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House of Representatives

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

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DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 1, 2000.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

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

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MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

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UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, it is a great day here and today we are, of course, responding to an important question that we have asked in this well of the House over the last several years and that is a pretty basic fundamental question. That is: Is it right, is it fair that under our Tax Code married working couples pay more in taxes than an identical couple in an identical situation living together outside of marriage? It is just wrong that under our Tax Code 28 million married working couples pay, on average, $1,400 more in higher taxes just because they are married.

Mr. Speaker, is it right that under our Tax Code that couples are punished, that they are penalized when they choose to participate in society's most basic institution?

That is the fact today. I represent a diverse district on the south side of Chicago. In the south suburbs in Cook and Will Counties, in Joliet and the bedroom and farm communities they all ask the same question. They wonder why for 30 years now Washington has punished marriage and no one has gone back to fix it.

I am pleased that under the leadership of the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), this House has made it a top priority to eliminate and wipe out the marriage tax penalty suffered by 28 million married working couples. The Speaker has said that the elimination of the marriage tax penalty will be fast out of the box and on a fast track through the Senate and to the President, wiping out the marriage tax penalty and stopping the Tax Code from punishing marriage.

The marriage tax penalty really results from our very complicated Tax Code. And, unfortunately, because we have a progressive Tax Code, if couples get married, they get punished. That is just wrong.

Mr. Speaker, here is how the marriage tax penalty works. Here is how it ends up. Say there is a machinist and a school teacher in Joliet, Illinois. A machinist who works at Caterpillar at the local plant. The machinist makes that heavy equipment, the big bulldozers and cranes and earth-moving equipment. He makes $31,500 a year. If he is single, he pays taxes in the 15 percent tax bracket.

Now, Mr. Speaker, if he meets a tenured public school teacher in the Joliet Public School System with an identical income, as long as she is single she pays in the 15 percent tax bracket. But if this school teacher and machinist choose to get married, when they are married they file jointly and add together their income. What happens then is their combined income is $63,000 and that pushes them into the 28 percent tax bracket, and they are punished with an almost $1,400 marriage tax penalty. If they chose to stay single and live together outside of marriage, they would avoid that marriage tax penalty.

In this case, because this machinist and school teacher chose to live in holy matrimony, society's most basic institution, they are punished under our Tax Code. I find most Americans, whether they live in the city or the suburbs or the country, think it is just wrong and they want Congress and the President to do something about it.

That is why I am so pleased, because I have a another couple from Joliet, Illinois, two public school teachers, Shad and Michelle Hallihan. They came and told me they suffered a marriage tax penalty of $1,000. They just had a baby. Michelle told me, ''Congressman, tell your colleagues in the Congress that $1,000 average in marriage tax penalty is 3,000 diapers.'' Of course, they point out that $1,400, the average marriage tax penalty, is one year's tuition in the local community college.

Well, House Republicans are going to do something about this. We are going to work to eliminate the marriage tax penalty and the Speaker has put it on a fast track. This Wednesday, tomorrow, the House Committee on Ways and Means will have committee action on legislation that will essentially wipe out the marriage tax penalty for a majority of those who suffer it. We double the standard deduction for joint filers to twice that of singles, which will not only help 3 million couples who will no longer have to itemize

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their taxes, but will essentially wipe out their marriage tax penalty for those who do not itemize.

Of course, many homeowners itemize. In order to help homeowners and those who itemize from suffering the marriage tax penalty, we widen the 15 percent bracket so that joint filers can earn twice as much as single filers and still pay in the 15 percent bracket. And for low-income families who benefit from the Earned Income Tax Credit, we also provide marriage tax relief for poor families and low-income families who suffer from the marriage tax penalty.

Mr. Speaker, it is good, commonsense legislation and deserves overwhelming bipartisan support. There is no excuse to vote against legislation wiping out the marriage tax penalty. The Speaker of the House has also indicated that by Valentine's Day that we are going to pass this through to help couples like Shad and Michelle Hallihan who suffer the marriage tax penalty. And what better Valentine's Day gift to give 28 million married working couples than legislation which will eliminate the marriage tax penalty.

Think in these terms: $1,400 is a drop in the bucket here in Washington. It is chump change for the Washington bureaucrats and the big spenders here in Washington. But back home in Illinois, a $1,400 marriage tax penalty is one year's tuition at a local community college; 3 months of day care for Shad and Michelle for their child; it is several months' worth of car payments; it is most of the contribution to an IRA for Michelle. It is real money for real people.

House Republicans are making it a priority. We invite the Democrats to join with us. Let us make it a bipartisan effort to eliminate the marriage tax penalty. What better Valentine's Day gift to give 28 million married working couples. I urge my colleagues to pass the legislation with bipartisan support and send it to the Senate and send it on the President.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

This month President Clinton gave his State of the Union Address outlining many of the things he will spend the budget surplus on. House Republicans want to preserve 100% of the Social Security surplus for Social Security and Medicare and use the non-Social Security surplus for paying down the debt and to bring fairness to the tax code.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton parades a long list of new spending totaling $72 billion in new programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel its fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel its fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost idential income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $31,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $31,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School teacher	Couple	H.R. 6
Adjusted gross income	$31,500	$31,500	$63,000	$63,000
Less personal exemption and standard deduction	$6,950	$6,950	$12,500	$13,00 (singles × 2)
Taxable income	$24,550 (× .15)	$24,550 (× .15)	$50,500 (Partial × .28)	$49,100 (× .15)
Tax liability	$3682.5	$3682.5	$8635	$7,365

Marriage penalty, $1,270. Relief, $1,270.

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $63,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: A down payment on a house or a car, one years tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, U.S. Representative DAVID MCINTOSH and U.S. Representative PAT DANNER and I have authored H.R. 6, The Marriage Tax Elimination Act.

H.R. 6, The Marriage Tax Elimination Act will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles; H.R. 6 would extend a married couple's 15% tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,215 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under H.R. 6 the standard deduction for married couples filing jointly would be increased to $8,300.

H.R. 6 enjoys the bipartisan support of 223 co-sponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember that 1996 State of the Union address when the President declared emphatically that, quote ''the era of big government is over.''

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But their certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority.

Speaker HASTERT and House Republicans have made eliminating the marriage tax penalty a top priority. In fact, we plan to move legislation in the next few weeks.

Last year, President Clinton and Vice President GORE vetoed our efforts to eliminate the marriage tax penalty for almost 28 million married working people. The Republican effort would have provided about $120 billion in marriage tax relief. Unfortunately, President Clinton and Vice President GORE said they would rather spend the money on new government programs than eliminate the marriage tax penalty.

This year we ask President Clinton and Vice President GORE to join with us and sign into law a stand alone bill to eliminate the marriage tax penalty.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

The greatest accomplishment of the Republican Congress this past year was our success in protecting the Social Security Trust Fund and adopting a balanced budget that did not spend one dime of Social Security—the first balanced budget in over 30 years that did not raid Social Security.

Let's eliminate the marriage tax penalty and do it now!

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ELIAN GONZALEZ AND WHAT AWAITS HIM IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the case of Elian Gonzalez cannot be viewed through a prism of normalcy or merely by our views regarding the primacy of family and the rights of parents, because Castro's Cuba is not the United States. The totalitarian communist dictatorship in power since 1959 is not a Democratic government. The regime treats children, by law, as political raw material to be manipulated and exploited by the State.

Children are forced from infancy to prepare for the defense of the country and its regime. Parents who follow their conscience and try to shape their children's values and education are considered enemies of the State and are arrested or persecuted.

Those parents whose love for their children supersedes any individual concern for their safety are punished by the Castro regime, punished for violating Castro's laws. Laws such as the Code of the Child and Youth established by Law Number 16 published on June 30, 1978.

This law reiterates the requirement that the young generations must participate in the ''construction of socialism,'' and that ''the communist ideological formation of children and youth'' must take place ''through a coherent system . . . in which the Cuban Communist Party assumes the pivotal role of vanguard and protector of Marxist-Leninism.'' Those are the exact words.

The upbringing of Cuba's children, in other words, is the responsibility of the Cuban Communist Party. Based on this premise, the Code of the Child and Youth dictates in its first Article that the people, organizations, and institutions which take part in their education are obligated to ''promote the formation of the communist personality in the young generations.'' That is their quote.

Mr. Speaker, if any doubt exists as to the true nature of this Code, Article 3 states that the communist ideological formation of the young generation is a primary goal of the State and, as such, the State works to instill in them, quote, ''loyalty to the cause of socialism and communism and loyalty . . . to the vanguard of Marxist-Leninism, the Cuban Communist Party.''

By the same token, the State must develop in the children ''a sense of honor and loyalty to the principles of proletariat internationalism.'' Again, these are their words. ''And the fraternal relations and cooperation with the Soviet Union and other socialist communist countries.''

Absolute adherence to Marxism is the crux of the educational system in Cuba. Article 8, for example, underscores that, ''Society and the State work for the efficient protection of youth against all influences contrary to their communism formation.''

The regime equates Karl Marx with Cuban independence hero Jose Marti to mask the content of Article 14 of the Code, albeit unsuccessfully. Article 14 condones and advocates child labor as it dictates: ''The combination of study and work . . . is one of the fundamentals on which revolutionary education is based. The principle is to be applied from infancy.''

In this manner, Cuba's youth ''acquire proper labor habits and other aspects of the communist personality are developed.'' The supremacy of Marxism is irrefutable as evident in Article 33: ''The State bestows particular attention to the teachings of Marxism-Leninism for its importance in the ideological formation and political culture of young students.''

Is this the totalitarian society, where the communist party and the State dictates the education, the upbringing of every child, is this what our Justice Department, our INS and the National Council of Churches seek to send young Elian Gonzalez back to? What a travesty.

Mr. Speaker, I commend to our colleagues an article published this week in the Wall Street Journal by James Taranto called ''Havana's Hostages'' which talks about a case of a congressional constituent in my district, Jose Cohen, who has three of his children, Yamila, Isaac and Yanelis, along with his wife back in Cuba, even though they have U.S. exit visas and have been approved for many, many years and Castro will not allow them to come to the United States. This story, Mr. Taranto points out, shows how little the Cuban dictator cares about family unity and how much his communist code that is in force in Cuba cares about communist ideology and loyalty to the socialist Marxist-Leninist cause and not loyalty to true family unity.

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CANADIAN HEALTH CARE IS A COLOSSAL FAILURE

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

Mr. STEARNS. Mr. Speaker, back in the 1970s when Canada unveiled its national health care program, it promised its citizens universal and free health care. In fact, in 1984 the Canadian Government promised that it would make available to all its citizens health that would be, ''universal, portable, comprehensive and accessible.''

Now, we can learn a lesson from Canada because the promises that were made have not been kept. Far from it. Before I elaborate on why I believe it is a mistake for this country to go down the same road, I wish to point out that we have several candidates who are running for president on a national health care program much like Canada's. Of course, they talk about it differently, but basically they want to have the same health care plan that Canada has, even though the Canadians are swarming across the border because the waiting lines are so long in their country.

National health care often results in the rationing of health care itself. In his State of the Union address, the President outlined several new health care spending initiatives that would cost the taxpayers at least $150 billion. What troubles me about this is that the President's health care plan looks a lot like the plan they proposed several years ago. That plan would have put the Federal Government in charge of our entire health care delivery system.

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And, as we remember, this was soundly defeated by the electorate.

By rejecting the Clinton administration's Health Security Act, the American people sent us a message. That message was that they did not want government-run health care. Countries such as Great Britain and Sweden are now moving toward privatizing their health care system because it has resulted in rationing of health care benefits.

Let us review the promises that were made and the reality of Canada's health care system. The Canadian government promised they would provide universal coverage. However, two provinces, British Columbia and Alberta, require that premiums are paid. And, if they are not, then the individual is not covered. In other provinces residents must register to be eligible for coverage. Studies show that in 1997

through 1998 approximately 170,000 people in British Columbia alone, that represents 4.2 percent of the population, were not covered.

In touting its national health care plan, the Canadian government also promised portability. If I might interject here, we enacted legislation to address the portability issue in 1996 here in Congress. Now, suppose a resident of Quebec became ill in another province. They must pay out of pocket for their health care services. Quebec will reimburse for those services, but will only reimburse them for what that service will cost in Quebec. Does that sound like something we have heard before or something that we would like to have?

The next promise was that it would be a comprehensive program. Let us take a closer look. Each province defines the services that are medically necessary and then only pays for those services. An interesting twist on this is that pharmaceutical and many surgical procedures are, for the most part, not covered for individuals under the age of 65, and only provide partial coverage for those above 65. Still not convinced?

The last promise made was that national health care would be accessible. Since the government has had difficulty in funding this program, it has resulted in rationing of services. I would like to share with my colleagues some excerpts from an article that appeared in The New York Times on January 16 of this year. It was aptly titled ''Full Hospitals Make Canadians Wait and Look South.'' The article led by reciting an incident involving a Ms. Boucher at a hospital in Montreal. She ate breakfast on a stretcher in a hall under a note on the wall that marked her patient spot. Sixty-six other patients without rooms also waited in that corridor.

Mr. Speaker, I do not think this is what the American people want. Another very telling example is in Ontario, Canada, Canada's wealthiest province. The waiting list for a magnetic resonance imaging test is so long that one man recently reserved a test for himself at a private animal hospital that had this type of machine. He registered under the name of Fido. This is not a joke, and it certainly is not meant to be funny. It just illustrates how bad the Canadian health care system is now that it is being run by the government.

There are countless examples given in this feature story, and I ask my colleagues to review it. Mr. Speaker, I will ask the article to be made part of the RECORD.

[From the New York Times, Jan. 16, 2000]

FULL HOSPITALS MAKE CANADIANS WAIT AND LOOK SOUTH

(By James Brooke)

MONTREAL, JAN, 15.—Dressed in her orchid pink bathrobe and blue velour slippers, Edouardine Boucher perched on her bed at Notre Dame Hospital here on Friday and recounted the story of her night: electric doors constantly opening and closing by her feet, cold drafts blowing across her head each time an ambulance arrived in the subzero weather, and a drug addict who started shouting at 2:30 a.m., ''Untie me, untie me.''

But as nurses hurried by on Friday morning, no one though it remarkable that Ms. Boucher, a 58-year-old grandmother awaiting open heart surgery, had spent a rough night on a gurney in an emergency room hallway. After all, other hallways of this 3-year-old hospital were lined with 66 other patients lying quietly on temporary beds.

To explain overflowing hospitals here and across the nation, Canadian health officials are blaming the annual winter flu epidemic.

But, at the mention of flu, Daniel Brochu, the veteran head nurse here, gave a smirk and ran his pen down the patient list today: ''Heart problem, infection problem, hypertension, dialysis, brain tumor, two cerebral hemorrhages.'' On Thursday, he said, crowding was so bad that he was able to admit one patient only after the ambulance crew agreed to leave its stretcher.

When Canada's state-run health system was in its first bloom, in the 1970's, Americans regularly trooped up here on inspection tours, attracted by Canada's promise of universal ''free'' health care. Today, however, few Canadians would recommend their system as a model for export.

Improving health care should be the federal government's top priority, said 93 percent of 3,000 Canadians interviewed last month by Ekos Research Associates. In another poll last month, conducted by Pollara, 74 percent of respondents supported the idea of user fees, which have been outlawed since 1984.

''There is not a day when the newspapers do not talk of the health crisis,'' said Pierre Gauthier, president of the Federation of Specialist Doctors of Quebec. ''It has become the No. 1 problem for Quebecois and for Canadians.''

In Toronto, Canada's largest city, overcrowding prompted emergency rooms in 23 of the city's 25 hospitals to turn away ambulances one day last week. Two weeks ago, in what one newspaper later called an ''ominous foreshadowing,'' police officers shot to death a distraught father who had taken a doctor hostage in a Toronto emergency room in an attempt to speed treatment for his sick baby.

Further west, in Winnipeg, ''hallway medicine'' has become so routine that hallway stretcher locations have permanent numbers. Patients recuperate more slowly in the drafty, noisy hallways, doctors report.

On the Pacific Coast, ambulances filled with ill patients have repeatedly stacked up this winter in the parking lot of Vancouver General Hospital. Maureen Whyte, a hospital vice president, estimates that 20 percent of heart attack patients who should have treatment within 15 minutes now wait an hour or more.

The shortage is a case of supply not keeping up with demand. During the 1990's, after government deficits ballooned, partly because of rising health costs, the government in Ottawa cut revenue-sharing payments to provinces—by half, by some accounts. Today, the federal budget is balanced, but 7 hospitals in Montreal have been closed, and 44 hospitals in Ontario have been closed or merged.

Ottawa also largely closed the door to the immigration of foreign doctors and cut the number of spaces in Canadian medical schools by 20 percent. Today, Canada has one medical school slot for every 20,000 people, compared with one for 13,000 in the United States and Britain.

With a buyout program, Quebec induced 3,600 nurses and 1,200 doctors to take early retirement. And across the nation, 6,000 nurses and at least 1,000 doctors have moved to the United States in recent years.

At the same time, demands on Canada's health system grow every year. Within 30 years, the population over 65 is expected to double, to 25 percent.

Unable to meet the demand, hospitals now have operation waiting lists stretching for months or longer—five years in the case of Ms. Boucher.

As a result, Canada has moved informally to a two-tier, public-private system. Although private practice is limited to dentists and veterinarians, 90 percent of Canadians live within 100 miles of the United States, and many people are crossing the border for private care.

Last summer, as waiting lists for chemotherapy treatments for breast and prostate cancer stretched to four months, Montreal doctors started to send patients 45 minutes down the highway to Champlain Valley Physicians' Hospital in Plattsburgh, NY. There, scores have undergone radiation treatment, some being treated by bilingual doctors who left Montreal.

Business has been so good that the Plattsburgh hospital, which was on the verge of closing its cancer unit, has invested half a million dollars in new equipment. And on the Quebec side, the program has allowed health authorities to boast that they have cut the list of cancer patients who have to wait two months or more, to 368 today from 516 last summer.

In Toronto, waiting lists have become so long at the Princess Margaret Hospital, the nation's largest and most prestigious cancer hospital, that hospital lawyers drew up a waiver last week for patients to sign, showing that they fully understood the danger of delaying radiation treatment.

With the chemotherapy waiting list in British Columbia at 670 people, hospitals in Washington have started marketing their services to Canadians in Vancouver, a 45-minute drive.

A two-tier system is also being used for other kinds of operations.

''I would like to buy mother a plastic hip for Christmas, so she doesn't have to limp through the year 2000 in excruciating pain,'' Margaret Wente, a newspaper columnist for The Globe and Mail in Toronto, wrote last month. ''I could just drive her to Cleveland, which is fast becoming the de facto hip-replacement capital of Southern Ontario.''

Allan Rock, Canada's health minister, disapproves of such attitudes. In an essay in the same newspaper, he wrote sarcastically: ''Forget about equal access. Let people buy their way to the front of the line.''

In defense of Canada's state health system, he wrote, ''Its social equity reflects our Canadian values.'' Mr. Rock, who hopes to become prime minister one day, said that health delivery could be improved through better, computerized planning. He attacked a proposal in Alberta to allow private hospitals, warning readers, ''The precedent may be set for American for-profit health-care providers looking to set up shop in Canada.''

But the idea that there may be room in Canada's future for private medicine is gaining ground.

''We have no significant crises in care for our teeth or our animals, largely because dentists and veterinarians operate in the private sector,'' Michael Bliss, a medical historian, wrote on Wednesday in The National Post, a conservative newspaper. ''So we have the absurdity in Canada that you can get faster care for your gum disease than your cancer, and probably more attentive care for your dog than your grandmother.''

In Ontario, Canada's wealthiest province, the waiting list for magnetic resonance imaging tests is so long that one man recently reserved a session for himself at a private animal hospital that had a machine. He registered under the name Fido.

To Ms. Boucher, who jealously guarded her 15 square feet of corridor space today, such cocktail circuit anecdotes were not amusing. Glumly eating her cold breakfast toast, she said, ''It scares us to get sick.''

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PAYING DOWN THE DEBT

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

Mr. SMITH of Michigan. Mr. Speaker, I rise today to suggest that today is an important day up in the New England States. We are looking at the presidential candidates speaking before many listening groups, trying to express what the best course for our future is going to be. I hope the American people understand, Mr. Speaker, the consequences of fiscal irresponsibility in the United States Government.

I bring this chart to demonstrate that we are approaching a fiscal challenge trying to make the decision whether we will start paying down the federal debt or simply continue to spend more. The national debt of the United States, which is the debt subject to the debt limit continues to increase. Right now Congress has passed a budget for this year demanding we not borrow more money from Social Security and spend it on other programs. That's good! However, we still won't have a real balanced budget because we are spending $70 billion borrowed from the other 112 trust funds. Right now our public debt as defined in law is $5.72 trillion. If we stick to the budget caps that we set in 1997, by 2002 we could have a real balanced budget that does not use the surplus from any of the trust funds. We would start paying down the total public debt.

Wait a minute, you say, I heard on T.V. that we already have a balanced budget and that Washington is paying off the public debt, and we can do that in 12 or 13 or 15 years. That is not correct. It is dangerous ground because there is a certain degree of dishonesty that is going on, trying to tell the American people that we are paying down the public debt when we are not. There is a certain amount of hoodwinking in suggesting that we really have a balanced budget when we do not. It seems reasonable that we could define a balanced budget as a budget when the total public debt does not continue to increase.

Let me suggest that during the good times it is reasonable to start having a rainy day fund. But a rainy day fund for a government that now owes $5.72 trillion is starting to pay down that debt. I am a farmer from Michigan. We have always felt that one of our goals would be to try to pay off the mortgage or at least pay down the mortgage so there is a smaller debt load when we pass that farm on to our kids. But here at the Federal Government level we are doing just the opposite. We continue to increase that debt load that future generations are going to have to pay off one way or the other.

Allow me to review the last several years of the federal budget. When Republicans took the majority in 1995, there was a deficit, or overspending, every year between $200 billion to $300 billion.

Well, the good news is we have come a long ways. This year, for the first time, we are at least going to have a balanced budget without using the Social Security surplus. That is the good news. We have turned the corner. We have started slowing down the growth of government.

Here is the bad news. The total public debt is continuing to increase. There are 112 trust funds that the government has. In most of those trust funds we overtax or have higher fees so that there is more money coming into those trust funds than is needed to pay out the particular benefits or expenses in any one particular year right now. So what do we do with that extra money? What government has done and continues to do with that extra money is to spend it for other government programs and write out an IOU to those trust funds. The biggest trust fund is Social Security. We are looking at a surplus, or what is really overtaxation of the payroll tax, to bring in approximately $153 billion more than what is needed to pay Social Security benefits this year.

The other big trust fund, of course, is the Medicare, civil service pension, military retirement and other trust funds. These 112 other trust funds will bring in an extra $60 billion. So we are using all that extra money and spending it for other programs and writing an IOU.

So what does government do when those trust funds start needing more money than is coming in from those taxes? We do one of three things: first, we cut out other spending. That is pretty unlikely. We have never been able to do that. We have continued to expand the size of government. Second, we increase taxes. And we have done that all the time. Or we increase borrowing and of course Washington has been doing a lot of that.

I say let us be honest with the American people. Let us hold the line on spending and let us really start paying down this debt. Thank you.

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RECESS

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

Accordingly (at 9 o'clock and 55 minutes a.m.), the House stood in recess until 11 a.m.

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AFTER RECESS

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

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PRAYER

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

Of all the good gifts that come our way and with all the good spirit that flows from above, we cherish the blessings of thanksgiving and praise. O gracious God, from whom all blessings flow, teach us to remember that spirit that truly marks us as human, the spirit of thankfulness, of appreciation and of celebration. And in that spirit of exaltation, we express our thanks to You, O God, for all the gifts we have received, the gifts of faith and hope and love, and may we take those gifts and express them in our daily life with deeds of justice to all members of the human family.

This is our earnest prayer. Amen.

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THE JOURNAL

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

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

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PLEDGE OF ALLEGIANCE

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

Mr. INSLEE 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.

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PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

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BELINDA MCGREGOR

The Clerk called the Senate Bill (S. 452) for the relief of Belinda McGregor.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

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

There was no objection.

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RICHARD W. SCHAFFERT

The Clerk called the bill (H.R. 1023) for the relief of Richard W. Schaffert.

There being no objection, the Clerk read the bill as follows:

H.R. 1023

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

SECTION 1. WAIVER OF TIME LIMITATIONS.

(a) IN GENERAL.—The limitations set forth in sections 6511 and 6514(a) of the Internal Revenue Code of 1986 (relating to period of limitation on filing claim and on allowance of credits or refunds for tax overpayment) shall not apply to a claim filed by Richard W. Schaffert of Lincoln, Nebraska, for credit or refund of an overpayment of the individual Federal income tax Richard W. Schaffert paid for the taxable year 1983.

(b) DEADLINE.—Subsection (a) shall apply only if Richard W. Schaffert submits a claim pursuant to such subsection within the 1-year period beginning on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

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PLAYING WITH BLOCKS

(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, ensuring that our children have the best possible education should be a priority for all of us. However, we need to ensure that our education dollars fund programs that are actually and truly educating our children.

Awhile back I read an article detailing programs endorsed by the U.S. Department of Education which encouraged teaching middle school students to play with blocks and use calculators, rather than teach them basic math skills. These useless programs have prompted over 200 scholars recently to take out a full page ad in the Washington Post denouncing the programs and calling for Secretary Riley to stop endorsing them. But yet programs like these still exist and are still funded with the tax dollars of hard-working Americans.

Our children deserve more. They deserve educational programs that will actually prepare them for the 21st century. This year, let us make a commitment to our children. Let us raise test scores, but let us do it by supporting real education, not by lowering our standards.

Mr. Speaker, I yield back all the dumbed-down education programs that have failed to teach our children.

□

THE TIME TO ACT IS NOW

(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, the Republican leadership likes to complain about bureaucracy, but when it comes time to do something about it, something their special-interest friends oppose, they are remarkably silent, because on this very day, as we speak, families across our country are being forced to wade through a seemingly endless bureaucracy, a mountain of paperwork, simply to get the care, the health care, they or their children need and deserve.

It does not need to be that complicated. If your child has fallen and hit his head, you should not have to call an insurance bureaucrat to see if you can go to an emergency room and you should not have to get authorization before taking your child in. You should be free to have only one thing on your mind, and that is your child's safety.

That is what the Patients' Protection Act ensures. It puts health care first and bureaucracy last. That is what we Democrats and some conscientious Republicans are fighting for. That is the reform the supposedly pro-family anti-bureaucracy Republican leadership has been stalling for years.

Mr. Speaker, the time for Republican stalling is over. The time to act is now. Let us vote for the motion to instruct conferees later today and move the Patients' Bill of Rights to the President's desk.

□

REPEAL THE MARRIAGE TAX PENALTY

(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, the family is the fundamental building block of society. Our Tax Code for too long has punished Americans for getting married. This year, 28 million American couples will be penalized an average of $1,400, simply for committing their lives to each other.

It is past time to repeal the marriage tax penalty. In America, our tax policy should encourage family formation, not discourage it.

Mr. Speaker, we need to eliminate the marriage tax penalty for all married couples, not just some. If the marriage tax penalty is bad policy, it is bad policy for everyone. I urge this body to completely repeal the marriage tax penalty and honor all American marriages, not just some.

□

SAFE PIPELINES ACT OF 2000

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

Mr. INSLEE. Mr. Speaker, on June 10th, last summer, a gasoline pipeline in Bellingham, Washington, ruptured, spilled hundreds of thousands of gallons of gasoline and ignited, and a huge fireball took the lives of two young boys and one young man. We now have huge holes in our safety system of pipelines in this country, and we need to act to plug those holes.

Accordingly, yesterday the gentleman from Washington (Mr. METCALF), the gentleman from Washington (Mr. SMITH), the gentlewoman from Washington (Ms. DUNN), and myself introduced the Safe Pipelines Act of 2000. This act will include a couple of common sense measures. It is common sense to require periodic regular inspection of these lines, it is common sense to require reporting of spills, and it is common sense to allow States to move forward to have more rigorous safety standards in our neighborhoods.

I would urge my colleagues to join me in supporting this bill. It is only asking these companies to act as a good neighbor when these pipelines run next to our back doors, to make sure they are safe. Let us require them to be good neighbors and pass this bill.

PASS MEANINGFUL MARRIAGE TAX RELIEF

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

Mr. BALLENGER. Mr. Speaker, it is good to hear that the President is joining our tax relief debate. Just last year the President vetoed our marriage tax relief plan. This year he thinks our idea is so great he has come up with his own proposal.

Unfortunately, his plan misses the mark. The President's plan would only affect a fraction of the 28 million couples helped by the Republican plan and would only save couples a meager $210 a year. Come on, Mr. President. The American people deserve better. On the other hand, the Republican plan would have provided married couples up to $1,400 in tax relief.

Mr. Speaker, in the next few weeks the House will consider a marriage tax fix even better than our proposal last year. I urge the President to join us this year to pass meaningful marriage tax relief. American couples deserve it, and it is the fair thing to do.

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WAL-MART WIPING THEIR ASSETS WITH OLD GLORY

(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, so much for Wal-Mart's big buy-American promotion. Since 1985, Wal-Mart bought 4 tons of Chinese shoes. Meanwhile, 240 American shoe factories shut down and 30,000 American workers lost their jobs. If that is not enough to bust your bunions, Wal-Mart imports 18,000 tons of goods and products from China each year.

Think about it. While American soldiers literally died shouting ''better dead than red,'' Wal-Mart has allowed China to wipe their assets with Old Glory.

I yield back the fact that Wal-Mart now owns, owns and sells 14 brands of shoes, and they are all made in China.

Beam me up.

□

ENDING ACRIMONY AND BITTERNESS ON THE HOUSE FLOOR

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

Mr. FOLEY. Mr. Speaker, let me ask my colleagues on both sides of the aisle, if they will, to be a little patient. We are already hearing some ''foot dragging'' commentary on health care. We are hearing a lot of innuendos that somehow the Republicans are not getting to work. We just started.

But I will tell you some of the things we did do last year. Paid down the debt, over $151 billion; paid do you know what we owe the taxpayers of the

United States of America. Now we are going do have a chance for marriage penalty elimination. Talk about sensible tax relief for all taxpayers.

So let us not start the rhetoric of this new year and this new millennium with accusations of foot dragging and partisanship. I implore the other side of the aisle to be calm, to be rational, and to be deliberate as we debate the very important issues confronting the American people. But if we are going to start with these types of one minutes of accusation, innuendo and character assassination, then I think the year will start off just as it ended last year, with acrimony and bitterness.

Let us start for the American people a better way on this floor by proving we can legislate and not sit here and constantly belittle the other side of the aisle.

□

GETTING SERIOUS ABOUT REAL HMO 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, I follow my colleague from Florida in saying that I agree that we should work together. In fact, last year this House passed and worked very hard on a bipartisan Norwood-Dingell bill, on managed care reform, but we have not seen any action in months.

We should stop the delay in managed care reform. We do not need gimmicks or watered down proposals that wind up doing nothing for patients.

In my home State of Texas, we passed these protections in 1997 included in the Norwood-Dingell bill, and there have been no massive premium increases or mass filing of lawsuits that are used against the bill. What Texas residents do have is elimination of gag clauses, open access to specialists, timely appeals processes, coverage for emergency care and holding the medical decision maker accountable.

We do not need any more delays. We need to act this year on a bipartisan basis and pass this bill. Hopefully, the conference committee will at last meet after all these months and pass real HMO reform, and today we will have that opportunity with the motion to instruct the conference committee. We need HMO reform now.

□

CONTINUING THE RECORD U.S. ECONOMIC EXPANSION

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

Mr. DREIER. Mr. Speaker, it is generally known that success has 1,000 fathers and defeat is an orphan. I would like to stand here and go one step further and compliment the President, for in his State of the Union he used the plural ''we'' in describing the fact that as we mark this February 1, 2000, it is the anniversary of the longest economic expansion in our Nation's history. I am glad that he used the plural ''we'' in describing the fact that we have encouraged policies which have allowed the American people to bring about this economic expansion.

The real challenge is are we going to continue to do everything that we can to pursue those shared goals of maintaining a balanced budget, reducing the tax burden on working Americans, encouraging global trade, which is very, very key, making sure that we continue to reform welfare, and encourage work and productivity. I think we have a chance to do that.

HMO reform, I would say to my friend from Texas, is among those priorities. Congress adjourned before Thanksgiving. It is true that in the last couple of months we have not been working on it, but we are committed to moving ahead with that legislation just as quickly as we possibly can. I am glad that we are working together.

□

ENSURING STRONGEST POSSIBLE PATIENT PROTECTIONS IN HMO REFORM

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

Mr. WYNN. Mr. Speaker, this year Congress can begin to address one of America's most pressing problems, reforming managed care. But HMO reform will be meaningless if we do not have a real Patients' Bill of Rights with teeth.

Last year we got the process started. We passed the bipartisan Dingell-Norwood bill, which has real teeth in it. What do we need to do now? First, we need to get started. There has been too much delay. Let us convene the conference committee. Second, we need to insist on the part of the House that we include the tough standards that give patients the right to sue, that require utilization review, that require independent appeals processes and that enable constituents to have an explanation in writing of why they were denied care.

When people are denied care by HMOs, they are harmed. When HMOs harm citizens, they have to be held accountable. The way to hold them accountable is to insist that our legislation includes the tough standards that the House passed last year. We can do it together. I certainly believe this ought to be one of our first orders of business as we begin the new year. I think if we do that we can make real progress for the American people.

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□ 1115

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, 4 months ago we passed a bipartisan Patients' Bill of Rights. This is a monumental piece of legislation to reform HMOs. It provides basic rights of care for all Americans. It ensures that we are able to choose our own doctors; that we have access to the nearest emergency room; that we have a specialist when we need one, if we need one for our health; and, yes, indeed, to hold HMOs accountable for the medical decisions that they are making every single day.

Unfortunately, the GOP leadership continues to stall this legislation. I call upon the Republican leadership to stop their delay tactics, pass meaningful HMO reform. This is a bipartisan bill; we have broad support amongst the rank and file Members. We must act to give 160 million Americans access to health care in this country. We owe it to the American people to enact this legislation and to enact these reforms now.

□

PATIENTS' BILL OF RIGHTS

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

Ms. SCHAKOWSKY. Mr. Speaker, now is the time for a real Patients' Bill of Rights; and today is the day that we should instruct the conferees to move quickly to pass a strong bill.

I have a letter from constituents.

> Dear Representative Schakowsky: We beg you to please do everything you possibly can to support a Patients' Bill of Rights for those of us who find ourselves in the merry-go-round of dealing with HMOs and reluctant insurance company benefit providers. It has gotten to the point of being ridiculous when patients are subjected to mental torture by these big companies.
>
> This certainly cannot be what our Founding Fathers had in mind. Ultimately, we have only one means of relief, the United States Congress. I understand the big providers have lobbyists, with deep pockets, fighting any legislation that would force them to be more fair and of understanding their responsibilities to their customers, but this cannot be allowed to interfere with what we all know to be basically right and wrong. This is what the average American cannot understand. Why cannot Congress just do what is right for the people whose well-being has been entrusted to them?

It has been entrusted to us. This is the day that we can act to say move quickly, move now.

□

PATIENTS' BILL OF RIGHTS

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

Mr. GEJDENSON. Mr. Speaker, it is time for the conferees to move forward with a patients' bill of rights. The leadership of this Chamber, which has

blocked the legislation for years now, has to recognize that the American people are rightly demanding that their elected leaders give them a fair chance at getting decent health care.

There are 47-some million Americans without health care. That is a tragedy and an embarrassment for this great Nation, but the fact the people who pay their premiums and expect to get care when they are ill, or their loved ones are in danger, end up fighting the bureaucracy of these large corporations with their hands tied behind them and virtually no rights, which is an outrage.

This House and the Senate need to come together and pass a real bill that gives citizens the right to protect themselves in these medical emergencies.

□

PATIENTS' BILL OF RIGHTS

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

Mr. ROMERO-BARCELO. Mr. Speaker, I rise this morning with a hopeful heart. We return to Congress at the dawn of the millennium, and we face many challenges and opportunities. I wish to remind our colleagues that during the last session, the House approved legislation that greatly impacts Americans and assures their access to health care, but today, 4 months after the Patients' Bill of Rights was approved, we are still waiting for action.

We cannot allow any more delays that place the health of Americans at risk. Millions of American families suffer from managed care decisions made by HMO bureaucrats that are based on profits and not medical need. We must return medical decisions back to where they belong, to doctors and patients.

I urge conferees to produce a strong bill that will help families and give patients the right to make health and life decisions together with their doctors and not subject to the decisions of insurance bureaucrats.

□

WELCOME BACK TO OUR GREAT CITY

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

Ms. NORTON. Mr. Speaker, I come to the floor to welcome back Members. Welcome back to the city that is still on the rise, about to report another surplus. Welcome back to the city that has been substantially helped by this Congress. Welcome back to a city whose improvements could be seen as one comes to the House this morning because the streets were, of course, cleared. The city now has the funds and the wherewithal to act like a city and do what cities do well.

I am very pleased that the Congress passed my $5,000 home-buyer credit because that has helped us to get more people in this city. We still need a couple hundred thousand more. And I am going to be coming to talk about that with bills this term, but I want to say for the people who live in this city that we are very pleased that Congress is back.

I want Members to know that if they have a problem, and inevitably even with a government in good working order there will be problems, I hope they will come to their Congresswoman while they are away from their districts, because that turns out to be me. I will be sending a letter to Members about how to do that and how they can maneuver their way through problems with the District government. Again, welcome home.

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COMMUNICATION FROM RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 1, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 602(b) of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120), I hereby appoint the following member to the National Commission for the Review of the National Reconnaissance Office:

Mr. Dicks, WA.

Yours very truly,

RICHARD A. GEPHARDT.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any recorded votes on postponed questions will be taken up later.

□

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. SCHAFFER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 409) honoring the contributions of Catholic schools.

