Mr. Speaker, extensively evaluated the effectiveness of its treatment programs and found that Minnesota saves $22 million in annual health care costs because of our treatment programs, $22 million in the State of Minnesota alone saved because of treatment programs. A California study reported a 17 percent improvement in other health conditions following treatment, and dramatic decreases in hospitalization.

A New Jersey study by Rutgers University found that untreated alcoholics incur general health care costs 100 percent higher than those like me who have received treatment. So the cost savings and the effectiveness of chemical dependency treatment are well documented.

But putting the huge cost savings aside for a minute, Mr. Speaker, what will treatment parity cost? That is a question that is asked by a number of people. First, there is no cost to the Federal budget. Parity does not apply to the Federal Employees Health Benefit Plan, does not apply to Medicare or Medicaid.

According to a national research study that based projected costs on data from States which already have chemical dependency treatment parity, the average premium increase due to

full parity it would be two-tenths of 1 percent, that is from a Mathematica Policy Research study in March of 1998, a two-tenths of 1 percent increase in premiums for policyholders.

A recently published Rand study by the Rand Corporation found that removing an annual limit of $10,000 a year on substance abuse care will increase insurance payments by 6 cents per member per year, 6 cents per member per year. Removing a limit of $1,000 increases payments by only $3.40 a year, or 29 cents a month.

The worst case scenario we could find, the study that showed the worst case scenario, estimated the cost would be five-tenths of 1 percent increase in premiums per month, which translates to 66 cents a month per insured.

So the bottom line, Mr. Speaker, for the cost of a cup of coffee per month we can treat 16 million Americans addicted to drugs and/or alcohol today, for the cost of a cup of coffee per month to the 113 million Americans covered by health plans. At the same time, Mr. Speaker, the American people would realize $5.4 billion in cost savings from treatment parity, according to a recent California study.

So we could treat these 16 million American alcoholics and addicts who are addicted today, who are hooked today on alcohol and/or drugs. For the price of a cup of coffee we can treat 16 million Americans, and we can save in the process $5.4 billion to the American taxpayers.

United States companies that provide treatment have already achieved substantial savings. Chevron, for example, reports saving $10 for every $1 it spends on treatment. GPU saves $6 for every $1 spent. United Airlines reports a $17 return, a $17 return for every dollar spent on treatment by United Airlines.

Mr. Speaker, no dollar value can quantify the impact that greater access to treatment will have on people who are addicted and their families. No dollar value can measure the impact on spouses, children, other family members who have been affected by the ravages of addiction. Broken families, shattered lives, broken dreams, ruined careers, messed up kids, children on Ritalin, divorces, I could go on and on with the human impact of the ravages of this epidemic that has swept our Nation. How can we put a dollar cost on those horrible factors, those horrible results of addiction?

Mr. Speaker, this is not just another public policy issue. This is a life or death issue for 16 million Americans and their families, 16 million Americans who are chemically dependent covered by health insurance but unable to access treatment.

We know one thing for sure, Mr. Speaker. Treatment taught me that addiction, if not treated, is fatal. This is a fatal disease if not treated. Last year 95 House Members from both sides came together in a bipartisan way to support and cosponsor this substance abuse treatment parity legislation. This year let us knock down the barriers to treatment for 16 million Americans. This year let us do the right thing and the cost-effective thing and provide access to treatment. This year let us pass substance abuse treatment parity legislation to deal with the epidemic of addiction in America.

Mr. Speaker, the American people cannot afford to wait any longer. I urge all Members to cosponsor H.R. 1977, the Substance Abuse Treatment Parity Act of 1999. I ask my fellow recovering alcoholics and addicts, all 2 million of them, to write their Members of Congress, their Member of the House, their United States Senators, and urge them to cosponsor this treatment parity bill, H.R. 1977, the Substance Abuse Treatment Parity Act. That is H.R. 1977.

We need to mobilize the recovering community, we need to mobilize concerned people throughout America to pass this life and death legislation.

Finally, Mr. Speaker, I ask the loved ones of those still suffering the ravages of addiction and chemically dependent people themselves who are unable to access treatment to contact their United States Senators tomorrow, contact their United States representatives tomorrow, and urge them to cosponsor H.R. 1977, 1977, the Substance Abuse Treatment Parity Act.

Working together, Mr. Speaker, as Americans, as Members of Congress, working together we will knock down those barriers to treatment. We will provide access to treatment for those people suffering the ravages of addiction. We will, Mr. Speaker, get this done, but only only if the American people demand it. I hope and pray that the responses are there and that Congress wakes up to the need to deal with addiction, and this year passes the Substance Abuse Treatment Parity Act.

THE COMMUNITY REINVESTMENT ACT

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. VENTO) is recognized for 60 minutes.

Mr. VENTO. Mr. Speaker, I have taken this hour special order this evening to highlight an important law and an important policy that has existed since 1977 with regard to financial institutions, with regard to banking. It is called the Community Reinvestment Act.

What this law and policy that has been in place for these 22 years accomplishes is it requires that banks go through an examination of the nature of loans, not the nature but the place that they actually make credit available in their community.

Most banks, whether they are chartered by our national government or by our State governments, receive a franchise. They receive an area in which they can do business. Of course, those geographic areas have changed greatly as the nature of our economy and population has moved across the landscape of our Nation. But the fact is that they receive certain benefits from that franchise of banking.

One is, for instance, that they receive support from the license from the State or the national government to do a banking business which fundamentally means they can take in deposits and they can in fact loan out on a money multiplier basis multiples of what they actually have taken as deposits. In the event that they need dollars, the Federal Reserve Board has an open window that they can of course, on a short-term basis, borrow at very low-interest rates from.

Furthermore, of course, the deposits now that are within that institution, that are placed there by individuals from across the country, their savings, are in fact, of course, insured by the Federal deposit insurance corporation under a number of different programs.

So these are substantial benefits in terms of actually a license to be in the business. It sets up a relationship between our national government and State governments and the free marketplace. It has been very successful.

Our model of banking grows out of the egalitarian roots of the times of Thomas Jefferson, and of course there are many efforts during the first century of our Nation's existence in which banking did not work out as successfully as we would like, so coming to this model was very difficult.

Of course, as in the course of most economic activities, banking has changed greatly over the years. In 1977 it was apparent that credit needs were not being met in some of the local communities, whether they be urban communities or rural communities. So then Senator Bill Proxmire from Wisconsin in 1977 was able to enact something called the Community Reinvestment Act, which provides, as it were, an examination of meeting local credit needs of the community in which these banks exist, the geographic area, and of course in a practical sense the areas that they serve and which they draw deposits from especially.

Lo and behold, through many years that examination process developed. There is one thing that banks probably do not like and probably do not really think that they need and that is more regulations. To be candid about it, I think that the early laws and rules that tried to implement CRA did in fact present more regulations. I do not think there is any banker or any citizen, for that matter, that would like to see more regulatory burden.

But the fact was that over the years that has not been a hindrance. As this law has developed and has been serving our country, the fact is that the regulators have accomplished and streamlined many aspects of the Community Reinvestment Act.

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One of the most important legislative changes occurred in 1989 when then

Congressman Joe Kennedy added an open disclosure provision to CRA; and since then, it has really, I think, taken off and come to significant attention in terms of the public.

As that has happened, there has been a new awareness and new impetus upon making this law even more effective than it was. There are a couple of factors that have influenced that. One is, increasingly, banks do not have as many deposits as other financial institutions that are nonbanks. It is estimated that in 1977, when this law was first passed, that about two-thirds of the savings and deposits existed in our financial institutions, our banks and in our savings and loans or thrifts.

Today, it is estimated that that amount may be something less than 30 percent, less than half of what one time existed. The necessity is, of course, to try to keep existing CRA law in place.

If we look at CRA, since its inception, it is estimated that nearly $1 trillion in loans and creditworthy instruments have been extended to these communities in which these financial institutions exist under the auspices of fulfilling the CRA requirements, which only requires banks to loan to creditworthy customers in these geographic and other service areas in which they exist.

It does not require financial institutions to make loans or take activities which, in essence, would cause them to lose money, to issue bad loans, or to issue services that would be inappropriate, that would be costly to them.

As a matter of fact, of course, I think, after the history of this is actually demonstrated, that some banks, which were perhaps reluctant to in fact make these types of loans initially, they have now discovered an entirely new book of business in terms of serving these communities.

The consequence has been dramatic in terms of expanding opportunities for some low and moderate-income people and, in some cases, people of color that before had been denied credit.

I think that most folks from the rural area well understand what the limitations are concerning credit in their own communities. After all, without the credit extension for loans in farms and ranches and, for that matter, in the urban areas, the small businesses in those cases would not be able to grow, would not be able to have the ability to in fact engage actively in the enterprise that they have chosen to participate in.

But CRA has meant that that type of credit, that that test, that type of examination falls upon these financial institutions to actually serve the community.

So, often, the demonstration where there had been problems with CRA was a case where the deposits came in from the local community, but the dollars and loans did not go out to that same local community, even though there were creditworthy applications and loans that could have been made in those cases.

What CRA has done has caused banks, in a partnership I would say, more than anything else, to reexamine what they are doing, not just to become a deposit collector and then a purchaser of bond or securities or, in fact, even investment in other investments that maybe were not even within the borders of the United States, but might have been in a territory or someplace else where the interest rates might have been a little higher, the fact was that it has caused them to reexamine what they are doing and to reorient their business.

Now, we hold our financial institutions in this country out as being international, as being aware, and being involved. But most importantly, as we go forward, we want to make certain that the basic needs are met at home as they are justified.

CRA is now of course under attack. It is ironic, as we move to pass legislation which would modernize our financial institutions, that some have sought to attach to this banking modernization legislation provisions which would renege and which would withdraw, or at least take away, the commitment and the examination that exists under CRA.

To date, in the House, we have been successful in fighting off most of those in this session but in past sessions, indeed amendments have passed on this floor which have, in fact, pulled the rug out from under this law, this CRA law that is working and serving our families and serving our Nation so very well these last 22 years.