The Clerk read as follows:

H. RES. 409

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 1998–1999 academic year was 2,646,844, the total number of Catholic schools is 8,217, and the student-teacher ratio is less than 17 to 1;

Whereas Catholic schools provide more than $17,200,000,000 a year in savings to the Nation based on the average public school per pupil cost;

Whereas Catholic schools teach a diverse group of students and over 25 percent of school children enrolled in Catholic schools are minorities;

Whereas the graduation rate of Catholic school students is 95 percent, only 3 percent of Catholic high school students drop out of school, and 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event sponsored by the National Catholic Educational Association and the United States Catholic Conference and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

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

Mr. Speaker, America's Catholic schools are internationally acclaimed for their academic excellence. They also provide students more than a superior scholastic education. Catholic schools ensure a broad values-added education, emphasizing the life-long development of moral, intellectual, fiscal, and social values in America's young people. The total Catholic school student enrollment for 1998 and 1999 was 2,646,844. The total number of Catholic schools is 8,217, and the student/teacher ratio in those institutions is less than 17-to-1.

Catholic schools provide more than $17 billion a year in savings to the Nation based on the average school per pupil cost.

Catholic schools teach a diverse group of students and over 25 percent of school children enrolled in Catholic schools are minority students. The graduation rate of Catholic schools is

95 percent. Only 3 percent of Catholic high school students drop out of school and 83 percent of Catholic high school graduates go on to college.

Catholic schools produce students strongly dedicated to their faith, their values, their families and communities by providing an intellectually stimulating environment rich in spiritual character and moral development.

In 1972, a pastoral message was adopted by the National Conference of Catholic Bishops and it stated the following and I quote for the Chamber, education is one of the most important ways by which the church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the church, therefore, must be directed to forming persons and community, for the education of the individual Christian is important not only for his solitary destiny but also for the destinies of the many communities in which he lives.

It is on that basis, Mr. Speaker, that this resolution recognizes Catholic schools and Catholic Schools Week. This is an event sponsored by the National Catholic Education Association, which is, by the way, the largest private organization of professional teachers in the world. It is also sponsored by the United States Catholic Conference and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools.

So we here congratulate today Catholic schools, their students, their parents, teachers across the country, for their ongoing contributions to education and for the key role that they play in promoting and ensuring a brighter and stronger future for this Nation.

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

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

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, today's resolution recognizes the significant and important contributions of Catholic schools. Mr. Speaker, I myself attended Catholic schools. I received a high quality education from these schools and have benefited greatly. Also, children all across America have benefited from a Catholic education. Catholic education's place in America and our educational commitment is strong and dynamic.

Fortunately, the truly great aspect of the American educational opportunity is its diversity. We have educational systems that can provide anyone in any city, in any State, with the opportunity to succeed. This recipe for success certainly includes our Catholic schools, schools with other religious focuses, nonreligious private schools, along with our great public schools. It is this variety, Mr. Speaker, this diversity, that truly makes American education powerful and makes American education successful in its mission.

Mr. Speaker, today we are recognizing the educational and societal contributions that Catholic schools make to our Nation. We must recognize the importance and value that all parts of our educational structure have in our lives and the lives of our children.

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

Mr. SCHAFFER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I rise today to support this resolution with respect to Catholic education, but to also share with my colleagues some of the history of Catholic schools in America, and particularly Catholic schools in the southwest.

In 1598, Juan de Onate came up the Rio Grande, and he included eight Francisan friars in his expedition. They reached the east bank of the Rio Grande River near its confluence with the Chama River, close to the present site of Espanola and established a permanent settlement. That is over 400 years ago, before Jamestown became Jamestown and the Catholic church was in the southwest.

The friars began teaching to the pueblos and mostly other children were taught at home for the first 100 years or so but in the 1800s, the Spanish government, cooperating with the Catholic church, began to establish schools in the territory of New Mexico. In 1850, the Bishop of Santa Fe, Juan Baptiste Lame, began to expand Catholic schools in New Mexico and brought the Sisters of Loretto to Santa Fe and the Christian Brothers came shortly thereafter to establish a school which still exists, Saint Mike's. The importance of these institutions and the history of New Mexico cannot be underestimated. Twenty percent of the people who participate in the constitutional convention in 1910 that established the Constitution for the State of New Mexico were graduates of Saint Mike's High School.

These two institutions, the Sisters of Loretto and the Christian Brothers began a long tradition of Catholic schools in New Mexico as they expanded many more schools throughout the territory.

It was only 1891 when New Mexico started establishing a system of public schools, and even then Catholic schools retained their importance. Four of the first teaching certificates issued in Albuquerque, my home, under this new public school law, were to Sisters of Charity. That was 300 years after the Catholic church began educating new Mexicans. Today there are five Catholic high schools in New Mexico, 29 elementary schools. To put that in context, there are a little less than 800 public schools in the entire State of New Mexico.

□ 1130

The great thing is how many kids go on. They graduate from Catholic high schools. In my hometown, Albuquerque, St. Pious High School has a graduation rate of 100 percent, and between 95 and 100 percent of those kids go on to college. They do a great job. They have impacted our history and our culture and our life, and we thank them very much for it.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, let me thank my colleague, the gentleman from Michigan (Mr. KILDEE), for yielding time to me.

Like the gentleman from Michigan, I also am a product of the Catholic schools, having attended St. Helen's Grade School, taught by the good Felician Sisters, and then on to high school, attending Don Bosco High School, which was taught by the Brothers of Mary.

So, I rise to support this resolution, but I would like to further the congratulatory portion of the resolution by including all the Catholic clergy in the country and all the good sisters who devoted their lives to teaching young students in the Catholic schools.

I extend this honor to the Catholic clergy, and wish that the Republican leadership would have done the same, when they had their chance to honor a Catholic clergyman by selecting the first choice of the bipartisan Chaplain Selection Committee, a Catholic priest, Father Tim O'Brien, who was passed over.

In checking back with the Committee on Education and the Workforce and with the Catholic Conference, I am told that this is the first time the House of Representatives has ever brought to the floor a resolution specifically congratulating Catholic schools.

I guess one could be suspicious of the timing. Here we are in the second session of the Congress, and one of the first items brought forward is a resolution congratulating Catholic schools. This naturally will make Catholics around the country very happy.

However, one could ask, why is this being done? We have had Catholic School Week celebrated in this country for years and years. One could ask, is this a way that some can clear their conscience? Is this resolution before us because maybe it is an attempt to repair some of the damage done to the Catholic vote in this country?

Mr. Speaker, I make a prediction. I would say after the debate on this resolution, a roll call vote will be requested. And later this afternoon when the vote is called, my Republican colleagues will stream to the floor and cast an aye vote for the resolution to show the entire world how pro-Catholic they are.

Mr. Speaker, I hope that same level of pro-Catholicism exists when the House later this month has before it the appointment of a chaplain for the House of Representatives, and when we will have the opportunity at that time

to vote on naming the first Catholic priest in the history of this country to be chaplain of the United States House of Representatives.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I would respond to some of the comments that were made by the previous speaker.

Mr. Speaker, with respect to the timing of this resolution, it is unfair, wholly unfair, to suggest that the Council of Catholic Bishops and the Catholic Educators Association somehow planned Catholic Education Week, this week, to correspond with the second issue that the gentleman spoke of.

It is certainly not the case. Catholic Schools Week is an annual event, and one this Congress has recognized in the past and participated in events. I have been part of those myself in years past.

Secondly, the gentleman asked, why is this resolution being introduced? This resolution was introduced because I wanted to introduce it. As a sponsor, I thought it was important. I am one who represents a district where a great many of my constituents educate their children in Catholic schools. They are thriving institutions. They provide a wonderful service, not only to the children who learn in those schools, but to the community at large.

I would submit that, from a cultural perspective, our Catholic schools have contributed greatly to our Nation, and it is right and it is fitting for this Congress and for this body to recognize their contributions to the country.

Fortunately, most children who are in Catholic schools today are learning and they are hopefully not observing today's proceedings, because how confusing it must be for them to observe Members of their Congress confusing an issue that is about those children and ought to be focused exclusively on those children and the great contributions of their teachers and administrators and those who have provided professional support for those kids. That is what this resolution is about. That is where our focus ought to remain.

I find it once again troubling and unfortunate that others would try to drag in secondary issues, other issues that are important to the Congress that will in due time be resolved by this Congress in an appropriate setting.

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

Mr. KILDEE. Mr. Speaker, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, first of all, as a Catholic, as a product of Catholic schools, including the University of Notre Dame in my district, someone educated by some of the Diocesan, some of the Holy Cross and Jesuits orders, I am very proud as an original cosponsor to rise in support of this resolution.

The success of the Catholic schools across the country and particularly in my home district makes me very proud. That is why I am a proud original cosponsor of this legislation.

The Catholic schools, Mr. Speaker, are traditionally very strong academically, with very good curricula. They have a very good parental involvement and they have few disciplinary problems. Catholic schools, Mr. Speaker, can often teach students not only the importance of academic achievements, but also provide them with the important perspective of life that promotes social justice and responsibility and social service and love and respect of one's neighbor. Catholic schools also have considerable ethnic and racial diversity.

We have also seen, Mr. Speaker, and I think it is very important to point this out, that there is about a 95 percent graduation rate from our Catholic schools, and about 83 percent of those students go on to college. I think it is important for us to look at why this is so. We have very many great public schools, but we have a real pattern here in our Catholic schools. We need to understand why this is.

Dr. Maureen Hallanan, with the Institute of Educational Initiatives at the University of Notre Dame, is working to do precisely this. She is conducting a comparative analysis of public and nonpublic schools and their effects on student achievement. This research will help identify the characteristics of those schools that successfully promote student achievement, especially, especially targeted for at-risk students. These would be important considerations for us to better understand.

So I hope that all my colleagues will join me in supporting this valuable research and supporting this resolution.

With respect to the comments that my good friend, the gentleman from Wisconsin, made, I think it is fair to bring up the situation of the Catholic chaplain as we consider and debate and talk about Catholic education and the importance of that Catholic education in America today.

Mr. Speaker, I think, sadly, it was a missed opportunity. I think Reverend Wright surely could and would make a very good chaplain here, and I have the highest respect for him. I certainly think the process probably could have been much fairer. I think basically it is a missed opportunity to be more inclusive. Mr. Speaker, I think it is generally a missed opportunity to be more inclusive.

Secondly, I think we could have reached out and shown the Catholic community throughout the country we embrace their diversity, and for the first time in the history of this Congress have a Catholic chaplain.

Thirdly, we have seen, through the centuries in this country in politics with Al Smith and John Kennedy, through the Ku Klux Klan, that we have had prejudice against the Catholics. This was an opportunity in this new century to show that we have overcome much of that prejudice. It is a missed opportunity, and I hope that it will not happen in the future.

Mr. SCHAFFER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in strong support of this resolution.

I can speak on this issue from personal experience. I have several people on my staff who are graduates of Catholic schools, including several who went through Catholic elementary school, high school, and college.

As well, I can also speak that my father was a graduate of Catholic schools, and my sister went to Catholic school as well. My parents actually wanted to send myself and my two sisters, younger sisters, to Catholic school, but like so many working class families, they could not afford it.

That is why I feel so strongly that we in this Congress should be doing everything we can to enable parents, working class parents, to have the ability to choose the educational environment for their kids that they would like, a choice that unfortunately today is primarily reserved for wealthy people and people who end up having to sacrifice a great deal. I know my parents sacrificed to send my sisters, and I have met many people who sacrificed a great deal to send their children to Catholic schools.

Why do they do that? Children who go to Catholic schools, they are much more likely, 95 percent of them graduate. There is a higher percentage of them who get into college. As well, there is a lower incidence of drug abuse. There are just so many amazing things that the Catholic schools have been able to do.

What is most amazing is that they actually do it with less money. They have demonstrated very clearly that they can do a better job with less, and that is why we in the Congress should be doing everything we can to encourage Catholic education in America for those who would choose to send their children there.

Most importantly, we should be encouraging school choice so that not just wealthy people can choose where they send their kids to go to school, and people are not forced to make incredible sacrifices, but that every American, working class, poor, would have the ability to send their child to the school of their choice.

Yes, if we had an educational system in America that was like that, I believe millions more would choose Catholic education, because Catholic education has demonstrated clearly in that marketplace that they can do more with less. They can produce kids that are better equipped to go out in the world and be productive citizens.

Therefore, I am extremely pleased to be able to rise and speak in support of this resolution. I encourage all my colleagues to do the same.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

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

Mr. Speaker, I rise today in support of this resolution. I think it is a very important one. Certainly the Catholic schools of our great Nation have shaped and formed so many fine citizens.

I am a product of Catholic schools. I am proud to have paid my taxes for the public schools, and yet educated my children at Catholic schools as well. My daughter and son-in-law today are part of the faculty, high school faculty, in California at a very prestigious Catholic institution. Many of us I think have compared notes with one another talking about how the nuns shaped us, and it is them that we salute today. There are so many who have gone before us that we want to recognize when we recognize Catholic education in the United States.

It is really a real tribute to the Framers of the Constitution that we have the separation of church and State, and yet we recognize that we are one Nation under God, and that there is room in this country for private education and religious education.

It is my understanding that this is I think the very first time that the House of Representatives is entertaining a resolution honoring Catholic schools. I am grateful for that, and I salute that.

As a Member of the House Chaplain Search Committee, I would like to also say that the House and its leadership have the opportunity to recognize and to accept by the leadership for the first time in the history of our Nation a Catholic chaplain. Unfortunately, that has not happened. There are questions surrounding that, but we did miss a bipartisan opportunity and the opportunity to make history.

So while we recognize Catholic schools today, I am sorry that we have missed that opportunity. Mr. Speaker, I thank the sponsors of this important resolution.

□ 1045

Mr. SCHAFFER. Mr. Speaker, I have other speakers who are intending to be here who are not here now, so I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me this time.

Mr. Speaker, I also rise in strong support of this resolution this morning. It is also my understanding that this is the first time that such a resolution has come before the House.

I was privileged and honored to have been at a function last Saturday night where we recognized the supporters of Catholic education for the El Paso area. It is important to note, and I agree and want to associate myself with the comments of all of the comments this morning in extolling the virtues of Catholic education.

Mr. Speaker, I should say that, although I am a product of public schools, I deeply appreciate the value of a Catholic education, especially in a community like El Paso which services predominantly 80 percent of the Hispanics in that area.

I want to congratulate Bishop Armando Ochoa for the great job that they are doing. In El Paso there are 13 schools with 4,600 students employing about 300 educators. The oldest, which was honored on Saturday night, is Our Lady of Mount Carmel, which is celebrating its 81st year. The Father Yermo School is celebrating its 40th year in education.

I think it is important that we understand that the products of Catholic education are serving throughout the country in different capacities, both in private and public service. The superintendent of the Diocese of Catholic Schools is Sister Elizabeth Schwartz and she, with some degree of regret, did mention to me about the issue in terms of having missed an opportunity to select a Catholic for the chaplain.

Mr. Speaker, I appreciate the opportunity to speak on this important issue.

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

Mr. Speaker, I appreciate all the speakers today who have articulately spoken about the value and benefit of Catholic education and the contributions Catholic schools have made throughout the history of our country, right up to today and also that which we anticipate beyond.

There are a number of interesting statistics that I would like to remind the body about. First of all, just in terms of faith, I am Catholic and was educated in a Catholic high school in Cincinnati, Ohio, Moeller High School, and also Catholic University. It was my observation while I was there that clearly the majority of students who I attended school with were Catholic, but we had a great number of students from a wide variety of different Christian and non-Christian faiths who attended our school as well.

Almost 11.5 percent of Catholic elementary school students are from other faith backgrounds throughout the country. In some inner-city schools, the majority of students are non-Catholic. I think it speaks to the mission of Catholic educators to reach out to all students and provide academic and spiritual-based services to all those who wish to achieve a superior education in many settings throughout the United States of America.

Mr. Speaker, it is a remarkable accomplishment that the schools have achieved, and one worth noting today. As the gentleman from Florida mentioned a little earlier in terms of cost, the average tuition for children in a parish school setting is approximately $1,500 annually. Eighty-two percent of schools have some sort of tuition assistance. Over 60 percent of Catholic schools have a tuition scale for children from other parishes or other non-Catholic children. Over 80 percent of schools have some form of tuition assistance that is passed on to students that helps those students attend and achieve.

The average per pupil cost is $2,414 and 87 percent of the schools receive other subsidies from within the Catholic church and other Catholic endowments.

Based on the projected per pupil costs to educate a child in government-owned institutions during the most recent year that statistics are available, 1996 through 1997, it cost approximately $6,600 across the country to educate children. Parents of Catholic elementary school students provided a gift to local, State, and Federal governments of over $15 billion on that basis when we take into account the cost of educating those children in government-owned institutions, had those children had government schools as their only option; the cost of those entities would have been paid, if all Catholic elementary school attendees had attended those public schools.

Mr. Speaker, I want to talk about the teachers themselves. The teachers in Catholic schools are largely organized under the National Catholic Educational Association. That represents most of the U.S. Catholic elementary schools through the Department of Education.

The organization is a professional organization. As I mentioned earlier, it is the largest private professional educational organization in the world.

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

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I would like to respond to the gentleman from Colorado (Mr. SCHAFFER). When he was speaking and basically chastising me for introducing the entire chaplain issue, I asked him to yield for one question. That question was: Where was this resolution last year? Where was the resolution the year before?

Mr. Speaker, this is the first time ever that I can find where we have had a resolution praising the Catholic schools of the country. Maybe one could say, and I agree, that it is about time we did so. However, we have to know the background.

There was a bipartisan chaplain selection committee appointed, nine Democrats, nine Republicans, who went on a very exhaustive search, over 35 candidates, to choose a new chaplain of the House. After their voting was completed, and I do not really understand the point system, but the person who received the highest number of votes for chaplain was Father Tim O'Brien, a Catholic priest who received 14. The next received 10.5 the third received 9.5.

The third one, the minister who received 9.5 points, was the one selected by the Speaker of the House and Majority Leader to be the next chaplain. We have not taken that issue up yet. That is coming up, I believe, in a couple of weeks.

So some of my colleagues have indicated that we have missed an opportunity in the House. No, that opportunity has not come before the House. I think we can right the wrong of the leadership in passing over Father Tim O'Brien, a Catholic priest.

PARLIAMENTARY INQUIRY

Mr. WELDON of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin (Mr. KLECZKA) will have to yield for that.

Mr. WELDON of Florida. Will the gentleman yield for a parliamentary inquiry?

Mr. KLECZKA. Mr. Speaker, I yield.

Mr. WELDON of Florida. Mr. Speaker, is it not correct that we are supposed to be debating the resolution before us today?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. KLECZKA. Mr. Speaker, I have to question the timing of this first ever pro-Catholic resolution. And I think it is totally appropriate to bring it to the debate, the fact that if the people who are bringing this resolution forward are so pro-Catholic, let us see if that pro-Catholic feeling continues to exist when the House has before it the issue on electing, for the first time ever in the history of the House, the first Catholic chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would correct his previous response to remind all Members that debate should be confined to the pending question.

Mr. SCHAFFER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) for yielding me this time.

Mr. Speaker, I did not think I was going to be speaking on this resolution. I have come to the floor because shortly we will be bringing forth a rule on the Taiwan security legislation. But I want to commend the gentleman from Colorado (Mr. SCHAFFER) for bringing forth this resolution.

Mr. Speaker, I have two sons. One of them is 16, the other has just turned 15. The 15-year-old is in ninth grade; the other one is in the eleventh grade. They both go to Catholic school.

In south Florida, we have a wonderful series of Catholic schools, both primary and secondary, as well as a wonderful Catholic university, Barry University. We are very proud of the education that those schools provide. So I think it is very appropriate that the gentleman from Colorado (Mr. SCHAFFER) brought forth this resolution that we are debating it today.

I do not know if it is the first resolution in history, Mr. Speaker. But I am glad that it has been done, because the reality of the matter is that the men and women who work in the Catholic schools throughout the United States deserve our commendation and they deserve our praise and we should go on record as expressing our appreciation for the work they do.

Mr. Speaker, I never cease to learn in this body, because I never thought that this would be a controversial resolution. I think that praising the men and women, both the religious and the lay folks, who work in Catholic schools is something that everybody would wish to do. So this has been an educational experience today that it has become controversial, but that is democracy. Even something like this can become controversial.

The reality of the matter is that I think we should all come together and praise the men and women who form the new generations who are privileged enough. Because all schools, whether they are private or public, are praiseworthy. But, specifically, definitely so are the Catholic schools and that is why I commend the gentleman from Colorado.

Mr. KILDEE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, I would like to thank the Sisters of Saint Joseph of Nazareth, Michigan, who taught me at Saint Mary's school in Flint, Michigan. I would like to particularly thank Sister M. Hilary who helped change my life.

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

Mr. SCHAFFER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I too would like to thank those who have spoken today on this important topic in reaching out to congratulate those involved in Catholic schools. The students, the administrators the teachers, all those who make Catholic education possible in the United States.

As a product of Catholic schools, I have learned myself that it is virtually impossible to disconnect the academic construction from the spiritual basis that all children in America need in order to advance and grow spiritually and personally. A great many parents throughout the country, even with the government-owned system that most children are educated in today, manage to instill in their children a strong spiritual basis as their children grow. But for many children, that is just an opportunity that is lost or missed.

The Catholic schools throughout the country provide a remarkable example and a remarkable model of academic institutions that result in thriving, growing, well-educated young men and women throughout the United States of America. And it is fitting for this body to recognize the contributions and accomplishments of Catholic schools today.

This is Catholic Schools Week all week long. There will be events taking place throughout the country. Our participation here is a symbolic one, but I think an important one as well to let them know that their job is one which is well done, one that is critical and essential to the maintenance of our union and the academic excellence of graduates and students who are in school today, and that they play a critically important role in the future growth and development of our Nation as a whole.

With that, Mr. Speaker, I ask the committee to consider favorably this resolution and that concludes the balance of my remarks.

Mr. CHABOT. Mr. Speaker, I rise in strong support of this important resolution that honors the contributions of Catholic schools in the United States. I am a product of that school system, I have been privileged to teach in a Catholic school, and my two children currently attend Catholic schools in our hometown of Cincinnati, Ohio.

In Cincinnati, we're very proud of our Catholic school system—one of the largest in the United States with 77 elementary and 16 secondary schools. Students in the system routinely score in the top one-third on nationally standardized tests. 98% graduate from high school. And 96% go on to pursue higher education.

Representatives from Catholic schools from all across the United States are in Washington this week to celebrate National Catholic Schools Week. We welcome them. And we thank them for building an exemplary education system that is based on academic achievement, community involvement, and strong values. Our Catholic schools have set a standard we can all be proud of.

Mr. Speaker, I strongly support this resolution.

Ms. SANCHEZ. Mr. Speaker, I rise today to honor America's Catholic schools.

It is fitting and appropriate that the Congress consider this legislation today. Our nation's Catholic schools are reputed not only for their academic excellence but also for their contributions to our communities.

Catholic schools—and their faculty, staff, students and families—go above and beyond the call of duty. Children educated in our Catholic institutions benefit from moral and social development along with superior intellectual challenge.

Millions of children attend thousands of Catholic schools every year in our nation. These schools boast diverse student bodies and exceptional success rates. Their graduates are not only skilled, but also devoted to their faith and community.

Right in my own district in Central Orange County, California, Catholic schools teach our children not only the knowledge they will need to succeed in the classroom, but develop the character children will need to thrive in the world.

In its 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community.''

The Catholic school system has made invaluable contributions to our nation. Today I congratulate Catholic schools for their success and their continued role in promoting and securing a bright, strong future for our nation.

Mr. SWEENEY. Mr. Speaker, I rise today to voice my strong support for House Resolution 409, honoring the contributions of Catholic Schools. Over two and a half million students are currently enrolled at 8,217 Catholic schools across the country.

This week, as ''Catholic Schools Week'', provides us an important opportunity to recognize the outstanding performance of Catholic schools in the education of America's youth. I believe their successes truly hold some of the keys to improving our education system nationwide.

Catholic elementary and secondary school students consistently display superior results on national and science academic achievement tests. Catholic schools maintain a phenomenal graduation rate of 95%, compared to 66% for public schools. More importantly, Catholic schools provide their students with a strong sense of their faith, family and community. They provide a rich, intellectually stimulating environment in which today's youth learn the skills required to be tomorrow's leaders.

These schools teach the value of self discipline, tolerance and respect for one another. Catholic schools open their classrooms to economically and culturally diverse students, giving young people of all backgrounds the opportunity to succeed.

I also salute the Catholic school teachers who dedicate themselves to the teaching profession and take great pride in the success of their students.

Mr. Speaker, I commend the sponsors of this resolution, and appreciate the opportunity to honor the Catholic schools of our nation. I believe these schools are a model for success in the education of our youth. I urge my colleagues to support this important resolution.

Mr. McINTOSH. Mr. Speaker, today Congress passed a resolution congratulating America's Catholic schools, the students, the teachers, and especially the parents, who make many sacrifices to provide their children the education offered in Catholic schools. The outstanding contributions of Catholic schools to our Nation are worthy of celebrating, and as a co-sponsor of that resolution I offer heartfelt congratulations to all who participate in the work of Catholic education. I am especially proud of Catholic schools in Indiana which provide a great education to more than 62,000 children.

This week we celebrate the 26th annual Catholic Schools Week and commemorate the important role Catholic elementary and secondary schools across the country play in providing a values-added education for America's young people. We are proud of their educational network, emphasizing intellectual, spiritual, moral, and social values in their students.

Studies have shown that Catholic schools succeed because they employ a system that works: Site-based management; discipline and virtue; high academic standards, and parental involvement. These qualities contribute to a caring, well-ordered, safe and stimulating environment where children learn more than just academics. They learn individual responsibility, respect, moral conduct, and hard work.

Catholic schools work because they are entirely voluntary for both students and teachers. If students are unhappy, they may leave. Teachers are not tenured. Parents who sacrifice to send their children to school remain involved.

Cicero once said, ''There are more men ennobled by study than by nature.'' However, if we are to ennoble the next generation, we must begin now by inducing positive changes in our education system so more children may have the opportunity to have the rich experience Catholic schools offer. We must introduce more examples of education excellence into the community, to kindle competition and bring excellence to all learning institutions public and private.

At the K–12 level, Indiana spends an average of $5,666 per student per year. Yet performance declines as the student progresses through the public school system.

For instance, in 1996, Indiana's 4th graders took the National Assessment of Education Progress math exam. They placed 4th out of 43 states that participated in the exam. Which is very good. However, Indiana's 8th graders ranked only 17th out of 43 states. On Math Advanced Placement exams, Indiana ranked last in comparison to other states and the District of Columbia in terms of the percentage of students who scored a 3 or higher out of 5. For Indiana high school students who are college-bound, their SAT scores are about 30 points below the national average. 46th in the nation.

We need to rethink our whole approach to elementary and secondary education. We need to look to examples of education systems which achieve great results so that we can make systemic changes. We also need to provide ways to help parents take advantage of the choices that exist.

Barbara is African-American and lives in inner city Indianapolis. She struggles to raise three boys. And Barbara has decided to become a leader in her community. She is president of a new grassroots organization called FORCE—short for Families Organized for Real Choice in Education.

A few years ago her son, Alphonso, had an opportunity to escape the inner city school system that was failing him. Through a private scholarship program started by Pat Rooney at Golden Rule Insurance Company, Alphonso has been able to attend Holy Cross Catholic School.

It was opportunity that enabled Alphonso to go to a better school. But it was Alphonso's own intellectual abilities and hard work that put him on the honor roll. His own athletic abilities that make him stand out on the football team. And his own leadership abilities that led his classmates to elect Alphonso to the student council.

I could tell you about studies that show the great academic achievements made by inner-city youth in Catholic schools. But Alphonso's success story speaks for itself. His real-life experience tells us so much more than mere statistics ever could. Catholic schools shine just a little brighter when more disadvantaged young people like Alphonso make the grade.

The author Victor Hugo once wrote, ''There is one thing stronger than all the armies in the world, and that is an idea whose time has come.'' Excellence in education is the course of the future.

We will not let our children—our future—slip through the cracks. Our families will rebuild our education system so that our children grow up with the knowledge and the confidence to build a new day for our nation.

Mr. LARSON. I rise today to acknowledge the contributions made by Catholic schools, which build strong educational and moral foundations for our students.

As a former student of St. Rose's School in East Hartford, Connecticut, I would like to praise the outstanding efforts of the Sisters of Notre Dame for providing students with strong academic and moral values. My Catholic school education has given me a valuable framework for life, and has enabled me to achieve personal and professional goals.

Our nation's Catholic schools provide excellent opportunities for learning. With over 8,000 schools and current matriculating classes of greater than 2.6 million students (of which one-in-four are minorities), Catholic schools provide educational opportunities to a broad cross-section of our society. These schools encourage greater levels of student-teacher interaction through their small class-size ratio. As a result, Catholic school students achieve a graduation rate of 95%, while 83% continue on to a college education. This education model has been internationally acclaimed for its stellar academic reputation.

As we celebrate Catholic School Week, I am proud that these schools will continue to nurture students dedicated to their faith, to their values, to their communities and to their families. These schools develop the leaders of tomorrow with effective leadership and character. I am, therefore, proud to support H. Res. 409.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. SCHAFFER) that the House suspend the rules and agree to the resolution, H. Res. 409.

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

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 409.

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

There was no objection.

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TAIWAN SECURITY ENHANCEMENT ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 408 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 408

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes. The bill shall be considered as read for amendment. The amendment

recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; (2) an amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by the Minority Leader or a 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. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 408 is a modified closed rule providing for the consideration of the Taiwan Security Enhancement Act, H.R. 1838.

House Resolution 408 provides for 1 hour of debate in the House, equally divided between the chairman and the ranking minority member of the Committee on International Relations.

The rule waives all points of order against consideration of the bill and, further, the rule provides that the amendment recommended by the Committee on International Relations now printed in the bill be considered as adopted.

The rule provides for consideration of the amendment printed in the CONGRESSIONAL RECORD, if offered by the minority leader or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

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

H.R. 1838, Mr. Speaker, seeks to enhance the security of Taiwan. I am pleased to be an original cosponsor of this legislation, which the majority whip, the gentleman from Texas (Mr. DELAY), introduced in large part to respond to increasing concern with the threat to the peace and stability of Taiwan in light of the actions of the People's Republic of China toward Taiwan.

Both the chairman and the ranking minority member of the committee of primary jurisdiction are cosponsors, along with four of my colleagues on the Committee on Rules. I believe that this legislation enjoys widespread bipartisan support in the House.

The Taiwan Security Enhancement Act increases military cooperation with and establishes direct military communication between forces in Taiwan and in the United States in an effort to help Taiwan protect itself from potential threats from China. The legislation increases the number of Taiwanese military officers and officials to be trained at U.S. military academies and the National Defense University and increases the technical staff at the American Institute in Taiwan.

In addition, the Taiwan Security Enhancement Act requires the President to justify any rejection of a Taiwanese defense request and requires annual reports by the defense secretary on Taiwan's security situation.

I believe that it is entirely appropriate for Congress to express itself strongly on the important matter of the security of Taiwan. Since the nationalist escape to the island after the Communist victory on the mainland of China in 1949, the close relationship between the United States and Taiwan, I think, has been mutually beneficial to both peoples.

The Taiwan Relations Act of 1979 established on the part of the United States a concern for Taiwan and its people, at a time when diplomatic relations switched on the part of the United States from Taiwan to the People's Republic of China. The Taiwan Security Enhancement Act clarifies and reiterates the commitments made in the Taiwan Relations Act.

The gentleman from Connecticut (Mr. GEJDENSON), the ranking minority member on the Committee on International Relations, stated in his testimony to the Committee on Rules that he was aware of no amendments to this legislation, and he was supportive of the request for a modified closed rule. As a firm supporter of this legislation, Mr. Speaker, I believe that the Committee on Rules has crafted a fair rule to provide for its consideration, and I would strongly urge the adoption of both the rule and the underlying bill.

Mr. Speaker, I would like to commend the gentleman from New York (Mr. GILMAN), and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), along with the majority whip, the gentleman from Texas (Mr. DELAY), and the many others who have worked on this legislation for their efforts in bringing forward this important piece of legislation. I believe House Resolution 408 is a necessarily structured rule, a fair rule, and I urge its adoption.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, the underlying bill, the Taiwan Security Enhancement Act, H.R. 1838, is a bill designed to reaffirm the Nation's commitment to Taiwan's security. It is my understanding that the bill was substantially modified in the Committee on International Relations and demonstrates a bipartisan effort to show some congressional support for maintaining Taiwan's ability to defend itself.

I have received numerous letters and petitions from Taiwanese Americans in my district urging passage of the bill. As Professor Ken Hsu of Pittsford, New York, notes, ''This act will help maintain the peace and security of the Taiwan Strait.'' Over the past decade, Taiwan has become a full-fledged, multiparty democracy. Presidential elections are scheduled for March of this year. Taiwan fully respects human rights and civil liberties and is often touted as a model for democracy in East Asia.

Meanwhile, the People's Republic of China continues to jail citizens who simply want to express their views and represses the people of Tibet and other regions who long for freedom. Most importantly, China has spent the past few years actively building up its military capabilities. This buildup has included further development of advanced ballistic and cruise missiles and a significant increase in the size of China's missile force. That is a worry.

Mr. Speaker, this is a closed rule, with the possibility of a substitute amendment. And while I support a more open amendment process, in this case I am not aware of any amendments on our side and will not call for a recorded vote.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Permanent Select Committee on Intelligence and my colleague on the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my colleague from Florida for yielding me this time, and I rise in support of this appropriately crafted and, I believe, noncontroversial rule. This is obviously an extremely important and serious matter, and I believe a structured rule was necessary to ensure that the various views are aired in a productive way out here today.

Mr. Speaker, I come to this debate primarily focused on national security, obviously as chairman of the Permanent Select Committee on Intelligence, with very high hopes but also with some deep underlying concerns. I have high hopes that the United States can and will step up to the challenge of engaging the Asia-Pacific region while protecting U.S. interests and the interests of our friends and allies in that area and elsewhere.

I do remain concerned that we lack sufficient and sustained leadership on this issue from the Clinton-Gore administration, while at the same time we do have a wide range of vigorously conflicted, highly visible viewpoints on how we should proceed even within this

Congress. As a result, we run the risk of sending mixed signals that could weaken rather than reinforce the message of resolve that we need to send to the Chinese leadership about our priorities. That is what we are here about, resolve.

Mr. Speaker I have just returned from leading the Permanent Select Committee on Intelligence on a trip to the South Pacific. I want to report that, without fail, what we heard over and over is that the area of greatest focus for U.S. officials and their counterparts in the region is the need for careful management of the explosive flash-point that exists in the Taiwan Strait. The Chinese hierarchy knows this and has demonstrated its willingness to capitalize on it by engineering provocations in order to promote its own agenda, including, apparently, gaining unfettered entry into world markets and trade organizations.

Let me state that I am certainly supportive of the substance of this legislation, inasmuch as it emphasizes and clarifies our defense posture when it comes to assisting the people of Taiwan and protecting their security. But I am also mindful of the larger picture, and I recognize that, as contorted as U.S. policy toward Taiwan and, by inference, China, has become, it is a policy that of necessity must find balance on an extremely narrow tightrope.

Our discussions here must not be misinterpreted to be our pushing the envelope on behalf of Taiwan. The issue is the defense and security of Taiwan. Proponents of today's legislation point out that the existing statutory foundation for our relationship with Taiwan is in need of greater elucidation. They seek to send a message to Beijing. But we must make sure that in the process of adding detail, specificity, and clarity to our current policy, we do not also generate the unintended consequences of provocation and perhaps dangerous escalation in our complicated and delicate diplomatic relations with China.

This matter is of vital significance to regional security and to global security, and it affects U.S. interests directly. Without doubt the Chinese leadership, as well as the people of Taiwan and our friends and enemies around the world, will be watching this debate and gauging our willingness to approach these tough issues with thoughtful, farsighted leadership, and unity of purpose.

As my colleagues know, one of the areas of jurisdiction of the Committee on Intelligence is to monitor and prepare capabilities for potential security crises around the world, and that certainly includes a careful eye toward China and Taiwan. I think I can say that the danger of miscalculation in the Taiwan Straits is at the top of the list of the gravest threat to today's world peace.

Our challenge in this debate is to ensure that it promotes solutions rather than contributing to a deadly miscalculation. I urge support for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend and colleague from New York for yielding me this time.

I will rise in the strongest possible opposition to this legislation when it is offered, and I would like to ask my colleagues to pay careful attention to this legislation, which, while well-intentioned, will be wholly counterproductive and will dramatically enhance instability in the region.

Let me first say that during the course of the many years that we have debated the China issue, I am proud to have been one who has uniformly fought for human rights in China; who has uniformly fought for the right of the people of Tibet; who has uniformly rejected Most Favored Nation treatment for China, and will continue to do so.

What is at stake here is the unintended unraveling of a carefully crafted ambivalence in U.S. foreign policy towards China and Taiwan, a foreign policy which under Republican and Democratic administrations has succeeded in making Taiwan a strong, prosperous, and democratic society. What this legislation will do, it will enhance instability and uncertainty in the region, and it will not contribute one iota to the security of Taiwan.

□ 1215

Let me elaborate. When the question of an invitation to the distinguished President of Taiwan from his alma mater, Cornell University, came before our body, and the administration was committed to denying him a visa because that was part of our agreement with the government in Beijing, I introduced a resolution compelling the Department of State to issue a visa to the democratically elected President of Taiwan to go to Cornell to receive his honorary doctorate.

My legislation passed this body on May 2, 1995, by a vote of 390–0 and the Senate by a vote of 97–1. When the question of Chinese application to host the Olympic Games in the year 2000 came before our body, it was my pleasure to introduce a resolution expressing the strong view that this Congress will not countenance the holding of the Olympic Games in China as long as human rights violations are as widespread, as long as the denial to religious freedom are as widespread, as long as the practice of forced abortions are as widespread as they are in China. And this body and the Senate approved my legislation.

A short while before we left for our Christmas break, I had the privilege of speaking on behalf of a religious movement, global in nature, called Falun Gong that the Chinese Communist Government is persecuting, harassing, and imprisoning its leaders.

So I come to this debate as one whose opposition to the odious practices of the Chinese Communist regime have been on display for two decades. But I also come to this debate as one who has supported the Taiwan Relations Act, passed in 1979, which for the past 20 years has facilitated Taiwan's development as one of the most prosperous, advanced, and democratic societies on the face of this planet.

As a matter of fact, one of the few great achievements on a bipartisan basis of the administrations during the course of the last 20 years has been the tremendous development in Taiwan. Taiwan today is a powerful, prosperous, and democratic society.

Our relationship with Taiwan and China is predicated on the carefully crafted fiction that there is only one China; and this fiction, which we pay tribute to on a daily basis, has an ambassador in Beijing but no ambassador but somebody who acts like an ambassador in Taipei.

The Chinese Government in Beijing sends an ambassador here to represent China; and the Government of Taiwan sends someone who, while not with the rank of ambassador, ably and effectively represents the interest of Taiwan. When he visits me in my office, I refer to him as ''Mr. Ambassador.''

Now, this carefully crafted ambivalence and ambiguity has allowed us to support Taiwan's defense needs to the fullest possible extent. Taiwan today is stronger than it has ever been in its history. Speaking for myself, I will be voting for whatever defense requirements Taiwan comes to us with insofar as these requirements will be necessary for the defense of that island.

This piece of legislation, well-intentioned but totally counterproductive, will add nothing to the security of Taiwan. What it will do, it will stir up a hornet's nest in the region. It will enhance instability, anxiety, and uncertainty.

While the crafters of this legislation had good intentions, they clearly did not take into account that, in public diplomacy, ambivalence and ambiguity have a long established and distinguished place.

It is that ambiguity and ambivalence which the presence of our peculiar relationship with Taiwan so ably demonstrates which will be undermined and destroyed by this piece of legislation.

Now, this is not a partisan issue, Mr. Speaker. As was mentioned earlier, the chairman of the Committee on International Relations and the Ranking Member, both good friends of mine, are supporting this legislation. Some of the most distinguished Republicans on the Committee on International Relations joined me in opposing this legislation. So the issue has no partisan element. It has no partisan component.

The issue before us is very simple: Do we wish to enhance the stability of the region or do we wish to add to the periodic outbursts of instability that the passage of this legislation will surely bring about.

It is my considered judgment that it is in the national security interest of the United States to see this legislation defeated.

The President has indicated and his top foreign policy advisors have indicated that if the legislation is approved in its present form, they will recommend a veto. I hope the President will veto, and I will vote to sustain that veto.

It is unnecessary, it is counterproductive, it is nonsensical to bring into our complex relationship with China yet another divisive matter, the only consequence of which is to diminish the security of Taiwan, the exact opposite, the exact opposite that the crafters of this legislation intend.

Now, when my legislation was passed, Mr. Speaker, allowing the President of Taiwan to go to Cornell, the Chinese in Beijing went ballistic. They went ballistic to the point of engaging in military action in the waters around Taiwan. The invitation to President Lee was a matter of principle. This is not. This is a matter of bad policy judgment. But the reaction is predictable. It will create horrendous tensions in the Taiwan Straits. It will dramatically diminish the chances of cross-straits dialogue.

What every Member of this body wants is to see the China-Taiwan conflict resolved without military means, peacefully, constructively. This piece of legislation torpedoes that objective. When we will discuss this legislation, I will strongly urge my colleagues to vote against it.

I have nothing against the rule. The rule is not the issue in this instance, Mr. Speaker. But what is at issue is a fundamental bipartisan foreign policy successfully pursued by Republican and Democratic administrations for 21 years under President Carter, President Reagan, President Bush, and President Clinton.

Taiwan has thrived given our existing legislative framework vis-a-vis that country. This legislation will undermine that stability. It will threaten the stability and peace in the Taiwan Straits. And we shall rue the day if we were to pass this legislation as we see the consequences unfold.

We will have plenty of China issues to discuss in the next few months. Some in this body will be advocating Most Favored Nation treatment on a permanent basis to mainland China. I hope there will be enough of us to oppose that legislation when it comes to this floor. This is a piece of legislation that is counterproductive, poorly thought through, and hostile to the security interests of both Taiwan and the United States, and I strongly urge my colleagues to reject it.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Southern California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank my friend, the gentleman from Florida (Mr. DIAZ-BALART) for permitting me to speak in support of the rule; and I appreciate the remarks of my good friend, the gentleman from California (Mr. LANTOS) who has just finished another of his eloquent presentations before this body, however, a presentation that I must disagree with respectfully.

I stand in strong support of this rule and in strong support of the bipartisan Taiwan security enhancement act. I congratulate the House leadership of both parties for bringing this bill to the floor at this critical period while the people of Taiwan and the Republic of China on Taiwan are entering into the final month of their democratic presidential campaign.

There should be no doubt that the requirements in this bill to strengthen Taiwan's ability to defend its own people against air and missile attack is essential to maintaining peace and, yes, stability in the Taiwan Straits. It sends an undeniable message to the communist strongmen in Beijing and to our friends throughout the Pacific region that the American people are stalwart in defending democracy and honoring our treaty commitments.

With all due respect to my friend, the gentleman from California (Mr. LANTOS), ambiguity and ambivalence in the face of tyrants does not bring about the result the people would like to achieve. Seeking stability through ambiguity and ambivalence will lead not to stability but, instead, to conflict and war through miscalculation. Stability without regard to moral commitment and to liberty and justice is not a worthy goal and leads in the end to conflict.

We must give a specific message, we must not be ambiguous, to the people in Beijing so they will not miscalculate, so they will know what our commitment is and how far they can push us in the free world. This is the way to peace. It is not through ambiguity.

Specifically, we are today reaffirming the Taiwan Relations Act of 1979. The Act clearly authorizes the United States or any other country to provide defensive weapon systems to the Republic of China and Taiwan and restricts Beijing from using force against the people of Taiwan.

This is a legal understanding. We should not in any way hint to the strong men in Beijing that that understanding and that agreement has been altered or has evolved into something else than what it was whether that agreement was made. That is the way to have peace in the Taiwan Straits and to have stability in the Pacific, let people know we are holding them to their commitments and that we are strong and forceful in demanding our rights under agreements with those that we have made before.

The upcoming election in Taiwan marks an historic milestone. It is the first time in a thousand years of recorded Chinese history that a democratically elected Chinese leader, President Lee, will be peacefully handing over power to an elected successor.

The upcoming election and post-election periods present a very real danger of intimidation or even violent aggression by the communist regime in Beijing.

I recently returned from Taiwan where I visited the political and military leaders there, and I also visited their air national and missile defense centers as well as frontline bases in the Taiwan straits.

All the leaders in Taiwan that I met, the military leaders and political leaders, as well as people there who live there and are confronted with this challenge, expressed concern about the potential aggression from the PRC in the upcoming months.

□ 1230

The threat from Communist China was underscored during the past few days with new public threats for the use of force against Taiwan by the government in Beijing.

I am submitting for the RECORD a copy of the January 31 report out of Hong Kong detailing exercises to be conducted immediately prior to the election in Taiwan by the People's Liberation Army Missile Command in Fujian Province, directly across from Taiwan.

Beijing needs to know that we are standing by the agreement we made with Beijing and that we will ensure Taiwan the defensive systems that we are permitted through that understanding to provide Taiwan. This is what will lead to more peace, not leaving Taiwan vulnerable, not being ambiguous but providing them the missile defense systems and the aircraft defense systems they need to deter aggression and to make a solid statement as this Congress is doing today in this debate that we are not ambiguous and not ambivalent in our commitment to Taiwan's security and the Taiwan Relations Act.

Mr. Speaker, I include the following material for the RECORD:

PRC TO STAGE ANTI-AIR MILITARY EXERCISE IN LATE FEBRUARY

(By special correspondent Hsiao Peng)

According to Jiang Zemin's requirements outlined at a recent meeting of the Central Leading Group for Taiwan Affairs on ''preparations for both eventualities,'' the People's Liberation Army [PLA] is to stage a large-scale antiair exercise in Fujian in late February. Massive antiair missile forces and various types of warplanes recently have arrived in Fujian. For the first time, a newly established reserve missile brigade will participate in the military exercise.

CONDUCTING DEFENSE EXERCISE TO PREVENT GIVING US EXCUSE

A source pointed out that the mainland will conduct a completely defensive military exercise in the run-up to Taiwan's presidential elections. The antiair live-ammunition exercise involving a large number of antiair missiles and warplanes can put pressure on Taiwan independence forces. Because it is a ''defensive exercise,'' it will not serve as an excuse for the United States and other countries to intervene in the mainland maneuver. The war game also in China's direct military response to Taiwan Vice President

Lien Chan's clamor for the development of long-range missiles against the mainland. At the recent meeting of the Central Leading Group for Taiwan Affairs, Jiang Zemin reportedly decided that preparations for both eventualities—peaceful reunification and retaking Taiwan by force—should be taken as the mainland's basic principle on future Taiwan affairs. Meanwhile, the top Chinese leadership has made a clear-cut decision not to allow Taiwan authorities to indefinitely stall the Taiwan issue, and has set a timetable for the settlement of the Taiwan issue. Should new Taiwan leaders refuse to accept the principles of ''one country, two systems and peaceful reunification'' and pursue Taiwan independence by incorporating the ''two-state theory'' into the constitution and the law, the mainland is prepared to use force to resolve the Taiwan issue by means of ''one country, two systems.''

LARGE NUMBER OF ADVANCED ANTI-AIRCRAFT MISSILES TO BE SHOWCASED

The antiair exercise will involve the live firing of massive advanced PLA antiair missiles in Fujian. In addition to Taiwan warplanes, such as F–16, Ching-kuo, and Mirage 2000 fighters, the military exercise will take US F–117 and B–1 stealth bombers and cruise missiles as the main targets of attack in order to prevent US military intervention in mainland operations against Taiwan. It is understood that since Lien Chan, Liu Taiying, and other senior Taiwan officials threatened to countercheck the mainland, the top mainland leadership has attached great importance to its air defense against Taiwan. To strengthen Fujian's antiair capability against Taiwan, the mainland recently not only has deployed a large number of antiaircraft and ground-to-ground missiles in Fujian, but for the first time it also has established a reserve missile brigade to arm reserve units with various antiaircraft missiles, which have considerably enhanced Fujian's antiair capability. The brigade is Fujian's second air defense reserve unit since its reserves established an antiaircraft artillery division. It also is the first reserve unit armed with missiles. The upcoming military exercise will serve as a warning to Taiwan's arms expansion and is the first military maneuver intended to put pressure on Taiwan in the run-up to its presidential elections this year.

CHINA WARNS AGAINST MORE U.S.-TAIWAN MILITARY COOPERATION

A Chinese government spokesman today (Jan. 31) warned that passage of a law to improve U.S.-Taiwan military cooperation could threaten ''peace and stability'' in the region and damage relations with the U.S. The Clinton Administration should take ''effective measures'' to prevent adoption of the Taiwan Security Enhancement Act, according to Chinese embassy spokesman Yu Shuning.

The bill, HR 1838, is scheduled for a House vote on Feb. 1 or the following day. A Senate companion bill, S. 693, sponsored by the chairman of the Senate Foreign Relations Committee is pending before the panel after a hearing in August.

''If the U.S. restores its military ties with Taiwan . . . it will have a very serious consequences to our relationship,'' Yu told reporters in a briefing at the Chinese Embassy, ''It could trigger another round of arms race and enhance the chance of military confrontation.''

Yu called the act a ''very serious infringement'' of Chinese sovereignty and an encouragement of Taiwanese ''separatists'' who seek independence from China.

He identified passage of the bill as one of three problems facing the U.S.-China relationship. The second is the impact of any sale of advanced weaponry to Taiwan and the third is the U.S. sponsorship this year of a resolution in the United Nations Convention on Human Rights.

House International Committee Chairman Benjamin Gilman (R–NY) said last November that Clinton Administration pressure had prevented the bill from coming to a vote for fear it would damage negotiations for China's entry into the World Trade Organization.

MISSIONARIES: CLERICS KIDNAPPED, CHURCHES BURNED IN CHINA

VATICAN CITY (AP)—China has burned and blown up churches and taken dozens of clerics into custody in an intensified campaign against the underground Catholic church, the Vatican's missionary news service said Monday.

Some of the arrests cited by Fides were reported earlier by Catholics within China.

The alleged crackdown implements a plan outlined by the government in August to force Catholics worshipping illegally into the official state-registered church system, Fides said.

Officially atheist China limits worship to state-registered churches.

Millions of Chinese Roman Catholics worship secretly, illicitly recognizing the Vatican as their religious authority rather than the government.

China insists that its people have full freedom of religion; the parliament issued a statement Monday denying the existence of the underground Catholic church.

Religious meeting places are required to be registered with authorities only ''to ensure that the religions can conduct their normal and lawful activities,'' the lawmakers' statement said.

Fides said Catholics are under increasing pressure to accept only the authority of the state-sanctioned church, the China Patriotic Catholic Association.

Children of families in underground churches are being barred from school, the news service said.

Two churches, built without government permit, were blown up at mid-December in the Wenzhou diocese, Fides said.

Other churches were burned; three were destroyed in the same northern diocese in April, Fides said.

''The diocese of Wenzhou is being subjected to pressure and violence,'' it said.

Authorities have taken away seven priests and the diocese's archbishop since September, Fides said.

Since early January, officials have forced at least 2,000 Roman Catholics in the region to register, some after days of detention. Other Catholics have fled rather than be forced into the state church, it claimed.

In all, at least six clerics have disappeared since their arrests, over a period of three years to a few months, it said.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. I thank my friend from New York for yielding me the time.

Mr. Speaker, I rise today in support of the rule on H.R. 1838, the Taiwan Security Enhancement Act. This bill as modified by the Committee on International Relations represents a concerted effort by a bipartisan group of Members who remain concerned about the longstanding tensions that exist between Taiwan and the PRC.

It is well known that since the inception of the PRC, the PRC has considered Taiwan a renegade province. The government in Beijing has long heralded the ''one China'' policy to reemphasize its claims to Taiwan and insist that foreign governments adhere to it as well. Officially, we support the ''one China'' policy while at the same time we insist that China relinquish the use of force in any reunification effort. Despite assurances by China to the world community to peacefully settle this sovereignty dispute, China refuses to disavow the use of force. To this end, China has often resorted to bullying tactics and demonstrative military exercises in a game of deadly brinksmanship.

The now infamous Chinese ballistic missile strike in the Straits of Taiwan during the 1996 presidential campaign in Taiwan has become a watershed event that underscores the calculated risk which Beijing is willing to make in order to intimidate Taiwan. So intent is China's concern over any display or mention of independence that it is willing to unleash a torrent of destruction in the Western Pacific. This sentiment was further acknowledged by the Chinese Premier, Zhu Rongji, who recently noted that the PRC considers violence an acceptable means to ''discuss'' the reunification of Taiwan.

In furtherance of their strategy of intimidation, the Chinese have conducted amphibious landing exercises near the straits, deployed theater missile launch sites adjacent to Taiwan, acquired long-range Su-30 bombers and is currently acquiring former Soviet naval destroyers. These efforts are meant to intimidate democracy's allies in Taiwan and around the world in light of the upcoming presidential elections in Taiwan.

Previously, the distinguished gentleman from California indicated that we should be ambiguous and ambivalent. We may be forced to be ambiguous in our diplomatic relations, but we should not be ambivalent in the message that we send to the PRC. We must pass this new Taiwan Relations Act.

The bill before the House today further refines and supplements the underlying relations act. This legislative supplement by Congress unambiguously and without ambivalence gives notice to Beijing that the United States is indeed committed to the security of Taiwan and will not tolerate an act of aggression to settle the sovereignty dispute.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. BEREUTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule and the underlying legislation that will be made in order. There are two preliminary points I would like to make. First of all, I think all or nearly all Members approaching this issue on both sides of the aisle and both sides of the issue, do approach this debate with due gravity and concern and are attempting to do so with appropriate sensitivity to the delicate situation between the PRC and Taiwan.

I want to call attention, however, to my colleague from Florida's remarks. The gentleman from Florida (Mr. GOSS), the chairman of the House Permanent Select Committee on Intelligence, I think made a very thoughtful and incisive statement. He said Members that vote for this upcoming legislation, H.R. 1838, should not be deemed to be doing things that are intentionally provocative. That should not be our intent. Indeed it is not, I think, the supporters' intent that we are taking a provocative action. But, on the other hand, we need to, where appropriate, eliminate ambiguity; and we need to recognize that this is a sensitive area. The Taiwanese-Chinese and the Sino-American relationships are the most complicated issues that come before my subcommittee and we should not under-estimate the reaction to the legislative vote on H.R. 1838.

One of my first votes as a Member in 1979 was cast in support of the Taiwan Relations Act, the TRA. This Member is a strong supporter of the TRA, for it introduced a very significant measure of coherence, consistency, and commitment to our security relationship with Taiwan. Under the TRA, the U.S. provides Taiwan with the defensive weaponry and technical expertise to defend itself. It is not a treaty relationship, but it does recognize that the military might of the People's Republic of China should not determine, simply by brutal force, the final status of the governance of Taiwan.

The second preliminary point I would like to make today for my colleagues who may have some questions about the timing of any action on H.R. 1838, and I have had those thoughts and concerns myself. There is never a perfect time; but, this is the issue that has been addressed or considered in the House International Relations Committee. The legislation we have before us today, after the Rule, H.R. 1838 is dramatically different than the bill introduced in the other body and the original content of this legislation. For example, Congress Daily's edition today is still in error. There are no specific references to weapons systems in this legislation as amended. The International Relations Committee, on a bipartisan basis, as the gentleman from Guam has indicated, has worked its will and made this legislation that I think should have strong support.

Today, H.R. 1838, expands upon the Taiwan Relations Act. It seeks to ensure that training and educational opportunities are available to military officers from Taiwan. It requires the executive branch of our government to report on the nature of the threat to Taiwan and to explain arms sales considered and the rationale of decisions. The Taiwan Security Enhancement Act delivers, I believe, a strong message that clarity, not ambiguity, is important in expressing our support for Taiwan and Taiwan policy.

Mr. Speaker, I believe it is important to emphasize again that legislation to be before us today has been heavily amended by the House International Relations Committee. The changes are primarily because of the efforts of these members and other members of my subcommittee but also due to other members of the full committee, and to the support and cooperation of the chairman, the gentleman from New York, Mr. GILMAN, and the ranking Democrat, Mr. GEJDENSON. They have all worked at perfecting legislation which we bring to the body today with some confidence.

Mr. Speaker, it is true that the executive branch had voiced great concerns about this legislation before these significant changes and still opposes the legislation. I think they do in part because they have not carefully examined the changes that have been made by the Committee. For example, the initial legislation listed the sale of specific weapons systems that were to be sold to Taiwan. Some of these systems are appropriate for sale. Some may not be appropriate for sale and some already have been provided very effectively in one way or another. Some weapons systems have, in fact, been made available but do not fit the priorities of the government of Taiwan themselves. Those facts were brought to the attention of Members in classified briefings, including the primary sponsors of the legislation or their staff.

Except in unusual circumstances, it admittedly is not an appropriate role for the legislative branch to dictate to the executive branch which weapons to sell to a friend. My colleagues should be reminded that we do not do this in this legislation and that President Reagan and President Bush, of course, would not have liked that kind of specific requirement. Neither will the next President of the United States. But we have taken the proper, responsible course by removing references to specific legislation and several other questionable or unnecessary directions.

Similarly, this legislation, which we are about to consider after approval of the Rule, as introduced, would require the allocation of additional military training positions over and above Taiwan's current generous quota at U.S. military academies and schools. The issue is not whether or not officers from Taiwan are permitted to train in the United States, for clearly they are permitted to do so and are being educated here. Rather, the legislation seeks to give additional emphasis to such training slots wherever it is possible. We must and do recognize that our own officers in fact have to have these courses, and we also need to provide this kind of training in our academies and in the defense training programs to a whole array of friends and allies across the world. It is a zero sum game, to some extent, and in H.R. 1838 we are not mandating any particular additional number.

Mr. Speaker, in summary, this Member would note that this legislation about to be considered has been significantly altered in numerous significant ways to address legitimate concerns. It would perhaps benefit from additional review and modifications, and this Member fully expects such modifications to occur as if this legislation moves forward to a conference. However, my colleagues can feel comfortable with H.R. 1838, and I hope for and recommend their positive vote. I thank the original introducers and especially all the colleagues in the International Relations Committee who have helped to perfect it.

Ms. SLAUGHTER. Mr. Speaker, if I could take 30 seconds out of order, I would like to wish a happy birthday on behalf of the House to the gentleman from California (Mr. LANTOS).

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I rise in support of the Taiwan Security Enhancement Act reported from the Committee on International Relations with 82 bipartisan cosponsors. The Taiwan Security Enhancement Act will advance our obligations under the Taiwan Relations Act and maintain stability within the region. According to the Pentagon report submitted to Congress earlier this year, China is currently engaged in a major buildup of ballistic missiles on its coast directly across the strait from Taiwan. Beijing is simultaneously increasing pressure on the U.S. to limit or decrease our sales of defensive weaponry to Taiwan.

Both of these factors represent a substantial threat to the balance of power and, therefore, the stability of the area. The United States must remain steadfast in our commitment to fulfilling our obligations under the Taiwan Relations Act in which the U.S. promises to provide Taiwan with the means to maintain a sufficient self-defense capability. Taiwan's defense capabilities are central to maintaining the balance of power in the region.

This bill is a necessary bipartisan step towards fulfilling our promise to Taiwan. It would increase Taiwan's defense capabilities while at the same time addressing any remaining deficiencies through establishment of direct communications between our militaries. This bill would reiterate the fundamental truth of democracy, that any determination of the ultimate status of Taiwan must have the express consent of the people of Taiwan.

Finally, the bill would require the President to submit an annual report to Congress on Taiwan's defense needs.

I urge my colleagues to support this legislation.

I would finally, just in closing, talk to my colleagues about the original purpose of the Taiwan Relations Act and really to have an overall view of the region, because this bill is really tied into that perception of what is going on. I think all of us are unanimous, both supporters and opponents of this legislation, that the ultimate status really is self-determination of the people in the various locales in that region, on the island of Taiwan itself and in fact ultimately in China itself as well.

How can we expect that to occur if we do not provide defensive means, especially with the intentions that are there? We are not committing American troops by any stretch of the imagination, but we are hopefully giving the Taiwanese the tools to determine their own self-determination, which is a commitment that we have made and a commitment that they deserve in terms of their own future and their own system of government as well.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H. Res. 408, the proposed rule to govern debate on the Taiwan Security Enhancement Act, H.R. 1838. It is an appropriate rule for what will be a very important debate. The fact is that Taiwan's security is threatened by the aggressive policies and the military modernization program of the People's Republic of China. For almost 50 years, our Nation has maintained its commitment to Taiwan's defensive military capabilities. Ever since we have enacted the Taiwan Relations Act over 20 years ago, our Nation has been morally committed to assuring the security of the free people of Taiwan. In 1996, our Nation was called on to back up that commitment.

With the strong encouragement of both houses of Congress, President Clinton deployed two aircraft carrier battle groups to the Taiwan Strait in response to Beijing's efforts to coerce the outcome in the election that Taiwan was holding that year.

□ 1245

Beijing's program is clear: they want to increase their ability to coerce Taiwan with threats of military force, and they are determined to ensure that Taiwan will be helpless in the face of such threats. Our Nation, along with our allies, must stand firm in confronting that threat.

It was to underscore our refusal to be intimidated that, along with other bipartisan cosponsors of H.R. 1838, we introduced the Taiwan Security Enhancement Act last May. This legislation, H.R. 1838, as reported by our Committee on International Relations, is delicately balanced. It reflects a compromise worked out by two of our distinguished Members in this body with years of experience in Asian security matters, the gentleman from Nebraska (Mr. BEREUTER), the chairman of our Subcommittee on Asia and the Pacific, and the gentleman from California (Mr. COX), the chairman of our House Republican Policy Committee. They labored diligently for many weeks to work out language that they believe appropriately addressed the very sensitive security situation.

This is a fair and balanced rule deserving of our support. Accordingly, Mr. Speaker, I urge Members to vote in favor of the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I think it is important that we speak very clearly and distinctly to ensure that we protect stability and peace throughout the world, and that is why I rise today in support of this rule and the underlying legislation.

The Republic of China has proven itself to be a strong, independent democracy, in stark contrast from Mainland China's campaign of military and psychological intimidation.

We can take great comfort in our present state of affairs. However, we must realize that peace is difficult to achieve and its maintenance is fragile; and one of the greatest threats to that that exists anywhere in the world is no more so in the Taiwan Strait. Taiwan is a country that deserves our continuing support, especially during these critical times.

In 1979 the United States made an obligation to this nation to provide defensive arms ''in such a quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.'' That was a direct quote and what should be a continuing commitment.

The Taiwan Security Enhancement Act continues to strengthen this commitment. As China continues its drive for military modernization and intensifies its efforts to procure weapons of mass destruction, cross-straight stability is at direct risk.

It is a known fact that China is using U.S. satellite and space technology to enhance its national defense economy and national prestige and thus poses a tremendous threat to Taiwan.

Mr. Speaker, today we have an opportunity to do something positive to counter such aggression. The Taiwan Security Enhancement Act is an excellent vehicle through which the United States can begin to rectify this growing imbalance.

Make no mistake, Mr. Speaker, China, Asia, and the rest of the world is watching to see our resolve in standing up for democracy in Taiwan. Our commitments today will have enormous implication on the future leadership role in Asia. China is counting on a reduced military presence in Asia while they are continuing their improvements. I urge all my colleagues to support this act.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

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

Mr. Speaker, I rise in favor of this rule and in favor of this bill. This legislation is a response to a number of events that have happened over the last 5 years that have shaped the current United States-Taiwan relationship. The live-fire missile exercises in the Taiwan Strait by China and the strong U.S. response reinforced the fact that Taiwan must be strong militarily.

This legislation is an attempt to address these concerns and clarify some of the ambiguity that exists in the U.S.-Taiwan relationship. I commend the gentleman from New York (Chairman GILMAN) and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for improving this bill in the Committee on International Relations.

This bill would improve communications between the United States military and the Taiwan military, it would improve the sharing of data, it would improve training, it would improve our relations. And that is a very good thing to accomplish. It is my hope that House passage of this legislation would send a clear signal to China about the strong U.S. commitment to Taiwanese security.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, just 3 days ago I had the opportunity to meet in Los Angeles with Governor Annette Lu, who is one of the regional governors in Taiwan and also a vice-presidential candidate under the Democratic Progressive Party in Taiwan. The election that she is involved in will be concluded on March 18th.

We had about a half hour of conversation about this very issue. In that conversation, she was very direct in pointing out the importance of this Congress, speaking forcefully and boldly with respect to our relationship with Taiwan and our support for self-determination in Taiwan.

Mr. Speaker, from the perspective of this Congress, we really have not been ambivalent over the years about where we stand, where the people of the United States stand. That position, however, has been obscured somewhat by various diplomatic decisions that have been made, statements coming out of the White House and others. So it is important, I submit, to restate with further clarity and further definition our alliance with the people of Taiwan, our unification and our belief

that democracy works, that freedom is always better than the tyranny of an oppressive political form of government, and, particularly at this time, where the people of Taiwan are poised to make a decision of paramount importance about their own individual future, their own individual liberty.

At this time there should be no confusion among those in Taiwan as to where we stand, which is shoulder to shoulder with the people of Taiwan. That is a policy that I, once again, Mr. Speaker, say has been clearly defined by this Congress, clearly defined by the people of the United States. It is one that needs to be restated right now at an important time, not only for ourselves, but for Taiwan as well. It is an important message to convey, not just to Beijing; it is an important message to convey here in Congress and on Capitol Hill, because we have seen the record in the past.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey, (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for yielding me time.

Mr. Speaker, I rise in strong support of the cause of freedom, in strong support of a strong foreign policy for our country, in support of this rule and support of this bill. I congratulate and thank the gentleman from New York (Mr. GILMAN), the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from California (Mr. LANTOS) and his Democratic colleagues for bringing this important legislation forward.

I believe we have an emerging consensus about U.S. foreign policy that has two points. The first point is that we should use our military and diplomatic might to challenge those who would use brute force over the rule of law, which is why we successfully interceded in Kosovo, which is why we have been willing to exert that force in Bosnia, which is why we protected the people of the Persian Gulf against the tyranny of Saddam Hussein. It is a wise and judicious use of the global power that we have accumulated through the courage and conviction of our military leaders, our men and women in uniform, and our diplomats.

The second aspect of our foreign policy consensus is that we will reward and incentivise democracy, respect for human rights and the free flow of goods and services in the economic realm. I think that is a very wise and prudent course for us to follow.

Now, we have our disagreements as to how to apply those principles, and we will have those disagreements as the year goes on, but I believe that there is no piece of legislation more representative of that principle than the one that will be before us very shortly.

Mr. Speaker, the freedom-loving people of Taiwan deserve not only our commendation, but our support. The economic miracle over which they preside every day, the powerhouse of freedom and dynamism that their efforts represent, should receive our continuing support. But, more importantly, when they are menaced by the threat of being overwhelmed military, when there are nuclear weapons exercises, when there are hostile words spoken by the People's Republic of China, I believe we have a responsibility to act forcefully.

Acting forcefully means being prepared militarily. The essence of the bill that is before us is to enhance the preparedness of freedom-loving people in Taiwan and to support that preparedness here in the United States. Military training, the sharing of technology, the reaffirmation of principles that were enacted in the 1979 law are all very, very appropriate here.

The relationship between two countries is a complex phenomena. The relationship between us and the People's Republic of China is a relationship that will receive great attention on this floor this year. But I believe that one aspect of that relationship that needs to be reaffirmed with great clarity, that I would ask us to affirm with great clarity here today, is that freedom is not negotiable where we stand, and we do stand with the freedom-loving people of Taiwan.

Mr. Speaker, I urge the support and passage of this rule and this bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. COX).

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

Mr. COX. Mr. Speaker, I am pleased to follow my colleague, the gentleman from New Jersey (Mr. ANDREWS). I agree entirely with what he said and with what speakers before him have said on both sides of the aisle, both on the subject of this rule and on the underlying bill.

The passage of this rule, which, as by now it is abundantly clear has won bipartisan support, will permit us to debate the Taiwan Security Enhancement Act, which will reaffirm America's long-standing Taiwan policy, in place since President Eisenhower.

In 1979 Congress passed the Taiwan Relations Act, and what we are doing today is making clear that we wish to see that act enforced in full. Today, even more than in 1979 when that law was passed, Taiwanese security is critical to America's interests. Taiwan is now America's seventh largest trading partner. Taiwan buys far more from the United States than does the People's Republic of China; the sea lanes surrounding Taiwan are vital to the economic health of Asia and to the sustained growth of U.S. exports to Asia; and, most important of all, a democratic Taiwan stands as a living example to all the people of China that they too can build a prosperous peaceful democracy.

Taiwan does not in any way pose a threat to the People's Republic of China; but Taiwanese example of democracy, freedom of speech and freedom of thought, do pose a threat to the Communist government in Beijing.

Fundamentally, this bill will allow our military to have relations with Taiwanese forces, as close as what the Clinton-Gore administration is already pursuing with the People's Liberation Army. This upgrading of our military relations with Taiwan must occur now, in a time of relative stability. It would be too late, if not too provocative, to accomplish these changes in a time of actual crisis. But the State Department currently bars senior U.S. military officers from meeting with their Taiwan counterparts, while, meanwhile, enhanced contacts between United States and People's Liberation Army officers of all ranks has been a priority for the Clinton-Gore administration.

The Taiwan Security Enhancement Act provides that our field rank officers can have the same level of relations with the friendly defensive force as they currently have with the Communist People's Liberation Army.

This rule and this bill are, as I said, hugely bipartisan. The vote in committee was 32 to 6. The vote today, I expect, on this rule and on the underlying bill will be similarly overwhelmingly bipartisan for one simple reason: this Congress, Democrats and Republicans alike, are committed to freedom and democracy for the people of Taiwan, for the people of Taiwan and for the people of all the world.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree fully with the premise of this legislation. There must be clarity and certainty in our commitment to the security of Taiwan, and the reunification of China can only occur peacefully. It must occur peacefully. Thus, we stand firmly with the security of our friends on Taiwan.

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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.

Mr. GILMAN. Mr. Speaker, pursuant to the provisions of House Resolution 408, I call up the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 408, the bill is considered read for amendment.

The text of H.R. 1838 is as follows:

H.R. 1838

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Taiwan Security Enhancement Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1949, the close relationship between the United States and Taiwan has been of enormous benefit to both societies.

(2) In recent years, Taiwan has undergone a major political transformation, and Taiwan is today a true multiparty democracy with a political system separate from and totally unlike that of the People's Republic of China.

(3) The economy of Taiwan is based upon free market principles and is separate and distinct from the People's Republic of China.

(4) Although on January 1, 1979, the United States Government withdrew diplomatic recognition of the government on Taiwan as the legitimate government of China, neither at that time nor since has the United States Government adopted a formal position as to the ultimate status of Taiwan other than to state that status must be decided by peaceful means. Any determination of the ultimate status of Taiwan must have the express consent of the people on Taiwan.

(5) The government on Taiwan no longer claims to be the sole legitimate government of all of China.

(6) The Taiwan Relations Act (Public Law 96–8) states that—

(A) peace and stability in the Taiwan Strait area are in the political, security, and economic interests of the United States and are of international concern;

(B) the decision of the United States to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(C) the United States would consider any effort to determine the future of Taiwan by other than peaceful means, including boycotts or embargoes, a threat to the peace and security of the Western Pacific region and of grave concern to the United States;

(D) the United States will maintain the capacity to resist any form of coercion that jeopardizes the security, or the social or the economic system, of the people on Taiwan; and

(E) the preservation and enhancement of the human rights of all the people on Taiwan are objectives of the United States.

(7) On the basis of these provisions, the Taiwan Relations Act establishes on the part of the United States a continuing connection with and concern for Taiwan, its people, and their ability to maintain themselves free of coercion and free of the use of force against them. The maintenance by Taiwan of forces adequate for defense and deterrence is in the interest of the United States in that it helps to maintain peace in the Taiwan Strait area.

(8) Since 1954, when the United States and Taiwan signed the Mutual Defense Treaty, the United States and Taiwan have maintained a defense and security relationship that has contributed greatly to freedom, peace, and stability in Taiwan and the East Asia and Pacific regions.

(9) The United States and Taiwan no longer conduct joint training missions, have no direct military lines of communication, and have only limited military-to-military contacts. This lack of communication and interoperation between the United States and Taiwan hinders planning for the defense of Taiwan and could prove detrimental in the event of future aggression against Taiwan.

(10) Since 1979, the United States has continued to sell defensive weapons to Taiwan in accordance with the Taiwan Relations Act, and such sales have helped Taiwan maintain its autonomy and freedom in the face of persistent hostility from the People's Republic of China. However, pressures to delay, deny, and reduce arms sales to Taiwan have been prevalent since the signing of the August 17, 1982, communique with the People's Republic of China. Over time, such delays, denials, and reductions could prevent Taiwan from maintaining a sufficient capability for self-defense.

(11) As has been affirmed on several occasions by the executive branch of Government, the provisions of the Taiwan Relations Act take legal precedence over any communique with the People's Republic of China.

(12) The People's Republic of China has consistently refused to renounce the use of force against Taiwan and has repeatedly threatened force against Taiwan, including implied threats by unnamed People's Republic of China officials on January 10, 1999, who warned Taiwan not to participate in the development of theater missile defense capabilities with the United States.

(13) The missile firings by the People's Republic of China near Taiwan in August 1995 and March 1996 clearly demonstrate the willingness of the People's Republic of China to use forceful tactics to limit the freedom of the people on Taiwan.

(14) As most nations in East Asia reduce military spending, the People's Republic of China continues a major and comprehensive military buildup.

(15)(A) This military buildup includes the development of advanced ballistic and cruise missiles that will incorporate precision guidance capability and the construction of new imaging, radar, navigation, and electronic intelligence satellites that will help target and guide ballistic and cruise missiles.

(B) According to the Department of Defense report entitled ''The Security Situation in the Taiwan Strait'', submitted to Congress in February 1999, the size of the missile force of the People's Republic of China is expected to grow substantially and, by 2005, the People's Republic of China will possess an ''overwhelming advantage'' in offensive missiles vis-a-vis Taiwan.

(C) The Department of Defense has also noted that the People's Republic of China may already possess the capability to damage satellite optical sensors with lasers, is researching advanced anti-satellite lasers that could blind United States intelligence satellites, and is procuring radio frequency weapons that disable electronic equipment.

(D) These missile and anti-satellite capabilities pose a grave threat to Taiwan.

(16) This military buildup also includes the construction or procurement from abroad of advanced naval systems, including Russian Kilo submarines that are difficult to detect, Russian technology to assist the development of new nuclear-powered attack submarines, Russian Sovremenny class destroyers armed with supersonic SS–N–22 Sunburn anti-ship missiles, a new long-range, all-weather naval attack aircraft called the JH–7, and new indigenous land-attack cruise missiles that could be launched from submarines, ships, and naval attack aircraft. These naval capabilities pose a grave threat of blockade to Taiwan.

(17) This military buildup also includes the improvement of air combat capabilities by procuring and co-producing hundreds of Russian Sukhoi Su–27 fighters, seeking to purchase Russian Su–30 all-weather attack aircraft, arming these aircraft with advanced air-to-air missiles such as the Russian R–77 missile and other precision guided munitions, constructing the indigenously designed J–10 fighter, and seeking advanced airborne warning and control systems from abroad. These capabilities pose a grave airborne threat to Taiwan.

(18) Because of the introduction of advanced submarines into the Taiwan Strait area by the People's Republic of China and the increasing capability of the People's Republic of China to blockade Taiwan, Taiwan needs to acquire diesel-powered submarines in order to maintain a capability to counter a blockade, to conduct antisubmarine warfare training, and for other purposes.

(19) Because of the democratic form of government on Taiwan and the historically non-aggressive foreign policy of Taiwan, it is highly unlikely that Taiwan would use submarines in an offensive manner.

(20) The current defense relationship between the United States and Taiwan is deficient in terms of its capacity over the long term to counter and deter potential aggression against Taiwan by the People's Republic of China.

SEC. 3. SENSE OF CONGRESS.

(a) TRAINING OF TAIWAN MILITARY OFFICERS.—It is the sense of Congress that the Secretary of Defense and the Secretaries of the military departments should make every effort to reserve additional positions for Taiwan military officers at the National Defense University and other professional military education schools specified in section 2162(d) of title 10, United States Code, and for prospective Taiwan military officers at the United States Military Academy, the United States Naval Academy, and the Air Force Academy.

(b) FOREIGN MILITARY SALES.—It is the sense of Congress that the Secretary of State should, when considering foreign military sales to Taiwan—

(1) take into account the special status of Taiwan; and

(2) make every effort to ensure that Taiwan has full and timely access to price and availability data for defense articles and defense services.

SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.