But in the Senate of course, they have, in fact, pulled back the requirements of CRA and in essence pulling away at the same time, I might say, that we are providing for financial modernization.

Well, one, financial modernization must indeed serve, not just the needs of the financial entities, that is banks, the insurance companies, and security firms, we must keep in mind that and focus, and the major focus should be on the people of this country that are served and the small businesses that need the type of help that only these financial institutions can offer. That in fact is the reason that of course we have in the first instance developed and provided the type of franchise and license that they have within our States and within the boundaries of this Nation.

So now more than ever, as we move to provide for these banks to have more opportunities and more powers to work together, we also need to be certain that the basic needs, the basic finance needs, the basic credit needs of our local communities are available for the small businesses, are available for home purchases, are available to serve, that they merely do not take the deposits and investments out of a community, but, in fact, they extend to that community the type of credit needs that are essential for a viable economy in our urban areas, in our rural areas, and in many others.

In my state, we have 550 banks. Nationwide, we have only 9,700 banks. So Minnesota disproportionately has about 5 percent of the banks. But many jurisdictions, there are not as many banks.

So it is very important that in fact the banks that are there are in fact taking up the responsibility and that they have in fact accepted, when they accepted the franchise, to serve these needs.

I see some of my colleagues on the floor this that I know are interested, as I am, in maintaining this important community reinvestment act law.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAFALCE), the ranking Democrat on the Committee on Banking and Financial Services.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from Minnesota very much for yielding to me.

Mr. Speaker, I am so pleased to join the gentleman from Minnesota (Mr. VENTO), who has been a real champion of financial services reform, of housing and community development, and most especially of the Community Reinvestment Act.

There have been great successes with respect to the Community Reinvestment Act. Possibly within the next week, surely if the House passes a financial services reform bill, surely in conference with the Senate, we are going to have to take up the issue of CRA. We ought not backtrack on our commitment to the Community Reinvestment Act one iota.

Now, some within the United States Congress may seek to portray the CRA as an impediment rather than as an incentive to sound banking practice. They are absolutely wrong. The Community Reinvestment Act has resulted in a tremendous amount of capital investments in our communities. It is the Community Reinvestment Act that has caused that investment in our community.

As the gentleman from Minnesota (Mr. VENTO) said, this law was passed by the Congress in 1977. There was a reason for it. To combat discrimination by encouraging federally insured financial institutions to help meet the credit needs of the communities they serve.

When we view the 2 decades plus that have passed since 1977, we can say that it has been a resounding success. Its success results from the effective partnerships of municipal leaders, local development advocacy organizations, and community minded financial institutions. Working together, the CRA has proven that local investment is not only good for business, but critical to improving the quality of life, especially for low and moderate-income residents in the communities financial institutions serve.

We can applaud the financial institutions for the work they have done in meeting the CRA requirements, the

CRA obligations. At present, it is estimated that almost 98 percent of all financial institutions have achieved at least a satisfactory or better CRA compliance rating. So obviously it is not that difficult of a requirement if 98 percent of the institutions are being rated at least satisfactory.

In my own district, for example, CRA loans have led to the development, one example, of 138 units of low-income senior housing as well as permanent financing for a group home for the developmentally disabled. Local banks participate in the Buffalo Neighborhood Housing Services Revolving Loan Fund, the Niagara Falls Housing Services Revolving Loan Fund, et cetera. These enable local neighborhood housing service agencies to acquire and rehabilitate numerous vacant properties and resell them to low and moderate-income constituents.

CRA lending by local banks in my district has also lead to job growth. For example, local banks have worked with the minority and women-owned loan program of western New York to create pro bono counseling and monitoring services to minority and women loan applicants during the pre-application and post-loan periods of a new business.

In addition, CRA lending has resulted in the construction and financing for manufacturing facilities, which resulted in the retention of hundreds of jobs, the creation of hundreds of jobs in Niagara, Erie, Orleans, and Monroe County.

Mr. Speaker, I strongly support the Community Reinvestment Act and the successes achieved in combatting discrimination. I applaud our financial institutions for their strong compliance record. I welcome their continued success. I repeat, we will pass no banking legislation in this Congress if there is even a scintilla of a retreat from the CRA commitment.

Mr. VENTO. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE) for his strong statement, the ranking member of the Committee on Banking and Financial Services.

I also would point out that, as he read the recognition in Buffalo, New York, his hometown, of the accomplishments, that CRA accomplishes all this without any Federal grants of dollars, without any taxation passed. It accomplishes all of that simply by permitting banks to do what banks are supposed to do, to loan money to creditworthy individuals. That is the only test here, and to be certain that that is done in the jurisdictions or service areas in which they are doing business.

It is, I think, very important to understand that this is what banks are expected to do, why they are licensed. They have a franchise. This is a law and a policy that is working, that has reoriented, that has helped banks focus on the major impetus and the nature of the business that they are involved and so fundamental to the working of our economy.

Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania (Mr. KANJORSKI), the ranking member on the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, a good friend and a strong supporter of CRA.

Mr. KANJORSKI. Mr. Speaker, I rise today in support of what the gentleman from New York (Mr. LAFALCE), our ranking member, has stated and what the gentleman from Minnesota (Mr. VENTO) has stated.

But I want to give a different perspective. I am sure that the people that are observing this discussion tonight may be asking some very fundamental questions, like what is the responsibility of government to get involved in the banking business and tell them what they have to do with their money? I want to give just some concrete examples as to why we derive that authority and why it is important.

Banking institutions are licensed in the United States, and they derive two great measures of support from the American people. That is, one, that the deposits made in national and insured banks in America are insured by the full faith and credit of the United States, so that every individual who makes a deposit in an American bank up to $100,000 is absolutely certain that regardless of the economic circumstances that may occur in this country their money is secure and receivable by them on demand.

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So the insured deposit feature is unique. In no other instance that I am aware of does government insure the private sector's potential losses so that their customer, the bank, can be satisfied that their money is not at risk.

The second factor and special opportunity that is offered to banks that is not offered to other private businesses in America is the fact that they have the right to use the open window at the Federal Reserve for drawing down funds to maintain solvency. No other institution that I am aware of can draw funds at Federal Treasury rates in order to see that their liquidity remains constant and sufficient to carry on the success of their business, particularly at those times when the economy gets out of whack and there may be a run on a bank or there may be an unusual demand or a need for funds. The bank knows that it can go to the open window and derive those funds and that the open window issues those funds because the United States Treasury stands behind them.

Now, that is the reason why we have a unique set of circumstances that allows the Congress to work with the private sector, the banking institutions, as to how they can better serve the community.

Quite frankly, it was my opinion that Community Reinvestment Act provisions were not working very well in the beginning. And as I traveled around my district and traveled around the State of Pennsylvania and the Nation and I talked to bankers, there was a great deal of discomfort with CRA. And their discomfort was that there was a great deal of documentation required in order to satisfy the process and that performance or the process of documentation was extremely expensive to the banks.

I remember on one occasion being asked to come by a small bank run by a friend of mine, Paul Reichart, at Columbia County Farmers National Bank in Columbia County, Pennsylvania, and he led me in to meet with his counsel and some members of his board and himself, and a table much like the size of the table I am speaking from now was piled about a foot high with material. What he expressed to me was the little bank in Columbia County, Pennsylvania, had to go through all this documentation in order to comply with CRA.

I believe, if I recall correctly, it was 1991. And the cost of that compliance was about $55,000. They were disturbed. And the argument, made very simply, was that as a small community bank, why do we have to spend all this money that is directly off the bottom line to document compliance with an act of Congress when, in fact, we could not survive if we were not making loans, primarily to the community and to the participants that surround us within a very small radius, maybe 30 miles. I thought they had a strong logical argument.

As a matter of fact, based on their argument, I came back to Washington and prepared an amendment in 1991 that I offered to some of the banking acts that were going through at that time which would have exempted small institutions of less than $100 million in assets from CRA documentation requirements. At that time, the amendment did not go through, and no progress was made and frustration continued to exist for at least another year. But, luckily, the new administration of President Bill Clinton recognized that problem and, primarily as it applied to small banks, and it directed a reform of the situation.

The President directed the then-Comptroller of the Treasury, Gene Ludwig, who did a comprehensive interagency review and reform of CRA. And what he did basically reinvent and streamline the entire process of documentation and performance and, as a matter of fact, laid down the condition that it was no longer the documentation that was important it was, instead, the performance that was important. And on the basis of that, now banks with little documentation and little expense, regardless of their size, can comport with the standards in the Community Reinvestment Act to be assured that there is satisfaction and compliance.

And as my friend, the gentleman from New York (Mr. LAFALCE) just stated, 98 percent of the banks in the United States today are in satisfactory

compliance at much less cost because of the reforms made under Ludwig's administration as Comptroller of the Currency.

Today, as I travel around banks in Pennsylvania and the Nation, I do not hear the horrendous stories or complaints. As a matter of fact, I find now a new partnership has arisen between community banks and larger banks and the communities they serve. They are reaching out in ways they have never reached out before and are performing in ways they have never performed before.

Now, I have to be thorough in my disclosure, because before I came to Congress I had the opportunity to serve on a small community bank board of directors, and I know that it was extremely difficult at that time for small banks and small boards of that nature to answer to big government in Washington as to what could get done. But with the reforms that Mr. Ludwig put into place, that very bank today is operating, and when I talked to the President not more than a month ago, he is very satisfied and actually seeking out community reinvestment loans wherever they can happen.

So from the smallest community bank to the largest regional banks to the largest national banks the process has been changed, focusing away from documentation and focusing more on performance and ease and speed and less cost and less conflict in arriving at the standards to satisfy these requirements.

I think, now, in 1999, there is really not a sane, logical argument that can be made that in any way do Community Reinvestment Act requirements prohibit the private banking system or cause it any great cost or exposure, but in fact has made them address that return; that banks are private businesses but also the holders of great benefits from the licensing of their bank by the insurance they have in deposits and by access to the open window. They now know that they can perform even something better for their community by being a good citizen.