(a) INCREASE IN TECHNICAL STAFF OF THE AMERICAN INSTITUTE IN TAIWAN.—Upon the request of the Defense Security Cooperation Agency, the President shall use funds available to the Department of Defense under the Arms Export Control Act for the assignment or detail of additional technical staff to the American Institute in Taiwan.

(b) ANNUAL REPORTS.—Beginning 60 days after the next round of arms talks between the United States and Taiwan, and annually thereafter, the President shall submit a report to Congress—

(1) detailing each of Taiwan's requests for purchase of defense articles and defense services during the one-year period ending on the date of the report;

(2) describing the defense needs asserted by Taiwan as justification for those requests; and

(3) describing any decision to reject, postpone, or modify any such request that was made during the one-year period ending on the date of the report, the level at which the final decision was made, and a justification for the decision.

SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.

(a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE CAPABILITIES OF TAIWAN.—Congress finds that any determination of the nature or quantity of defense articles or defense services to be made available to Taiwan that is made on any basis other than the defense needs of Taiwan, whether pursuant to the August 17, 1982, Communique signed with the People's Republic of China, or any similar executive agreement, order, or policy would violate the intent of Congress in the enactment of section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)).

(b) PLAN REGARDING COMBINED TRAINING AND PERSONNEL EXCHANGE PROGRAMS.—

(1) DEVELOPMENT.—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan for the enhancement of programs and arrangements for operational training and exchanges of personnel between the Armed Forces of the United States and the armed forces of Taiwan for work in threat analysis, doctrine, force planning, operational methods, and other areas. The plan shall provide for exchanges of officers up to and including general and flag officers in the grade of O–10.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress, in classified or unclassified form, containing the plan required under paragraph (1).

(3) IMPLEMENTATION.—Not later than 210 days after the date of enactment of this Act, the Secretary of Defense shall implement the plan required under paragraph (1).

(c) COMMUNICATIONS BETWEEN UNITED STATES AND TAIWAN MILITARY COMMANDS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall establish secure direct communications between the United States Pacific military command and the Taiwan military command.

(d) MISSILE DEFENSE EQUIPMENT.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, theater missile defense equipment and related items, including—

(1) ground-based and naval-based missile defense systems; and

(2) reconnaissance and communications systems, as may be necessary to target and cue missile defense systems sold to Taiwan.

(e) SATELLITE EARLY WARNING DATA.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, satellite early warning data.

(f) AIR DEFENSE EQUIPMENT.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, modern air-defense equipment, including the following:

(1) AIM–120 AMRAAM air-to-air missiles.

(2) Additional advanced fighters and airborne warning and control systems (AWACS).

(3) Equipment to better defend airfields from air and missile attack.

(4) Communications infrastructure that enables coordinated joint-force air defense of Taiwan.

(g) NAVAL DEFENSE SYSTEMS.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, defensive systems that counter the development by the People's Republic of China of new naval capabilities, including defense systems such as—

(1) diesel-powered submarines;

(2) anti-submarine systems, including airborne systems, capable of detecting new Kilo and advanced Chinese nuclear submarines;

(3) naval anti-missile systems, including Aegis destroyers, capable of defeating foreign supersonic anti-ship missiles; and

(4) communications systems that better enable Taiwan to conduct joint-force naval defense operations.

(h) RELATION TO ARMS EXPORT CONTROL ACT.—Nothing in this section supersedes or modifies the application of section 36 of the Arms Export Control Act to the sale of any defense article or defense service under this section.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 1838, as amended, is as follows:

H.R. 1838

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Taiwan Security Enhancement Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since 1949, the close relationship between the United States and Taiwan has been of enormous benefit to both societies.

(2) In recent years, Taiwan has undergone a major political transformation, and Taiwan is today a true multiparty democracy with a political system separate from and totally unlike that of the People's Republic of China.

(3) The economy of Taiwan is based upon free market principles and is separate and distinct from the People's Republic of China.

(4) Although on January 1, 1979, the United States Government withdrew diplomatic recognition of the government on Taiwan as the legitimate government of China, neither at that time nor since has the United States Government adopted a formal position as to the ultimate status of Taiwan other than to state that status must be decided by peaceful means. Any determination of the ultimate status of Taiwan must have the express consent of the people on Taiwan.

(5) The People's Republic of China refuses to renounce the use of force against democratic Taiwan.

(6) The Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait and the Western Pacific since its enactment in 1979.

(7) The Taiwan Relations Act (Public Law 96–8) states that—

(A) peace and stability in the Taiwan Strait area are in the political, security, and economic interests of the United States and are of international concern;

(B) the decision of the United States to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(C) the United States would consider any effort to determine the future of Taiwan by other than peaceful means, including boycotts or embargoes, a threat to the peace and security of the Western Pacific region and of grave concern to the United States;

(D) the United States will maintain the capacity to resist any form of coercion that jeopardizes the security, or the social or economic system, of the people of Taiwan; and

(E) the preservation and enhancement of the human rights of all people on Taiwan are objectives of the United States.

(8) The Taiwan Relations Act establishes on the part of the United States a continuing connection with and concern for Taiwan and its people. Continued adherence to the Act will help Taiwan to maintain its democracy free of coercion and to safeguard its people from the use of force against them. Furthermore, the maintenance by Taiwan of forces adequate for its defense is in the interest of the United States in that it helps to maintain peace in the Western Pacific region.

(9) The military modernization and weapons procurement efforts by the People's Republic of China, as documented in the February 1, 1999, report by the Secretary of Defense on ''The Security Situation in the Taiwan Strait'', could threaten cross-Strait stability and United States interests in the Asia-Pacific region.

(10) The Taiwan Relations Act provides explicit guarantees that the United States will make available defense articles and services necessary in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

(11) The Taiwan Relations Act requires timely reviews by United States military authorities of Taiwan's defense needs in connection with recommendations to the President and the Congress.

(12) Congress and the President are committed by the Taiwan Relations Act to determine the nature and quantity of Taiwan's legitimate self-defense needs.

(13) It is the policy of the United States to reject any attempt to curb the provision by the United States of defense articles and services legitimately needed for Taiwan's self-defense.

(14) In accordance with the Taiwan Relations Act, the United States has, since 1979, sold defensive weapons to Taiwan, and such sales have helped Taiwan maintain its autonomy and freedom. The Congress supports the continued provision of additional defense articles and defense services in accordance with the Taiwan Relations Act.

(15) It is in the national interest of the United States to eliminate ambiguity and convey with clarity continued United States support for Taiwan, its people, and their ability to maintain their democracy free from coercion and their society free from the use of force against them. Lack of clarity could lead to unnecessary misunderstandings or confrontations between the United States and the People's Republic of China, with grave consequences for the security of the Western Pacific region.

(16) A possible consequence of such ambiguity and lack of clarity was the People's Republic of China's decision to conduct military exercises and live fire missile tests in the Taiwan Strait in March 1996, necessitating House Concurrent Resolution 148, approved by the House of Representatives by a vote of 369–14 on March 19, 1996, and by the Senate by a vote of 97–0 on March 21, 1996, which stated that ''the United States, in accordance with the Taiwan Relations Act and the constitutional process of the United States, and consistent with its friendship with and commitment to the democratic government and people of Taiwan, should assist in defending them against invasion, missile attack, or blockade by the People's Republic of China.''. Immediately following Congressional passage of House Concurrent Resolution 148, the United States deployed on an emergency basis two aircraft carrier battle groups to the Taiwan Strait, after which the People's Republic of China ceased further planned military exercises.

(17) An earlier consequence of such ambiguity and lack of clarity was the expressed surprise by the People's Republic of China that Congress and the American people fully supported President Lee Teng-hui's private visit to his alma mater, Cornell University, necessitating House Concurrent Resolution 53, approved by the House of Representatives by a vote of 390–0 on May 2, 1995, and by the Senate by a vote of 97–1 on May 9, 1995, which stated such support explicitly.

SEC. 3. TRAINING OF MILITARY OFFICERS AND SALE OF DEFENSE ARTICLES AND SERVICES TO TAIWAN.

(a) TRAINING OF TAIWAN MILITARY OFFICERS.—The Secretary of Defense and the Secretaries of the military departments shall make every effort to reserve additional positions for Taiwan military officers at the National Defense University and other professional military education schools specified in section 2162(d) of title 10, United States Code, and for prospective Taiwan military officers at the United States Military Academy, the United States Naval Academy, and the Air Force Academy.

(b) FOREIGN MILITARY SALES.—The Secretary of State shall, when considering foreign military sales to Taiwan—

(1) take into account the special status of Taiwan, including the defense needs of Taiwan in response to the military modernization and weapons procurement efforts by the People's Republic of China; and

(2) make every effort to ensure that Taiwan has full and timely access to price and availability data for defense articles and defense services.

SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.

(a) INCREASE IN TECHNICAL STAFF OF THE AMERICAN INSTITUTE IN TAIWAN.—Upon the request of the Defense Security Cooperation Agency, the President shall use funds available to the Department of Defense under the Arms Export Control Act for the employment of additional technical staff at the American Institute in Taiwan.

(b) ANNUAL REPORTS.—Beginning 60 days after the next round of arms talks between the United States and Taiwan, and annually thereafter, the President shall submit a report to Congress, in classified and unclassified form—

(1) detailing each of Taiwan's requests for purchase of defense articles and defense services during the one-year period ending on the date of the report;

(2) describing the defense needs asserted by Taiwan as justification for those requests; and

(3) describing the decision-making process used to reject, postpone, or modify any such request.

SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.

(a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE CAPABILITIES OF TAIWAN.—Congress finds that any determination of the nature or quantity of defense articles or defense services to be made available to Taiwan that is made on any basis other than section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)), whether such alternative basis is the August 17, 1982, communique signed with the People's Republic of China, or any similar executive agreement, order, or policy, would violate the intent of Congress in the enactment of such Act.

(b) COMBINED TRAINING AND PERSONNEL EXCHANGE PROGRAMS.—Not later than 210 days after the date of enactment of this Act, the Secretary of Defense shall implement a plan for the enhancement of programs and arrangements for operational training and exchanges of senior officers between the Armed Forces of the United States and the armed forces of Taiwan for work in threat analysis, doctrine, force planning, operational methods, and other areas. At least 30 days prior to such implementation, the Secretary of Defense shall submit the plan to Congress, in classified and unclassified form.

(c) REPORT REGARDING MAINTENANCE OF SUFFICIENT SELF-DEFENSE CAPABILITIES.—Not later than 45 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Congress, in classified and unclassified form, an annual report on the security situation in the Taiwan Strait. Such report shall include an analysis of the military forces facing Taiwan from the People's Republic of China, evaluating recent additions to the offensive military capability of the People's Republic of China. The report shall include, but not be limited to, an analysis of the surface and subsurface naval threats, the ballistic missile threat, the air threat, and the threat to the military and civilian communications links in Taiwan. The report shall include a review of the steps taken by the armed forces of Taiwan to address its security situation.

(d) COMMUNICATIONS BETWEEN UNITED STATES AND TAIWAN MILITARY COMMANDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate that direct secure communications exist between the armed forces of the United States and the armed forces of Taiwan.

(e) RELATION TO ARMS EXPORT CONTROL ACT.—Nothing in this section supersedes or modifies the application of section 36 of the Arms Export Control Act to the sale of any defense article or defense service under this section.

SEC. 6. REPORT REGARDING THE ABILITY OF THE UNITED STATES TO RESPOND IN ASIA-PACIFIC CONTINGENCIES THAT INCLUDE TAIWAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and updated as appropriate, the Secretary of Defense shall prepare and submit to the chairmen and ranking minority members of the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report in classified and unclassified form on the ability of the United States to successfully respond to a major contingency in the Asia-Pacific region where United States interests on Taiwan are at risk.

(b) CONTENTS.—The report described in subsection (a) shall include—

(1) a description of planning on the national, operational, and tactical levels to respond to, prosecute, and achieve United States strategic objectives with respect to a major contingency described in subsection (a); and

(2) a description of the confidence level of the Secretary of Defense in United States military capabilities to successfully respond to such a contingency.

(c) PREPARATION OF REPORT.—In preparing the report under subsection (a), the Secretary of Defense shall use the resources and expertise of the relevant unified commands, military departments, the combat support agencies, and the defense components of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 1838, the Taiwan Security Enhancement Act introduced in the House by the Majority Whip, gentleman from Texas (Mr. DELAY), which I am pleased to cosponsor.

Along with other Members on both sides of the aisle, I am increasingly concerned that the People's Republic of China, their security policy, and their unprecedented military modernization efforts, especially as it affects peace and stability across the Taiwan Strait, is deserving of our attention.

In fact, in September 1999, Chinese Premier Zhu Rongji warned that sooner or later the PRC would have to use force against Taiwan to unify it with the Mainland, and I quote, ''because the Chinese people will become impatient,'' closed quote.

The reality is that China's military power is growing and the modernization of the People's Liberation Army, the PLA, is an important goal of the Chinese leadership and part of its game plan in regard to Taiwan. Reported plans to a transition from a defensive-oriented force to an offensive one, with power projection capabilities, should not be viewed as benign, as seen by some, but as part of Beijing's efforts to expand China's ability to address the Taiwan question militarily.

The PRC's conventional military buildup is evidenced by a growing short-range ballistic missile arsenal; the development of airborne warning and control systems and a variety of cruise missiles; and the purchases of advanced Russian fighters, destroyers and antiship missiles, air defense systems and submarines.

These military developments are further aggravated by Beijing's outright refusal to renounce the use of force against Taiwan and its increasingly aggressive rhetoric toward Taipei.

Regrettably, the policy of the PRC may ultimately force our Nation to undertake serious national security policy decisions involving the employment of American military forces in that region.

In response, our Nation has steadfastly met its security commitments to Taipei as stipulated in the 1979 Taiwan Relations Act, the TRA. This means insisting Taiwan maintain the military balance of power across the Taiwan Strait in the face of the PRC's unprecedented military buildup. A failure to meet Taiwan's legitimate defensive needs will make China's military dominance in the Taiwan Strait a reality and could encourage Beijing to seek the military solution to the Taiwan question.

Mr. Speaker, our Nation has security commitments to Taiwan. The TRA states that peace and stability in the area are in our Nation's interest. The future of Taiwan will be determined by peaceful means and any effort to determine the future of Taiwan by other than peaceful means will be considered a threat to the peace and security of the western Pacific and of grave concern to our Nation. The United States will provide Taiwan with arms of a defensive character while maintaining

the capacity to resist any resort to force or other forms of coercion that would jeopardize the people of Taiwan.

An unwillingness to provide for Taiwan's legitimate defensive requirements, including anti-submarine warfare capacity, naval service combatants, missile and air defense systems, could lead to a miscalculation by Beijing and could lead to a conflict with Taiwan or even with our own Nation.

It is my belief, therefore, Mr. Speaker, that ensuring and enhancing Taiwan's ability to defend itself increases the prospects for continued peace and stability in northeast Asia and supports our own national interest. The Congress must act to make clear to Beijing that our Nation will continue its long-standing commitment to a peaceful resolution of the Taiwan issue. I, therefore, support this legislation's efforts to enhance Taiwan's self-defense capability and to strengthen American foreign policy in the Pacific.

Accordingly, I call upon the administration to develop a mechanism for consultation with Congress on arms sales to Taiwan as called for in this fiscal year's omnibus appropriations bill and the Taiwan Relations Act. The administration's refusal to consult with the Congress on this issue is unconscionable and stands in violation of the TRA.

Mr. Speaker, deterring conflict and promoting peace across the Taiwan Strait is an important American national interest. This bill supports those principles. I am proud to cosponsor this legislation. It has an impressive array of cosponsors from both sides of the aisle, and I want to remind our colleagues that it was a former Member of Congress, the chairman of our Committee on Rules, Mr. Solomon, that urged this many years ago. I urge my colleagues to strongly support this measure and to send a signal to the region that our Nation is engaged and committed to a peaceful resolution of Taiwan's future.

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

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

Mr. Speaker, I want to commend the gentleman from New York (Chairman GILMAN) on the work he has done to make this a better piece of legislation. I think the committee's effort frankly created a product that the majority of Congress can be proud of.

What we have here in 1838, as it was reported from the Committee on International Relations, is a piece of legislation that clearly states the recognition that the United States Congress feels it is important for the United States to continue, as the Clinton administration has done and previous administrations have done, to maintain our relationship with a democratic government in Taiwan.

Taiwan is a country with full democratic institutions. It deserves to have a full measure of support from the United States Congress.

The People's Republic of China would have one believe that if the United States speaks clearly here, that somehow that is destabilizing. I would hope that the people in Beijing recognize that America's commitment to the independent political system that now exists on Taiwan is not an argument against some future mutually-agreed upon union, but we certainly oppose any militarily-imposed program.

We see the present situation as this: A clear statement for the United States about Taiwan's right to continue its political operations is critical to the whole world. We are particularly troubled by the Chinese Government and its recent repressive acts, as we see what has happened in China with a number of groups, attacks on the Internet; in Tibet, the situation there continues to worsen. We feel that this legislation is a clear statement of the commitment of the United States Congress to the Taiwan Relations Act and to strengthening relations between Congress and Taiwan.

Rather than worrying about this increasing tensions between the United States and the Mainland, it should clearly delineate our interests and our concerns. Where there is less confusion and less uncertainty, it should actually create a more stable situation.

China itself, the Mainland, has further developed its ballistic and cruise missiles. It has increased the size of its missile force. It has acquired and constructed advanced naval systems. It is in the process of, frankly, improving its air capabilities and has been a significant proliferator in a number of dangerous technologies around the planet, including in Asia and elsewhere, where Chinese military proliferation and technology has been quite destabilizing.

I believe the Clinton administration already fully complies with much of what is in this legislation. Under the Clinton administration, the U.S. has concluded nearly $2 billion in arms sales with Taiwan, which has consistently ranked among the top recipients of U.S. military equipment, and the Clinton administration is now in the process of looking at additional military transfers to Taiwan, as well as assistance in the training of the military personnel.

Communication between Taiwan and the United States will again, frankly, I think, create a more stable situation. The People's Republic of China continues to jail its citizens simply because they want to express their views. Whether they are Christians or in Tibet, whether they are part of the Falun Gong or other organizations, the Chinese Mainland has to end these restrictions against its own people if it wants to become a member of the wider world community.

The U.S. and the U.S. Congress has often been the first institution to speak out for democratic values and democratic countries around the world, and democratic aspirations. I think what we do here today sends a very clear signal that we continue to believe and speak strongly for those democratic values as they exist in Taiwan in the hope that we will see similar institutions develop on the Mainland.

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

Mr. GILMAN. Mr. Speaker, I want to thank the ranking minority Member, the gentleman from Connecticut (Mr. GEJDENSON), for his supporting remarks.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SALMON), a member of our committee.

Mr. SALMON. Mr. Speaker, since I lived in Taiwan in the 1970s, I have seen the Republic of China emerge as a leading economic and political force throughout the world. The people of Taiwan have experienced unprecedented prosperity and freedom, liberties that we as Americans hold so dear. However, I am strongly opposed to this legislation.

I just led a congressional delegation to China with five of my colleagues, a bipartisan delegation, where we personally met with President Jiang Zemin and President Lee Teng-hui. I discussed the importance of constructive engagement between the United States and China and also stressed the significance of continued dialogue between Mainland China and Taiwan.

Specifically, I raised the issue of Mr. Song Yongyi, a Dickinson College librarian who was detained last August for allegedly trying to smuggle secret documents out of China.

After discussing very openly and honestly the facts surrounding Mr. Song's case, I appealed to President Jiang for his release.

On Friday, Mr. Song was released and returned to Pennsylvania where he was reunited with his wife. I greeted him Saturday at the airport in Philadelphia. I believe this gesture by the Chinese government speaks volumes.

Mr. Song's release is testimony that engagement, not isolationism, is the best course of action for U.S.-Sino relations.

While I know the intention of this legislation is to ease tensions and lessen ambiguity, I believe it will have the exact opposite effect. I believe the Taiwan relations Act has effectively communicated the position of the United States regarding Taiwan.

Furthermore, I have reiterated our position to the Chinese Government that provocation of Taiwan is something we take very seriously and our support of Taiwan is unequivocal. If they attack Taiwan, we would defend her.

In fact, on my recent visit to China, I expressed my concern about China's position toward Taiwan to the chairman of the Association for Cross Strait Relations, Mr. Wang Daohan. He assured me that a one-China policy could mean many things and that they were very flexible on how to get there.

I can understand the rationale for bringing this legislation to the floor

but there are far more productive ways to promote peace and security in the nation.

In summation, I would just like to say I think this will have the opposite of the intended effect. It will stifle dialogue between Taiwan and China. It will hurt Taiwan. I am pro-Taiwan. I know the gentleman from California (Mr. LANTOS) is pro-Taiwan, but we believe this is wrong.

Mr. GEJDENSON. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend, the gentleman from Connecticut (Mr. GEJDENSON), for yielding me this time.

Mr. Speaker, this is a fascinating debate because on many issues we clearly agree. We certainly agree that the United States is absolutely committed to the safety and security of Taiwan. As a matter of fact, it was the distinguished chairman of the Committee on International Relations who reminded us a few minutes ago that when the government in Beijing was making hostile moves, this administration sent two aircraft carrier battle groups to the Straits of Taiwan to underscore our unshakable commitment to the security of Taiwan.

We all agree on this. We all rejoice in the democracy that Taiwan has built and in the prosperity that its people have created.

This legislation, Mr. Speaker, will not add one single missile to Taiwan's defense capability and it will not take away one single missile from China's military capabilities.

□ 1315

It will do nothing, repeat, nothing to enhance the military security of Taiwan.

Many years ago, when I was a young faculty member at the University of Washington in Seattle, I had two friends, distinguished senior members of the faculty, both of whom hated smoking. One of them, who had considerable gravitas and enjoyed great respect, had a sign in his office which said ''no smoking.'' Nobody ever smoked in that office. My other friend, much more easygoing, in some ways less respected, had a sign which said ''positively no smoking.'' Every time you went into his office, you could barely see him because the smoke was so dense.

What we are doing now, we are saying the sign ''no smoking'' does not do the job, so we are going to say ''positively no smoking,'' and we think that this will have a salutary impact.

Teddy Roosevelt reminded us a long time ago that for a superpower to be effective, it should talk softly and carry a big stick. It has been good advice since Teddy Roosevelt's day, and it is equally good advice in this instance.

I have not heard one of my colleagues make one single observation critical of the Taiwan Relations Act, under which we and Taiwan have functioned for over 20 years. The Taiwan Relations Act, which we all support, which has been on the books for more than two decades, was sufficient to provide Taiwan all the conceivable military equipment Taiwan needed. It provided a framework for Taiwan to develop one of the most prosperous economies, one of the most technologically advanced economies, on the face of this planet. And, to top it all, it allowed Taiwan to develop a full-fledged functioning political democracy, all this under the Taiwan Relations Act.

If my colleagues had been able to indicate that we need something new, something special which is not taking place today, I could see some reason for this legislation. Even on the issue of providing more space at our military academies for young, qualified Taiwanese officers, there is zero guarantee in this legislation that a single Taiwanese will be able to attend West Point or Annapolis or the Air Force Academy as a result of this legislation.

The legislation does no good. The question is, does it do any harm. I am convinced, Mr. Speaker, it does a great deal of harm. It exacerbates the already tenuous relationship across the Taiwan Straits. It physically provides nothing new for Taiwan except enhanced anxiety, and postpones the day when the cross-channel dialogue, the cross-straits dialogue, will bring about an amicable resolution of the Taiwan-China conflict.

We are equally committed, all of us in this Chamber, to Taiwan's physical security, economic prosperity, and political democracy. This measure is not only redundant, it is counterproductive. It will undermine and erode the stability, however tenuous, in the region without adding a single component which could be pointed to as positive, either in Taiwan-China relations or in U.S.-Taiwan relations or U.S.-China relations.

Sometimes in the legislative process bills are introduced, people get committed to them, and then it becomes embarrassing to say, well, maybe it was not necessary. Perhaps we should drop it. That is the situation in which we now find ourselves.

I have listened to this debate with great care. There has not been a single item advanced by any of my good friends on other side of the aisle that would persuade me in the slightest that this piece of legislation is needed.

Taiwan has received every single military item that it would be able to receive under this proposed new legislation. Our commitment has been steadfast. The President ordered two aircraft carrier battle groups to the Taiwan Straits when there was trouble. Should there be new trouble, this president or the next president will do the same. We know this. The Chinese know this.

This legislation is a redundancy at best, and counterproductive at worst. I strongly urge my colleagues to defeat it.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in strong support of the Taiwan Security Enhancement Act. This legislation represents a significant step to clearing up any ambiguities with regard to the United States' policies. It is the government of the Republic of China, not the Communist regime of the Peoples' Republic, that has free elections and a capitalistic system.

The Republic of China is America's ally. It is our strategic partner that supports America's goals in the Pacific region. In essence, we are partners in liberty. Both of our countries subscribe to the principles of freedom, the rule of law, human rights, peace, and economic prosperity. Our commitment to strengthening this partnership should be a priority.

Repeated Red Chinese military exercises in the Taiwan Straits and its pursuit to project military power beyond its own border continues to threaten Taiwan. These aggressive actions only serve to undermine the balance of security in the Pacific Rim and around the world.

Let me be very clear. The Communist regime of the People's Republic of China is actively working to undermine America's national security interests, not only in the Taiwan Straits but around the world. One only has to read the book ''Unrestricted War.'' It was recently published by the Red Chinese military, and it outlines a strategy of how to undermine and defeat America's interests.

The tenets of this strategy include nontraditional methods of warfare, such as terrorism, drug trafficking, environmental degradation, computer virus propagation, as well as proliferation of weapons of mass destruction.

Chinese espionage activity and its continued pursuit of a combined arms warfare capability, missile launches in the Taiwan Straits, as well as Beijing's repeated rhetoric of political threats towards Taiwan, only serve to support the strategy.

Passage of this bill endorses and supports Taiwan and its hope for liberty and the pursuit of a freely elected and one democratic China. I urge my colleagues to adopt this resolution.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Speaker, I rise today in strong support of the Taiwan Security Enhancement Act. I believe that once again the time has come for Congress to stand up for a democratic Taiwan, to reconfirm our commitment to Taiwan's security, and to act in such a way that we ensure the continuation of peace, stability, and security in the Taiwan Straits and the Pacific Rim.

Since the passage of the Taiwan Relations Act of 1979, the Congress has

sought to strengthen U.S.-Taiwanese relations and ensure stability in the region by establishing that an attack against Taiwan is inimical to the security interests of the United States and will compel an American response.

China's true intentions towards Taiwan are clear. China is engaged in a military buildup in the Taiwan Straits. It is quite likely that the only deterrent to a Chinese invasion of Taiwan is the strong security commitment of the United States for its defense. I believe we must balance the desire by those in this House to trade with China with the resolve to send a clear message that that does not mean abandoning the Taiwanese.

The Taiwan Security Enhancement Act builds on a policy that has served American and Taiwanese interests well and fulfills our commitments to Taiwan's security as established by the Taiwan Relations Act. By doing several things that I believe are of consequence in terms of military cooperation with Taiwan, in terms of direct communications, in terms of Taiwan's military officers, in exchanges of senior officers, and in ensuring that they have full access to defense articles and defense services, we will uphold the detente of deterrence that has served us since 1979.

Congress was right in 1979 to stand up for our democratic ally, Taiwan, and we are right today to pass legislation that will ensure another 20-plus years of peace, stability, and security in the region.

I urge every Member to support this bill. It is a reaffirmation of our support, our support for a democratic Taiwan and the continuation of peace in Taiwan Straits.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a member of our Committee on International Relations.

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

Mr. Speaker, I am not going to speak long, but I really am firmly opposed to this particular amendment. I do not know why we are doing this at this particular time. Our policy now is effective. It has worked for 21 years. Why do we change it now, particularly with the very sensitive elections coming up now?

It is very easy to sit back here and intellectualize on a particular issue from our base in Washington, but if you are over in that part of the world, it is perceived differently.

I always remember talking to one of our distinguished Secretaries of State about his setting up an agenda between President Nixon and the Chinese, which happened to be Chou En Lai. He had at the top of his agenda the Taiwan issue, and at the bottom of the Chinese agenda, much to his surprise, was the Taiwan issue. He said, I thought this was very important to you. The answer from the Chinese, they said, it is, but in a way, it isn't. The only thing we ask you is do not embarrass us.

This is going to embarrass the Chinese. It is not necessary. Our policy works now. It has worked for over two decades. We ought to continue it as it is.

I oppose the Taiwan Security Enhancement Act.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, I thank my distinguished leader, the gentleman from Connecticut, for yielding time to me.

Mr. Speaker, I rise in very strong support of a strong relationship between the people of the United States and the people of Taiwan, but in opposition to this particular legislation. I do so reluctantly, but I do so for three reasons: first of all, because of the timing of this particular legislation on the House floor today, when so many important issues are going to be coming up with Taiwan and the Peoples' Republic of China and our international relations in the ensuing months; secondly, because of the military aspects, that we do not need this, that we have a very strong relationship with the people of Taiwan now.

This is articulated very clearly in both the 1979 Taiwan Relations Act and in the subsequent Shanghai communiques. We do not need this. We just had an arms sale a few years ago on F–16s for the people of Taiwan. We will continue to consider their requests and probably grant those requests in the future. So why do this now, from a military perspective or from a timing perspective?

Thirdly, Mr. Speaker, most importantly, it very much muddles the very important relationship that we have between the people of Taiwan and the people of the Peoples' Republic of China. We want our message to be one of peaceful reconciliation, and that the people of Taipei and the people of Beijing work peacefully through this, and not that the United States stand up on the House floor talking about military answers to these problems in the future.

We have strong moral support for the people of Taiwan. We have strategic advice that we give them now. We know that they will defend themselves with the weapons that we sell them. Now is not the time for this bill to go to the House floor.

□ 1330

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today in strong support of H.R. 1838, the Taiwan Security Enhancement Act, which was passed out of the Committee on International Relations with bipartisan support. I believe that some day a peaceful Chinese nation can contribute positively to the international community, but at this time it is difficult to place trust in the Chinese government, given their aggressive posture toward Taiwan.

Mr. Speaker, I have been to China; and I have been to Taiwan. As a visitor, the first observable difference between the two is the mainland Chinese fear of speaking freely. Taiwan, however, reveals a different story. Free trade and travel with the global community have led to the importation of the United States' most precious principle, democracy.

Mainland China has never known such a freedom and has a long road to travel. Taiwan, I believe, provides mainland China a road map for progress. They are a shining light in a troubled region. We must make sure that Taiwan is given the chance to continue their progressive trek. The Taiwan Security Enhancement Act ensures that progress. This bill helps to foster a policy towards China similar to that of President Reagan's towards the communist Soviet Union: contain them militarily, engage them diplomatically, and flood them with Western goods and influence. It worked for Russia; it could work for China.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, I do support the legislation, as I supported the rule. There has been, I think, almost unanimous support expressed for the Taiwan Relations Act of 1979. This legislation has been said to be both extraordinarily significant or perhaps not needed at all. Both positions are probably exaggerations, but I would like to address one aspect of the Taiwan Relations Act that is not being implemented today thereby providing a justification for H.R. 1838.

Now, in the legislation before us, section 4(b) requires that beginning 60 days after the next round of arms sale talks between the U.S. and Taiwan, and one is ongoing now, the President shall submit a report to Congress in classified and unclassified form detailing each of Taiwan's requests, describing the defense needs asserted by Taiwan and its justification for these requests, and a description of the decision-making process used to reject, postpone, or modify any such request.

In order for Congress to play its appropriate role in foreign and defense relationships generally, but also in respect to our TRA commitment to Taiwan to provide them necessary defensive material, we must have this kind of report. Why? Because in the Taiwan Relations Act, section 3(b) provides:

> That the President and the Congress shall determine the nature and the quantity of

such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with the procedures established by law.

Mr. Speaker, that provision of the Taiwan Relations Act of 1979 is being ignored by the Administration and therefore Congress is basically not able to determine what the Taiwanese are requesting, the nature of the justification given, or the Administration's responses to arms sale requests of the Taiwan government.

Now, we understand that the Administration's response and even the nature of the weapons being requested or considered cannot be broadly shared. But we provide them with a method of providing us this advice on a classified basis.

Mr. Speaker, in closing, I want to reassure my colleagues, by asking them to look at the legislation as amended. There are, for example, no specific references to weapon types. There are many, many important changes. I urge my colleagues that they can with assurance vote for this legislation. There is never a perfect time to pass such legislation in the House and I would have preferred that we act after the Taiwanese presidential election in April, but America's commitment to Taiwan's defense through the TRA is reinforced by this legislation.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise today in opposition to H.R. 1838, the Taiwan Security Enforcement Act. While supporters claim that the bill will increase Taiwan's security, the opposite is true. This legislation could have serious unintended consequences that could potentially threaten Taiwan's security, undermine our own national security interests, and jeopardize our relationship with China.

For more than 2 decades, under the leadership of Presidents Carter, Reagan, Bush and Clinton, the United States has pursued an extensive and successful military relationship with Taiwan through defensive weapons sales and informal military assistance.

The Taiwan Relations Act passed in 1979 has been proven an effective mechanism in helping Taiwan achieve security, prosperity, and freedom.

H.R. 1338 is simply unnecessary. Section 3 of the Taiwan Relations Act already allows the United States to make available to Taiwan such defense articles and defense services in ''such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''

The act further states that a determination of Taiwan's needs ''shall include a review by the United States military authorities in connection with the recommendations to the President and Congress.''

So as we can see, the passage of H.R. 1838 will not improve the existing act and provide additional security for the people of Taiwan, as supporters of the bill maintain. H.R. 1838 will instead undermine the principal objectives of the Taiwan Relations Act, which was to help maintain peace, security, and stability in the American Pacific.

Passage of the bill would formalize a military relationship with Taiwan and would be a significant departure from the ''one China'' policy that has been essential to maintaining stability in the region. Not only is the bill unnecessary, but the timing of H.R. 1838 is particularly bad. Recent public statements by Taiwan officials concerning its relationship with China have moved closer to the concept of sovereignty, which has escalated tensions and complicated our ''one China'' policy. Furthermore, Taiwan will be holding a presidential election in March and a new administration will be formed in May. We have been urging both sides of the Taiwan Strait to avoid any actions that could increase the risk of conflict and take advantage of possible new opportunities for dialogue. In addition, passage of this bill could potentially jeopardize our efforts to improve our relationships with China.

Let me make clear that I in no way condone any aggressive actions taken by China against Taiwan which threatens its security. But adopting policies that will further distance us from China and undermine opportunities for future dialogue would not be constructive U.S. policy. Undoing any progress that has been made in negotiations on such issues as trade and human rights will not only threaten the future security of Taiwan, but could impede U.S. abilities to advance democracy in the region.

Mr. Speaker, a policy of economic and political engagement is the surest way to promote U.S. interests in China, to advance democracy and human rights, and to secure future economic opportunities for Taiwan, China, and the United States.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER), one of the senior members of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H.R. 1838. I would like to congratulate the gentleman from New York (Chairman GILMAN) for the strong leadership that he has provided us. He has been a stronger leader for peace and stability in the Pacific region than this administration, unfortunately.

What the gentleman has been leading is a bipartisan effort on the part of both sides of the aisle to make sure that the Communist regime in Beijing knows full well that we stand by our commitments in the Taiwan Relations Act and we expect Beijing to stand by its commitments to the Taiwan Relations Act.

In that agreement, we agreed to provide Taiwan the defensive weapons systems they needed to preserve their security and to maintain stability and peace in the Taiwan Strait. Today, we are restating that unambiguously so that it will be understood by friend and foe alike.

Mr. Speaker, this is the way to have peace in that region, to make sure America stands tall, keeps its commitments. Lets people know that we still believe in truth and justice and that as Taiwan moves forward towards its democratic elections, and we have this threatening time period where there are threats from communist China, that the United States is not backing down one bit from its commitments.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in strong support of H.R. 1838, the Taiwan Security Enhancement Act. I believe this bill is an extremely important tool in maintaining the balance of power in the Pacific region. Mainland China, or the PRC, is currently engaged in a massive buildup of ballistic missiles capable of reaching the shores of Taiwan. When we passed the Taiwan Relations Act, the United States made a commitment to provide Taiwan with the capability of defending itself from aggression.

H.R. 1838 reaffirms that commitment, and I believe most importantly requires the Secretary of Defense to develop a program to enhance operational training exchanges between the militaries of the United States and Taiwan concerning threat analysis, force planning, and operational methods.

Mr. Speaker, H.R. 1838 is a necessary step in fulfilling our promises to Taiwan. By passing this legislation, the United States will make a powerful statement that aggression toward Taiwan will not be tolerated.

I urge all of my colleagues to support this important piece of legislation.

Mr. GILMAN. Mr. Speaker, I yield 5½ minutes to the gentleman from California (Mr. COX), chairman of the Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, I too rise in strong support of this resolution offered by the gentleman from Texas (Mr. DELAY), my good friend and colleague.

This bill was reported from committee with an overwhelmingly bipartisan vote of 32 to 6. It is because this legislation strengthens and extends the long-standing U.S. policy toward Taiwan. That policy most recently was codified in the 1979 Taiwan Relations Act.

Today, even more than in 1979, Taiwan's security is critical to America's interests. Taiwan is now the seventh largest trading partner of the United States. Taiwan buys far more from the United States than does the People's Republic of China. The sea lanes surrounding Taiwan are vital to the economic health of Asia and to the steady

growth of U.S. exports to Asia. But most important of all, a democratic Taiwan is a living example to all of the people of China that they too can build for themselves a peaceful, prosperous democracy.

Taiwan does not pose any military threat to the People's Republic of China. But Taiwan's democracy, its freedom of speech and freedom of thought, do pose a threat to the Communist government in Beijing.

This bill will allow our military to have relations with Taiwan's forces as close as what the administration is already putting together with the Communist People's Liberation Army. This upgrading of our military relations ought to occur now in a time of relative stability, because if we were to wait for a time of crisis, it would then be too late. Indeed, many would say then surely it was too provocative.

But the State Department currently bars senior U.S. military officers from meeting their Taiwanese counterparts. But enhanced contacts between the United States and People's Liberation Army officers of all ranks has been made a priority of the Clinton-Gore administration.

The Taiwan Security Enhancement Act that we are about to vote upon provides that our field rank officers can have the same level of relations with a friendly defensive force on Taiwan that already they have with the Communist People's Liberation Army.

Just 4 days ago, Deputy Chief of the General Staff of the People's Liberation Army, General Xiong Guangkai said this about Taiwan. ''We,'' referring to the People's Republic of China and the People's Liberation Army, ''we will never commit ourselves to renouncing the use of force.'' General Xiong said this not in some obscure Communist Party military publication. He said it here in Washington 4 days ago as a guest of the Clinton administration.

The Taiwan Security Enhancement Act will codify America's long-standing policy of peaceful cross-strait dialogue, peaceful conduct of relations between Beijing and Taipei, peaceful resolution of the Taiwan question. And it will codify, again, our long-standing commitments since President Eisenhower to provide Taiwan with the defensive military strength needs to deter the PRC.

The 1979 Taiwan Relations Act states, ''The President and the Congress shall determine the nature and quantity of such defense articles and services that we will sell to Taiwan based solely upon their judgment of the needs of Taiwan.''

□ 1345

This law calls for annual reporting to the Congress on those sales, because the administration has not been consulting Congress on these sales as have been required by the letter and spirit of the Taiwan Relations Act.

Lastly, it has been argued occasionally that the United States promised the People's Republic of China to reduce or even terminate arms sales to Taiwan, as a consequence of our growing political recognition of the Communists in Beijing. Nothing could be further from the truth.

The United States has always maintained that we would support the democracy in Taiwan; that we would support peaceful discussions; that we would support defensive weaponry for Taiwan for its legitimate defense needs.

At the time of the signing of the 17 August 1982 communique of U.S. arms sales to Taiwan, President Reagan wrote a four-paragraph memo elaborating what had been agreed to. He wrote that our policy was premised on the clear understanding the continuity of China's declared fundamental policy of seeking a peaceful resolution of the Taiwan issue, quote, ''U.S. willingness to reduce its arms sales to Taiwan,'' President Reagan wrote, ''is conditioned absolutely upon the continued commitment of China to the peaceful reunification or the peaceful resolution of this issue.''

General Xiong's comments in Washington 4 days ago were not ambiguous; neither should United States' policy be ambiguous. Our goal here on the floor today is, once again, to come together as Democrats and Republicans to state clearly the view of the legislative branch on this subject.

The United States supports the democracy and the freedom of the people in Taiwan. We will continue to do so. We will continue to support their right to be free from aggression militarily by the People's Republic of China. We wish better relations with the PRC. Indeed, we wish for the people of China that the democracy already exemplified by the system that is developed in Taiwan will soon be theirs, that the freedom of speech, the freedom of thought, the freedom of action, the freedom of movement, the freedom of conscience, the freedom of religion that they all enjoy will also be the birthright of every man and woman born in China in the 21st century. That is the purpose of our vote today; that is why it is so fundamentally bipartisan; that is why the vote will be so overwhelming.

I urge all of my colleagues to vote aye in support of this resolution.

I congratulate the chairman and the ranking member for their hard work, their excellent work on this bill.

Mr. GEJDENSON. I yield myself such time as I may consume.

Mr. Speaker, I think that we have come here fairly unified, recognizing the need to make a clear statement about Congress' commitment to the people of Taiwan and their democratic institutions; that we believe any change in the relationship between Taiwan and the mainland must occur out of a mutual agreement, not through intimidation of force.

Traditionally, every administration would like to see the Congress disappear, not just from foreign policy, but from domestic policy as well. They rather not hear from us, and that is understandable.

When you are sitting in the White House, you are down at the Secretary of State's office, you think you are doing just fine and you do not need a lot of help; but I think one of the great things that this institution projects globally is the importance of a legislative body.

I can remember being on this floor year after year, cosponsoring and speaking on behalf of the resolutions for a free and independent Lithuania, Latvia, and Estonia; and oftentimes it did seem like a futile effort. And there are many years where it seemed just one more time we were stepping forward to restate our commitment to their independence, and it would be to no avail.

To most of the people's surprise and to, I think, the rejoicing of all of us, we finally saw the Baltic states free. I believe that our actions here today, in these measured terms that the chairman and I and the committee have worked out, simply restate the commitment of this Congress to the democratic institutions of the people of Taiwan and to the resolution of the differences between the mainland and Taiwan, not through military force but through a dialogue. That is what this legislation does. It is consistent with this administration in its actions to date; it is consistent with every administration since the Taiwan Relations Act has occurred.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority whip, and I thank the gentleman from Connecticut (Mr. GEJDENSON) for his supportive remarks.

Mr. DELAY. Mr. Speaker, I really appreciate all the hard work that the gentleman from New York (Mr. GILMAN) has done and the gentleman from Connecticut (Mr. GEJDENSON) has done on this bill. Working together they have done outstanding work, and I am very proud to support this bill.

I also want to thank the gentleman from Florida (Mr. DEUTSCH), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. ARMEY) for all their hard work on this legislation. This bipartisan dedication to this cause shows how both sides of the aisle can come together under the goal of peace through strength.

Mr. Speaker, I rise today because Taiwan desperately needs America's help. Throughout the 20th century, struggling democracies across this globe knew that they could always count on America for support when their freedom was threatened. At the dawn of a new century, the world must be reassured that the United States will continue to stick by their friends.

Taiwan has a strong and vibrant economy, and in March they will hold another free and open election. I ask all my colleagues, is this not the kind of system we should be backing? Would it not be a tragedy for this light to be extinguished because America had her head stuck in the sand?

Given the volatility of the situation in the Taiwan Strait, any mixed signals by our government can easily be read by the Communist Chinese as complacency. This Congress must erase any doubt as to whether or not we are fully committed to Taiwan, and that is the purpose of this bill.

Stability of the entire Asian region is predicated on a balance of power that keeps China in check. This bill stabilizes Taiwan and the Pacific region by strengthening U.S.-Taiwanese cooperation. It also reassures Japan, South Korea, and all of our Asian allies that we will not neglect their best interest under the shadow of a rapidly growing Communist China.

Despite countless claims by supposed experts that the People's Republic is not a threat, Chinese intentions to the contrary are very clear. In fact, they have been saber rattling for years. A clear message was sent when China fired missile tests off the coast of Taiwan in 1995 and 1996. Since then a massive Chinese missile and military logistical buildup across the Taiwan Strait has served as a constant threat. Waiting for the next shoe to fall would be a very costly mistake.

Ever since the annexation of Hong Kong and Macao, consuming Taiwan has become a pressing goal for the expansionist Communist government in Beijing. To this day the PRC refuses to denounce the use of force in its quest to take back Taiwan. While visiting Washington, D.C. just 6 days ago, a PRC general asserted, and I quote, ''We will never commit ourselves to renouncing the use of force.''

During the 50th anniversary celebrations of Chinese communism, held just last October, a leading reformer in the PRC leadership warned against U.S. support of Taiwan. ''Sooner or later it will lead to an armed resolution of the question,'' he said. And this is from a so-called reformer.

Make no mistake about it, this is a gravely serious situation. Considering what is at stake, the cost of American assistance is very minimal. The Taiwanese are not asking us to send troops. They are not asking us to bomb anybody. They simply need strategic military advice, technological expertise, and access to purchase American defense systems so they can defend themselves.

Without any more hesitation, U.S. policy must support the continued vitality and security of this thriving nation. Under the TRA, the United States committed to providing defensive capability to Taiwan based on their defense needs. The need is pressing. The time to act on this promise is now.

Mr. Speaker, American prestige is on the line in the Taiwan Strait. The Taiwan Security Enhancement Act honors our commitment to stability in Taiwan by increasing cooperation between the U.S. and Taiwanese militaries. It fulfills promises this Congress has already made to Taiwan and reiterates our national agenda of seeking peace through strength.

Simply put, this Congress must support democracy in Taiwan. We must honor our commitments in the Far East. Supporting this bill accomplishes these goals.

Mr. GILMAN. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from New York (Mr. GILMAN) has 2½ minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, America is not just another country. We are the oldest revolutionary nation in the world and the world's oldest democracy. We have an obligation to the world, a mission, and that is to advance the cause of freedom around the world.

Mr. Speaker, I have said it before and I will say it again: no nation's people, ever, in the history of the world, have done as much as the American people have done in the cause of freedom, to sacrifice and inconvenience themselves not only for their own freedoms but, as we have seen so many times, even for the freedoms of others. This is a proud heritage we have, and it is a great responsibility we should keep.

Today we are looking at the Chinese people. Mr. Speaker, the Chinese people are a beautiful people. They are a wonderful people, and they are divided now between two different governments. One is a beautiful democracy, and the other one is not so grand. But the Chinese people, whether they live in Taiwan or on the mainland, deserve and want freedom as much as any people in the world, and we must respond to them.

This year the House will vote on two measures that will do that in the East Asia region. One is this bill, to strengthen our security relationship with democrat Taiwan. The other is a resolution, which we will vote on at our earliest possible moment, to establish permanent normal trade relations with China. Friends of Taiwan should not have fear of our greater trade with China, just as those who want more trade with China should not object to us helping Taiwan. Both measures serve exactly the same end, to advance the cause of freedom in East Asia and the Pacific and specifically on behalf of the Chinese people.

How does more trade with China help? Because aside from religious belief, trade is the single most powerful force of liberation in human history. With trade comes prosperity, and with prosperity comes wider sharing of power, a freer flow of information and the rule of law. That is happening in China today. As China becomes more integrated into the world economy, the Chinese leadership is finding it more and more difficult to stifle the aspirations of their own people.

□ 1400

Just last week the Chinese Government announced a ludicrous effort to impose tight restrictions on the Internet. This is swimming against the tides, Mr. Speaker. The Internet, almost by definition, is something that defies government control. In fact, this effort is nothing but an unwitting tribute to the liberalizing power of the modern information age economy.

They cannot be part of the world economy without the Internet, but they cannot have the Internet without the free flow of ideas and information, including political ideas.

As long as we continue to expand our trade with China and bring China into the world economy, the Chinese leaders will have no choice but to allow greater freedom. Eventually the Chinese people will insist on the freedom to choose their own leaders. And when they do, they are not likely to select leaders who will make war on Taiwan or anyone else.

And how does helping Taiwan further the cause of freedom throughout the region? By strengthening our security ties with Taiwan, we make it clear that the American people will stand by Taiwan if they are attacked. That will discourage any country from doing anything foolish to jeopardize peace and prosperity in the area.

We all know that wars have often started from miscalculation. One country attacks another only after wrongly assuming that the other countries will not come to its aid. This bill will help maintain peace in the Taiwan straits by suggesting in advance that America will come to the aid of democratic Taiwan. It is entirely consistent with the Taiwan Relations Act.

Mr. Speaker, Taiwan is the first democracy in 5,000 years of Chinese history. It stands as a shining example to all the people on the mainland and elsewhere of how a country can be both rich and free. It shows how a nation can emerge from decades of dictatorial rule and create a government of the people, by the people, and for the people. If we truly love freedom, we must protect democratic Taiwan.

I ask all our Members to support both security for Taiwan and more trade with the Chinese people. Together, these policies will help make Asia and the Pacific prosperous, peaceful and, above all, free.

Mr. GILMAN. Mr. Speaker, I thank our majority leader, the gentleman from Texas (Mr. ARMEY), for his kind words of support.

Mr. OBERSTAR. Mr. Speaker, I rise today to express my opposition to H.R. 1838, the Taiwan Security Enhancement Act. I am greatly troubled by this effort to undermine the

sound, bipartisan foreign policy of the United States. For more than 20 years, both Democratic and Republican Administrations have maintained a policy of ''strategic ambiguity'' regarding our relations between China and Taiwan, a policy that has served our nation well. The thrust of this legislation abandons the long-standing and successful policy of the Taiwan Relations Act of 1979, and I oppose this misguided attempt to impose a fundamental shift in our policy.

I firmly believe that over time, our strategic interest is best served through increased economic ties and expanded cultural relations with China. Efforts to promote travel and tourism to China and encouraging additional Chinese students to attend our universities will significantly improve our relations with China.

However, I do not want this vote to be misinterpreted. The United States and the world community do not approve the increasingly belligerent tone of rhetoric and actions on the part of China against Taiwan. China must understand that the world community expects a peaceful resolution of the China/Taiwan issue.

Ms. PELOSI. Mr. Speaker, I stand in support of H.R. 1838 the Taiwan Security Enhancement Act. I believe this bipartisan legislation will send a clear message that the U.S. will stand firm for democracy and human rights. We must support the right of the Taiwanese people to determine their future without outside military pressure.

We have good reason to be concerned about the rapid military buildup just across the Taiwan Strait. In 1995 and 1996, the Taiwanese people were making history by holding their first democratic presidential election. At the same time, the Chinese government conducted missile tests as a reminder of their true intentions. This was no coincidence. According to a recent Pentagon report, China has continued to build ballistic missiles just off the coast of Taiwan. As we approach the next presidential election this March, we must be aware of the imminent threat to the new democracy in Taiwan.

I believe this legislation would be successful in strengthening our commitment to the Taiwanese people. First, it would enhance Taiwan's self-defense capabilities. Second, this bill affirms that the status of Taiwan must have the consent of the people of Taiwan.

Our goals of securing peace and human rights in China are fully consistent with the goals of this legislation. I urge my colleagues to vote ''yes'' on this bipartisan legislation.

Mr. STARK. Mr. Speaker, I rise today to commend Taiwan for embracing democracy and striving for complete autonomy from the People's Republic of China (PRC). Taiwan has liberated itself from the oppressive Chiang Kai-shek regime only to be threatened by the current Chinese government. The PRC has a history of using coercion to get what it wants, and the recent missile tests are no different. We all know this is wrong and yet we continue a ''strategic partnership'' with this barbaric regime.

Today's resolution, H.R. 1838, the Taiwan Security Enhancement Act, antagonizes the PRC. The title of the bill is misleading. Sure, it professes the sense of Congress that we should offer them the military might of the United States, but it will not make Taiwan any more secure. It only raises tensions in the region.

To protect the free people of Taiwan and to help the process of democratization in the PRC, we need a coordinated, thoughtful, comprehensive China Policy.

This Resolution is not such a policy!

For example, China wants and needs integration into the world economy and the WTO. It needs the cooperation of the rest of the world to accomplish this goal. We need a concerted, comprehensive international effort to require that as a condition for the many objectives of the PRC, they give the world assurances of respect for international law, for the rights of the people of Taiwan, and indeed, for the rights of their own people.

Therefore, I will not support the Taiwan Security Enhancement Act.

Mr. ORTIZ. Mr. Speaker, I rise today in support of the Taiwan Security Enhancement Act. While I support this legislation, the timing of it is no small coincidence given the fact that Congress plans to take up unprecedented trade legislation this year involving this region. Over the years, I have witnessed firsthand the casual working relationship the people in both the Peoples Republic of China and the Republic of China have shared. They each have adapted to their special circumstances with relative ease.

I have always supported Taiwan's efforts to embrace democracy and stability in the region. Furthermore, I truly believe that our efforts to engage China and to bring them to the table to work and promote trade and growth will work only to the advantage of the United States. It is with this optimism that I ask my colleagues for the continued support of the people of Taiwan while we also work this session to further strengthen our relationship with China.

There are many that consider China a constant threat in the Taiwan Straits. That said, it is my hope that any country in the world, who moves aggressively toward another would be subject to consequences. Engaging and protecting the interests of our trading partners in the Far East is the single most important thing we can do for all our trading partners there.

I remain committed to the Taiwanese people and their outlook for the future of their citizens. I also remain committed to the economic engagement of China through trade and the power of the market place.

Mr. BARR of Georgia. Mr. Speaker, I rise today in support of H.R. 1838, the Taiwan Security Enhancement Act. This bill gives Taiwan at least some of the tools necessary to defend itself against possible future attacks from Communist China.

When Congress enacted the 1979 Taiwan Relations Act, the intent was to ensure Taiwan's security would not be compromised, and a self-defense capability would be maintained. The Clinton administration has wrongly interpreted this act as a ''hands off'' policy and continues to ignore the growing military force and threat of the Communist Chinese Government.

The utter disregard of the Taiwan Relations Act has placed Taiwan at a clear military disadvantage vis-s-vis mainland China. Reports indicate the People's Republic of China has a 65 to 4 advantage in submarines, and a 4,500 to 400 numerical advantage in aircraft. The Department of Defense has reported that by 2005, Communist China would have the capability to attack Taiwan with air and missile strikes, destroying both key military facilities and the island's economic infrastructure.

Beijing continues to maintain a large armed forces structure, with more than 2.5 million members in the People's Liberation Army (PLA), a million in the People's Armed Police (PAP), and a reserve-militia component of well over 1.5 million personnel. Still, the Clinton administration continues to assert that Communist China is not a threat. Yet, mainland China's growing advantage in military weapons and soldiers, and its increasingly bellicose policy statements point to the undisputable fact that Communist China is a real and growing threat, and continues to focus on defeating Taiwan militarily.

The United States must act. We are the only power that can provide Taiwan with the weapons it needs to counter any future mainland Chinese aggression. We have an obligation to re-establish oversight of arms sales to Taiwan, and force the President to provide Taiwan with the weapons and military training it needs. Even though Taiwan will never be on equal footing with China in terms of numbers, we must give Taiwan the means necessary to protect itself from attack.

The Taiwan Security Enhancement Act permits the sale of satellite early warning data, missile defense systems, modern air equipment, and naval defense systems. In addition, the Secretary of Defense would be required to report on Taiwan's requests for defense and hardware needs. By passing the Taiwan Security Enhancement Act Congress will empower Taiwan with the mechanism to improve its self-defense capability and protect itself from future coercion from Communist Chinese. It is a small, but vital price to pay, not only to ensure the survival of a key and loyal ally, but our very own survival as well.

Mr. TIAHRT. Mr. Speaker, I rise in strong support of H.R. 1838, the Taiwan Security Enhancement Act. This bipartisan legislation, which was reported out of the International Relations Committee by a vote of 32–6, reaffirms this Nation's commitment to peace through strength in the Taiwan Strait. I congratulate the House leadership for beginning the new session of Congress with the explicit message that the United States will meet its obligations under the Taiwan Relations Act of 1979.

Under the Taiwan Relations Act, this nation is committed to providing Taiwan with those defensive weapons systems necessary to protect Taiwan from any aggressive actions by Communist China. Unfortunately, by sending out mixed signals to the government of Taiwan while concurrently maintaining a policy of appeasement with the People's Republic of China, the Clinton administration has fostered the current environment of tension in the Taiwan Strait.

With this legislation, Congress is clearing up any confusion the Clinton administration has created regarding this Nation's commitment to a free and democratic Taiwan. Recently, the Pentagon reported that the People's Liberation Army of China has nearly 100 short-range ballistic missiles targeted at Taiwan. In addition to a real increased threat of Chinese cruise missiles and fighter-bombers, China's dangerous rhetoric and intimidation has led Taiwan to publicly express their concern of possible aggression in the near future. In 1996, China performed significant military operations across the strait from Taiwan and fired several ballistic missiles near Taiwan.

In addition to reconfirming this nation's military commitment to Taiwan, H.R. 1838 will

provide for increased training for Taiwan's military officers in U.S. military schools and require the Secretary of State to make information regarding defense services fully available to the government of Taiwan in an expedited manner. Furthermore, this legislation will require the President to report to Congress regarding any and all of Taiwan's defense need requests and Administration decisions on those requests.

The best way to make sure China will take Taiwan seriously and treat them fairly in discussions regarding reunification is to send a clear and unmistakable message that the United States will stand by Taiwan if China takes any aggressive action in the Taiwan Strait. Today we have the opportunity to stand up for freedom and democracy and show our support for the people of Taiwan.

Mr. Speaker I urge a bipartisan yes vote for the Taiwan Security Enhancement Act.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to speak on the legislation before us, H.R. 1838, the Taiwan Security Enhancement Act, which seeks to promote stability between Taiwan, the People's Republic of China, and the United States.

At the outset, I would note that at the heart of the relationship between Taiwan and the United States lies the Taiwan Relations Act, which for over two decades has effectively laid and preserved the foundation for peace and stability in the Taiwan Strait.

When the security of our friends in Taiwan was threatened by China in spring of 1996, I joined with our colleagues in Congress in strongly supporting the Clinton administration's decision to send the *Nimitz* and *Independence* carrier groups to the Taiwan Strait to maintain peace. China's missile tests, military exercises, and threatened use of force contravened China's commitment under the 1979 and 1982 Joint Communiques to resolve Taiwan's status by peaceful means. The joint communiques, in concert with the Taiwan Relations Act, lay the framework for our ''One China'' policy, which fundamentally stresses that force shall not be used in resolution of the Taiwan question.

Mr. Speaker, the graphic response of the United States in 1996 sent an unequivocal message to Beijing, as witnessed by the world, that America would not stand by idly while Taiwan was threatened with China's military might. The formidable U.S. military presence in Taiwan's waters, along with the explicit warnings of grave consequences for Chinese use of force against Taiwan, concretely demonstrated our Nation's determination and resolve to aid Taiwan in the event of attack. In my view, Mr. Speaker, our actions that were taken then during the heat of the Taiwan Strait crisis continue to speak volumes today about America's unquestioned and unshakeable commitment to Taiwan's security, much more than any policy statements we might adopt today.

Mr. Speaker, under the existing policy of the Taiwan Relations Act, our Nation and Taiwan have formed a close partnership that already encompasses military relations, meetings of high-level officials, and extensive transfers of high-tech defense weaponry.

As we examine the legislation before us, I ask our colleagues to question whether it actually enhances the security of Taiwan above and beyond what has, what is, and will be provided to Taiwan for its legitimate defense needs under existing policy.

Mr. Speaker, the United States is firmly and unequivocally committed to the protection of Taiwan's people and democracy, and certainly no nation knows this better than China. I am not persuaded that the legislation before us is necessary nor that it serves to enhance stability in the Taiwan Strait.

Mr. KNOLLENBERG. Mr. Speaker, I rise in support of H.R. 1838 and I thank my colleagues on both sides of the aisle for their efforts to bring this bill to the floor today.

The United States relationship with the Republic of China is vital to our economic and national security interests. Through its financial success and blossoming democracy Taiwan remains a model for other countries in Asia, including China, to follow.

The story of Taiwan's economic success is now widespread. During and after the Asian financial crisis, Taiwan's free-market economy fared much better than its centrally controlled neighbors. Their economy, in fact, maintained a GDP growth rate of 4.8 percent over 1998.

It is also wise for us to remember that Taiwan is the United States 7th largest trading partner and an important part of the successful economy we enjoy today. In February 1998, Taiwan and the United States negotiated a market access agreement as a prelude to Taiwan's entry into the World Trade Organization.

This strong economic relationship with Taiwan and our successful negotiations with Taipei have helped to lead China into its own successful market access negotiations with the United States. Later this year in fact, Congress will pass legislation to grant China permanent normal trade relations status so that United States companies will benefit from China's entrance into the WTO. This will also improve our ability to provide support for the Chinese people who need our help the most.

Unfortunately, the administration's confused policies and actions in recent years have damaged our relationship with Taiwan and Congress must now pass this bill to steer us back on the right course.

The United States, as the world's leading democracy, has a responsibility to support the security of Taiwan, one of the world's smallest yet one of the most important democracies.

Mrs. FOWLER. Mr. Speaker, I rise in strong support of H.R. 1838, the Taiwan Security Enhancement Act.

This legislation is necessary to reaffirm our Nation's commitments to Taiwan, an important partner of our country in the realm of trade, and a strong proponent of democracy.

American policies, which oppose China's use of force against Taiwan, need reinforcement now, as Taiwan approaches presidential elections. Four years ago, China's leadership conducted a series of missile tests near Taiwan—a move meant to intimidate the Taiwanese people on the eve of elections then. In response, the United States was compelled to deploy two carrier battle groups in order to restore tranquility.

Today, China is engaged in a build-up of missile forces that again threatens Taiwan. These unwarranted, threatening developments make this bill's consideration today an imperative.

It is patently obvious that Taiwan poses no threat to China. Military training or other security measures provided to Taiwan by the United States is strictly oriented towards Taiwan's defense. As such, this bill merits our strong support.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 408, the previous question is ordered on the bill, as amended.

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX further proceedings on this motion will be postponed until later today.

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CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—THE CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Child Abuse Prevention and Enforcement Act''.

SEC. 102. GRANT PROGRAM.

Section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(b)) is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ''; and'', and by adding after paragraph (16) the following:

''(17) the capability of the criminal justice system to deliver timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that are engaged in the assessment of risk and other activities related to the protection of children, including protection against child sexual abuse, and placement of children in foster care.''.

SEC. 103. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

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

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

(3) by adding at the end the following:

''(27) enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect; and

''(28) establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.''.

SEC. 104. CONDITIONAL ADJUSTMENT IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.

(a) IN GENERAL.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking ''(2) the next $10,000,000'' and inserting ''(2)(A) Except as provided in subparagraph (B), the next $10,000,000''; and

(2) by adding at the end the following:

''(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the $10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404A.

''(ii) Amounts available under this subparagraph for any fiscal year shall not exceed $20,000,000.''.

(b) INTERACTION WITH ANY CAP.—Subsection (a) shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984.

TITLE II—JENNIFER'S LAW

SECTION 201. SHORT TITLE.

This title may be cited as ''Jennifer's Law''.

SEC. 202. PROGRAM AUTHORIZED.

The Attorney General is authorized to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons.

SEC. 203. ELIGIBILITY.

(a) APPLICATION.—To be eligible to receive a grant award under this title, a State shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) CONTENTS.—Each such application shall include assurances that the State shall, to the greatest extent possible—

(1) report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State's jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the National Crime Information Center Missing and Unidentified Persons File, including dental records, DNA records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person; and

(4) retain all such records pertaining to unidentified persons until a person is identified.

SEC. 204. USES OF FUNDS.

A State that receives a grant award under this title may use such funds received to establish or expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b).

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2000, 2001, and 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. JENKINS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. JENKINS).

GENERAL LEAVE

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 764.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 764, the child abuse prevention and enforcement act, as amended and passed by the other body on November 19, 1999.

This legislation was introduced by the gentlewoman from Ohio (Ms. PRYCE) last year; and on October 5, 1999, it passed the House by a vote of 425–2.

The purpose of this bill is to increase the funds available at the State and local level to combat and prevent child abuse and neglect. It will do this by amending existing grant programs that provide funds to States for crime-related purposes.

First, H.R. 764 will amend the Crime Identification Technology Act, a bill enacted in 1998 to improve the operation of the criminal justice system by upgrading criminal history and criminal justice record systems.

H.R. 764 will amend that Act to authorize grants that will help provide timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that conduct risk assessment and other activities related to the protection of children, including protection against child sexual abuse and the placement of children in foster care.

These agencies and organizations often do not have access to criminal history information and may be unaware that when they place a child in foster care or return a child to a parent that they are placing the child in the custody of a person with a criminal history. Allowing Federal funds to be used to provide these agencies access to State records will help alleviate this problem.

Second, H.R. 764 will modify the Federal Crime Control Assistance Program, known as the Byrne Grant Program. This program authorizes the Federal Government to award both block grant and discretionary grants for specified activities. Block grants are allocated to the States on the basis of population and are to be used for personnel, equipment, training, technical assistance, and information systems to improve criminal justice systems.

The discretionary program funds are distributed to non-Federal public and private organizations undertaking projects that educate criminal justice personnel or that provide technical assistance to State and local governments.

The Byrne Grant Program statute specifies 26 permissible uses for these funds. H.R. 764 will amend the Grant Program to add two additional permissible uses for these Federal funds.

The first of these was contained in H.R. 764 when it passed the House last fall and it would authorize grant money to combat and prevent child abuse and neglect.

The second permissible use was added by the other body by way of an amendment, and I support its inclusion in this bill. It will authorize funds to assist in establishing or supporting cooperative programs between enforcement and media organizations to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.

Third, H.R. 764 will amend the Victims of Crime Act of 1984, which created the Crime Victims Fund. The fund is financed through the collection of criminal fines, penalty assessments, and forfeited appearance bonds of persons convicted of crimes against the United States and provides money to States to compensate crime victims directly and to support public and nonprofit agencies that provide direct services to crime victims.

Under current law, the first $10 million deposited in the fund each year is earmarked for grants relating to child abuse prevention and treatment. As the fund grows in size, more money should be made available for child abuse prevention and treatment.

H.R. 764 will permit more money to be earmarked for this purpose for any fiscal year in which the amount of money deposited in the fund exceeds what was deposited in fiscal year 1998. When more than that amount of money is deposited, 50 percent of the excess would be allocated for child abuse prevention and treatment, but the total amount available in any fiscal year would not exceed $20 million.

Finally, H.R. 764 was amended by the other body to include Jennifer's Law, a bill introduced by the gentleman from New York (Mr. LAZIO) which passed the House last June by a vote of 370–4. Jennifer's Law will authorize the Attorney General to award grants to enable States to improve the reporting of unidentified and missing persons to Federal and State law enforcement agencies to increase the likelihood that they will be identified or found. The bill authorizes the appropriation of $2 million for each of three fiscal years beginning with this fiscal year.

Mr. Speaker, it has been brought to my attention that there is a one-word drafting error contained in the bill that is technical in nature. The error appears twice in the bill. Following consideration of this bill, I will ask unanimous consent that the House move to immediate consideration of a concurrent resolution I have introduced that directs the enrolling clerks to correct this minor error.

In conclusion, I believe the amendments made to H.R. 764, including Jennifer's Law, strengthen the bill; and I urge all of my colleagues to support this important piece of legislation.

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

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

Mr. Speaker, the problem of child abuse and neglect is disturbing and far-reaching. The United States Department of Health and Human Services, in a report issued in April of last year, indicated that there were over 950,000

documented cases of child abuse and neglect in 1997.

Further, in an earlier report, HHS indicated that while the number of child abuse and neglect cases has increased since 1986, the actual number of cases investigated by State agencies has remained about the same. And, therefore, the proportion of cases investigated has decreased from 44 percent in 1986 to 28 percent in 1993.

The failure to adequately address the problem of child abuse and neglect is costly in many ways. First and foremost, there is the human tragedy related to the victimized child. Obviously, abused and neglected children carry physical and emotional scars with them forever affecting every aspect of their life.

In addition, the National Committee to Prevent Child Abuse estimated in 1993 that the annual cost of child welfare, healthcare, and out-of-home care for abused and neglected children totaled $9 billion. And I must add that this is a conservative estimate in light of the fact that it does not include other related costs, such as long-term physical and mental impairment, emergency room care, lost productivity, special education services, and the cost to adjudicate child abuse cases.

Yet another cost of child abuse is in the area of increased criminal activity. According to a 1992 Department of Justice report entitled ''The Cycle of Violence'', 68 percent of youths arrested had a prior history of neglect and abuse.

□ 1415

The study also indicated that childhood abuse increased the odds of future delinquency and adult criminality by approximately 40 percent.

On the positive side, Mr. Speaker, we know how to address the problem. The National Child Abuse Coalition reports that family support programs and parental education programs have demonstrated that prevention efforts work. As we have seen in other areas such as drug treatment programs, community-based programs supporting families can be implemented to prevent future child abuse at far less than the dollars that we now spend to treat and manage child abuse and neglect problems.

The legislation being considered today is a step in the right direction. The bill provides increased grant authority for services to abused and neglected children and also provides an increase in the existing set-aside for child abuse and neglect cases from the Victims of Crime Fund. In addition to these important provisions, the Senate has included a new section entitled ''Jennifer's Law.'' The section provides for a grant program to improve the reporting for unidentified and missing persons and authorizes $2 million for that purpose in each of the next 3 fiscal years.

Finally, Mr. Speaker, this bill would not have been possible without the hard work and dedication of the gentlewoman from Ohio (Mrs. JONES) and the gentlewoman from Ohio (Ms. PRYCE). I would like to thank them personally for their leadership and bipartisan cooperation which has made this bill possible.

Mr. Speaker, it is clear that prevention and early intervention treatment for child abuse and neglect victims benefits everyone. This bill represents a positive step in that direction. I, therefore, ask my colleagues to support the bill.

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

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to claim the time allocated to the majority.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. PRYCE), the author of this bill.

Ms. PRYCE of Ohio. I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, today we consider the Child Abuse Prevention and Enforcement Act, the CAPE Act, a bill that represents an important step in the fight against child abuse.

Children are our Nation's most precious resource. As a former judge and prosecutor, I have seen the terrible impact that abuse has on the lives of our children. It has an impact that robs them of their childhood and resonates throughout their adult lives, inflicting irreparable damage on these children, their families and society. As federal legislators, as parents, as individuals, we have no greater responsibility than to protect our children from this harm.

The CAPE Act focuses on two critically important aspects of child abuse, prevention and improved treatment of victims. In doing so, it recognizes that the people best equipped to make a difference for our children are those who are on the front lines: the child protection workers, the police, the judges, the court-appointed special advocates, the doctors and nurses, the foster families, the nonprofit volunteers. That is just naming a few. These are the people who offer the best hope of real progress in our ongoing battle against child abuse. We must provide them with the resources to coordinate their efforts so that recognition of abuse or potential abuse situations is swift and treatment of child abuse victims is handled in a manner that adds no more confusion or fear to an already traumatized child. The CAPE Act will do this.

Briefly, CAPE accomplishes this with three important steps. First, it provides State and local officials the flexibility of using existing Byrne law enforcement grants, the major source of federal funds to States for fighting crime, for child abuse prevention. Second, it increases the set-aside out of the Crime Victims Fund for improving child abuse treatment. The Crime Victims Fund comes from forfeited assets, forfeited bail bonds and fines paid to the government, not taxpayers' dollars. These funds can be used for training police investigators and child protective workers.

The funds can also be used for building more child advocacy centers, places where victims of child abuse can receive help and treatment in a manner that will not cause them further emotional and psychological stress. By creating these centers, we can overthrow the cold, bureaucratic maze of probing and prodding which children used to have to endure and replace it with a one-stop experience in a child-friendly environment so that examination by police, the prosecutors, the doctors, and the child protection workers does not have the unintended consequence of revictimizing the child abuse victim.

Third, the CAPE Act allows existing grant funds to be used by States to help provide child protective services workers access to criminal conviction records and provide law enforcement instant and timely access to court child custody, visitation, protection, guardianship, or stay-away orders. This will ensure that abused and neglected children are placed in foster and adoptive homes as expeditiously as possible so that they do not languish in bureaucratic limbo. Healing for abused and neglected children only begins when they are in a permanent, safe environment free from fear and danger. The CAPE Act accomplishes all this without tapping the United States Treasury.

Along with CAPE, today we will be passing Jennifer's Law, an inspirational piece of legislation sponsored by the gentleman from New York (Mr. LAZIO). It will take great strides in the effort to identify missing children and adults.

By taking these steps together, we can make a difference in the lives of children. And we can do this without additional cost to the taxpayer, as the CAPE Act will do nothing more than remove federally imposed straitjackets on federal funds and give local officials and workers the necessary flexibility to be successful in their struggle against abuse. Given that this bill requires so little from us and nothing additional from the Treasury, can we do anything less than pass it today?

Passage of this bill will strengthen the national arsenal of resources that can be used in the prevention and treatment of child abuse. I urge my colleagues' support. I am thankful for the continuous support and the hard work of the original cosponsors of this bill, the gentleman from Texas (Mr. DELAY), the gentlewoman from Ohio (Mrs. JONES), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Illinois (Mr. EWING), and the help of the Committee on the Judiciary and all the staff involved. Their efforts toward ending child abuse should be commended by all.

We must never waver in our fight to protect our children from abuse and neglect. We must be ever vigilant, ever resourceful and always striving to do more to improve the lives of all the Nation's children.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES), the lead cosponsor on this piece of legislation who has worked diligently and in a bipartisan fashion.

Mrs. JONES of Ohio. Mr. Speaker, first of all I would like to thank the gentlewoman from Ohio (Ms. PRYCE) for her support and the work we have done together on this piece of legislation. We two have similar backgrounds, coming from the bench as well as serving as prosecutors; and we saw this area as an important part that we need to implement here in the Congress. I would like to thank the gentleman from Virginia (Mr. SCOTT) on the Committee on the Judiciary for kind of guiding me through this process. Without him, I would not have understood some of the things that happened with this piece of legislation as it went through the process.

I rise today to speak in strong support of the Child Abuse Prevention and Enforcement Act and Jennifer's Law. Together, these bills will mean a great deal for victims and their families throughout America. This legislation has deep and diverse support which is evidenced in the list of cosponsors on both sides of the aisle. The House has passed both of these bills on their own merit by wide margins in the last session of Congress. Now thanks to the foresight of the other body, we have the opportunity to send these bills to the President together.

Child abuse prevention is an extremely important issue. A child cannot grow in an environment in which he or she is subject to emotional and physical abuse. We can offer a helping hand to America's children through the passage of this legislation. Through CAPE, we are funding child advocacy centers and training those who deal with children who are abused. In Cuyahoga County, my experience as a prosecutor and as a judge told me and taught me that there are many instances in which many of our child-abuse protection workers are new to the job, they are undertrained, they are overworked and burnout reaches them very quickly. It is important that we give them an opportunity to have greater insight into the job that they need to perform as well as to give them an opportunity to step away, step back and be able to see situations as they arise. With better training they will be able to have an opportunity to prevent abuse and treat the victims of abuse.

CAPE will increase the funding available. This money will not cost taxpayers any extra money. It will come strictly from forfeited bail bonds and other fines paid to the government and taken from the Crime Victims Fund. The allocation of this money comes under the Byrne Law Enforcement Grant Program for Child Abuse Prevention and is allocated through State and local funding by local officials. As a former prosecutor, I served on the Byrne Grant Memorial Fund as a person who was responsible for the allocation of those funds. I can recall distinctly that in many instances there could have been opportunities where our children and family services unit could have applied for funds which were dedicated to other programs. I am so happy to be able to report to them that upon the passage of this bill, we will be specifically designating dollars to allow them to train their people as well as to create an advocacy center.

In my home, the State of Ohio, there is a child abused or neglected every 3 minutes. Every day throughout the country, 8,470 children are abused or neglected. Throughout America every day, 13 children are homicide victims and firearms kill 14 children.

CAPE is supported by the National Child Abuse Coalition, which includes the Children's Defense Fund and the Child Welfare League. It is supported by Prevent Child Abuse America, the Christian Coalition, the Family Research Council and the National Center for Missing and Exploited Children.