And quite frankly, I would like to take the time to congratulate these banks, the community banks, the regional banks and the large banks. Over the last 8 years, since I drafted that amendment, I think they have made major strides, proving that smart reinvented government, as instituted under President Clinton and Gene Ludwig, when he was Comptroller of the Currency, have really established a program, cleaned away the problem areas, and have led to real participation.

Let me mention some of that participation. In 1997, banks and thrifts subject to CRA reporting requirements made $2.6 million small business loans totaling $159 billion. And they also made $18.6 billion in community development loans and investments.

This is an incredible record of the private sector of America recognizing that in conjunction with a cooperative regulator and with a policy established and enunciated by this Congress that the public's interest can be well served to the benefit of not only the government and the regulators but to the communities across America. Thousands of new jobs have been created all over America and in distressed communities.

And I happen to look at CRA now from an entirely different viewpoint. This is one of the arrows in our quiver to meet the distressed areas of America in offering opportunities for community development and economic development in the place that really counts and with the private sector participation in market forces to make better judgments of economic development money than the government could ever make on its own.

This is not a panacea. This does not solve all our problems, but it certainly does show that a government program, properly administered, properly defined and judged on performance and not documentation alone, can in fact, change the opportunities, both economic and community opportunities, of many millions of American citizens.

So tonight, I come to the Congress to join my friend from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, reclaiming my time, and not to cut the gentleman off, but to have him as an ally, I must say that the anxiety that he created by challenging CRA has, I think, in that legislation that was proposed some decade or so ago, has actually been turned into a motivation. Because I think the gentleman from Pennsylvania, as always, was operating in very good faith and is of quite a significant ability. And I think the result has been that, as he pointed out, that Gene Ludwig and the other regulators were brought to the table, including the Federal Deposit Insurance Corporation and the office of Comptroller of the Currency, as well as the Federal Reserve Board, who are now all strong proponents of CRA.

In streamlining the process, we made it easier for smaller banks to comply and able to deliver the tremendous results in 1996 that the gentleman talked about. We are talking about hundreds of billions of dollars of investment. That means homes, that means jobs. Obviously, a good economy has helped, but, clearly, CRA is meeting those local needs. It is a great success, even if Congress did have something to do with crafting the policy and perhaps perfecting it and getting an administration that frankly has operated in good faith. Instead of fighting this, this administration decided to use it and to shape it and to craft it so it would serve working families across this Nation.

So I thank the gentleman from Pennsylvania (Mr. KANJORSKI), and I welcome my colleague, the gentleman from Vermont (Mr. SANDERS), who is an able member of our committee and a strong advocate of CRA and consumer law generally, and I yield to the gentleman.

Mr. SANDERS. Mr. Speaker, I thank the gentleman from Minnesota (Mr. VENTO) very much for organizing this special order, and I want to go on record in agreeing with the remarks that the gentleman has made, as well as the comments of the ranking member of the committee, the gentleman from New York (Mr. LAFALCE), and the gentleman from Pennsylvania (Mr. KANJORSKI). I think what they had to say is appropriate, and I am in agreement with it.

Mr. Speaker, we see on the television virtually every night and we read in the newspapers that the economy is booming, and some people say it has never been so good. But when I speak to working families in the middle class in the State of Vermont they have a slightly different interpretation of what is going on in the economy. Because for many of those people, they are working longer hours for lower wages than they were 20 years ago. And while we are all delighted that Bill Gates saw a $40 billion increase in his wealth last year, that is really not the case for most the people in the State of Vermont. They are struggling hard to keep their heads above water.

One of the major problems we face in the State of Vermont has to do with affordable housing. If anything, that crisis is becoming more acute not only in my State but in States throughout this country. So it is very clear to me that one of the important tools that we have to build affordable housing, and to have the banks throughout this country play a responsible role in their communities is what we have done through the Community Reinvestment Act, which, in fact, is working extremely well in this country today and which must not be weakened.

I would agree with the gentleman from New York (Mr. LAFALCE) in his remarks of a few moments ago that if CRA is weakened, we should not pass any banking legislation that does that, and I would strongly urge the President to veto any legislation which weakens CRA.

Mr. Speaker, I recently took part in a ribbon cutting celebration to commemorate the successful redevelopment of the Applegate Housing Development in Bennington, Vermont. The successful redevelopment project involved the efforts of many good people and organizations, including the residents, who in fact came together through a strong tenants' association. A nonprofit housing developer, civic leaders, the people in Bennington and their local government played a very positive role in this effort, as well as government officials and local banks. And the CRA was a vital part of that effort.

Until recently, Applegate was an apartment complex where the plumbing water backed up into the bathtubs, vacancy rates exceeded 50 percent, and crime was a serious problem. Today,

Applegate is a completely renovated community where families can live in peace and comfort and children have the kind of opportunities to which they are entitled.

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The truth of the matter is that the State of Vermont has a network of excellent community banks that is working with local nonprofit housing developers to build and rehabilitate housing for the benefit of low- and moderate-income families. CRA helps them make an important part the American dream, a decent and safe place to live accessible to all Vermont.

The CRA encourages federally insured financial institutions to provide deposit and credit services throughout the communities in which they do business, including low- and moderate-income areas, and it is working. I think that there should not be major disagreement in this body that we simply do not want to see banks lend to institutions and businesses that are running off to Mexico or China and investing in those countries. We want to see banks reinvest in our communities. And that is what the CRA process is about.

The CRA is helping to rebuild the economies of the stressed communities. It is making homeownership accessible to more Americans. It is helping to start small businesses and to create decent paying jobs. Since it was passed in 1977, CRA is credited with lending $1 trillion in loans to low- and moderate-income communities. And this is a significant achievement.

CRA is good for consumers, and it is good for communities. It is also good for the banking business because it encourages financial institutions to look for business opportunities they might otherwise miss.

Mr. Speaker, as I mentioned earlier, not everyone in our society is benefiting from the growth in our economy. An estimated 10 million Americans lack decent, affordable housing. It is not uncommon in the State of Vermont and, I dare say, in Minnesota to find families paying 40, 50 or more percent of their limited income for housing. That is not affordable housing.

In rural America, more than 9 million people are living in poverty. Rural communities across the country cannot get the development funds or the consumer credit they need, and in urban areas the lack of affordable housing leaves more and more working Americans without homes.

Instead of dismantling the CRA, as some in Congress would have us do, we must strengthen it. Congress is once again considering a bill to quote, unquote modernize the financial services system. But that bill fails to modernize the CRA to preserve its effectiveness in the changing financial system. The changes taking place in today's financial marketplace threaten to make it even more difficult for low- and moderate-income families to get the bank services they need and deserve. Without access to private capital that the CRA provides for low- and moderate-income consumers and communities, homes will not be renovated, small businesses will not be started, new jobs will not be created, and neighborhoods will not be rebuilt.

We need to save the CRA from those in Congress who would tear it down. I urge my colleagues to resist any effort to weaken the CRA.

Again, I want to thank the gentleman from Minnesota (Mr. VENTO) for his leadership role in this.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS) for his poignant comments with regards to this.

As we look at a successful economy today with low income rates, at least we hope for the near future, and with high employment and low inflation, and the gentleman reminds us all again that while these numbers look very good in some folks' view, the fact is that nobody lives on the average. I think we want to come forward together.

One of the things that CRA has done is to try to reach back and to pull up those in our society that have not had the opportunity. We hold forth the promise in this Nation that is we work hard that we can get ahead, that we are going to be treated fairly. And of course an essential part of that is to have employment, to have a fair wage, and to have a fair opportunity to participate in the economy to achieve the American dream.

I must say that this administration has, by virtue of its goals and by virtue of the economy, been successful in achieving that. For the first time in our history, 67 percent of the families in our nation have homeownership.

That still, of course, leaves out many of those that do not. And, of course, we are experiencing higher rents and all sorts of housing programs. But CRA specifically addresses housing. One of the statistics, for example, is that from 1993, I believe these statistics are through 1998, African-Americans homeownership mortgage loans increased by 58 percent and those to Hispanics by 62 percent and to low- and moderate-income borrowers by 38.

So the low and moderate market was getting a 38-percent increase. And we can see the African-American population and the Hispanic population greatly exceeded that, which I think indicates that in fact the CRA efforts tailored and targeted to meet and to try to serve those communities are very helpful.

Now, there are many aspects that have happened simply because CRA has acted as a catalyst. In other words, the necessity is that banks need to do this and they are looking for creditworthy, sound business decisions to make in their local communities and that precipitates other organizations to come forward, whether they are community development corporations, whether they are local governments, whether they are faith-based organizations, whether they are neighborhood housing services, some of the very laws that we put in place.

One, of course, is the Neighborhood Reinvestment Corporation, which has set up a goal over a period of years to in fact provide 25,000 new homeowners by 2002. And they are almost halfway there. And just to read the numbers, the median income for participating families is about $25,000. And that is 36 percent below the national median income. The Neighborhood Reinvestment Corporation, 67 percent have very low incomes and 26 percent have moderate. So here they are meeting these needs. But they condition do it without the seeds.

We have some folks who for a long time the national Government provided housing programs which they paid for building it, maintaining it, paid the subsidies, paid to keep it repaired. And it produced some pretty good housing. Much of it still exists, as a matter of fact, and it is not being threatened by the opt-out. But there are a lot of Members here on the floor and some other places that think all we have to do is provide the fertilizer. And I would suggest that we need these seeds. And the seeds that make these housing programs grow are the CRA provisions, are these small programs in local organizations.

That is why local communities such as our mayor organizations, the counties, the States all are strong proponents of the Community Reinvestment Act. It works. It is a great success. And it is an insurance that banks will be questioned as to whether they are meeting those local needs and serving those working families and their service areas need to be served. So it is a tremendous success.

It is a fact, of course, that many now I think belatedly based on perhaps past problems or impressions that they have seek to try and erode this important consumer law, this important focus that we have established for financial institutions.

Mr. Speaker, I yield further to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. I would concur with what my friend from Minnesota said. But the bottom line for me is that in this great and wealthy country, we should be outraged that so many millions of families are still not latching on to the American dream despite the fact that they are working long and hard hours. Clearly an essential part of what the American dream is about is to have a decent house in a decent community.

We should also understand that, if my memory is correct, the banking industry right now is enjoying record-breaking profits. And I think, as the gentleman from New York (Mr. LAFALCE) made very clear, because of acts of the United States Congress, banks have certain benefits, among other things, the FDIC, which guarantees the money that is in those banks.

And banks, therefore, have a responsibility to their communities and many banks understand that.

But essentially, if this institution, the Congress, is to mean anything, we have got to stand up for those people who are not earning huge sums of money, those people who are not living on the mansions on the Hill. We have got to address the needs of senior citizens and working families who are paying 40, 50, 60 percent of their limited incomes for housing.

As my colleague the gentleman from Minnesota (Mr. VENTO) indicated, the CRA in fact has been an extremely successful program. It has done what it is supposed to do. It has created affordable in Vermont and throughout this country. It has helped small business create decent paying jobs.

We must stand firm against anyone in this institution who wants to weaken a program that has worked so well for working families in this country.

Mr. VENTO. Mr. Speaker, I would point out that today many large financial institutions have in fact developed departments and units within their banks that are called CRA units. So they are actively engaged.

The phenomenal effect of this law has changed in a sense the corporate structure of banks. So where before they might have been more interested in loans in the Grand Cayman Islands or some other exotic place, which obviously they thought they could make money with, and there is nothing wrong with profits, nothing wrong with financial institutions making money, but the fact is that we also want them to serve these communities. And so they have developed within their corporate structure offices that specialize in meeting these needs.

So within our large financial institutions and some middle-size institutions, they actually have assigned this responsibilities with officers that exclusively work on community reinvestment activities and they have discovered, lo and behold, they can make money out of that part of the portfolio. And so with small banks I think they have a phenomenal record.

I am looking at one small bank from my community called the University National Bank, and the comptroller has given them great credit, but I just want to give the gentleman from Vermont (Mr. SANDERS) and my other colleagues an idea that the percentage of CRA loans in their portfolio in 1994 was only 14 percent. In 1995 it was 38 percent of the portfolio. In 1996 it was 60 percent. And in 1998, it is, get this, 75 percent. It is inner city bank that was not acting much like an inner city bank. It was not an active participant in the community. This is just one example.

I know that I have Western Bank in my area that is headed by a friend, Bill Sands, this is president, long-time name in Minnesota, and is doing an excellent job both in terms of economic development and in terms of mortgage lending.

So many of these small banks, even their organizations, for instance today the American Banking Association supports the CRA law. And of course their counterpart, which represents a significant number of bank and sometimes smaller banks, the Independent Bankers Association of America, also supports and recognizes the changes made in the law have been helpful.

Now, individually there are probably some banks that are still in a state of denial with regard to this law.

Mr. SANDERS. Mr. Speaker, if the gentleman would yield further, I would comment that those banks that he is referring to I presume are not losing money, they are making money and they are making money the right way, by reinvesting in their communities.

I think, not to wander away from the subject at hand, there is a real concern throughout this country about the loss of decent paying jobs and the fact that big money interests are much more interested in investing in China or Mexico to help companies make a quick buck exploiting cheap labor in those countries rather than reinvesting in the United States, rather than reinvesting in our community.

What CRA is about, which is so essential and so right, it says reinvest in our communities, create new jobs in our communities, start small businesses in our communities, give people affordable housing in our communities. And you know what, banks? You can make money doing that. You do not have to just help people invest in China.

So I think the gentleman and I are in agreement, the CRA is a success story. And I hope very much that no one in Congress wants to come forward to dismantle it or to weaken it. And if they do, I hope that the President will do the right thing and inform them that any legislation which weakens CRA will be vetoed.

Mr. VENTO. Mr. Speaker, we are going to be certain that the banks assume these new responsibilities, that there is an opportunity to examine whether or not there is in fact CRA activity that they are meeting, that they will have satisfactory rates, and that that rating is something that holds up, that CRA rates and exams go on at the same time as other exams go on. We want banks to have enough capital. We want them to be subject to what we call our CAMEL's rates in terms of capital assets management and other liquidity and other factors that are so important.

But also, I think we want them in a sense to say CRA says you cannot just be passive, you cannot just be reactive, you have to be proactive. And that is exactly what they are doing.

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There are many ways that they can do this. There are in fact new aspects where individual companies, entities have sprung up that permit banks to buy securities that will help them meet their CRA requirement.

Supporting home ownership efforts. As the gentleman from Vermont knows from our interest in terms of housing, that very often today we need to in fact school individuals on what it is to be a homeowner. For instance, in my community, I have a large population of Southeast Asians that has emigrated from Laos. The fact is that they did not have as much information about what it is to be homeowners. Today that is turning around. Now we have realtors that are Southeast Asians that are Hmong that are in fact selling the homes. We have others of course that are buying them. They are going to be a very important part of our community. Banks reaching out, working with these communities, trying to teach how you become a homeowner. What the procedures are, the requirements, how you take care of a home, how you manage the dollars and keep it in repair are very important in terms of home ownership.

We have programs, as an example, that deal with single parent families, very often women, and trying to give them the resources and the know-how so that they can become homeowners. These are all programs that are helped and assisted by CRA, that provide some of the seed money for creditworthy types of ventures. We know that if we educate and invest in people, that they then have the ability, they may not have as much income but they have the ability then to understand what is necessary and they may have a network of support very often through a neighborhood housing services program, through a church, through social activities so that they have the network support that permits them to become successful homeowners.

We are doing the same thing, as the gentleman knows, through the community development financial institutions, programs like the PRIME program and the Microenterprise programs, all of which depend upon banks to come forward after we have built capacity in the communities to in fact invite people to become owners of business, to be involved in our economy. This is very essential in fulfilling the promise of what this Nation is about in terms of earning your own way, the sort of rugged individualism. It is fine, but we need to build the types of capacity in terms of the people that we represent and the working families, which may not be like yesterday's working families, but build the capacity so that they can be successful. Our financial institutions, have always been an important part of that. Our banks have. CRA today is one way of ensuring that they can demonstrate and pointing the way, keeping in focus the service to the geographic area and the service areas in which these financial entities derive their deposits and provide their loans and play that essential role that is the magic of our great American economy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered into, was granted to:

The following Members (at the request of Mr. SMITH of Washington) to revise and extend their remarks and include extraneous material:

Ms. Norton, for 5 minutes, today.

Ms. Carson, for 5 minutes, today.

Mr. Allen, for 5 minutes, today.

Mrs. Maloney of New York, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. Hinchey, for 5 minutes, today.

Mr. Lipinski, for 5 minutes, today.

The following Members (at the request of Mr. SMITH of Washington) to revise and extend their remarks and include extraneous material:

Mr. Burton of Indiana, for 5 minutes each day, on June 29 and 30.

Mr. Duncan, for 5 minutes, today.

Mr. Fossella, for 5 minutes, today.

Mr. Wamp, for 5 minutes, on June 28.

ADJOURNMENT

Mr. VENTO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, June 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:

2702. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Eighty-Fifth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 1998, pursuant to 12 U.S.C. 247; to the Committee on Banking and Financial Services.

2703. A letter from the Comptroller General, transmitting a report of the Research Notification System; to the Committee on Government Reform.

2704. A letter from the Management Analyst, Office of the Inspector General, Department of Justice, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1998, through March 31, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2705. A letter from the Writer/Editor, Office of the Inspector General, National Science Foundation, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2706. A letter from the Director, Financial Services, Library of Congress, transmitting activities of the United States Capitol Preservation Fund for the first six-months of fiscal year 1999 which ended on March 31, 1999, pursuant to 40 U.S.C. 188a–3; to the Committee on House Administration.

2707. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Nontrawl Fisheries in the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 051499A] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2708. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 042399B] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2709. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lebanon, MO [Airspace Docket No. 99–ACE–10] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2710. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Shenandoah, IA [Airspace Docket No. 99–ACE–16] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2711. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rolla/Vichy, MO [Airspace Docket No. 99–ACE–26] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2712. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ottawa, KS [Airspace Docket No. 99–ACE–21] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2713. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cresco, IA [Airspace Docket No. 99–ACE–13] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2714. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29581; Amdt. No. 1934] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2715. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Neosho, MO [Airspace Docket No. 99–ACE–11] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2716. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Thedford, NE [Airspace Docket No. 99–ACE–23] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2717. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Washington, IA [Airspace Docket No. 99–ACE–18] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2718. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29579; Amdt. No. 1932] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2719. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29580; Amdt. No. 1933] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2720. A letter from the Director, Office of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting the Department's final rule—National Cemetery Administration; Title Changes (RIN: 2900–AJ79) received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2721. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical Expense Deduction for Smoking-Cessation Programs [Rev. Rul. 99–28] received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1651. A bill to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country (Rept. 106–197). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. EMERSON (for herself, Ms. MCKINNEY, Mrs. LOWEY, Mrs. KELLY, Mrs. MALONEY of New York, and Ms. ROS-LEHTINEN):

H.R. 2316. A bill to amend the Public Health Service Act to develop monitoring systems to promote safe motherhood; to the Committee on Commerce.

By Mr. GREENWOOD (for himself, Mrs. ROUKEMA, and Mr. HOLT):

H.R. 2317. A bill to designate a portion of the Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. SAM JOHNSON of Texas, Mr. LEWIS of

Kentucky, Ms. DUNN, Mr. ENGLISH, Mr. CRANE, Mr. MCCRERY, Mr. WATKINS, and Mrs. JOHNSON of Connecticut):

H.R. 2318. A bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 2319. A bill to make the American Battle Monuments Commission and the World War II Memorial Advisory Board eligible to use nonprofit standard mail rates of postage; to the Committee on Government Reform.