Attached to the CAPE Act is Jennifer's Law. This legislation is an excellent addition to the bill. The gentleman from New York (Mr. LAZIO) introduced this bill to create within the National Crime Information Center a link between missing persons files and unidentified persons files. This will allow the families of missing victims to know their loved one may have been found and end the doubt of not knowing the fate of one of their family members. Prior to this legislation, there was no sharing between these two computer systems. The cross-referencing system that Jennifer's Law will create will allow States to apply for competitive grants to cover the costs of linking to those computer systems.

I believe that this combined legislation will help victims and their families in crisis, help them treat victims and inform families of the status of their loved ones. This bill addresses all aspects of victimization. I strongly support the legislation and recommend to my colleagues that they vote in favor of this bill.

Again, I want to thank all of my colleagues on both sides of the aisle for the support that they have given to me in the process of putting this piece of legislation through. I look forward to working with them on other pieces of legislation that will impact families throughout America.

Mr. McCOLLUM. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I too want to congratulate the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Virginia (Mr. SCOTT) and especially the gentlewoman from Ohio (Ms. PRYCE) for all the hard work on this very, very important issue.

Mr. Speaker, abuse against children is one of the unpardonable sins we must all work to end in this century. This Child Abuse Prevention and Enforcement Act takes a very big step toward making America safer for all of our most vulnerable youngsters. Without question, too many of our young ones are having their innocence stripped away. Two years ago, there were 3 million cases of child abuse and neglect in this country. Today, as I speak, there are at least a half a million American kids in foster care because it is not safe enough for them to live with their own families.

At the federal level, we have to help lift these children out of despair while simultaneously giving more flexibility to States to deal with their local concerns. In other words, we must take action and get out of the way and not interfere with the good work that is already taking place.

Nationally, billions upon billions of dollars have been spent on child welfare programs, but money is not the solution and one-size-fits-all federal programs often allow too many children to fall through the cracks. Such failure directly translates into trouble for our communities in the future as children with a bad formation predictably make bad choices in life.

No one is surprised to learn that there is a correlation between adolescent crime and child abuse. But this is a cycle of trouble we can beat. CAPE is the first step toward this goal. This legislation allows State and local officials to take advantage of existing Byrne law enforcement grants for child abuse prevention work.

□ 1430

It also mandates that localities may use Identification Technology Act grants to provide criminal history records to child protection agencies. This bill also now includes Jennifer's Law, a sensible measure that simply makes certain that descriptive case information is reported to the FBI computer database. These measures simply make use of resources that already exist, while cutting out wasteful repetitive action from different agencies at different levels of government.

Along with these steps, CAPE also increases the set-aside for child abuse services in the Crime Victims' Fund, all of which comes from non-taxpayer dollars.

In short, this bill expands services, cuts red tape and works within already existing programs. It is good for government at the federal level, better for State governments; and, most importantly, it is great for the victims of abuse that it seeks to protect.

Just one example of the good work CAPE assists is the Court Appointed Special Advocates, COSA. COSA is a group of volunteers who provide millions of hours of courtroom support for abused children. In Texas alone, these

programs save the Federal Government an estimated $80 million a year, at least, all while maximizing support services for children and minimizing their time in foster care. But this is just one program of many that do tremendously good work.

Mr. Speaker, there are no lack of ideas in the fight to prevent child abuse and neglect, but many people do not know where to start. Supporting this legislation is a good start.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS), a strong supporter of crime prevention initiatives and effective child advocate.

Mr. CUMMINGS. Mr. Speaker, as America's lawmakers, we direct the focus of our Nation through the stances we take, the resolutions we adopt, and the legislation we approve. It is important that we take a strong stand with regard to pressing issues, pressing issues like a child being reported abused every 12 minutes in my home State of Maryland; pressing issues like 50 out of 1,000 children currently being reported as maltreated; pressing issues like the 2,000 children a year who die from abuse or neglect.

It is time that we act for our children in the way of their protection. H.R. 764 acts by providing increased funding for prevention training, child advocacy and treatment, and increased access by protective service workers with regard to criminal conviction records.

It is important that the message we send to our children is that we are not afraid to act in their favor, that we realize that they are our future, and that they are invaluable. Support H.R. 764.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAZIO), who was a sponsor of Jennifer's Law.

Mr. LAZIO. Mr. Speaker, I want to begin by thanking the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from Ohio (Mrs. JONES) for their great work; the majority whip, the gentleman from Texas (Mr. DELAY); and of course, the gentleman from Florida (Mr. MCCOLLUM). And I rise in strong support, Mr. Speaker, of the CAPE Act, which includes Jennifer's Law.

Mr. Speaker, just about everybody knows the famous line by Charles Dickens: ''It was the best of times; it was the worst of times.'' As every parent knows, this is a shorthand for the conflicting feelings we all come to know once we have children. We start with the overwhelming joy of childbirth, when you first hold a beautiful new creation, life's greatest gift, in your arms. It is a humbling experience. The joys start immediately. The fears and uncertainties are not really very far behind.

For most of us, the fears will never fully be realized. Unfortunately, for more parents than we would like to admit, tragedy strikes and their lives become a nightmare from which they cannot awake.

Mr. Speaker, in 1993, 21-year-old Jennifer left her family's suburban New York home for California in pursuit of a dream, a dream to make it on her own. Nine months later Jennifer's mom sent her a plane ticket to return home for a visit. Jennifer never made it home. She disappeared that day and is still missing.

Jennifer's mom describes her daughter as an extraordinary, open, caring and sensitive child. At only 3 years old, Jennifer befriended a local homeless man. In her kindergarten class, a classmate wore a prosthetic arm. The teacher called Jennifer's mother one day very excited because Jennifer was the only classmate to hold this girl's hand. And in 5th grade, Jennifer threw a party for all the kids who never got invited to other parties.

Jennifer's disappearance has drained the life out of her family, parents and siblings alike. Jennifer's brother Steven was only 14 years old when he found out his sister had disappeared. His life began to question. He questioned his sister's existence and his own worth. He could not understand any of it.

Today, 6 years later, Jennifer's mom, Susan Wilmer, still suffers terribly, beside herself with sadness. And even though her intuition tells her that Jennifer is not alive, she has not allowed herself to grieve, and instead floats somewhere between hope and resignation.

Mrs. Wilmer came to me last year asking that I help her and other families who have suffered these types of losses. She told me her story. When Susan Wilmer reported Jennifer missing to the police, she breathed a sigh of relief, knowing that at least that Jennifer has not been found dead or lying in the hospital, unaware that there are people who loved her and missed her.

Then to her horror, 8 months into the search, she discovered that that wasn't the case. She found out that our Nation does not report bodies to a central agency. She found that, in many States, when a body is found, local attempts are made at identification, possibly through the local TV news or a local paper. She found if no one claims the body, it is buried in a Potter's field as a Jane or John Doe or a baby Doe. The family never gets notified. The victim's fingerprints are not taken. No dental records or DNA sample is gathered. Victims' families are left to wonder, going to their grave never quite knowing for sure what has happened to the child that they first brought into this world.

Unfortunately, Mr. Speaker, this story is all too common. People report thousands of missing persons each year. Sadly, many of these people will never be found, or are found and not identified.

For example, last year in New York State, more than 4,500 missing persons were reported, but only 279 unidentified persons. Back in my home county, Suffolk County, more than 2,200 children under the age of 17 were reported missing in 1999, and more than 700 adults shared the same fate. These missing persons sometimes tragically end up as unidentified victims. However, their families sometimes never find out that their loved ones have been found.

These statistics beg the big question: What might we do to bring some measure of peace of mind to these families? We can help them know the truth. The bill before us, the CAPE act, includes my legislation called Jennifer's Law. It will provide States the opportunity to apply for funding to help law enforcement agencies gather all the identifying information about unidentified victims. This information can then be entered into a national database that can be cross-referenced with missing persons' reports.

Currently this technology exists and is available to all law enforcement officials. However, the problem is that the system remains severely underutilized. The issue is not negligence, but instead stems from inadequate funding. The funds that Jennifer's Law will bring to the States can help eliminate the cruel phrase ''unidentified deceased'' from our vocabulary. Jennifer's Law is designed to bring an end to the unbearable uncertainty, the purgatory of the unknown.

Jennifer is a symbol of the value society places on a human life. Every person is important, unique, and has worth. Mr. Speaker, we vote today to recognize that worth, to restore the dignity of identity to the victims, and to give families the closure that they deserve.

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

Mr. Speaker, I want to thank the gentleman from Florida (Mr. MCCOLLUM) for his leadership in bringing this bill to the floor, and particularly thank our two colleagues, the gentlewoman from Ohio (Mrs. JONES) and the gentlewoman from Ohio (Ms. PRYCE), for their dedication to our children and for demonstrating what can happen when we work together in a constructive, bipartisan planner. I frankly hope that their work on this bill will be a model to the way we handle other legislation on the floor.

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

Mr. MCCOLLUM. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida is recognized for 45 seconds.

Mr. McCOLLUM. Mr. Speaker, I just want to say that there is nothing more heart wrenching than child abuse cases, than missing children cases. This bill addresses both of those.

I, too, compliment the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from New York (Mr. LAZIO) for the initiation of these pieces of legislation that combined here today are before us. What we are going to be doing here is providing additional grant

money to the States to let them improve their systems, particularly on missing children and on the question of child abuse and neglect.

The bill will specifically provide the opportunity for welfare agencies and others who conduct risk assessments to get criminal history records that they have not had access to in the past. It will provide money that is long overdue in the sense of what is required with regard to a lot of the block grant programs that are out there that could not before be used for the child abuse-neglect arena, including the Byrne Grant program.

Mr. Speaker, I again compliment my colleague, the gentleman from Virginia (Mr. SCOTT), for his work on it; the gentlewoman from Ohio (Ms. PRYCE); the gentleman from New York (Mr. LAZIO). And I encourage the passage of this important legislation on child abuse, neglect, and missing children.

Ms. STABENOW. Mr. Speaker, I rise today in support of H.R. 764, the Child Abuse Prevention and Enforcement Act. This legislation is similar to H.R. 3902, which I introduced during the 105th Congress. The bill provides funding for grants that will make the child abuse judicial process more effective and responsive to the needs of the participants. For example, this measure allows for the purchase of closed-circuit television equipment so children can record their testimony instead of appearing in court in person. It also provides for the use of additional court-appointed special advocates. These are people trained to work with families as they go through the court system. Both of these valuable provisions help to humanize what can be a very intimidating and frightening process.

During my 16-year career in the Michigan Legislature, I was a leading advocate on child abuse and family issues, and I appreciate the work of my colleagues Congresswomen DEBORAH PRYCE and STEPHANIE TUBBS JONES on this matter. Domestic violence and child abuse affect the victims for the rest of their lives. It is essential that we do everything in our power to make the courts accessible, empathetic institutions, capable of compassion as well as justice. Without this effort, the future is less bright for kids that have already been robbed of their innocence. I urge all of my colleagues to vote for this legislation.

Mr. WU. Mr. Speaker, I rise in strong support of H.R. 764, the Senate Amendments to Child Abuse Prevention and Enforcement Act. This is a solid piece of legislation that will help to prevent child abuse, provide assistance to victims, and help states to improve the reporting of unidentified and missing persons.

As the Health and Human Service Department (HHS) recently documented, there was nearly one million documented cases of child abuse and neglect in the United States in 1997. This number only reflect the cases that were reported and detected by the authorities.

In the most advanced economy in the world, I strongly believe that children should be allowed to grow up as children: To attend schools, to learn and play and enjoy their childhood. No child should be subjected to abuse and neglect.

I believe this bill provides a sensible approach to prevent child abuse and to provide much-needed assistance to the victims of abuse. H.R. 764 would authorize the release of additional funding from the Crime Victims Fund to be set aside for child abuse and domestic assistance program. The bill also expands the allowable uses of grant money to protect abused children from further trauma by testifying in court through electronic means, and authorized $6 million through FY 2000–2002 for states to improve the reporting of missing and unidentified persons.

Mr. Speaker, I believe this is a strong and sound piece of legislation that will help protect our nation's children and I strongly support H.R. 764.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the Child Abuse Prevention and Enforcement Act offered by Congresswoman DEBORARH PRYCE. This bill will expand child abuse grants and allow states flexibility in programs for child abuse protection services and programs to prevent the incidents of child abuse. I also want to thank Congressman RICK LAZIO for his work on Jennifer's Law. A missing loved one is a terrible trauma to endure and his efforts will provide those families and friends with a sense of closure.

Currently, about 47 out of every 1,000 children are reported as victims of child mistreatment. Based on these numbers, more than three children die each day as a result of child abuse or neglect or a combination of neglectful and physically abusive parenting. Approximately 45 percent of these deaths occurred to children known to child protective service agencies as current or prior clients.

The Child Abuse Prevention and Enforcement Act, expands as key element of preventing child abuse and neglect by providing access to services that address specific needs of local communities. Services must be responsive to the range of ongoing and changing needs of both children and families. This bill allows individual states and communities to develop and update their programs to meet these changing needs.

I urge my colleagues to support the amended CAPE Act.

Mr. EWING. Mr. Speaker, I rise today in support of the Child Abuse Protection and Enforcement Act—also known as the CAPE act.

The CAPE act is a much needed piece of legislation that will not only help children in my home state of Illinois, but children in every community across the nation.

In working on this legislation I was shocked to find out that:

Each day there are nearly nine thousand reported cases of child abuse or neglect in the United States. That's over 3 million cases per year. Keep in mind these are only the reported cases.

Since 1987 the total number of reports of child abuse nationwide have gone up by 47 percent.

Of the cases of abuse, 54 percent resulted in a fatality and over 18,000 children were permanently disabled as a result of physical abuse.

And finally, what is most concerning—

Many victims of abuse—as adolescents or adults—turn to crime, domestic violence and child abuse.

These statistics make it clear there is a problem, but for me, what illustrates the problem most clearly are the people that I talk to in my district who work with these kids every day.

We must put our best efforts forward to address the issue of child abuse here in America just as we have with many other problems in the past.

To help protect kids, the CAPE act allows local law enforcement and social service agencies greater flexibility in using federal grants to combat child abuse.

Under this proposal, we've also increased the earmarked money within existing accounts for assistance from $10 million to $20 million to help child abuse victims.

Mr. Speaker, I believe that individual communities can be encouraged to do a better job combating problems like child abuse if Washington steps back and gives them some breathing room.

The CAPE act does just that.

Mr. Speaker, I ask my colleagues, on both sides of the aisle to support the CAPE Act so we can truly begin to make a difference for abused children across America.

Mr. FOLEY. Mr. Speaker, thousands of children are reported missing each year. To many of us, the numbers are nothing more than statistics, albeit tragic statistics. But to a unique group of people, these numbers represent the pain and uncertainty that accompanies the loss of a child, grandchild, brother, sister, or friend.

We should be using every resource within our power to find children who are missing or to get information about them to their families. We have the technology to find most of these children, but as is often the case, the technology is not being used to its fullest capability.

Jennifer's law will help solve this dilemma. Linking national missing person files and unidentified persons files will make it much easier for local, State, and Federal law enforcement officials to get all of the information they need to solve a missing persons case.

We would like to reunite every missing child with their families, but in reality this is not always possible. Even so, families with missing children deserve to have an end to their suffering and a sense of closure. Jennifer's law will help make this possible.

The SPEAKER pro tempore. All time has expired. The question is on the motion offered by the gentleman from Tennessee (Mr. JENKINS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 764.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that a 5-minute vote on the passage of H.R. 1838 will occur immediately following this vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 23, as follows:

[Roll No. 4]

YEAS—410

Abercrombie	Baldwin	Berry
Ackerman	Ballenger	Biggert
Aderholt	Barcia	Bilbray
Allen	Barr	Bilirakis
Andrews	Barrett (WI)	Bishop
Archer	Bartlett	Blagojevich
Armey	Bateman	Bliley
Baca	Becerra	Blumenauer
Bachus	Bentsen	Blunt
Baird	Bereuter	Boehlert
Baker	Berkley	Boehner
Baldacci	Berman	Bonilla

Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
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
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
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
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
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
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
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
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
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)

NAYS—2

Chenoweth-Hage
Paul

NOT VOTING—23

Barrett (NE)
Barton
Bass
Brown (FL)
Brown (OH)
Bryant
Campbell
Carson
Chambliss
DeMint
Fattah
Graham
Hinojosa
Jackson-Lee (TX)
Kaptur
Myrick
Rivers
Sanchez
Sanford
Tiahrt
Turner
Vento
Young (FL)

□ 1501

Mr. HILLIARD and Mr. WATKINS changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 4 on February 1, 2000, I was unavoidably detained. Had I been present, I would have voted ''yea.''

□

TAIWAN SECURITY ENHANCEMENT ACT

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The pending business is the question of the passage of the bill, H.R. 1838, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 341, nays 70, not voting 23, as follows:

[Roll No. 5]

YEAS—341

Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Napolitano
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson

Wise	Woolsey	Wynn
Wolf	Wu	Young (AK)

NAYS—70

Abercrombie	Jackson (IL)	Owens
Archer	Jones (OH)	Oxley
Baca	Kanjorski	Paul
Baldwin	Kolbe	Payne
Barrett (WI)	Kucinich	Peterson (MN)
Blumenauer	LaFalce	Pickett
Boehner	Lantos	Pomeroy
Borski	Lee	Roemer
Capuano	Lewis (CA)	Rush
Condit	Lofgren	Sabo
Conyers	Matsui	Salmon
Davis (IL)	McDermott	Sanders
DeFazio	McGovern	Schakowsky
Delahunt	McKinney	Scott
Doggett	Meek (FL)	Serrano
Dooley	Minge	Skelton
Ehlers	Mink	Snyder
Evans	Moran (VA)	Stark
Filner	Nadler	Strickland
Hastings (FL)	Neal	Thompson (CA)
Hill (IN)	Nussle	Tierney
Hinchey	Oberstar	Waters
Hooley	Obey	
Houghton	Olver	

NOT VOTING—23

Barrett (NE)	DeMint	Myrick
Bass	Fattah	Rivers
Brown (FL)	Graham	Sanchez
Brown (OH)	Gutierrez	Sanford
Bryant	Hinojosa	Tiahrt
Campbell	Jackson-Lee (TX)	Turner
Carson	Kaptur	Vento
Chambliss		Young (FL)

□ 1513

Mr. PAYNE and Mr. RUSH changed their vote from ''yea'' to ''nay.''

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FORD changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 5 on February 1, 2000 I was unavoidably detained. Had I been present, I would have voted ''yea.''

□

CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 764, CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 245) to correct technical errors in the enrollment of the bill H.R. 764, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. MCCOLLUM) to explain the purpose of the resolution.

Mr. MCCOLLUM. Mr. Speaker, the purpose of this request is to direct the Enrolling Clerk to correct a minor drafting error in the bill, H.R. 764, we just passed on child abuse.

□ 1515

Failure to do so would result in a defective bill being sent to the President, which none of us want. It is strictly that: To correct a minor drafting error.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 245

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 764) to amend the Victims of Crimes Act of 1984, with respect to certain increases in funds, the Clerk of the House shall make the following corrections:

In section 104(a)(1), in the matter amending section 1402(d)(2) of the Victims of Crimes Act of 1984—

(1) strike ''the next'' the first place it appeas and insert ''The first''; and

(2) strike ''the next'' the second place it appears and insert ''the first''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□

SUNDRY MESSAGES FROM THE PRESIDENT

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

□

COMMUNICATION FROM CHAIRMAN OF DEMOCRATIC CAUCUS

The Speaker pro tempore (Mr. HASTINGS of Washington) laid before the House the following communication from the Hon. MARTIN FROST, Chairman of the Democratic Caucus:

DEMOCRATIC CAUCUS, HOUSE OF REPRESENTATIVES, LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, DC,

January 27, 2000.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you that the Honorable Virgil Goode of Virginia has resigned as a Member of the Democratic Caucus.

Sincerely,

MARTIN FROST,
Chairman, Democratic Caucus.

□

RESIGNATION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Appropriations:

JANUARY 31, 2000.

SPEAKER OF THE HOUSE,

DEAR SPEAKER HASTERT. It has been a privilege to serve on the Appropriations Committee at such an important time.

I appreciate your confidence in me and look forward to other opportunities to advance our agenda for America.

Please consider this letter my resignation from the Appropriations Committee as of the above date.

Sincere Regard,

ROY BLUNT.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

□

COMMUNICATION FROM THE SPEAKER

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

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2000.

Hon. LARRY COMBEST,
Committee on Agriculture,
Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative VIRGIL GOODE'S election to the Committee on Agriculture has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

□

COMMUNICATION FROM THE SPEAKER

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

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2000.

Hon. JAMES A. LEACH,
Committee on Banking, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Virgil Goode's election to the Committee on Banking has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

□

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS

Mr. WATTS of Oklahoma. Mr. Speaker, I offer a resolution (H. Res. 410) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 410

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Appropriations: Mr. Goode of Virginia.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□

ELECTION OF MEMBER TO COMMITTEE ON BANKING AND FINANCIAL SERVICES

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 411) and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 411

Resolved, that the following named Member be, and is hereby, elected to the following standing Committee on the House of Representatives:

Committee on Banking: Ms. Lee of California to rank immediately after Mr. Meeks of New York.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2005, WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–491) on the resolution (H. Res. 412) providing for consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business, which was referred to the House Calendar and ordered to be printed.

□

MOTION TO INSTRUCT CONFEREES ON H.R. 2990, QUALITY CARE FOR THE UNINSURED ACT OF 1999

Mr. BERRY. Mr. Speaker, I offer a privileged motion to instruct conferees on the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BERRY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2990 be instructed.

(1) to take all necessary steps to begin meetings of the conference committee in order to report back expeditiously to the House; and

(2) to insist on the provisions of the Bipartisan Consensus Managed Care improvement Act of 1999 (Division B of H.R. 2990 as passed by the House), and within the scope of conference to insist that such provisions be paid for.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. BERRY) and the gentleman from California (Mr. THOMAS), each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BERRY).

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

Mr. Speaker, it has been 3 months since the House passed a bipartisan Patients' Bill of Rights legislation. The American people still do not have protections they want and deserve. Mr. Speaker, last night, I offered the motion to instruct conferees. The conferees deserve the opportunity to meet on this legislation. We need to get to work on finishing the job the American people sent us here to do.

Last October, the House passed a strong bill. That is what I am asking the House to do now. Let the conferees meet. Let the Congress vote on a strong bill that will give the American people the patient protection they deserve and are asking for.

While we delay, millions of American families needlessly suffer from the consequences of allowing HMO bureaucrats to make medical decisions. Let us allow medical decisions to be made by doctors and patients, not someone behind a desk. Americans want a bill that has a strong independent review of HMO decision. They want a bill that is going to address the unfortunate case when the HMO causes injury or wrongful death, that they will be held responsible like any other business in America.

Congress needs to take action on passing the bipartisan legislation to provide the American people with basic protections and basic guarantees when it comes to managed care.

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

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

Mr. Speaker, this is, once again, the kind of political move that belies the argument that people want to come to a successful conclusion on a Senate-passed bill and a House-passed bill. We would have no ability whatsoever to reconcile the differences between the bills if the Senate were to insist on its position and, in fact, the House voted, as this measure indicates they want us to vote, to lock ourselves into our position.

Now, first of all, we know that motions to instruct are not binding; that Members do not have to follow the vote one way or the other. But it is a clear indication that somebody wants political game playing rather than a solution.

Mr. Speaker, I stand prepared as a conferee, as I am sure all the other conferees are prepared, to sit down and, over some very difficult subject matter, come to mutual agreement so that, as the Constitution requires, bills that differ in passing the House and Senate can be reconciled, repassed by the House and Senate so the legislation can actually go to the President for his signature.

If somebody wants a patient protection bill with solid standards and with the acceptable practices that several years ago we voted very noncontroversially in the Medicare provisions, like emergency rooms, like no-gag rules, like the other provisions that we have already passed, then this is exactly the wrong motion to offer.

If Members want to keep a football kicking even after the Superbowl, if they want to play politics with the issue, this is exactly the kind of motion that they would offer.

So, Mr. Speaker, I am sorry that we are beginning this year with this kind of deceptive action, and I certainly would urge Members that what they ought to do is allow the conference to do its work, come to a successful conclusion, and not inhibit it by making demands that on their face cannot be met.

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

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, this is a very simple resolution. It is one upon which the House has, in substance, voted not once, but twice before. It is a good resolution. It simply says two things: One, that the conference should commence its business quickly; and two, that the conference should keep in mind and support the House-adopted position with regard to Patients' Bill of Rights.

I am rather distressed to hear the gentleman from California (Mr. THOMAS), my old friend, talk about this as being political. It is not. It is simply orderly business of the House provided for in the rules. It is a resolution which is going to expedite the process. There is no politics here.

The House has spoken on this matter not once, but twice. The people want it. The country needs it. The House should vote affirmatively on this so that we can proceed in an orderly and speedy fashion towards the adoption of a piece of legislation that the people have said is not only needed, necessary, but badly wanted and very, very useful to the people in the country.

Mr. Speaker, I urge a favorable vote on the resolution, I commend my good friend for his resolution and I urge my colleagues to vote affirmatively and to do so amicably and in the goodwill that is deserved.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), the cosponsor of the legislation. And I would tell the gentleman from Michigan (Mr. DINGELL) that my point is substantiated by the next speaker. Most of us referred to that bill as the Dingell-Norwood bill.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for yielding me this time. Mr. Speaker, I want to be very clear. I certainly support the conference committee taking action on managed care reform as soon as possible, as Members on both sides of the aisle would agree to.

But we do have to ask ourselves why are we bringing this motion before the House again today? We have finally received a commitment from House and Senate leaders to produce a final bill by early April, which will include the ability to sue ERISA-governed HMOs that cause injury and death. This is a massive concession by many who have been opposed to restoring the rights to sue. They should be welcomed with open arms.

Instead, I fear we may be poisoning the negotiations by rewarding them with a political slap in the face. I do not know of any nonpolitical reason why we have the motion today. However, because I fully support patient protections, I will not vote against this motion. This is only our second day back to voting. People who have been our hard-core opponents are now offering an olive branch. We need to take it and make the best of it that we possibly can make.

For that reason, I will not vote for this new motion. For now I will simply vote ''present.'' We need to encourage negotiation. The GOP leadership should be able to compromise in good faith on liability. Democratic leaders should be able to do the same on accessibility. I believe that President Clinton, the Republican leadership, the Democratic leadership, should accept immediately the 90 percent of the reforms that everyone agrees on that were in both the Norwood-Dingell and the Coburn-Shadegg bills, and all three should work out a compromise on liability and access.

Mr. Speaker, it can and it must be done, but now is not the time to embarrass anybody. Now is not the time for politics from either side. Now is the time for serious people to have a serious discussion about the policy, the health care policy in this Nation that affects every one of our constituents.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Speaker, it was last October when this House, this body acted on the Patients' Bill of Rights. Our colleagues ask why are we bringing this motion forward? We are bringing it forward because it is time for Congress to act. There is hardly a week that goes by that I don't receive letters and telephone calls from constituents that have been hurt by their HMOs, that have been denied access to emergency care and denied access to specialists, whose physicians spend more time on the telephone arguing with HMOs than treating their patients.

□ 1530

It is time for this Congress to act, and that is why my friend from Arkansas is offering this motion.

This bill has been in conference for too long. It is not a new issue. It has been with us now for several years. Let us schedule a meeting of the conference committee. Let us meet and act on the bill. We do not need to wait until April or May. This issue has been debated. People are being hurt. We know we need national legislation. It has been acknowledged in a bipartisan way by Democrats and Republicans alike.

So let us put the politics aside, and let us get down to work and bring this legislation forward. That is the essence of the motion of the gentleman from Arkansas (Mr. BERRY). I urge my colleagues to support the motion.

Mr. Speaker, I rise in support of this motion to instruct the conferees on H.R. 2990.

The American people have been waiting for years for Congress to enact meaningful, enforceable HMO reform. With more than 120 million Americans enrolled in managed care plans across the nation, we cannot afford to delay action any longer.

Mr. Speaker, our citizens worry that to save money, insurers are skimping on quality and endangering the health and lives of their members. Our papers and our mailboxes are filled with accounts of patients who are denied care on the basis of cost. Medical decisions are being made by insurance company accountants rather than by doctors and their patients.

Right now, our country has an illogical patchwork of state laws. This patchwork has prevented the enactment of national standards that guarantee all patients a set of basic rights. The right to be fully informed of treatment options, the right to emergency care based on a prudent layperson standard, the right to see a specialist, the right to be treated by the drugs that their doctor prescribes for their condition, the right to appeal health plan decisions to an independent review board, and the right of action when they are harmed by a health plan's decisions.

Our conferees have two bills before them that must be reconciled. Only the House bill, H.R. 2990, contains these important basic rights. Overwhelmingly, this body has supported not only the Norwood-Dingell Bipartisan Managed Care Improvement Act, but also my distinguished colleague from Michigan's motion on November 3 to instruct the conferees to adopt this bill as the final legislation.

Without further delay, it's time for this Congress to present a bill to the President that provides meaningful standards for all Americans in managed care plans. I urge adoption of this motion.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to respond to my friend from Maryland by saying that the actual process is one of accommodation and compromise between the House and the Senate. And I certainly would concur if this resolution or motion to instruct had only the first section, which was to announce immediately a time for a meeting. But the gentleman well knows that the second section requires on the part of the House to, without change or amendment, accept the bill that was voted on the floor of the House. That is pure unadulterated politics.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE), a doctor himself and someone who has worked long and hard on this issue.

Mr. GANSKE. Mr. Speaker, I thank my friends on both sides of the aisle who have supported patient protection legislation. We essentially have voted on this motion to instruct before, and I voted yes on that. But today I am going to vote present, and here is why.

Today, the Speaker has said that he wants the conference to convene in the next couple of weeks. The Speaker kept his word about bringing this issue to the floor when we did, and I trust that he will keep his word on getting this conference started.

Do I think, as one of the three coauthors of the bill that passed the House, that the House conferees should stick up for the bill that passed with a 275 vote margin? Of course I do. But I think that I am seeing some evidence of a softening of hard positions, and I think that it would be, as my colleague, the gentleman from Georgia (Mr. NORWOOD), said, if an olive branch is held out, we should take it in good spirit.

I think that we should move to getting this legislation passed this year, and that is why I am going to vote present. It does not indicate any weakening of my resolve on getting good patient protection legislation passed. I just simply think that at this point in time this resolution is not warranted. Why do we not wait to see what happens in the next few weeks?

Mr. BERRY. Mr. Speaker, could I ask how much time is remaining on each side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Arkansas (Mr. BERRY) has 26½ minutes remaining and the gentleman from California (Mr. THOMAS) has 23 minutes remaining.

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

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for his leadership on this issue.

Too often an insurance clerk gets right in the middle of the relationship between doctor and patient, and the consequences of that interference can be absolutely disastrous. We want to do something meaningful about that problem. It is called a Patients' Bill of Rights.

The same Republican leadership that is up here today saying wait to the American people is the same leadership that fought tooth and nail to prevent us from ever taking up a Patients' Bill of Rights in the first place. The same folks that say wait today are the same people that came to this floor and voted for every amendment they could come up with to kill this Patients' Bill of Rights.

The same Republicans that are here today saying wait are the same Republicans that after their amendments

were defeated, they all voted against a meaningful Patients' Bill of Rights. The same Republicans that say wait today are the same Republicans that, after the Senate appointed its conferees, dillydallied around here, they waited, they delayed, they did anything they could except act. They waited until the week before we went out of session to even name conferees.

The same Republicans that say wait today are the same Republicans that refused to even appoint the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), both doctors and Republicans who knew something about this issue and cared about patients. They would not even appoint them as conferees.

They say wait to the American people. We say do something to give them a meaningful Patients' Bill of Rights. Is there politics at issue here? You bet there is politics at issue today. It is the politics of inaction, which is the whole story of this worthless Republican leadership.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I am not here to talk about the politics of the situation, except that this is the time. This session we must pass a bipartisan HMO reform bill.

I want to encourage the conferees to maintain the many noncontroversial provisions in H.R. 2723 in the conference report, such as the requirements that managed care patients have access to emergency care without prior authorization; access to specialized treatment when it is medically necessary in the judgment of a health professional; and access to approved clinical trials where the plan must pay for the routine patient costs associated with the trials.

Also, I want to encourage the conferees to exclude medical savings accounts in the FEHBP. I oppose MSAs because they would cause cherry-picking in the FEHBP, resulting in higher premiums for those who are less healthy as relatively healthy enrollees are included.

So I just ask the conferees to meet, to resolve it. I believe that the Speaker is going to have a bill before us that will be bipartisan and that we can all agree on.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of the gentleman's motion to instruct conferees, to act quickly, and to pass the bipartisan House bill.

This morning I read a letter on the floor that I received from David and Suzanne Miller, two of my constituents from Niles, Illinois. They asked, and I quote, ''Why can't Congress just do what is right for the people whose well-being has been entrusted to them?'' Why indeed.

Last November we passed a bill that held out great promise for millions of patients in managed care plans. That bill, that particular bill, would make it easier for patients to enroll in clinical trials; give direct access to women for obstetrician-gynecological services; ensure that children could get to see their pediatricians and pediatric specialists; make sure patients undergoing treatment for serious illnesses can stay with their own doctors rather than being forced to switch; let health care professionals, not insurance company bean counters, make medical decisions; and, finally, hold health care plans accountable and let patients sue if they are injured by HMO decisions.

But, Mr. Speaker, it will do nothing if it is not enacted into law. Let us not let David and Suzanne Miller down or the millions of patients who count on us.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, one of my constituents, Miss Elizabeth Hines, stated very clearly my position on this issue when she wrote a letter to me saying, ''As a registered nurse, I urge you to persuade your colleagues on the conference committee to move ahead and pass H.R. 2990, to honor the clear imperative from the American people for enactment of strong, comprehensive and enforceable protections embodied by the bipartisan Norwood-Dingell legislation. The final bill must include protection for nurses and other professionals who blow the whistle so that they can be advocates for their patients.''

I agree with Miss Hines. We need to move now, not tomorrow, not next week, not next year. The American people are saying, ''Pass it now.''

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank the gentleman for his leadership and all those who stand here on behalf of the American people.

Not anywhere can we go in this country that people are not begging for a sensible health care delivery system. We passed this bill 4 months ago. There is no reason why the conference committee could not have acted back then. But we are desperate now and we do need this. People scream out for it.

I am a registered nurse, and I see the difference in the quality if we do not have any accountability. These companies dictate to physicians. We want to put the health care back into the hands of the caregiver, not the bureaucrat. Because, my colleagues, what happens is they dictate to the physicians, they dictate to the nurses, but they do not want to take the responsibility for it.

Patients need rights. They need to be able to complain when they have been wronged by the system. We cannot get it until we get a good, aboveboard nonpartisan approach to it. It is very, very important.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to simply say that I find it ironic that the gentleman from Texas used the phrase ''you Republicans,'' ''you Republicans,'' ''you Republicans,'' when, in fact, as the gentleman from Illinois said, this is a bipartisan bill.

I also find it interesting that the two individuals on the bill who made it bipartisan, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Iowa (Mr. GANSKE) were our first two speakers, and they said this does not make a lot of sense. They are not going to vote for it.

It seems to me that the bipartisan part of my colleagues' argument has been shattered. If we have a procession of Democrats offering 1 minutes saying this has to be passed now, but the Republicans who made it bipartisan say this does not make a lot of sense, it looks like politics is being played, then I think it is fairly obvious. The answer is, politics are being played.

Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG), someone who has become very knowledgeable on this subject matter, has been a major contributor to the debate, and is a conferee.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to make it very clear that I oppose this motion to instruct, and I urge my colleagues to defeat it.

I think it is important that we look at precisely what the motion to instruct does. There are two pieces to it, as my colleague, the gentleman from Michigan (Mr. DINGELL), pointed out. The first one is that all necessary steps be taken to begin the meetings.

On that point I think it is very important to note, and for all our colleagues to understand that, in fact, there has now been an agreement that a meeting of the conference committee will occur. It will occur either next week or the week after. It will precede the February break, which is the week after that. And so steps to begin meetings have in fact been agreed to, making the first point of the motion to instruct moot.

I guess I would add on that point that I myself agree with the concern that the conferees should meet and that we should begin the process, because I wholeheartedly agree it is critically important work.

But the second portion of the motion to instruct is the portion of the motion I think our colleagues should be concerned about and, quite frankly, which is the portion of the motion to instruct which makes it technically flawed. And that is that we instruct the conferees

that they insist that H.R. 2723 be included in the conference report. What that means is that we insist on the House position and the House position only.

Now, as a proud Member of the House, there might be occasions when I would like to insist on the House position and the House position only. But there is no one in this body, Republican or Democrat, who does not understand that in this conference committee if either the Senate or the House chooses to insist upon their position and their position only, the net effect will be tragic.

My colleague, the gentleman from Arkansas (Mr. BERRY), the proponent of this motion to instruct, said just a moment ago that people are suffering today and it would be tragic if we continued to delay because people will continue to suffer. Well, I think it is very important for our colleagues to understand that if either side, the House or the Senate, insists that it is their position in these negotiations or no position, then in fact what we will get is not a bill, it is not legislation, it is not relief for the American people, whom I believe are being abused, it is not legislation that will help them.

If we do as this motion to instruct requires, indeed demands, if we insist that it is our bill and our bill only, the Norwood-Dingell bill, which is bipartisan, if we insist that it is that bill and that bill only, then what we are saying is we do not intend to legislate on this issue this year; we do not intend to send the President a bill that he can and will sign, and we do not intend to help the American people.

□ 1545

Rather what we intend is to save for the election a political issue. I understand there are people in this body who want a political issue. I urge them to rethink their position. The reality is we need a compromise between the House and the Senate version, and we need legislation to help the American people.

And on that point, I would note that my colleagues, the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), who were plowing this ground long before I, and who know it well, stood up and noted that on the critical issue of liability, we have made great strides in just the last 3 weeks.

Just a few weeks ago, barely a week and a half ago, Mr. LOTT indicated that any legislation which passes this year must include a reasonable liability provision holding HMOs that hurt people accountable in a court of law for their conduct; that is a tremendous stride forward.

And I compliment the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD) for acknowledging that. But if we are making progress, then why step back from that? Why insist our way or no way? I suggest that is a tragic mistake being advocated by those who do not want to help the American people on this issue, but who rather want a political issue to go forward on.

And, again, the net effect of insisting our way or no way is that people will continue to suffer, the very goal this motion to instruct is designed to alleviate.