By Mr. GARY MILLER of California (for himself and Mr. GREEN of Wisconsin):

H.R. 2320. A bill to allow States to use a portion of their welfare block grants for general education spending; to the Committee on Ways and Means.

By Mrs. MORELLA:

H.R. 2321. A bill to amend title 5, United States Code, to ensure that coverage under the health benefits program for Federal employees is provided for hearing aids and examinations therefor; to the Committee on Government Reform.

By Mr. OBEY:

H.R. 2322. A bill to amend the Agricultural Adjustment Act to terminate Federal milk marketing orders; to the Committee on Agriculture.

H.R. 2323. A bill to require the national pooling of receipts under Federal milk marketing orders; to the Committee on Agriculture.

H.R. 2324. A bill to amend the Agricultural Adjustment Act to terminate Federal milk marketing orders and to replace such orders with a program to verify receipts of milk; to the Committee on Agriculture.

By Mr. STARK (for himself and Mrs. THURMAN):

H.R. 2325. A bill to amend titles XVIII and XIX of the Social Security Act with respect to changing the requirements for surety bonds of home health agencies, durable medical equipment suppliers, and others under the Medicare and Medicaid Programs; referred 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. STEARNS:

H.R. 2326. A bill to prohibit the expenditure of the Federal funds to conduct or support research on the cloning of humans, and to express the sense of the Congress that other countries should establish substantially equivalent restrictions; referred to the Committee on Commerce, and in addition to the Committee on Science, 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.

H.R. 2327. A bill to provide that pay for Members of Congress may not be increased by any adjustment scheduled to take effect in a year immediately following a fiscal year in which a deficit in the budget of the United States Government exists; referred to the Committee on Government Reform, and in addition to the Committee on House Administration, 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. SWEENEY:

H.R. 2328. A bill to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program; to the Committee on Transportation and Infrastructure.

By Mr. VISCLOSKY:

H.R. 2329. A bill to amend the Act entitled ''An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes'' to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Florida (for himself, Mr. BILIRAKIS, Mr. STEARNS, Ms. BROWN of Florida, Mr. GOSS, Mr. DIAZ-BALART, Mr. YOUNG of Florida, Mrs. FOWLER, Mr. SCARBOROUGH, Mr. MICA, Mr. SHAW, Mr. MCCOLLUM, Mr. BOYD, Mrs. THURMAN, Mr. DAVIS of Florida, Mr. CANADY of Florida, Mr. MILLER of Florida, Mr. FOLEY, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. WEXLER):

H.R. 2330. A bill to name the Department of Veterans Affairs outpatient clinic under construction at 2900 Veterans Way, Melbourne, Florida, as the ''Jerry O'Brien Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Ms. DUNN (for herself, Mr. MATSUI, Mr. DREIER, Ms. ESHOO, Mr. GOODLATTE, Mr. DOOLEY of California, Mr. DAVIS of Virginia, and Mr. WELLER):

H.R. 2331. A bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business stock and to provide that the exclusion relating to incentive stock options will no longer be a minimum tax preference; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 2332. A bill to authorize the United States to enter into an executive agreement with Canada relating to the establishment and operation of a binational corporation to operate, maintain, and improve facilities on the Saint Lawrence Seaway, and for other purposes; referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROMERO-BARCELO (for himself, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. SERRANO, and Mr. RANGEL):

H.R. 2333. A bill to amend title XIX of the Social Security Act to remove special financial limitations that apply to Puerto Rico and certain other territories under the Medicaid Program with respect to medical assistance for Medicare cost-sharing and for veterans; referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ (for herself, Mr. SKELTON, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. SERRANO, Ms. BROWN of Florida, Mr. CLYBURN, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. RANGEL, Mr. CUMMINGS, Mr. WYNN, Mrs. CLAYTON, Ms. LEE, Mr. MENENDEZ, Mr. ORTIZ, Mrs. MEEK of Florida, Ms. WATERS, Mr. GUTIERREZ, and Ms. SANCHEZ):

H.R. 2334. A bill to amend title 10, United States Code, to extend and make improvements to the provisions relating to procurement contract goals for small disadvantaged businesses and certain institutions of higher education, and for other purposes; to the Committee on Armed Services.

By Mr. STEARNS:

H. Con. Res. 142. A concurrent resolution whereas from the Valley Forge to Yugoslavia, in every battlefield where ever American values have been attacked and American lives sacrificed, the flag of the United States has been the shining, indomitable, eternal spirit of American liberty in visual form; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. PORTER, Mr. LEWIS of Georgia, Mr. ACKERMAN, Ms. BERKLEY, Mr. BERMAN, Mrs. CAPPS, Mr. DEUTSCH, Mr. GEJDENSON, Mrs. LOWEY, Mr. MARTINEZ, Mr. GEORGE MILLER of California, Mr. NADLER, Ms. PELOSI, Mr. ROTHman, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. WAXMAN, Mr. WEINER, and Mr. WEXLER):

H. Res. 219. A resolution expressing the sense of the House of Representatives condemning the arson attacks against three California synagogues on June 18, 1999; to the Committee on the Judiciary.

By Ms. MILLENDER-MCDONALD (for herself, Mr. BARRETT of Wisconsin, Mr. BONIOR, Mr. COYNE, Mr. CUMMINGS, Mr. FROST, Mr. GUTIERREZ, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mrs. KELLY, Ms. KILPATRICK, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MEEHAN, Mrs. NAPOLITANO, Mr. SHOWS, Mr. THOMPSON of Mississippi, and Mrs. JONES of Ohio):

H. Res. 220. A resolution expressing the sense of the House of Representatives with regard to the heart disease in women; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

21. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Concurrent Resolution No. 45 memorializing the President, the Congress, and the Navy of the United States of America, on behalf and in representation of the People of Puerto Rico, to immediately respond to the plea of our people to immediately and permanently cease air and naval firing and bombing military practices with live ammunition in the island municipality of Vieques and surrounding waters; to the Committee on Armed Services.

122. Also a memorial of the Senate of the State of Kansas, relative to Senate Concurrent Resolution No. 1608 memorializing the United States Congress to repeal Section 656(b) of P.L. 104–208; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. SAXTON.

H.R. 8: Mr. DOOLEY of California and Mr. ENGEL.

H.R. 25: Mr. GREENWOOD.

H.R. 90: Ms. PELOSI and Mr. PHELPS.

H.R. 123: Mr. BACHUS, Ms. CALVERT, Mrs. JOHNSON of Connecticut, and Mr. ROGERS.

H.R. 303: Mr. GILMAN, Mr. FROST, and Ms. RIVERS.

H.R. 306: Mr. UPTON.

H.R. 347: Mr. TAYLOR of North Carolina.
H.R. 413: Mr. UDALL of New Mexico and Mr. ABERCROMBIE.
H.R. 423: Mr. OSE.
H.R. 456: Mr. BARTLETT of Maryland.
H.R. 489: Mr. WEINER and Mr. THOMPSON of Mississippi.
H.R. 531: Mr. ADERHOLT.
H.R. 557: Mr. KUCINICH and Mr. BENTSEN.
H.R. 583: Mr. BORSKI and Mr. EHLERS.
H.R. 614: Mr. LUCAS of Kentucky.
H.R. 625: Mr. STUPAK.
H.R. 697: Mr. BURTON of Indiana, Mr. DEMINT, and Mr. JENKINS.
H.R. 721: Mr. LEWIS of Georgia.
H.R. 750: Mr. LARGENT.
H.R. 772: Mr. UDALL of New Mexico.
H.R. 784: Mr. BLILEY and Mr. MORAN of Virginia.
H.R. 798: Mr. CROWLEY, Ms. RIVERS, Mr. WU, and Mr. EVANS.
H.R. 826: Mr. LAMPSON.
H.R. 860: Mr. OBERSTAR, Mr. QUINN, and Mr. MENENDEZ.
H.R. 925: Mr. DELAHUNT and Mr. RAHALL.
H.R. 933: Mr. HALL of Ohio and Mrs. MINK of Hawaii.
H.R. 958: Mr. MATSUI.
H.R. 1020: Mr. BERMAN, Ms. PELOSI, Mr. BISHOP, Mr. MCGOVERN, Mr. OBERSTAR, Ms. SLAUGHTER, Ms. LEE, and Mr. LAMPSON.
H.R. 1039: Ms. PELOSI, Mr, DIXON, and Mr. LEACH.
H.R. 1057: Mr. WAXMAN and Ms. PELOSI.
H.R. 1083: Mr. GOODLATTE.
H.R. 1115: Ms. VALAZQUEZ, Ms. DELAURO, and Mr. ROEMER.
H.R. 1168: Ms. WOOLSEY and Mr. TAYLOR of North Carolina.
H.R. 1217: Mr. WELLER, Mr. STUMP, Mr. ACKERMAN, Mr. CLEMENT, and Mr. JENKINS.
H.R. 1221: Mrs. WILSON and Mr. TERRY.
H.R. 1224: Ms. BERKLEY, Mr. LARSON, and Mr. DAVIS of Illinois.
H.R. 1238: Mr. DAVIS of Illinois, Ms. KAPTUR, and Mr. DEFAZIO.
H.R. 1257: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1265: Ms. DELAURO and Mr. ENGEL.
H.R. 1300: Mr. ALLEN and Mr. DREIER.
H.R. 1303: Mr. RANGEL, Mr. LEWIS of Georgia, and Mr. GUTIERREZ.
H.R. 1317: Mr. LEWIS of Kentucky and Mr. SHERWOOD.
H.R. 1325: Mr. LAFALCE, Mrs. MEEK of Florida, Mr. BORSKI, and Mr. BLUMENAUER.
H.R. 1358: Mr. WALDEN of Oregon.
H.R. 1396: Mrs. MALONEY of New York, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. NADLER, Mr. SERRANO, Mr. WATT of North Carolina, Mr. MEEHAN, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mr. ENGEL, Ms. PELOSI, Mr. NEAL of Massachusetts, Mr. PALLONE, and Mr. EVANS.
H.R. 1402: Mr. DICKS, Mr. MARTINEZ, Mr. ABERCROMBIE, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. KENNEDY of Rhode Island, and Mr. GIBBONS.
H.R. 1427: Mr. BLILEY.
H.R. 1435: Mr. MANZULLO.
H.R. 1509: Mr. FOSSELLA, Mr. BALDACCI, Mr. SKELTON, Ms. DELAURO, Mr. HALL of Texas, Mr. KENNEDY of Rhode Island, Mr. FOLEY, and Mr. GEPHARDT.
H.R. 1531: Mr. RAHALL and Mr. THOMPSON of Mississippi.
H.R. 1549: Mr. PHELPS.
H.R. 1567: Mr. EDWARDS.
H.R. 1590: Mr. DAVIS of Illinois.
H.R. 1671: Mr. DAVIS of Florida and Mr. LUTHER.
H.R. 1684: Mr. MARTINEZ and Ms. SLAUGHTER.
H.R. 1714: Mr. SHADEGG.
H.R. 1796: Mr. KENNEDY of Rhode Island and Ms. HOOLEY of Oregon.
H.R. 1816: Mr. INSLEE.
H.R. 1832: Ms. MCKINNEY and Mr. MARTINEZ.
H.R. 1842: Mr. DICKS and Mr. JENKINS.
H.R. 1850: Mr. ANDREWS and Mr. CRANE.
H.R. 1858: Mr. BLUNT, Mr. STEARNS, and Mr. ETHERIDGE.
H.R. 1920: Mr. KIND.
H.R. 1932: Mr. DAVIS of Illinois, Mr. LUCAS of Kentucky, and Mr. GREEN of Wisconsin.
H.R. 1962: Mr. GANSKE.
H.R. 1990: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1991: Mr. JEFFERSON.
H.R. 2028: Mr. HOSTETTLER, Mr. ENGLISH, and Mr. HYDE.
H.R. 2088: Mr. HALL of Texas.
H.R. 2125: Ms. ROYBAL-ALLARD.
H.R. 2172: Mr. MCNULTY, Mr. LATOURETTE, Mr. FRANKS of New Jersey, and Mr. PASCRELL.
H.R. 2241: Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. LUCAS of Oklahoma, and Mr. MALONEY of Connecticut.
H.R. 2244: Mr. BAKER.
H.R. 2252: Mr. LARGENT.
H.R. 2260: Mr. POMBO, Mr. HOSTETTLER, Mr. ARMEY, and Mr. ENGLISH.
H.R. 2282: Mr. ADERHOLT.
H.R. 2283: Mr. CLAY and Mr. BISHOP.
H.R. 2300: Mrs. CHENOWETH, Mrs. EMERSON, Mr. REGULA, Mr. CUNNINGHAM, Mr. ADERHOLT, Mr. BARR of Georgia, Mr. COBURN, Mr. WELDON of Pennsylvania, Mr. FOSSELLA, Mr. ISAKSON, Mrs. ROUKEMA, Mr. SOUDER, Mr. SWEENEY, Mr. GREEN of Wisconsin, and Mrs. BONO.
H.R. 2306: Mrs. MEEK of Florida and Mr. MCNULTY.
H.J. Res. 41: Mrs. MINK of Hawaii, Mrs. LOWEY, and Ms. STABENOW.
H.J. Res. 55: Mr. BARTLETT of Maryland, Mr. DICKEY, Mr. HOSTETTLER, Mr. LARGENT, Mr. SOUDER, Mr. SHADEGG, Mr. PITTS, and Mr. HERGER.
H.J. Res. 57: Mr. HUNTER, Ms. WOOLSEY, Mr. COOK, Ms. KAPTUR, Mr. KUCINICH, Mr. TAYLOR of Mississippi, Mr. STEARNS, and Ms. MCKINNEY.
H.J. Res. 58: Mr. ROYCE.
H. Con. Res. 30: Mr. SUNUNU.
H. Con. Res. 38: Mr. ENGEL, Ms. MCKINNEY, Mr. BRADY of Pennsylvania, and Ms. SCHAKOWSKY.
H. Con. Res. 62: Mrs. MINK of Hawaii, Mr. ROHRABACHER, Mr. UDALL of New Mexico, Mr. CRANE, and Mr. MCHUGH.
H. Con. Res. 100: Mr. DAVIS of Illinois and Mrs. LOWEY.
H. Con. Res. 124: Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. GEJDENSON, and Mr. FROST.
H. Con. Res. 130: Mr. LATOURETTE.
H. Con. Res. 133: Ms. MILLENDER-MCDONALD, Mr. HINCHEY, and Mr. BERRY.
H. Res. 89: Mr. MCGOVERN.
H. Res. 115: Mr. INSLEE.
H. Res. 144: Mr. ENGEL.
H. Res. 146: Mr. FATTAH, Mr. GREENWOOD, Ms. DELAURO, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. BLAGOJEVICH, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. HOUGHTON, Mr. HINCHEY, Mr. KLECZKA, Mr. HALL of Ohio, Mr. MCNULTY, Mr. DINGELL, Mr. LEWIS of Georgia, Mr. SHERMAN, Mr. UDALL of Colorado, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RODRIGUEZ, Mr. BECERRA, Mrs. THURMAN, Mr. WATT of North Carolina, Mr. SERRANO, Mr. CROWLEY, Mr. FOLEY, Ms. SLAUGHTER, and Mr. YOUNG of Florida.
H. Res. 201: Mr. STARK.

PETITIONS, ETC.

Under clause 3 of rule XII,

20. The SPEAKER presented a petition of the Los Angeles County Federation of Republican Women, relative to Resolution No. 1–99 petitioning support for House Concurrent Resolution No. 30; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 21: Page 5, strike line 22 and all that follows through line 5 on page 9 and insert the following:

''(6)(A) An innocent owner's interest in property shall not be forfeited in any judicial action under any civil forfeiture provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act of 1952.

''(B)(i) With respect to a property interest in existence at the time the illegal act giving rise to forfeiture took place, a person is an innocent owner if the person establishes, by a preponderance of the evidence—

''(I) that the person did not know that the property was being used or was likely to be used in the commission of such illegal act, or

''(II) that upon learning that the property was being used or was likely to be used in the commission of such illegal act, the person promptly did all that reasonably could be expected to terminate or to prevent such use of the property.

''(ii) With respect to a property interest acquired after the act giving rise to the forfeiture took place, a person is an innocent owner if the person establishes, by a preponderance of the evidence, that the person acquired the property as a bona fide purchaser for value who at the time of the purchase did not know and was reasonably without cause to believe that the property was subject to forfeiture. A purchaser is 'reasonably without cause to believe that the property was subject to forfeiture' if, in light of the circumstances, the purchaser did all that reasonably could be expected to ensure that he or she was not acquiring property that was subject to forfeiture.

''(iii) Notwithstanding any other provision of this paragraph, no person may assert an ownership interest under this paragraph in contraband or other property that is illegal to possess. In addition, except as set forth in clause (ii), no person may assert an ownership interest under this paragraph in the illegal proceeds of a criminal act, irrespective of State property law.

''(C) For the purposes of this paragraph:

''(i) An 'owner' is a person with an ownership interest in the specific property sought to be forfeited, including but not limited to a lien, mortgage, recorded security device or valid assignment of an ownership interest. An owner does not include—

''(I) a person with only a general unsecured interest in, or claim against, the property or estate of another person;

''(II) a bailee, unless the bailor is identified, and the bailor has authorized the bailee to claim in the forfeiture proceeding, pursuant to the Supplemental Rules for Admirality and Maritime Claims;

''(III) a nominee who exercises no dominion or control over the property; or

''(IV) a beneficiary of a constructive trust.

''(ii) A person shall be considered to have known that such person's property was being used or was likely to be used in the commission of an illegal act if the Government establishes the existence of facts and circumstances that should have created a reasonable suspicion that the property was being or would be used for an illegal purpose.

''(D) If the court determines, in accordance with this paragraph, that an innocent owner has a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court shall enter an appropriate order—

''(i) serving the property;

''(ii) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of the owner's ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

''(iii) permitting the innocent owner to retain the property subject to a lien in favor of the Government to the extent of the forfeitable interest in the property. To effectuate the purposes of this paragraph, a joint tenancy or tenancy by the entireties shall be converted to a tenancy in common by order of the court, irrespective of State law.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 22: Page 9, strike line 6 and all that follows through line 25 on page 10 and insert the following:

''(k)(1) A person with standing to challenge the forfeiture of property seized under this section may file a motion for the return of the property in the manner described in Rule 41(e), Federal Rule of Criminal Procedure. If such motion is filed, the court shall conduct a hearing within 90 days and shall order the release of the property, pending trial on the forfeiture and the entry of judgment, unless—

''(A) the Government establishes probable cause to believe that the property is subject to forfeiture, based on all information available to the Government at the time of the hearing;

''(B) the Government has filed a civil forfeiture complaint against the property, and a magistrate judge has determined there is probable cause for the issuance of a warrant of arrest in rem pursuant to the Supplemental Rules for Admiralty and Maritime Claims;

''(C) a grand jury has returned an indictment that includes an allegation that the property is subject to criminal forfeiture;

''(D) the person filing the motion had notice of the Government's intent to forfeit the property administratively pursuant to 19 U.S.C. 1608, and failed to file a claim to the property within the specified time period;

''(E) the property is contraband or other property that the moving party may not legally possess; or

''(F) the property is needed as evidence in a criminal investigation or prosecution.

''(2) A party with standing to challenge a forfeiture under this section may move to dismiss the complaint for failure to comply with Rule E(2) of the Supplemental Rules, or on any other ground set forth in Rule 12(b) of the Federal Rules of Civil Procedure. Notwithstanding the provision of section 615 of the Tariff Act of 1930 (19 U.S.C. 1615), a party may not move to dismiss the complaint on the ground that the evidence in the possession of the Government at the time it filed its complaint was insufficient to establish the forfeitability of the property.''.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 23: Page 2, strike lines 12 through 20.