There is another critical important issue to be discussed here, and that is the contents of the bill on the issue of access. My colleagues on the other side, when the bill passed the House floor, every single one of them said, we do not want to accept nor will we embrace a single provision of H.R. 2990 that addresses the problems of access to care by the uninsured.

There are several pieces in H.R. 2990 that would help America's uninsured get care. While I heard some movement in the Senate side on the issue of liability, I have not heard today any movement on the House side on the issue of access to care. I think that would be a tragic mistake.

This is a once-in-a-lifetime chance for this Congress to do something, not just about HMOs and their abuses, but about America's 44 million uninsured. Clearly, we need to do something about that. Indeed in his State of the Union address just last week, the President talked about access to care. He proposes three solutions.

To sum it up briefly, the President in his State of the Union address proposed that we expand government-run health care from two ends, that we expand Medicaid to younger people and that we expand SCHIP. I would suggest that that is the best answer. But that the best answer is one that has a lot of bipartisan support and that is a tax credit, a refundable tax credit.

And I would note that just last week, our Majority Leader ARMEY and Senator BREAUX, a knowledgeable expert on the other side of this issue, proposed irrefundable tax credit. There are great things that can be done on health care this year. We can support a patients' bill of rights. We can enact legislation that will help the American people, but not by this motion to instruct, not by an arbitrary demand that it be our way or no way.

Mr. BERRY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

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

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 2990.

I rise in strong support of the motion to instruct the conferees to begin meetings of the House-Senate managed care conference committee and insist upon the provisions of the Dingell-Norwood Managed Care Reform bill. The Dingell-Norwood bill was passed by the House of Representatives by a strong bipartisan vote on October 7, 1999. Nevertheless, the Republican leadership has made no progress whatsoever towards the enactment of this critical legislation. There has not even been a single meeting of the conference committee since the bill was passed.

The Dingell-Norwood Managed Care Reform bill, also known as the Patients' Bill of Rights, would protect patients and their families from irresponsible actions by HMO's. It would prevent health insurance companies from rewarding doctors for limiting access to health care, and it would hold managed care plans legally accountable when their decisions to withhold or limit health care result in injury or death. The Patients' Bill of Rights would ensure that medical decisions are made by health care professionals and not bureaucrats.

Health care should be provided by doctors—not HMO bureaucrats! It is time that Congress hold health insurance companies accountable and protect the rights of American families to quality health care.

I urge my colleagues to support this motion to instruct the conferees and send the Patients' Bill of Rights to the President's desk without any further delay.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE) who has done great work on this issue and continues to provide great leadership, to try to help the American people get health care.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Arkansas for those kind remarks. And let me just say, I listened to the previous Republican speaker on the other side of the aisle, and after I listened to what he said, I am more than ever convinced why we need this motion to instruct. He said, well, we are going to schedule the conference. It will be scheduled sometime in February or early March.

Well, the bottom line is it has not been scheduled. The bottom line is that it has not been scheduled. It is 4 months since we passed this bill. I am tired of hearing about it is going to be scheduled, it is going to happen. I hope he is right. But I think that we must insist that we move to the conference straight with.

The other thing is there is a tremendous amount of frustration on the part of Democrats and myself on this side of the aisle because so many efforts have been made by the Republican leadership over the last 2 or 3 years to sabotage the effort to pass the Patients' Bill of Rights.

For 2 years, we saw both Houses of Congress pass what I considered bad bills, it did not really do any reform. And now the gentleman suggested somehow we have to wait on the access provisions and the larger issues of dealing with the uninsured or other health-care issues have to be brought into this. Again, I think that is nothing more than an effort to try to delay and delay and delay the Patients' Bill of Rights.

We know that there is almost unanimous support amongst the American people for this legislation the way the House passed it. We must insist on the House version. Because that is the only thing that is going to be signed into law. That is the only thing that will pass both Houses overwhelmingly, go

to the President and be signed into law.

If they mess up this legislation with the Senate version that has the MSAs, even one of my Republican colleagues talked about how bad that is, the health marts and all these other poison pills that have been placed in this legislation and get to those other issues, all that means is that they are going to ruin any possibility of passing the Patients' Bill of Rights in the way it was passed in the House, the way the American people want it passed.

So I would maintain, after listening to my colleagues, I feel all the more we need this motion to instruct. We need to go to conference forthwith. We need to insist on the House version because that is the only thing that is going to pass.

Let us get passed what we can get passed and show the American people that we can accomplish something that helps them rather than dillydallying for the rest of this year and the rest of this Congress.

Mr. BERRY. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Arkansas (Mr. BERRY) has 19 minutes remaining, and the gentleman from California (Mr. THOMAS) has 16 minutes remaining.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, it has been 4 months since we passed the bipartisan Norwood-Dingell bill and nothing has been done. We have worked hard to reach that consensus, but the opposition continues to delay the real reform with gimmicks and watered down proposals that will wind up doing nothing for patients.

Not only is the conference committee stacked with Members who voted against the bill, Mr. Speaker, there has not been one meeting since the bill was passed 4 months ago. This is unacceptable, Mr. Speaker.

We have 48 million Americans who belong to self-funded health insurance plans that have very little protection from neglectful and wrongful decisions made by their insurance plans.

Now, I would like to have access like my colleague from Arizona talks about, but it does not do any good to have access if we do not have a plan that is worth anything, it is not worth the dollar that their employer or they pay for it. It is not worth it.

We cannot stand by and allow the delay and the maneuvering to continue to pass a weak bill. Millions of people need help and are suffering from the consequences and decisions not made by doctors but made by clerks. What I have heard is that some of the folks who are making those decisions do not even have the training that a first-year medical student may have even before they enter.

So we need to pass a strong bill. I am pleased that my colleague from Arkansas is offering this motion to instruct conferees. We are going to be here every week until we see some action from the conference committee. And 4 months is too long.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

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

Mr. STRICKLAND. Mr. Speaker, it has been over 100 days since this House passed the Patients' Bill of Rights, 100 days. Nothing has happened.

I have here in my hand a little booklet ''How Our Laws Are Made.'' We give this booklet to schoolchildren so they will understand.

I suggest the leadership of this House read this book. It is rather simple. The House passes a bill. The Senate passes a bill. And then conferees are appointed, and they come together and come up with a consensus that is then sent to the President for his signature.

We have done step one. We have done step two. It is time for step three.

I urge the leadership of this House to read this pamphlet and to get on with the business of the people of this country.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I do not know if it is a miracle or a coincidence, but for over 100 days after the House passed the bill there was no meeting scheduled of the conferees. Then last night we filed this motion calling for a meeting of the conferees, and we hear there is a meeting going to be scheduled.

It sounds to me like a trip to Lourdes took place and a miracle occurred, and we accept the miracle very happily.

I have no doubt that there are people in good faith on both sides that want to pass a real accountability bill for managed care. But I worry that we might be like the fans of the Tennessee Titans, like my friend the gentleman from Tennessee (Mr. FORD), who believes that if they had time for just one more play the other night, they would have tied the game and gone on to win the Super Bowl.

I do not want to be standing here in September or October and saying, if we just had one more week, just a little more time, we could have done what the huge majority of Americans want us to do.

Let us get to work right now. Let us have the conference meet, and let us pass a real Patients' Bill of Rights.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for his leadership in this.

Actually, this resolution should be encouraged from both sides of the aisle. Because health care for families and their children is the most pressing issue, and we should have to make sure we respond to this, not waiting and delay. We should be eager that this is here.

This is an opportunity to respond to a pressing need. All across America, in thousands of communities, families are trying to struggle how to get the health care they already paid for. They want to make sure that their adults and their children have emergency care. They want to make sure they have specialty care. Women and children want to have protective care. And certainly we want to have long-term continuity of care.

Patients want to know that their doctors are free to make medical necessity decisions, not just decisions based on how much to save the HMO. Good medical decisions by a physician is good for business, and it certainly should be good for the American people.

I urge the support of this resolution.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we have begun a new year, some say a new millennium, and it is a new session of the Congress. Yet working families have come no closer, no closer, to reclaiming control of their medical decisions.

It is long past due that we enact the Patients' Bill of Rights. Let us put health-care decisions where they belong, in the hands of doctors and families.

Every single Member of this House has heard the heart wrenching accounts of the prescriptions and the procedures that have been denied. Quite frankly, that is why we were able to take that giant step forward last year when we passed a bipartisan Patients' Bill of Rights. It is a balanced bill. It would protect patients' rights without reducing health care coverage.

Unfortunately, the Republican leadership of this House has worked long and hard to try to kill managed care reform. It continues to stand in the way of this bill. Four months, 4 months they have taken, they stacked the deck against patient care when they chose to negotiate the final bill.

The fact of the matter is they are in charge, they could bring this bill up anytime they want. They are stalling. Let us stop.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for all his leadership.

I want to take just a personal privilege and thank the gentleman from New Jersey (Mr. PALLONE). When this bill is eventually signed into law, and we hope it resembles the Norwood-Dingell bill, the gentleman from New Jersey (Mr. PALLONE) should be standing

right next to the President. There has not been a greater stalwart in the House in seeing this passed.

I thank the gentleman from Arkansas (Mr. BERRY) and all the others, but the gentleman from New Jersey (Mr. PALLONE) has been a great leader.

Cynicism abounds about what we do in this Congress and what we do not do. We passed a bill here in the Congress some 100 days or more, so many other colleagues have said, with clear instructions as to where this body stood on this issue, reflecting where the American people, regardless of what their political or party affiliations might be.

I was delighted to hear my friend the gentleman from California (Chairman THOMAS) say that we ought to adhere to what both the gentleman from Iowa (Mr. GANSKE) and what the gentleman from Georgia (Mr. NORWOOD) have said. I would hope that if some of my colleagues on this side choose to vote ''present'' on this bill, and I have not made my mind up, that they might change their opinion on this and support the Norwood-Dingell bill itself, urge the conferees, the lead Senator on the Senate side, Mr. FRIST, and all the others to do what is right on this bill, protect consumers and return medical decision making back to the doctors.

We have an opportunity here today, I say to both my friend from Iowa (Mr. BOEHNER) and the gentleman from California (Mr. THOMAS), to do right by the people and restore some confidence in this House in our ability to do our job.

□ 1600

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

I would only note that the gentleman who just spoke said that he hopes the bill that comes out of conference resembles Dingell-Norwood. If this motion to instruct passes, it has to look exactly like it. So I think it is fairly clear that, just as the gentleman from Ohio holding up the Constitution said, that what we need is a consensus. I think if anybody looks up ''consensus,'' it means an agreement by all parties. This motion to instruct says Members can only vote the bill that came off the floor. The gentleman from New Jersey said that is the only bill that will go to the President, which means, I guess, that they are going to be opposed to any reasonable compromise, or something that resembles Dingell-Norwood.

Once again, I think it clearly underscores what we are about is politics.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, this obviously is quite an emotional issue. When people talk about patients' rights, all of us want to protect patients' rights. I can understand how the gentleman from Texas and other speakers on the other side would say this is a partisan issue, because we can make it quite a partisan issue. But the point that I would like to make is that politics is the art of compromise. As the gentleman from Arizona said, many on that side of the aisle have taken the position, it is either our way or it is no way. They also would make the argument that government can best solve this problem.

Yes, I think government has a part and an important part in trying to solve this problem. But I would also remind everyone that this patient protection bill, we get the impression that it would affect every patient in America. That is really not true. It affects only those covered under ERISA plans, health plans provided by certain employers. Those employers have a vested interest in helping their employees with good health care. That is why they have initiated many of these plans. The reason that we want some flexibility for these conferees on the House side is that what the Senate passed is drastically different than what the House passed. It would be unwise, it could not work, if our conferees cannot have any flexibility whatsoever.

So if the other side really wants to try to solve this problem and have a meaningful bill that can protect patients under ERISA plans, then we need to defeat this motion. They can go to conference; they can have disagreements. We can come back and vote on it again. But to tie their hands before they even get there I think is not only a disservice to the House, not only a disservice to the conferees, but a disservice to the patients whose rights we are trying to protect.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. DINGELL), who without his leadership we would not have passed this bill. He has provided the leadership to get this issue this far in the Congress and hopefully to serve the American people well very soon in their effort to obtain good health care.

Mr. DINGELL. Mr. Speaker, I want to thank my dear friend for his kindness to me for yielding this time. I do not need much. I would like to hear more from my distinguished friend from Arkansas.

We have here a chance simply to support what has been done by the House in two prior votes and to do so with regard to a matter which was decided in a thoroughly bipartisan fashion with leadership from Members not necessarily in the leadership of both sides but on both sides of the aisle. I would observe that we have a chance here to instruct the conferees again. There is strong need for this because I would note to my colleagues that the leadership on the other side of the aisle has given no comfort whatsoever to those of us who favor this legislation. They have included no strong friends on either the Senate band of conferees or the conferees from the House side on the Republican side of the conference.

How much better it would have been had we moved more speedily. How much better would it have been had we considered these matters in a fashion more consistent with the vote which was cast earlier by the House by including Members from the other side of the aisle who were in support of this. If the leadership wants to really demonstrate a measure of bipartisanship, they can show it. They can instruct the parties to the conference to move speedily. They also can construct a pattern of conference members who will give comfort to Members on this side.

I, for example, would be much more comfortable if I were to see the distinguished gentleman from Georgia (Mr. NORWOOD) or the distinguished gentleman from Iowa (Mr. GANSKE) or other Members on the Republican side who worked so hard in such a careful and thoughtful bipartisan fashion and see to it that the conferees in fact fairly represented the will of the House.

Clearly, events to this time show no comfort to any of us who believe in this piece of legislation. The conferees are rigged against us, over-long delay in appointing those conferees and exclusion of the two principal leaders on the Republican side. Until that kind of action is taken by the leadership on the Republican side, there will not be much comfort on this side of the aisle, and there will be strong reason in the minds of almost every Member who has supported this legislation to see to it that this resolution and other matters which can be done to move the process forward towards the House-passed bill are taken.

It is possible to say any number of things to the contrary, but nothing which is either factual or which will bear weight in the minds either of the average Member of this body or the ordinary citizens of the country.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, just to respond briefly to my dear friend, the gentleman from California (Mr. THOMAS), all we want on this side are for meetings to be scheduled, for an opportunity for a consensus to be reached to actually be realized. Sure I would like the compromise or the consensus to look like the Norwood-Dingell, but I am not alone. 250 of my colleagues wanted the same thing, including three out of the five Republicans from my own State, the gentleman from Tennessee (Mr. WAMP), the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Tennessee (Mr. JENKINS). Unfortunately I cannot convince either of my Senators, Senators FRIST or THOMPSON, to support it; but hopefully if we can arrange the meetings, we can find a consensus.

My other colleague mentioned how this would only affect a small number of people, that we ought to be concerned with the uninsured. There is serious and vast concern on this side of the aisle for the uninsured, but why should we ignore the 160 million plus that this bill would cover? I support

State tax relief. That would affect a small number of people. I support the capital gains tax relief. That would affect a small number of people. I support special ed, fully funding at the federal level. That would affect a small number of people. Do not act as if we are unaccustomed in this Congress to passing bills or offering public policy that would not affect everyone in America.

We have a chance to do what is right. Schedule the meetings and allow an opportunity or a forum for a consensus to be reached. Do not play games, leadership on the Republican side. Do what is right for the American people.

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

I tell my friend, the gentleman from Tennessee, that if this resolution was the first section only, which reads, ''Take all necessary steps to begin meetings of the conference,'' that would have been a voice vote and it would have been agreed to, in my opinion, unanimously.

The concern obviously, as indicated by the two cosponsors of the bipartisan legislation, the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), is that by adding the second provision, it clearly means there is more of an interest in politics than in getting the conference going. The gentleman himself has been ambivalent in terms of his statement as to whether he is really going to support this resolution or not. I think he and I would agree both of us could support the first item. It is the addition of the second item that makes it partisan, and indeed I will enjoy watching the gentleman from Tennessee's mental wrestling bout with himself as to whether he decides to make it partisan by voting ''yes'' or that his conscience controls and he votes ''no.''

Mr. FORD. I will vote ''yes.''

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), someone who has been involved extensively in this information, the chairman of a subcommittee which is crucial to the resolution of this issue.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague from California for yielding me this time and remind my colleagues that this motion to instruct conferees is a nonbinding motion. It is within the rules of the House to allow the minority to bring the issue to the floor and to have a debate; but we all know that, any of us that have been in this body for some time, that it is an opportunity to make political hay. After all, it is an even-numbered year.

Now, we all know in even-numbered years that all of the Members of the House are up for reelection or there is going to be an election and all the seats are going to be contested. What that means to me in most cases, unfortunately, is that the rhetoric in this body will certainly increase. I think it is a little early in the year for that to occur, but obviously it is not too early for some.

We have had an awful lot of debate here, and we have heard mention about the 100 days that we have not acted on this bill. All of my colleagues know that we have been in recess, out of session, back in our districts for the last 2½ months. Since the week before Thanksgiving, we have been home with our families and our constituents trying to deal with what is happening out in the real world. To expect that Members were going to come back here over Christmas, as an example, to deal with this issue certainly is not realistic.

Having said all of that, the chairman of the conference, Senator NICKLES, has announced that the conferees are going to meet before the February recess. The Speaker of the House and the majority leader of the House, have made it clear that they want this issue on the floor of the House before the Easter recess.

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

Mr. BOEHNER. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, most Americans have to go to work every day. I know they appreciate the fact that we were out to enjoy time at home, being with our families.

Mr. BOEHNER. Reclaiming my time, certainly all of us, even though we were not here in Washington, were back in our districts working. Part of our job occurs in our districts. I am sure the gentleman from Tennessee was back in his district working diligently, every day, as I was around my district. So we are going to have this bill back on the floor. But one of the concerns that I have heard raised here subtly today I heard raised more pointedly yesterday in a different forum when we talked about the need for patients' rights, and we all understand that there is a reasonable way we can approach this.

But beyond the issue of patients' rights, we all know the number one issue in the health care system in America today is the fact that over 44 million Americans have no health insurance at all. We have to be very careful as we move to enact patients' rights that we do not increase the number of uninsured. We ought to follow the Hippocratic oath that says first do no harm. But as we try to provide better access for people who have no health insurance, one of my colleagues on the other side of the aisle yesterday actually termed it a poison pill for patients' rights. We have heard other references here today, rather subtle, that that can wait, that we can deal with that later.

Ladies and gentlemen, if we are going to move reasonable patients' rights to help the American people who are stuck in managed care, the least we can do is to do something to help the 44 million Americans who have no health insurance whatsoever. Why can we not provide association health plans for them, refundable tax credits for them, medical savings accounts if it will help? Anything that we can do to help employers provide more insurance to their employees, we ought to be doing it.

But the reason I think that we are hearing access provisions, helping the uninsured, it being described as a poison pill, it is kind of a code word, kind of a code word to what the real plan here is, because I think, as I said before, this is an election year; and I think some of my colleagues on the other side of the aisle would just as soon have this as a political issue in November than actually do something on behalf of the American people.

I am just listening, and I am watching and I am wondering why we are dealing with this motion to instruct on the floor today.

□ 1615

But I can tell you this: this conference will produce a reasonable approach to patients' rights and a reasonable approach to helping insure the 44 million Americans who have no health insurance. That bill will come back here to the floor of the House, and then I want to see where my colleagues are, whether they will be willing to stand up and deal with this issue in a balanced way. The time of truth will come very shortly.

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

Mr. Speaker, I want to acknowledge and express my appreciation for the gentleman from Georgia (Mr. NORWOOD), the gentleman from Iowa (Mr. GANSKE), the gentleman from Michigan (Mr. DINGELL), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New Jersey (Mr. PALLONE), and all the others that have worked on this bill, that have worked so hard to see that the American people get the kind of health care that they are paying for. A majority of the Members of the House voted for the Norwood-Dingell bill. Fifty-two Republicans voted for this bill. If we are not going to conference this bill now, when are we going to conference it?

Mr. Speaker, it is time that we move forward with the legislation that the American people have said they want, that we move forward with the legislation that the House has said it wants, in a bipartisan way. It is time that we deal with this issue and take the politics out of it.

If this resolution offends those that voted for it only 3 months ago, then they should express that today. This is their opportunity. If they thought it was the wrong thing to do, to support this bill, then this is their opportunity to say, I do not think we need the Norwood-Dingell bill, and we should know that.

This is a good bill. It is time for us to do this for the American people. I urge every Member to vote for this resolution and bring this issue to conference. Let us get the job done that the American people sent us here to do.

GENERAL LEAVE

Mr. BERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the motion to instruct conferees on H.R. 2990.

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

There was no objection.

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

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

Mr. Speaker, if you listened to the debate today, virtually the first day that we are back, and the argument, as the gentleman from Ohio clearly pointed out, that for a majority of the days since this legislation passed we were not in session, it was over the holidays and we were in our districts working, that there really is only one purpose to this resolution.

If my colleague from Arkansas (Mr. BERRY) had presented a resolution with the first provision, as I said, it probably would have passed unanimously. If you are shopping for future motions to instruct after this one is defeated, I would suggest perhaps that you look at information that was made available to us during that period when we were in recess, information that hospitals and doctors today are killing close to 100,000 Americans. Now, if the Hippocratic Oath is ''do no harm,'' it seems to me not killing the patient falls in that category.

I listened carefully until the time was yielded back to see if one Member on the other side of the aisle thought that we ought to try to speed up the process to get an ability to get a handle on almost 100,000 Americans being killed in hospitals and by doctors every year. If you are looking for a Patients' Bill of Rights, if you are looking for patient protection, it ought to start with the most fundamental protections, and that is do not kill anybody.

But I listened in vain. All I heard was the usual rhetoric about taking their bill, as the gentleman from New Jersey (Mr. PALLONE) said, the only bill that will be successful, and that it has to be done now ''on our terms,'' clearly underscores the fact that this is a political endeavor.

Two of the cosponsors of the bipartisan bill, the two Republicans, said this is not the thing to do, not now, it is not appropriate. I would support their position. It is not the thing to do; it is not appropriate.

Those gentlemen, understanding that they are in a very difficult situation, my father used to tell a story about a dog and fleas, but I do not remember the details so I will not be able to elaborate on it, but it seems to me that those of us who want responsible patient rights protection should do the responsible thing, and that is rather than vote present on this measure, vote no.

I would urge everyone on both sides of the aisle who want to speed up this process, to reach a consensus, to reach something that looks like the Dingell-Norwood bill, to vote no. By voting no, you actually enhance the opportunity for a true bipartisan agreement. If you vote yes, you guarantee the atmosphere around here becomes more partisan.

Let us lower the partisan rhetoric. Let us increase the accommodation and compromise, and we will deliver a reasonable and appropriate product.

Mr. Speaker, I would urge all my colleagues to vote no on this motion to instruct.

Mr. CLAY. Mr. Speaker, I rise in support of the motion to instruct conferees regarding the Bipartisan Consensus Managed Care Improvement Act.

Since this bill passed almost 4 months ago, the Republican leadership has purposefully delayed the start of the conference, giving more time to special interests seeking to undermine the strong support for patient protections demonstrated by the lopsided House vote in favor of the Norwood/Dingell bill. Well, Mr. Speaker, this tactic is clearly failing.

Just 2 weeks ago, a survey by the Kaiser Family Foundation found overwhelming public support for a strong patient's rights bill. The survey found that almost three out of four registered voters (72 percent) want strong protections against managed care abuses.

Despite this strong public support, it has unfortunately become necessary for the Members of this body to once again send a message to the Republican leadership that Americans want the freedom to choose their health care providers. They want to have treatment decisions made by physicians and not insurance company bureaucrats. They want health insurance companies held responsible for the physical injuries they cause.

Mr. Speaker, I urge the Republican leadership to stop stalling this critical managed care reform legislation.

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

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

There was no objection.

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

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

Mr. BERRY. 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 207, nays 175, answered ''present'' 28, not voting 24, as follows:

[Roll No. 6]

YEAS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—175

Aderholt
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Johnson (CT)
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery

McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)

ANSWERED ''PRESENT''—28

Bachus
Barr
Boehlert
Bono
Brady (TX)
Cook
Cooksey
Foley
Franks (NJ)
Frelinghuysen
Ganske
Gilman
Hunter
Jenkins
Jones (NC)
Kelly
King (NY)
LaTourette
LoBiondo
McCollum
McHugh
Metcalf
Norwood
Roukema
Saxton
Smith (NJ)
Weldon (FL)
Wolf

NOT VOTING—24

Barrett (NE)
Bass
Brown (OH)
Bryant
Campbell
Carson
DeMint
Fattah
Graham
Gutknecht
Hinojosa
Istook
Jackson-Lee (TX)
Myrick
Porter
Quinn
Rivers
Sanchez
Sanford
Tiahrt
Turner
Vento
Waters
Young (FL)

□ 1644

Messrs. BATEMAN, WELLER, CAMP, PORTMAN, CANNON, DICKEY, and Mrs. WILSON changed their vote from ''yea'' to ''nay.''

Mr. BACHUS changed his vote from ''yea'' to ''present.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 6 on February 1, 2000, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Stated against:

Mr. PORTER. Mr. Speaker, I was absent for the vote on the motion to instruct the conferees on H.R. 2990, the Bipartisan Consensus Managed Care Improvement Act of 1999. Had I been present I would have voted ''nay.''

Mr. GUTKNECHT. Mr. Speaker, I was unavoidably detained earlier today and was not present for rollcall vote No. 6. Had I been present, I would have voted ''no.''

□

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, today I was unavoidably detained and missed rollcall vote Nos. 4, 5, and 6. Had I been present, I would have voted ''yes'' on H.R. 764, Child Abuse Prevention and Enforcement Act; ''yes'' on H.R. 1838, the Taiwan Security Enhancement Act; and ''no'' on the motion to instruct conferees on H.R. 2990.

□

PERSONAL EXPLANATION

Mr. DEMINT. Mr. Speaker, due to the untimely passing of one of my district staff members, I was detained from rollcall votes both yesterday and today. Had I been present today, I would have voted ''yea'' on passage of H.R. 764, the Child Abuse Prevention and Enforcement Act (rollcall vote 4), ''yea'' on passage of H.R. 1838, the Taiwan Security Enhancement Act (rollcall vote 5), of which I am a cosponsor, and ''no'' on the motion to instruct conferees on H.R. 2990 (rollcall vote 6).

In addition, had I been present yesterday, I would have voted ''yea'' on both rollcall vote 2 and rollcall vote 3.

□

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 72

Mr. GALLEGLY. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 72.

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

There was no objection.

□

PRESIDENTIAL DETERMINATION 99–37 REGARDING EXEMPTIONS UNDER RESOURCE CONSERVATION AND RECOVERY ACT—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:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the ''Act''), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 20, 1999, I issued Presidential Determination 99–37 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 99–37 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

□

□ 1645

AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF LATVIA CONCERNING FISHERIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. BIGGERT) 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 Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia extending the Agreement of April 8, 1993, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (the ''1993 Agreement''). The present Agreement, which was effected by an exchange of notes at Riga on June 7 and September 27, 1999, extends the 1993 Agreement to December 31, 2002.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

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BIENNIAL REVISION TO UNITED STATES ARCTIC RESEARCH PLAN—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 Science:

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the sixth biennial revision (2000–2004) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 1, 2000.*

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.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is recognized for 5 minutes.

(Mrs. CHENOWETH-HAGE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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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 of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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THE CHALLENGE FACING CONGRESS AS IT DEVELOPS THE NEW BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to talk a minute about the challenge facing this Congress as we develop next years new budget. Part of the question is, are we really going to pay down the debt, and do we really have a balanced budget. The answer is no on both counts.

As Members will notice this chart, I have divided our debt into three segments, because there is a great deal of confusion in terms of what our debt really is. Are we really paying down the debt? We hear the candidates running in this first primary today in New Hampshire talking about the importance of paying down the debt. Madam Speaker, the total debt of this country is now $5.72 trillion. This $5.72 trillion I have divided up into three categories.

One is what I call the Wall Street debt, or the debt held by the public. That is approximately $3.6 trillion. The other portion of the debt is the social security surplus about $1 trillion. Right now, because we are overtaxing American workers, we are bringing in about $153 billion this year more in social security taxes than is required for the payment of current benefits. For the last 40 years we have been using that extra social security surplus to fund on other government programs. The middle portion of this chart represents what we have borrowed from the other 112 trust funds.

Madam Speaker, I think it is so important that we not, if you will, hoodwink or mislead the American people that we are paying down the debt of the country when we really are not. As Members will see by this chart, the total debt continues to increase. This continued increase in debt is if we have a freeze, and continue to only spend at last year's spending level. Of course, last year we added another $20 billion of emergency spending. So if we add that spending to what we already spent last year and we froze at that level for that next 5 years, then we are going to continue to increase the national debt.

We talk about the words ''balanced budget.'' Do Members not think it would be reasonable to define a balanced budget as a spending level when the total debt of the country does not continue to increase? I think it would.

I am a farmer. On the farm, a lot of us try to pay off the mortgage so our kids have a little better life, have a little better chance of making it, so we try to pay down the mortgage so their life does not have the kind of sacrifices that some of us went through.

But in this Congress, we are going just the other way. We are adding to the mortgage of the country, and we are asking our kids and our grandkids to sacrifice their living standards because we think our needs today are so great we should overindulge or overspend now. Let us start really balancing the budget. Let us stop borrowing from the 112 trust funds for other government spending.

On the top of this chart we see social security trust funds. That is the largest surplus we have coming from any of the trust funds. But then there is the Medicare trust fund and the others 111 trust funds. In the gray portion in the middle of this chart, we have represented another 112 trust funds we are borrowing from. Without that borrowing, we do not have a balanced budget.

Let me show Members this other chart. If we stick to our budget caps, this chart represents how we can pay down the Federal debt. It does not start to go actually down until 2003, but at least it starts to go down.

Let me suggest to Members and the President that increasing spending is not good public policy. I see keeping solvent both social security and Medicare a huge challenge. The actuaries at the Social Security Administration estimate that over the next 75 years, over the next 75 years, there will be $120 trillion less coming in from the social security tax than is needed to pay benefits.

Let me say that again. The social security actuaries at the Social Security Administration estimate that we are going to need $120 trillion more than what is expected to come in from the 12.4 percent social security tax over the next 75 years to pay the benefits that we have promised; a tremendous challenge in social security, a tremendous challenge of keeping solvent the Medicare program.

I think we have to be very careful about implementing what the President has suggested on increased spending. We cannot continue to expand the size of this government, to increase spending. Let us start solving the problems of social security, Medicare, and start paying down the debt.

Madam Speaker, during good times, it is reasonable, whether you are a family or a government, to have a rainy day fund. A rainy day fund for a government that owes $5.7 trillion is starting to pay down that debt. I ask my colleagues to resist the political temptation to increase spending.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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CHARITABLE CONTRIBUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

THE SOCIAL SECURITY TRUST FUND

Mr. SOUDER. Madam Speaker, first, I would like to associate myself with comments of my friend, the gentleman from Michigan, on the trust fund. I think it is absolutely important, before we go on some sort of spending spree in this House, that we replenish our trust funds, which are somewhat inappropriately named. We have not kept that much in trust.

However, what I wanted to address this House for a few minutes on is possibly the most important way to achieve social change in this country to help those who are hurting, those who are in need through creative building up and strengthening of charitable and nonprofit organizations in this country.

I was pleased to see that President Clinton in his State of the Union Address has a proposal. I wanted to address a few others.

The Give Act, which I introduced in the last Congress and have many sponsors in this House for, would use the existing tax code by giving a 120 percent deduction for charitable contributions. It also allows non-itemizers who give more than a $1,000 to charity to deduct their contributions, and moves the filing deadline on the return to April 15 so people can calculate better how much they could get in an extra tax break by giving to charitable organizations.

Along with the gentleman from Virginia (Mr. SCOTT), we had an amendment in the Community Service Block Grant in 1998 to allow half of the State funds, which is 5 percent of the Community Services Block Grant, to be used to offset revenue losses associated with State charity tax credits.

So we have already passed one bill in this House. We have also, with a number of amendments that I and others have offered, allowed charitable choice in the human services reauthorization. We had it in the juvenile justice reauthorization and numerous other bills to allow charitable organizations to take part in government grant bidding.

I also support Governor Bush's efforts to advance this; in the name of

compassionate conservatism, to expand the charitable deduction to non-itemizers, to provide a tax credit of up to 50 percent of the first $500 for individuals, up to $1,000 per couple, against State income or other taxes, to give permanent charitable contributions from IRA accounts for persons over the age of 59 without penalty, extend the proposed charitable State tax credit to corporations, raise the cap on corporate charitable donations, because the proposals of Governor Bush are another dynamic way to address this concern of how best to solve the social problems that are overwhelming many of our inner cities, our suburban areas and our rural areas, as well.

President Clinton the other night proposed the following initiatives: Allow non-itemizers to deduct 50 percent of contributions over $500 a year when fully phased in, simplify and reduce the excise tax on foundations by eliminating the current two-tiered system, and also to increase the limit on deductions for donations of appreciated assets, such as stock, real estate, and art, to charity from 30 to 50 percent of the adjusted gross income, and to private foundations from 20 to 30 percent.

President Clinton's proposals are an important first step. I hope he expands his charitable proposal. I hope that this House, when we move what is most likely to be some sort of a tax package, will look at Governor Bush's proposals, we will look at President Clinton's proposals, we will consider the proposals that the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Missouri (Mr. TALENT) have proposed, that we will look at the Give Act that I and over 20 other Members of Congress have proposed, because I do not think there is a single more important thing we can do to help rehabilitate our communities and families in this country than to get additional dollars into the hands of those who are sacrificing, who day-to-day are working in tutoring, in counseling in the schools, in housing rehabilitation, in drug rehab, in all sorts of outreaches to the families and children in this country who are hurting.

□ 1700

To the degree that in a tax package we ignore that, it will be on our heads. I really hope that our leadership and the Committee on Ways and Means will carefully consider these charitable tax proposals and include them in any tax package.

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THE B.E.S.T AGENDA

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Madam Speaker, I wanted to talk to the House tonight about the agenda which the Republican Conference is moving. We have worked closely with the White House and some Members of the Democratic Caucus on the BEST agenda, B-E-S-T. It is kind of easy to remember if we keep it in mind.

B: Building up the military.

One of the big problems we have is we are still in a dangerous world, and although the Soviet Union has fallen, we can still see, if we have watched Russia and Chechnya, that Russia really has not changed. Their political system has, but their philosophy of being an aggressive nation certainly has not. And they have a lot of military nuclear weapons over there. The question is what are they doing with that nuclear arsenal? One of the things is they are selling it to renegade countries. We need to keep an eye on them.

Madam Speaker, we cannot disengage from the world military scene. The world is still an unstable place. There are too many Saddam Husseins and North Koreas out there.

Also, we lose lots of soldiers because of the deployments. From World War II until 1989, there were 11 deployments. But since 1989, there have been 33 deployments. And all we have to do as a Member, and I recommend to all of the Members of Congress to do this, they should go talk to some of the military posts and bases in their district and find out how the recruitment is doing and the reenlistment is doing. They are losing lots of good soldiers.

Another reason is, despite the Republican 4.8 percent pay raise that we passed in this Congress last year, there is still a 13 percent pay gap between military and civilian pay.

These things have to be addressed, so the ''B'' in BEST is to build up the military.

E: E is for education.

The idea behind that is to return education to the local control. Think, Madam Speaker, about those great classic teachers that we were able to grow up and experience in our educational careers. The teachers who were just commander of the ship when we went in their classroom. They may have had a few extra rules. They worked us hard and were disciplinarians, but they changed our lives. And if we got a B in their class, it was worth an A in half a dozen other classes because that teacher got the best out of us.

Madam Speaker, those teachers are rare these days because they are tired of the bureaucracy. Is somebody up on the sixth floor or the third office down to the right in the cubical telling teachers in Georgia and Illinois and in Maine and in California and Miami how to teach? Come on. There is not a bureaucrat that smart in our town.

Return education to the local control. Let the teacher in the classroom get the dollars. Let the teacher run the show.

The S in BEST: Saving Social Security.

Last year in his State of the Union address, the President said let us spend 38 percent of the Social Security surplus on non-Social Security items. Actually, he said let us only save 62 percent, but doing the math, that would mean spending 38 percent of the Social Security surplus. That is not good enough.

We need to protect and preserve 100 percent of the Social Security surplus. Last year this Congress left town with $147 billion in the surplus trust fund so that our loved ones can retire to an income that is there because of the money they put in it.

And the T is tax relief.

Every day another couple gets married and when they do, they get a bill, $1400 for walking down the aisle together. We need tax relief for working America.

Madam Speaker, that is what it is. The BEST agenda.

There is one other angle in there that I want to say. Despite all the great prosperity and despite all the millionaires that have been made in the high-tech industry, one industry that has been left behind is agriculture. We need to reach out to America's farmers. Less than 2 percent of the population now feeds 100 percent of America, plus a great percentage of the whole world.

We need to make sure that our farm families are not left behind. How can they grow oats in Millen, Georgia, and compete against the foreign market that is subsidizing their farmer 30 percent in another country? They cannot do that. And yet we let our farmers get beat to death by foreign farmers whose governments subsidize them.

We need to try to close that. We need to help balance things. We need to have tough trade negotiations when we are negotiating multinational trade agreements. So these are things that we have worked on. We are going to continue to work on.

I believe that it is important for Democrats and Republicans to put aside partisan politics and, despite the hot air that is coming out of the cold State of New Hampshire, do what is best for America and do it here in Washington, D.C.

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HOUSE AND SENATE CONFEREES SHOULD MEET IMMEDIATELY ON HMO REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. GREEN of Texas. Madam Speaker, over the next hour, we will be hearing from lots of Members talking about not only the vote we took today on the motion to instruct conferees, but talk about the need for managed care reform and HMO reform. Because Congress, being out of session since late November, and having passed the managed care reform bill actually in early October, here we are February 1 and we are back in session with no hope in sight of the conference committee actually meeting. They have not met for 4 months.

Madam Speaker, that is the concern we have. That issue is still on the front burner for the American people. That is why today there was a great deal of time spent on H.R. 2990, instructing conferees on managed care that was authored by the gentleman from Arkansas (Mr. BERRY) who was trying to move that issue further along. In fact, since the motion to instruct passed, Madam Speaker, we hopefully will see our conference committee meeting not maybe at the end of February or March, but hopefully in the next 10 days; instead of seeing the delay, delay, delay that we have seen over the last 4 months, and not just over the last 4 months but over the last number of years whenever the House has considered managed care reform, even if a strong bill passes like it did this last time. And, particularly, when we see that the conference committee appointees from the majority side, not one of them voted for the bill that passed this House in early October.