Page 3, strike lines 1 through 8 and insert the following:

''(j)(1)(A) Any motion to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609), as incorporated by subsection (d), must be filed not later than 2 years after the entry of the declaration of forfeiture. Such motion shall be granted if—

''(i) the moving party had an ownership or possessory interest in the forfeited property, and the Government failed to take reasonable steps to provide such party with notice of the forfeiture; and

''(ii) the moving party did not have actual notice of the seizure within sufficient time to file a claim within the time period provided by law.

''(B) If the court grants a motion made under paragraph (1), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

''(C) If, at the time a motion made under this paragraph is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under subparagraph (B) against a substitute sum of money equal to the value of the forfeited property at the time it was disposed of, plus interest.

''(D) The institution of forfeiture proceedings under subparagraph (B) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was initiated before the expiration of such limitations period.

''(E) A motion made under this paragraph shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

''(F) This paragraph shall apply to any administrative forfeiture under this section, and to any administrative forfeiture under the Controlled Substances Act, or under any other provision of law that incorporates the provisions of the customs laws.

Page 3, line 9, strike ''C'' and insert ''G''.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 24: Page 14, line 21, strike ''(a) IN GENERAL.—'' and strike line 25 and all that follows through line 8 on page 15.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 25: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Civil Asset Forfeiture Reform Act''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
Sec. 3. Compensation for damage to seized property.
Sec. 4. Prejudgment and postjudgment interest.
Sec. 5. Applicability.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting the following new section after section 982:

''§ 983. Civil forfeiture procedures

''(a) ADMINISTRATIVE FORFEITURES.—(1)(A) In any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the agency conducting a seizure of property must send written notice of the seizure under section 607(a) of the Tariff Act of 1930 (19 U.S.C. 1607(a)), such notice together with information on the applicable procedures shall be sent not later than 60 days after the seizure to each party known to the seizing agency at the time of the seizure to have an ownership or possessory interest, including a lienholder's interest, in the seized article. If a party's identity or interest is not determined until after the seizure but is determined before a declaration of forfeiture is entered, such written notice and information shall be sent to such interested party not later than 60 days after the seizing agency's determination of the identity of the party or the party's interest.

''(B) If the Government does not provide notice of a seizure of property in accordance with subparagraph (A), it shall return the property pending the giving of such notice.

''(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1)(A). Such an extension shall be granted based on a showing of good cause.

''(3) A person with an ownership or possessory interest in the seized article who failed to file a claim within the time period prescribed in subsection (b) may, on motion made not later than 2 years after the date of final publication of notice of seizure of the property, move to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609). Such motion shall be granted if—

''(A) the Government failed to take reasonable steps to provide the claimant with notice of the forfeiture; and

''(B) the person otherwise had no actual notice of the seizure within sufficient time to enable the person to file a timely claim under subsection (b).

''(4) If the court grants a motion made under paragraph (3), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

''(5) If, at the time a motion under this subsection is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under paragraph (4). The property which will be the subject of the forfeiture proceedings instituted under paragraph (4) shall be a sum of money equal to the value of the forfeited property at the time it was disposed of plus interest.

''(6) The institution of forfeiture proceedings under paragraph (4) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was completed before the expiration of such limitations period.

''(7) A motion made under this subsection shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

''(b) FILING A CLAIM.—(1) Any person claiming such seized property may file a claim with the appropriate official after the seizure.

''(2) A claim under paragraph (1) may not be filed later than 30 days after—

''(A) the date of final publication of notice of seizure; or

''(B) in the case of a person receiving written notice, the date that such notice is received.

''(3) The claim shall set forth the nature and extent of the claimant's interest in the property.

''(4) Any person may bring a direct claim under subsection (b) without posting bond with respect to the property which is the subject of the claim.

''(c) FILING A COMPLAINT.—(1) In cases where property has been seized or restrained

by the Government and a claim has been filed, the Attorney General shall file a complaint for forfeiture in the appropriate court in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims not later than 90 days after the claim was filed, or return the property pending the filing of a complaint. By mutual agreement between the Government and the claimants, the 90-day filing requirement may be waived.

''(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1). Such an extension shall be granted based on a showing of good cause.

''(3) Upon the filing of a civil complaint, the claimant shall file a claim and answer in accordance with the Supplemental Rules for Certain Admiralty and Maritime Claims.

''(d) APPOINTMENT OF COUNSEL.—(1) If the person filing a claim is financially unable to obtain representation by counsel and requests that counsel be appointed, the court may appoint counsel to represent that person with respect to the claim. In determining whether to appoint counsel to represent the person filing the claim, the court shall take into account—

''(A) the nature and value of the property subject to forfeiture, including the hardship to the claimant from the loss of the property seized, compared to the expense of appointing counsel;

''(B) the claimant's standing to contest the forfeiture; and

''(C) whether the claim appears to be made in good faith or to be frivolous.

''(2) The court shall set the compensation for that representation, which shall be the equivalent to that provided for court-appointed representation under section 3006A of this title, and to pay such cost, there are authorized to be appropriated such sums as are necessary as an addition to the funds otherwise appropriated for the appointment of counsel under such section.

''(3) The determination of whether to appoint counsel under this subsection shall be made following a hearing at which the Government shall have an opportunity to present evidence and examine the claimant. The testimony of the claimant at such hearing shall not be admitted in any other proceeding except in accordance with the rules which govern the admissibility of testimony adduced in a hearing on a motion to suppress evidence. Nothing in this paragraph shall be construed to prohibit the admission of any evidence that may be obtained in the course of civil discovery in the forfeiture proceeding or through any other lawful investigative means.

''(e) BURDEN OF PROOF.—In all suits or actions brought for the civil forfeiture of any property, the burden of proof at trial is on the United States to establish, by a preponderance of the evidence, that the property is subject to forfeiture. If the Government proves that the property is subject to forfeiture, the claimant shall have the burden of establishing any affirmative defense by a preponderance of the evidence.

''(f) INNOCENT OWNERS.—(1) An innocent owner's interest in property shall not be forfeited in any civil forfeiture action.

''(2) With respect to a property interest in existence at the time the illegal conduct giving rise to the forfeiture took place, the term 'innocent owner' means an owner who—

''(A) did not know of the conduct giving rise to the forfeiture; or

''(B) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

''(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term 'innocent owner' means a person who, at the time that person acquired the interest in the property, was a bona fide purchaser for value and was at the time of the purchase reasonably without cause to believe that the property was subject to forfeiture.

''(B) Except as provided in paragraph (4), where the property subject to forfeiture is real property, and the claimant uses the property as his or her primary residence and is the spouse or minor child of the person who committed the offense giving rise to the forfeiture, an otherwise valid innocent owner claim shall not be denied on the ground that the claimant acquired the interest in the property—

''(i) in the case of a spouse, through dissolution of marriage or by operation of law, or

''(ii) in the case of a minor child, as an inheritance upon the death of a parent,

and not through a purchase. However, the claimant must establish, in accordance with subparagraph (A), that at the time of the acquisition of the property interest, the claimant was reasonably without cause to believe that the property was subject to forfeiture, and was an owner of the property, as defined in paragraph (6).

''(4) Notwithstanding any provision of this section, no person may assert an ownership interest under this section—

''(A) in contraband or other property that it is illegal to possess; or

''(B) in the illegal proceeds of a criminal act unless such person was a bona fide purchaser for value who was reasonably without cause to believe that the property was subject to forfeiture.

''(5) For the purposes of paragraph (2) of this subsection a person does all that reasonably can be expected if the person takes all steps that a reasonable person would take in the circumstances to prevent or terminate the illegal use of the person's property. There is a rebuttable presumption that a property owner took all the steps that a reasonable person would take if the property owner—

''(A) gave timely notice to an appropriate law enforcement agency of information that led to the claimant to know the conduct giving rise to a forfeiture would occur or has occurred; and

''(B) in a timely fashion, revoked permission for those engaging in such conduct to use the property or took reasonable steps in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

The person is not required to take extraordinary steps that the person reasonably believes would be likely to subject the person to physical danger.

''(6) As used in this subsection—

''(A) the term 'civil forfeiture statute' means any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense.

''(B) the term 'owner' means a person with an ownership interest in the specific property sought to be forfeited, including a lien, mortgage, recorded security device, or valid assignment of an ownership interest. Such term does not include—

''(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

''(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

''(iii) a nominee who exercises no dominion or control over the property;

''(C) a person shall be considered to have known that the person's property was being used or was likely to be used in the commission of an illegal act if the person was willfully blind.

''(7) If the court determines, in accordance with this subsection, that an innocent owner had a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court shall enter an appropriate order—

''(A) severing the property;

''(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

''(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government, to the extent of the forfeitable interest in the property, that will permit the Government to realize its forfeitable interest if the property is transferred to another person.

To effectuate the purposes of this subsection, a joint tenancy or tenancy by the entireties shall be converted to a tenancy in common by order of the court, irrespective of state law.

''(8) An innocent owner defense under this subsection is an affirmative defense.

''(g) MOTION TO SUPPRESS SEIZED EVIDENCE.—At any time after a claim and answer are filed in a judicial forfeiture proceeding, a claimant with standing to contest the seizure of the property may move to suppress the fruits of the seizure in accordance with the normal rules regarding the suppression of illegally seized evidence. If the claimant prevails on such motion, the fruits of the seizure shall not be admitted into evidence as to that claimant at the forfeiture trial. However, a finding that evidence should be suppressed shall not bar the forfeiture of the property based on evidence obtained independently before or after the seizure.

''(h) USE OF HEARSAY AT PRE-TRIAL HEARINGS.—At any pre-trial hearing under this section in which the governing standard is probable cause, the court may accept and consider hearsay otherwise inadmissible under the Federal Rules of Evidence.

''(i) STIPULATIONS.—Notwithstanding the claimant's offer to stipulate to the forfeitability of the property, the Government shall be entitled to present evidence to the finder of fact on that issue before the claimant presents any evidence in support of any affirmative defense.

''(j) PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE.—The court, before or after the filing of a forfeiture complaint and on the application of the Government, may—

''(1) enter any restraining order or injunction in the manner set forth in section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e));

''(2) require the execution of satisfactory performance bonds;

''(3) create receiverships;

''(4) appoint conservators, custodians, appraisers, accountants or trustees; or

''(5) take any other action to seize, secure, maintain, or preserve the availability of property subject to forfeiture under this section.

''(k) EXCESSIVE FINES.—(1) At the conclusion of the trial and following the entry of a verdict of forfeiture, or upon the entry of summary judgment for the Government as to the forfeitability of the property, the claimant may petition the court to determine whether the excessive fines clause of the Eighth Amendment applies, and if so, whether forfeiture is excessive. The claimant shall

have the burden of establishing that a forfeiture is excessive by a preponderance of the evidence at a hearing conducted in the manner provided in Rule 43(e), Federal Rules of Civil Procedure, by the Court without a jury. If the court determines that the forfeiture is excessive, it shall adjust the forfeiture to the extent necessary to avoid the Constitutional violation.

''(2) The claimant may not object to the forfeiture on Eighth Amendment grounds other than as set forth in paragraph (1), except that a claimant may, at any time, file a motion for summary judgment asserting that even if the property is subject to forfeiture, the forfeiture would be excessive. The court shall rule on such motion for summary judgment only after the Government has had an opportunity—

''(A) to conduct full discovery on the Eighth Amendment issue; and

''(B) to place such evidence as may be relevant to the excessive fines determination before the court in affidavits or at an evidentiary hearing.

''(l) PRE-DISCOVERY STANDARD.—In a judicial proceeding on the forfeiture of property, the Government shall not be required to establish the forfeitability of the property before the completion of discovery pursuant to the Federal Rules of Civil Procedure, particularly Rule 56(f) as may be ordered by the court or if no discovery is ordered before trial.

''(m) APPLICABILITY.—The procedures set forth in this section apply to any civil forfeiture action brought under any provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act.''.

(b) RELEASE OF PROPERTY.—Chapter 46 of title 18, United States Code, is amended to add the following section after section 984:

''§ 985. Release of property to avoid hardship

''(a) A person who has filed a claim under section 983 is entitled to release pursuant to subsection (b) of seized property pending trial if—

''(1) the claimant has a possessory interest in the property sufficient to establish standing to contest forfeiture and has filed a nonfrivolous claim on the merits of the forfeiture action;

''(2) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

''(3) the continued possession by the United States Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the claimant from working, leaving the claimant homeless, or preventing the functioning of a business;

''(4) the claimant's hardship outweighs the risk that the property will be destroyed, damaged, lost, concealed, diminished in value or transferred if it is returned to the claimant during the pendency of the proceeding; and

''(5) none of the conditions set forth in subsection (c) applies;

''(b)(1) The claimant may make a request for the release of property under this subsection at any time after the claim is filed. If, at the time the request is made, the seizing agency has not yet referred the claim to a United States Attorney pursuant to section 608 of the Tariff Act of 1930 (19 U.S.C. 1608), the request may be filed with the seizing agency; otherwise the request must be filed with the United States Attorney to whom the claim was referred. In either case, the request must set forth the basis on which the requirements of subsection (a)(1) are met.

''(2) If the seizing agency, or the United States Attorney, as the case may be, denies the request or fails to act on the request within 20 days, the claimant may file the request as a motion for the return of seized property in the district court for the district represented by the United States Attorney to whom the claim was referred, or if the claim has not yet been referred, in the district court that issued the seizure warrant for the property, or if no warrant was issued, in any district court that would have jurisdiction to consider a motion for the return of seized property under Rule 41(e), Federal Rules of Criminal Procedure. The motion must set forth the basis on which the requirements of subsection (a) have been met and the steps the claimant has taken to secure the release of the property from the appropriate official.

''(3) The district court must act on a motion made pursuant to this subsection within 30 days or as soon thereafter as practicable, and must grant the motion if the claimant establishes that the requirements of subsection (a) have been met. If the court grants the motion, the court must enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending, including permitting the inspection, photographing and inventory of the property, and the court may take action in accordance with Rule E of the Supplemental Rules for Certain Admiralty and Maritime Cases. The Government is authorized to place a lien against the property or to file a lis pendens to ensure that it is not transferred to another person.

''(4) If property returned to the claimant under this section is lost, stolen, or diminished in value, any insurance proceeds shall be paid to the United States and such proceeds shall be subject to forfeiture in place of the property originally seized.

''(c) This section shall not apply if the seized property—

''(1) is contraband, currency or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a business which has been seized,

''(2) is evidence of a violation of the law,

''(3) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

''(4) is likely to be used to commit additional criminal acts if returned to the claimant.''

''(d) Once a motion for the release of property under this section is filed, the person filing the motion may request that the motion be transferred to another district where venue for the forfeiture action would lie under section 1355(b) of title 28 pursuant to the change of venue provisions in section 1404 of title 28.''.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 46 of title 18, United States Code, is amended—

(1) by inserting after the item relating to section 982 the following:

''983. Civil forfeiture procedures''; and

(2) by inserting after the item relating to section 984 the following:

''985. Release of property to avoid hardship''.

(f) CIVIL FORFEITURE OF PROCEEDS.—Section 981(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (C) by inserting before the period the following: ''or any offense constituting 'specified unlawful activity' as defined in section 1956(c)(7) of this title or a conspiracy to commit such offense''; and

(2) by striking subparagraph (E).

(d) UNIFORM DEFINITION OF PROCEEDS.—Section 981(a) of title 18, United States Code, as amended by subsection (c), is amended—

(A) in paragraph (1), by striking ''gross receipts'' and ''gross proceeds'' wherever those terms appear and inserting ''proceeds''; and

(B) by adding the following after paragraph (1):

''(2) For purposes of paragraph (1), the term 'proceeds' means property of any kind obtained, directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the commission of the offense. In a case involving the forfeiture of proceeds of a fraud or false claim under paragraph (1)(C) involving billing for goods or services part of which are legitimate and part of which are not legitimate, the court shall allow the claimant a deduction from the forfeiture for the amount obtained in exchange for the legitimate goods or services. In a case involving goods or services provided by a health care provider, such goods or services are not 'legitimate' if they were unnecessary.

''(3) For purposes of the provisions of subparagraphs (B) through (H) of paragraph (1) which provide for the forfeiture of proceeds of an offense or property traceable thereto, where the proceeds have been commingled with or invested in real or personal property, only the portion of such property derived from the proceeds shall be regarded as property traceable to the forfeitable proceeds. Where the proceeds of the offense have been invested in real or personal property that has appreciated in value, whether the relationship of the property to the proceeds is too attenuated to support the forfeiture of such property shall be determined in accordance with the excessive fines clause of the Eighth Amendment.''

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking ''law-enforcement'' and inserting ''law enforcement''; and

(2) by inserting before the period the following: '', except that the provisions of this chapter and section 1346(b) of this title do apply to any claim based on the destruction, injury, or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if the property was seized for the purpose of forfeiture under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense but the interest of the claimant is not forfeited.

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it occurs; or

(B) is presented by an officer or employee of the United States Government and arose within the scope of employment.

SEC. 4. PREJUDGMENT AND POSTJUDGMENT INTEREST.

Section 2465 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Upon''; and

(2) adding at the end the following:

''(b) INTEREST.—

''(1) POST-JUDGMENT.—Upon entry of judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, the United States shall be liable for post-judgment interest as set forth in section 1961 of this title.

''(2) PRE-JUDGMENT.—The United States shall not be liable for prejudgment interest in a proceeding under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, except that in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, the United States shall disgorge to the claimant any funds representing—

''(A) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

''(B) for any period during which no interest is actually paid, an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate described in section 1961.

''(3) LIMITATION ON OTHER PAYMENTS.—The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.''.

SEC. 5. APPLICABILITY.

Unless otherwise specified in this Act, the amendments made by this Act apply with respect to claims, suits, and actions filed on or after the date of the enactment of this Act.

H.R. 1658

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 26: At the end add the following:

SEC. 5. FORFEITURE FOR ALIEN SMUGGLING.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(l)(1) Any conveyance, including any vessel, vehicle, or aircraft which has been used or is being used in commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); and

''(2) Any property, real or personal that—

''(A) constitutes, is derived from, or is traceable to the proceeds obtained, directly or indirectly, from the commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); or

''(B) is used to facilitate, or is intended to be used to facilitate, the commission of a violation of such section.

H.R. 1658

OFFERED BY: MRS. ROUKEMA

AMENDMENT NO. 27: Page 15, insert after line 8 the following:

SEC. 7. BULK CASH SMUGGLING.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(G)(i) Any monetary instrument, or combination of monetary instruments, in excess of $10,000 for which a currency report required by any provision of subchapter II of chapter 53 of title 31, United States Code, has not been filed and which has been concealed in any conveyance, article of luggage, merchandise, or other container being transported or transferred in interstate or foreign commerce or on the person of any individual who transports, transfers, or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside the United States or from a place outside the United States to a place within the United States.

''(ii) Upon a showing by the property owner by a preponderance of the evidence that any currency or monetary instruments involved in the offense giving rise to forfeiture under clause (i) were derived from a legitimate source and were intended for a lawful purpose, the court shall determine what portion of the property, if any, may be forfeited without being grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstance that have a bearing on the gravity of the offense. Such circumstances include the following: the value of the currency or other monetary instruments involved in the offense, efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice, and whether the offense is part of a pattern of repeated violations.''.

H.R. 2084

OFFERED BY: MR. SANFORD

AMENDMENT NO. 3: Page 42, line 15, after the dollar amount, insert the following: ''(plus an additional reduction of $1,000,000)''.

Page 42, line 18, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.