So it kind of makes us a little suspicious that the bill that we worked so hard to pass on the bipartisan bill, Norwood-Dingell, and it is not as bipartisan as I would like, although it passed the House on a very bipartisan vote. And after months of negotiation we reached a consensus, again to have that bipartisan vote. It has been 4 months since we passed that bill, but we have not seen any action on the Norwood-Dingell HMO reform bill.

Our Republican leadership continues to, I do not know, maybe because we were out of session, but it seems like they delay. And when we talk about gimmicks and watered down proposals to take away the strength from a real managed care reform bill or HMO reform bill, because we heard today the bill that was actually considered had lots of different health care issues in it, including access.

I would like, as a Democrat, particularly to talk about access. We have 44 million Americans without some type of health insurance coverage. But I know we have 48 million Americans who have self-insured employer plans that do not have the protections that we need to have in this HMO reform bill.

So let us take it one step at a time and have it. Let us pass an HMO reform bill so those 44 million Americans, when they do get some type of insurance, hopefully we will pass some tax incentives and some encouragement for people to do it so that they will have a policy that will mean something instead of a worthless piece of paper.

Again, we have not had one meeting of the conference committee on the managed care reform bill. And I think this is unacceptable for not only those of us who voted in the majority, but those 44 million Americans who belong to the self-insured health insurance plans that oftentimes have little protections from neglectful and wrongful decisions made by their insurance plans.

My colleagues on the other side of the aisle, hopefully they are not choosing to ignore the will of the American people, because I have seen the poll numbers and they have been consistent for over a year. The people want a strong Patients' Bill of Rights and managed care reform bill so when they go to the doctor or to the hospital, that they will know that they have some protections. They will be able to choose to talk with their physician.

Our bill eliminates the gag clauses to where a physician and a patient can actually talk to each other without the managed care provider or the insurance company saying, No, we do not cover that procedure so you cannot even tell the patient that that is available; allows open access to specialists for women and children; gives patients timely access to an appeals process. And, again, health care delayed is health care denied. And if we do not have a swift and sure appeals process, then we are actually delaying health care and actually denying that health care.

It provides coverage for emergency care, and I see my colleague the gentleman from New Jersey (Mr. PALLONE) is here and he and I have talked for many months here on the floor that Americans should not have to drive by the closest emergency room to go to the one on their list. They ought to be stabilized at the closest one and then be transferred once they know whether the chest pains they are having is really the pizza they had last night or may actually be a heart attack. So we need to have the emergency care as soon as possible.

Ensure that patients can continue to see the same health provider, even if their provider leaves the plan or their plan changes. One of the concerns that we have is the continued changes in the plans. Physicians and providers go in and out of the plan, and also facilities, and the patients are the ones that seem like they are being whipsawed around and they are losing that health care in there.

One of the most important things that makes everything else in this laundry list important is the medical decision maker has to be held accountable. We have the health care provider, the doctor, held accountable under tort law. But if that doctor is being told by someone in Hartford or Omaha, No, you cannot do that, then that person needs to be responsible.

There is a fear that we have heard that employers are going to be sued. But in the bill that passed the House, that was not in the intent or the language of that bill, unless that employer is making that decision. But if an employer goes out and buys insurance and says, yes, I can afford this plan and I am going to pay for this plan, and turns it over to their carrier to make those decisions, then that carrier is the one, not the employer. And if there is better language to insulate the employer from being sued, I would hope the conference committee would consider it and hopefully even pass it.

In my home state of Texas which passed many of the patient protections included in the Norwood bill, there has been no premium increases based on HMO reform and there has been no mass lawsuits that have been filed, some of the things that we heard last year in some of the opposition. What Texas residents do have are health care protections that were in the Norwood-Dingell bill that we need to expand to all Americans, not just Texans who happen to have a policy that is licensed under the laws of the State of Texas.

In fact in my district in Houston, it is estimated that 60 percent of the people have an insurance plan which comes under ERISA or federal law and not under State law. So it does not do any good for the legislatures of all 50 States to pass these bills if 60 percent of the people are covered under Federal law. That is why I think it is important that we have all these protections in the bill; that a conference committee meet and come back with a strong bill as strong as that which passed the House.

Again, there may be some small nuances that need to be changed, but not something like what passed the U.S. Senate because that one I would hope would be vetoed. The Senate bill actually overturns some of the State laws that have been passed. That is why I was pleased when the gentleman from Arkansas (Mr. BERRY) offered a motion to instruct conferees to begin meetings and pass a bill that provides real protections for patients.

However, Madam Speaker, we should not have to resort to those tactics to have any action on managed care reform. We ought to be able to do it because it is right. We should not have stonewalling on a conference committee that actually should have been meeting for the last 4 months but has not. The American people have asked us to pass a real HMO reform bill and it should be at the top of our agenda and we should do it without any more delays.

The conference committee needs to meet and promptly decide on a bill that protects patients and pass real HMO reform.

With that, I yield to the gentleman from New Jersey (Mr. PALLONE), the chair of our Health Task Force in the Democratic Caucus. And I understand each conference has a task force and I am glad the gentleman is chair of ours.

Mr. PALLONE. Madam Speaker, I thank the gentleman from Texas for what he said. And, particularly, because he pointed out how HMO reform, or something very similar to the Patients' Bill of Rights, has been, in fact, law in Texas now for some time and is working very well. And that they have had very few lawsuits.

□ 1715

And as he mentioned, and I think it is so important, the reason there are so

few lawsuits is because basically the patient protections that we are advocating here at the federal level are preventive measures. In other words, the HMOs, when they know they have to provide these protections, take more precautions, do the right thing; therefore, it is not necessary for them to be sued, except in very few cases.

I think that sort of belies the critics of the Patients' Bill of Rights who say it is going to be litigious and there are going to be so many lawsuits and that costs will go up. In fact, just the opposite has happened in Texas. But the problem, as my colleague has pointed out, we need this at the federal level because of the federal preemption of those people who come under ERISA; those who, through their employer, are in self-insured plans, which is millions and millions of Americans that come under that federal preemption, so they are not allowed to sue their HMO.

I do not want to stress the suit aspect, however, because I do not think that is as crucial as the fact that an individual needs an independent ability to appeal a denial of care. And that can be done under the Patients' Bill of Rights through a very good internal review, or internal appeal, as well as an external administrative appeal where an individual goes before a board that is not influenced by the HMO. And that board can overturn the decision of the HMO to deny care without having to go to court.

So there are a lot of ways that we achieve accountability in the Patients' Bill of Rights without actually having to bring suit. And as the Texas case points out, those situations where suits are brought are very, very few indeed.

Now, Mr. Speaker, the reason why the gentleman from Texas (Mr. GREEN) and myself are here today is because earlier today, maybe within the last half hour or hour, we passed in the House, by a considerable margin, a motion to instruct the conferees so that we go to conference on the Patients' Bill of Rights. And we also directed those conferees to stick with the House version of the bill, which is really the only true Patients' Bill of Rights. What the Senate passed, in my opinion, is really sham reform that does not add up to anything in terms of actually dealing with the excesses and the abuses that we have seen so many times with HMOs.

So I wanted to react to some of the comments that were made on the other side of the aisle by the Republicans in the leadership who said this motion to instruct was not necessary. Well, let me say this motion to instruct was necessary, and the majority of Members on both sides of the aisle voted for it because it is necessary. And it is necessary because 4 months have passed since this House took up and passed the Patients' Bill of Rights, a very strong HMO reform bill. And yet in those 4 months, even though the Senate had passed another bill, I think last July or so, we still have not seen any action to bring the House and the Senate together, represented by their conferees, to try to come up with a bill that both houses can agree on and send to the President.

So when the Republican leadership says give us more time, I think one of my colleagues said on the Republican side, well, we will get to this by the end of the month, meaning the end of February, my reaction is, well, they have already had 4 months and time is running out. There will not be many days left in this Congress. Certainly we are going to be out of here by October if not sooner. And if we do not start meeting and having the conferees meet and talk about the differences between these bills and what can be done to achieve a consensus, we will never get a good Patients' Bill of Rights passed.

The other thing I would point out is the reason we insisted on sticking with the House version, so that the House version should be the one, or something close to it should be the one that the conference adopts, is simply because there is such a disparity between the House bill, which basically is true HMO reform and protects against these abuses, as opposed to the Senate bill that really does not cover anybody.

My colleague from Texas was pointing to some of these things, but I just wanted to point out some of the gross disparities between the two bills. The Republican Senate bill leaves more than 100 million Americans uncovered, because most substantive protections in the bill apply only to individuals enrolled in private employment-based self-funded plans. Now, a self-funded plan is one in which the employer pays medical bills directly, rather than buying coverage from an HMO or insurance company. These are the ones that come under the ERISA exemption, or the ERISA preemption I should say.

There was a recent study in Health Affairs that found that only 2 percent of employers offer HMOs that would be covered by the standards in the Republican Senate bill and only 9 percent of employees are in such HMOs. Self-funded coverage is typically offered only by large companies. Of 161 million privately insured Americans, only 48 million are enrolled in such plans. And of these 48 million, only a small number, at most 10 percent, are in HMOs.

So when I say that the Senate Republican bill is sham HMO reform, I am not just making that up. We have data to show that because of the exclusions and because so many insurance plans, so many people covered by their insurance would not come under this bill and have the patient protections we are talking about, in effect the Senate bill is meaningless. It does not have any teeth to it at all because it does not even apply to most people with health insurance.

The list could go on. By contrast, I should point out, of course, the Democratic bill would apply to all those plans. And I should say it is not even the Democratic bill. It is the House-passed bill that was a Democratic bill that was passed on a bipartisan basis versus a Senate bill. All we are saying in this motion to instruct is that we must stick with the House version, because if we do not, we will not have a true Patients' Bill of Rights.

I wanted to give a few other examples. And I am not looking to beat a dead horse here, but I want to give a few more examples of the contrasts between this Republican Senate bill and this essentially Democratic House bill that we keep insisting on.

With regard to care for women in the Republican Senate bill, it does not allow designation of OB-GYN as a primary care physician. It does not require a plan to allow direct access to OB-GYN except for routine care. On the other hand, the Democratic bill, the House bill that we insisted on today in the motion to instruct, allows patients to designate OB-GYN as a primary care physician and provides direct access to OB-GYN for all OB-GYN services.

Specialty care. How many of our constituents have come to us and told us that some of the problems they have had with HMOs is they do not have access to the specialty care that they need. Well, in the Republican Senate bill there is no ability to go outside the HMO network at no extra cost if the HMO's network is inadequate with regard to a particular specialist or specialty care. Basically, what the Republican Senate bill does is to allow HMOs to write contracts rendering the patient protections meaningless. In other words, specialty care is covered under the contract only when authorized by a gatekeeper.

Well, what good is that? That is the problem that our constituents are complaining about, how they cannot go to a specialty doctor unless they get a referral each time; and a lot of times the specialty care is not even available within the network. This is all meaningless under the Republican Senate bill. The Democratic, the House passed bill, provides the right to specialty care if specialty care is medically indicated. And it ensures no extra charge for use of non-network specialists if the HMO has no specialist in network appropriate to treat the condition.

Just a couple of other things. Probably the most important thing, and I know my colleague from Texas would agree, is not only the ability to go for some kind of external review if someone has been denied care that is not biased against them, or ultimately the ability to bring suit, but also the whole definition of what is medically necessary. In other words, the problem that we face with so many of our constituents is that the decision of what kind of care they need, the decision of what is medically necessary, which is essentially the same thing, right now is basically made by the insurance company or the HMO.

What my constituents say to me is, I do not want the decision about what

kind of operation I get or how long I stay in the hospital or what kind of equipment I am eligible to use; I do not want that to be made by the insurance company. I want it to be made by my physician, with me, because my physician knows what is best for me. He is the medical adviser. He is the doctor. He is the one that knows, not the nameless bureaucrat working for the insurance company.

Well, under the Republican Senate bill they allow the HMOs to define medically necessary, what is medically necessary. No matter how narrow or unfair to patients the HMO's definition, their definition controls in any coverage decision, including decisions by an independent third-party reviewer. So even if someone had the external review or had the right to bring suit, what good is it if all the external reviewer is going to go over or what the court looks at is how the HMO defines what is medically necessary? That just kills the whole thing. That makes the whole HMO reform meaningless, if that decision about how to define what is medically necessary is essentially made by the HMO.

What we say, and most importantly in the House-passed bill, the one that we have been insisting on today in the motion to instruct, is that that definition is made by the physician with the patient, and basically is a definition based on what the standard of care is within that specialty group, by the diplomates, the people that have the diploma in cardiac care or the people that have the expertise in other kinds of specialty care. Those are the people who should be defining what is medically necessary.

I could go on and on, and we will talk a little more about why this Democratic House bill is so much better than the Senate bill and why we need to insist on that in the conference; but the other thing that I wanted to mention, and then I will yield back to my colleague, and this came up again during the debate today on the motion to instruct, is that what I see happening here on the Republican side of the aisle with the Republican leadership is that they realize that the Patients' Bill of Rights has majority support in this House, and I think also in the Senate as well, and amongst the American people, and so they cannot really fight it any more by saying it is a bad bill. So what they are now trying to do is to change the subject.

Instead of talking about the Patients' Bill of Rights today, so many of my colleagues on the Republican side of the aisle tried to bring up other issues. One of my Republican colleagues talked about why we do not deal with the issue of medical mistakes, because that has become a major issue now. I am not saying it should not be addressed, but why are we mucking up the Patients' Bill of Rights when we know where we stand and we know we can pass that and send it to the President to sign? Why would we want to muck that up by dealing with the issue of medical mistakes, which will probably take another year or two to get that resolved and we can finally get a consensus on that.

Another Republican colleague talked about access for the uninsured. And I am totally in favor of more access for the uninsured. The President in his State of the Union address the other day, and my colleague from Texas, talked about how we have proposals now on the Democratic side that would expand health insurance coverage for more children, taking the parents of the kids that are part of the Kids' Care Initiative; address the problems of the near elderly so they can buy into Medicare. Sure, all these other access issues for the uninsured need to be resolved, but, again, we do not have a census on that. They are now in the formative stage in terms of the debate and where we are going to go. They have to have committee hearings, they have to be voted on the floor, they have to be addressed in both houses, and there is no consensus.

So, again, why would we want to muck up the issue of the Patients' Bill of Rights, which has the consensus and can get the votes and can pass and be signed by the President? Why would we want to throw in all these other things? Basically, it comes back to what the Republican leadership was doing all along with the Patients' Bill of Rights. They tried their darnedest to try to throw all kinds of poison pills into that debate and add all these amendments with the MSAs, the medical savings accounts, the health marts, and all these other things, even the issue of medical malpractice at one point. All these things they tried to throw in as poison pills so that we could not get to the heart of the issue where there was a consensus.

I simply say once again, based on that motion to instruct, do not fool around any more. Let us go to conference. We know we can deal with these HMO reform issues, these patient protections. Let us deal with them and resolve them in a way that protects the American people and not try all these other gimmicks to try to make it so we never get to what is really important here and what we can pass.

With that, I would yield back to my colleague.

Mr. GREEN of Texas. Well, just in closing, because I think this is important, the first day we have actually had votes, other than a rollcall vote last week, the HMO reform bill is literally the top priority for us. Sure, we have to deal with the budget and we need to deal with medical mistakes, and there are hearings in the Senate going on, because access is important; but let us deal with one issue at a time.

I think the American people understand that if someone is opposed to something and they do not really want to oppose it, they will throw up something else. It is kind of like juggling balls. If I throw the red one over here, maybe my colleague will look at that instead of what I am really doing. That is what concerns me after the debate today.

I would hope that that conference committee would meet. I am concerned because of the number of members on it who did not vote for the bill that passed the House. And there were lots of Republican Members who voted for the bill, but, again, it looks like it is stacked and it is weighted against a real HMO reform bill, particularly when we look at what the Senate passed and what the Senate side will be doing.

But I hope the American people understand that we will continue to talk about this over the next few months unless we have a vote.

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And even if we have a vote, if they come back with a weak milquetoast piece of legislation, and next year let us pass something that sounds good, then I will be up here saying, no, it is not good. Let us not pass something that is really a fake, this is a fig leaf.

After 4 months of delay, I would think that now we may see some action. And if they come back, well, let us throw something out there and we want something that is really HMO reform patterned after what success that has happened not just in Texas but with States all over the country, we have a pattern that has worked.

For example, when we talk about the external appeals process, the external appeals work in Texas is they have the right to go to court afterwards. Fifty-two percent of the appeals are found in favor of the patient.

Now, sure, half of them, a little less than half, are found in favor of the insurance company. And so, if I as a patient take an appeal in the external appeals process and I am not entitled to that type of service or that type of treatment, then I am probably not going to go to the courthouse.

But I tell my colleagues, if 52, better than half, of the people in the insurance company are wrong the first time and if we do not pass a strong appeals process with a backup of the right to go to the courthouse, then those half of those people in Texas who are finding now, or more than half, that they really have some good coverage and they have that treatment that they need, they will be lost. And so, that is why this issue is so important not just for those of us who run for office and serve here but for the people we represent.

I represent both Democrats and Republicans, like my colleague; and I have found that in my district, I do not ask people whether they are Democrat or Republican when they call me, but it is interesting when the people who do call, we have a lot of people who say, I am a Republican but I need to have help with my HMO problem.

So I think it is an issue that cuts across party lines. It is important. The

polls have shown that, not only Republicans and Democrats, but Independents. And that is why we had the vote and will continue this effort.

Mr. PALLONE. Mr. Speaker, I appreciate the comments of the gentleman.

If I could just add one thing before we conclude, one of the things that I found in the 2 months that we had the recess and we were back in our districts and I had a lot of forums on health care on seniors or just in general with my constituents in the various towns that I represent, we are living in very good economic times and the economy is good and generally most people are doing fairly well, but there is a tremendous frustration that the Government does not work. And it is I think, for whatever reason, Congress seems to be the main focus of that, the notion that somehow all we do down here is talk and we never get anything done.

The reason I was so frustrated today when I heard some of the arguments from the Republican side is because I know that this issue, the Patients' Bill of Rights issue, the HMO reform issue, is something that we can get done. Because the public wants it done. And we had Republicans join us on this Patients' Bill of Rights, and I know that the President will sign it. So I do not want this to be another issue that is important that falls by the wayside because the Congress and the President could not get their act together.

If there is anything that we can pass this year, this is the issue. And I think we just have an obligation to our constituents to show that, on something so important as this, that we can actually accomplish something and not just sit here and argue back and forth.

Obviously, we need to argue, otherwise my colleague and I would not be up here. But we also need to pass something. And that is what we are all about.

Mr. GREEN of Texas. Mr. Speaker, in closing, I would like to say, sure, I would like to talk about access, prescription medication for seniors, medical mistakes. Let us take it one step at a time.

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ANTIBODIES TO SQUALENE IN GULF WAR SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Madam Speaker, joined by several colleagues, today I wrote Secretary of Defense William Cohen asking for an objective analysis of the ''Antibodies to Squalene in Gulf War Syndrome,'' an article that has just been published in the February 2000 issue of Experimental and Molecular Pathology.

This peer-reviewed article found anti-squalene antibodies in a very high percentage of sick Gulf War-era veterans. As a bio-marker for the disease process involved in Gulf War illnesses, the blood tests cited in the study could provide a vital diagnostic tool. We hope this will quickly lead to improved medical treatments for many who are suffering.

Many who have heard about this issue are anxious to understand the ramifications, especially those veterans and their families whose lives sadly have been directly affected.

We certainly acknowledge the need for further research. However, that should not preclude a vigorous examination of the immediate benefits this study may provide doctors treating those who suffer from Gulf War illnesses.

The House-passed version of the Fiscal Year 2000 Defense Appropriations Bill included report language instructing the Department of Defense to develop and/or validate the assay to test for the presence of squalene antibodies. This action was taken in response to DOD unwillingness to cooperate with the March 1999 General Accounting Office recommendation. It reflected my firm belief that the integrity of the assay was the first step in finding answers.

Now that this study has been peer-reviewed and published, we need to take the next step and build on established science. An internal review by the same individuals within DOD who were unwilling to cooperate for months does not constitute the kind of science that those who sacrificed for this Nation deserve. Given the published article, it seems prudent to use the assay if it could help sick Gulf War veterans. At this critical juncture, my colleagues and myself fervently hope that Secretary Cohen agrees.

We must stay the course and find the answers that will bring effective medical treatments for those who suffer from Gulf War illnesses. Let me assure my colleagues, Mr. Speaker, I intend to do so.

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MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. HERGER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HERGER. Madam Speaker, our tax system is unfair, for many reasons. It punishes those who invest, those who succeed in business, even those who die. But one tax provision which seems particularly unfair is the marriage tax penalty. This tax penalty occurs when a married couple pays more in taxes by filing jointly than they would if each spouse could file as a single person.

For example, an individual earning $25,500 would be taxed at 15 percent, while a married couple with incomes of $25,000 each has a portion of their income taxed at 28 percent.

In addition, while two single taxpayers receive a standard deduction of $6,950 apiece, for a total of $13,900, a married couple only receives a standard deduction of $12,500.

Madam Speaker, that is simply unfair. When a couple says, ''I do,'' they are not agreeing to higher taxes. When a couple gets married, they receive a number of nice presents, China, silverware, linens, appliances. But guess what they get from the IRS? A bill for an average of $1,400 in taxes.

Last year, 28 million Americans were subjected to this unfair, higher tax. For most families $1,400 means a down payment on a house or a car, tuition for in-state college, several months' worth of quality child care, or a home computer to help their children with their schoolwork.

Madam speaker, it makes common sense to end the unfair marriage tax penalty. That is why the House of Representatives is making marriage tax reform our first order of business this year.

Tomorrow the Committee on Ways and Means, a committee on which I serve, will consider a bill to provide married couples with relief from the marriage tax penalty. This bill increases the standard deduction for married couples to twice that of singles, beginning next year. It also provides up to $1,400 in relief to couples who itemize their taxes.

I am pleased that the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, have made the commitment to consider this important legislation as one of the first orders of business this year.

Madam Speaker, we have an opportunity this year to do the right thing for middle-class families. We can give them more control over their own hard-earned money. We have a chance to help working women and lower-income couples with children who are unfairly affected by the marriage tax penalty. We have an opportunity to allow common sense to prevail and to provide relief from the marriage tax penalty.

I would also like to take this moment to thank the gentleman from Illinois (Mr. WELLER) for his leadership on ending the marriage tax penalty. He has truly been dedicated to correcting this tax policy and to easing the tax burden for married couples.

Madam Speaker, a few details on what the marriage tax penalty would do. Our bill provides $182.3 billion in tax relief over 10 years for more than 50 million Americans.

President Clinton, who vetoed the marriage penalty last year, recently proposed a smaller marriage penalty proposal that provides only $45 billion in relief over 10 years. Our plan, the Republican plan, provides working couples with four times more marriage penalty tax relief than the President has proposed. But I do want to thank the President for recognizing this as a problem and becoming involved in this very important issue.

Our current Tax Code punishes working couples by pushing them into higher tax brackets. The marriage penalty

taxes the income of the second wage earner, usually his wife, at a much higher rate than if she were taxed only as an individual.

Twenty-five million families pay an average of $1,400 marriage penalty according to the Congressional Budget Office. The number of dual earner couples has risen sharply since 1970 and is continuing to rise. By acting now, we will keep even more working couples from being punished in the future.

Marriage penalty relief is middle class tax relief. Middle-income families are hit the hardest by this penalty. Most married penalties occur when the higher earning spouses makes between $20,000 and $75,000.

By allowing working couples to keep more of their own money each year, our plan, the Republicans', are helping American families make their dreams come true. They can use the money to buy a family computer, make needed improvements in their home, or put toward their children's education.

Again, our marriage penalty relief bill that we are introducing tomorrow, February 2, is $182 billion in tax relief over 10 years. It doubles the standard deduction by the year 2001. It starts expanding 15 percent income brackets in the year 2003. It provides up to $1,400 in tax relief per couple.

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It would help families who itemize deductions, homeowners and nonitemizers alike. It would help up to 28 million American couples.

Madam Speaker, tonight we have laid out the reasons why the marriage tax penalty must be reformed. This tax unfairly penalizes married couples, particularly those with low to average incomes. Providing marriage tax relief could result in up to $1,400 in savings for families currently affected by this tax. I say this is something we need to do.

Last year, Congress passed marriage penalty relief. Regrettably, the President chose to veto this relief bill. This year we are giving the President another opportunity. It is encouraging that he does have his own plan available. And I am encouraged that this year we will be successful in passing needed marriage penalty relief.

Madam Speaker, I yield to my good friend, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Madam Speaker, I thank the gentleman from California for yielding.

I happened to be in my office watching the gentleman from California (Mr. HERGER) on the floor talking about this marriage tax, and I wanted to come down to help the gentleman from California out. As the gentleman is telling the people in Congress that we need to do something, instead of just talking about trying to help those people that have bonded based on the Bible and their belief that the Lord meant for us to marry, man and woman, that they should not be penalized.

And I just wanted to commend the gentleman from California, because many times people in my district tell me that they just cannot quite understand how we in Congress can forgive a $5 billion debt to Third World countries, how we can spend $10 billion in Bosnia, $12 billion, $14 billion in Yugoslavia, yet we cannot find the money to give tax relief to married people.

I was just so pleased to see the gentleman from California come down here and talk about this issue. And I wanted to join him for a few minutes.

Mr. HERGER. I thank my good friend, the gentleman from North Carolina (Mr. JONES). And, again, we are talking about allowing married couples to keep more of their own money.

Many times some in Congress, some in government tend to think that these tax dollars belong to government, they belong to Washington; not true. Madam Speaker, these dollars belong to the people who earn them. And they want their dollars to be spent very wisely, but also they want priorities set.

And certainly, as the gentleman has pointed out, what the government should not be doing is actually penalizing people for being married, penalizing them for having families. That is not what our country is about.

And I appreciate very much the support of the gentleman from North Carolina, his long time support in helping to correct this inequity in our Tax Code.

Mr. JONES of North Carolina. Will the gentleman yield for just one moment?

Mr. HERGER. Yes, I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Is it true that 25 million married couples in this country would be helped if we should pass this bill, if the President finally signed it into law? Is that about right?

Mr. HERGER. That is correct. Twenty-five million married couples, that is 50 million people, plus their families, their children would be assisted, if the President works with us. And, again, he has some legislation of his own, it only gives one quarter as much relief as our legislation that we will be introducing and be hearing in the Committee on Ways and Means tomorrow.

But it is encouraging that at least he is becoming involved. And I would hope that all of our listeners in America would contact the President and urge him to support our legislation, our Republican bill, which is really bipartisan, that goes four times further to correcting this very serious inequity.

Mr. JONES of North Carolina. If I can ask the gentleman just one more question, because I may have missed this. Again, I was trying to watch the gentleman in the office, and I can see some of our colleagues have joined us, and they want to take part in this effort.

Would the gentleman tell me again how much of a savings, if our bipartisan bill, as you said, should pass, how much savings this would be per married couple approximately?

Mr. HERGER. The average penalty for these 25 million couples is $1,400. So we are talking in the vicinity of $1,400 that these working families, married couples, would be able to keep of their own money, that other people, if they were working independently and were not married, a man and a woman who were not previously married, would not be paying that would be paying the very moment that they get married an average of $1,400 a year.

Mr. JONES of North Carolina. I just wanted to come down on the floor and thank the gentleman from California and my colleagues. I see the gentleman from South Dakota (Mr. THUNE) is here and the gentleman from Arizona (Mr. HAYWORTH) will be here in just a moment. I just wanted to let the gentleman know that I will do everything I can as one Member of Congress to help see that this legislation passes, because it has been needed for a long time.

We need to reward men and women that marry and live by the sanctity of our Lord. I just commend the gentleman from California and everybody else. I look forward to helping.

Mr. HERGER. I thank my dear colleague, the gentleman from North Carolina (Mr. JONES), very much for joining us this evening.

Madam Speaker, I yield to the gentleman from South Dakota, my good friend, (Mr. THUNE).

Mr. THUNE. Madam Speaker, I thank the gentleman from California for yielding and also our mutual friend and colleague, the gentleman from North Carolina (Mr. JONES) and appreciate the gentleman from California drawing attention to this issue.

This is a huge issue for the American people, and one which just is so fundamentally unfair. I cannot imagine how we ever got in our Tax Code to the point where we penalize people for being married, and the efforts that the gentleman has made to draw attention to this, to highlight this issue and the legislation that is underway to correct it is long overdue.

Frankly, this is something that I think hits right at the heart of middle income America. In fact, there was a situation, I had a gentleman come into my office a couple of weeks ago in Sioux Falls, South Dakota and share with me his personal situation. He is a young guy, married, has two children, 3½ and 16 months, and their marriage penalty, he went through the computation, did his calculation this year of what his taxes were going to be, because it is getting to be tax season.

For the benefit and privilege of being married, it is going to cost him an additional $1,953 this year. This is a young gentleman who is trying to make ends meet. He and his wife are both working, raising two children; and because of the marriage penalty in the tax code as it exists today, he is going

to be assessed an additional $1,953. I think that is outrageous. We need to correct this for people like him and others and his family, those families, middle-income Americans who are adversely impacted, because they got married.

We all know it costs a lot to be married in the first place. Certainly we do not have to have the Internal Revenue Service and the tax code that we have in this country add to that cost and that burden by penalizing people in additional income tax for choosing to get married. I think what we ought to do in this country, frankly, is encourage marriage. We want to do that in every way that we can.

The legislation that you are discussing here this evening will do that. It will provide relief for 28 million American couples in a substantial way. Think of what one can do with $1,400 in average tax relief. Three months of child care, a semester of community college, 4 months of car payments, school clothes for the kids, a family vacation, home computer to help your kids' education, several months of health insurance premiums, a down payment on a home, a contribution to an IRA or retirement savings. The marriage penalty means real money for real people in this country.

Again, I come back to the basic premise in all this. Not only is it outrageous for the additional burden financially that it imposes on married couples, but it is fundamentally and on a basic level unfair to tax people in this country for being married. I hope that we can get this passed through the Congress, on the President's desk; and I hope that the President will have a change of heart about this. He has proposed something which is very small by comparison, which does not get at the real heart of this issue.

I think he needs to go with us all the way on this, get rid of this thing, make it effective in the year 2001, get rid of this onerous provision in the tax code and bring some much-needed relief to American people, particularly those married couples who are working hard to make ends meet, to raise their children, to live their lives and to provide a little bit for their retirement security.

Again, I commend the gentleman for raising the issue to be here on the floor this evening discussing it, and hopefully we will be able in a meaningful way to address the marriage penalty in this Congress and soon. It is long overdue. This ought to be the last tax year where the American people have to deal with this onerous provision in the tax code. I would say on behalf of the people that I represent in the State of South Dakota, most of whom are middle income, most of whom believe very profoundly in the concept of marriage and are very committed to their families, that this is just exactly the kind of thing that the United States Congress ought to be working on. I appreciate the hard work that the gentleman from California has put into this.

Mr. HERGER. I thank my good friend, the gentleman from South Dakota (Mr. THUNE), for his comments on this very important issue.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvanbia It is a pleasure to join the gentleman from California this evening to talk about something that is kind of incredible when we really stop and think about it. The old wise philosophers always say, if you want less of something, tax it. Well, we have taxed marriage, holy union between man and wife; and we have taxed it hard. Unfortunately in America we have less of it. It seems pretty incredible when a country like the USA has a tax policy that would suggest to young people who are struggling economically that it would be a great cost saving to live together without getting married, rather than to marry.

I think it is pretty basically fundamental that we ought to have a tax code that does not discourage people from living in marriage, which is what really this country was all about. It is interesting when the President stood here just a few nights ago. He sort of supported it a little bit. He has opposed it, but I think he is beginning to maybe, what they say, feel the heat, because 80 percent of Americans support doing away with the marriage tax penalty.

The President did not really come clean; he did not really support it wholeheartedly, but he at least supported the concept. Now, from my memory, he is willing to support this for the poorest of Americans, and I support that. And he is probably saying he does not want to support it for the richest of Americans. But the proposal that the President is talking about would not support it for middle America. We really need to look at America's tax code. It is the middle Americans who really pay the taxes. Most poor people in this country pay little or no federal or State income tax because they are indexed out of it. But it is the middle Americans who do not earn a lot of money, who do not have a lot of resources, who do not have a lot of wealth but who are raising families, raising children, maintaining a home, preparing for their college costs for their children. The people who make this country strong, the heart and soul of America, middle America, are the ones that would be left out of the President's marriage penalty tax help.

He says it is just for the rich, but that is not really true. I do not know what he qualifies as rich. But the President's plan would not really truly solve the marriage penalty for most working Americans. I believe that if the American public really understood how much extra they were paying over being married and maybe their neighbors who do not marry and live together, how much less they are paying, they would be totally outraged. But, of course, we do not get to compare pay stubs and tax forms with each other.

But the numbers are pretty significant, anywhere from $1,200, I heard as high as $1,900 per couple, in additional taxes just because you are married. That makes no public policy sense. It certainly is not an incentive to support holy matrimony and marriage, but it certainly sends the wrong message I think to young people in this country. I get a little tired of those who always talk about every tax cut is for the rich. We all know that the rich do not pay nearly as many taxes, because there are lots of ways they can avoid paying taxes. One is to invest their money in municipal bonds and things that are not taxable, and we do not tax those because we want people to have incentives to invest in governmental organizations' financial needs.

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But the people who really pay and pay and pay are the working middle class. Representative Herger's proposal will really get at helping those who are the middle-class wage earners of this country, who struggle to pay the grocery bill, who struggle to pay their heating bill, who struggle to pay the insurance bill, who struggle to set a little bit of money aside for the college education for their children because the system does not give them free grants. Because they are middle-class wage earners, they do not get the grants to send their children to college free. They have to save.

So life sometimes gets a little meager in the middle class, when you stop and think about having to provide the education for your youth. You do not get any handouts or any help. You pay for it all yourself. So those are the people that are also paying this marriage penalty.

I believe the President will sign a good bill. I do not think he will be clapping his hands. I do not think he and AL GORE believe in this, but I think he knows that 80 percent of the American public do; and I am pleased that we have for the first time the marriage penalty where the American public can just hear that simple discussion.

It is simple, not very complex. For the first time they can hear the simple discussion here in Congress about the unfairness of the marriage penalty and how we want to eliminate it, not just a little bit of it, but eliminate it, so that whether you are two individuals living together or whether you are two individuals married, you will pay the same tax rate. That is only fair, and that is what America is about, fairness.

So I congratulate my friend from California for his long-time leadership on this issue. It is so basically simple, so basically fair, that finally I believe we can make it happen.

I am an optimist. There are those that think the President will not want to cooperate; but, you know, he has a pragmatic side that I admire. When

Congress wins a public discussion, on welfare it took him two or three times. They had to pass it, and I was not here then, two or three times before he felt the heat from the public, because the public wanted welfare reform.

I think if we make the case real well, as the general public learns about this issue in detail and how much they are paying more, I think the general public, whether they are Republican, whether they are Democrat, whether they are independent, no matter what party they are from, they will be for the marriage penalty being done away with, because it is just not right.

Mr. HERGER. I want to thank my friend from Pennsylvania (Mr. PETERSON) for his comments. To think in this country, when we are taxed on virtually everything we do, to think that somehow the Government somehow has actually taxed this an average of $1,400 just to be married, is wrong; and we need to do the right thing. We need to correct that.

I would like to now recognize an individual who has been very active on this issue, the gentleman from Illinois (Mr. WELLER), who was very active the last couple of years and this year in leading the fight on correcting this. I yield to my good friend from Illinois.

Mr. WELLER. I want to thank my friend, the gentleman from California (Mr. HERGER), for the opportunity to say a few words on this important discussion tonight. I also want to commend the gentleman for his leadership in our efforts to eliminate the marriage tax penalty. Thanks to your effort, as well as the gentlemen from South Dakota and Pennsylvania, we now have 231 Members of the House of Representatives now joined as cosponsors of the Marriage Tax Elimination Act.

We have often asked in the well of this House, is it right or fair that under our Tax Code 28 million married working couples pay an average of $1,400 more in higher taxes just because they are married? Is that right? Certainly the folks back home in the south side of Chicago and the south suburbs that I represent say it is not. Whether you are in the union halls, or the VFW, or the Legion posts or the local coffee shop, the local grain elevator, people keep asking me, when are the folks in Washington going to eliminate the marriage tax penalty?

Of course, it broke my heart last year when President Clinton vetoed our efforts to eliminate the marriage tax penalty. It was part of a bigger package of tax relief. Fortunately, this year the Speaker of the House, DENNIS HASTERT, has made I think a very important strategic decision. The Speaker says no more excuses. We are going to send a stand-alone piece of legislation which wipes out the marriage tax penalty for the vast majority of those who suffer it by itself. It is the only thing the proposal is going to do.

Tomorrow the Committee on Ways and Means has scheduled to have committee action on H.R. 6, the Marriage Tax Elimination Act legislation, which will wipe out the marriage tax penalty, providing marriage tax relief for 28 million married working couples.

Let me introduce a couple that time and time again I have referred to in this debate over the need to wipe out the marriage tax penalty, and that is Michelle and Shad Hallihan. They are two public school teachers from Joliet, Illinois. They suffer about $1,000 in marriage tax penalty. Of course, that is a little bit less than the average marriage tax penalty.

But Shad and Michelle just recently had a baby. Michelle Hallihan said, ''Tell your colleagues in the Congress what that marriage tax penalty means to us.'' She said, ''They should know that that $1,000 would buy 3,000 diapers for our baby.''

The marriage tax penalty, whether it is $1,000 for the Hallihans or $1,400 more for the average married couple, it is real money for real people. In fact, $1,400, the average marriage tax penalty in Joliet, Illinois, the home of Michelle and Shad Hallihan, is one year's tuition at Joliet Junior College, our local community college; it is 3 months of daycare at a local daycare center; it is several months' worth of car payments; it is the majority of an IRA contribution for their annual retirement account. It is really money for real people.

The legislation that, of course, we are going to be acting on in committee tomorrow, will wipe out the marriage tax penalty for a majority of those who suffer it by doubling the standard deduction for those who do not itemize for joint filers to twice that of singles. One of the benefits of that, not only will it provide marriage tax relief for many low and moderate income families who do not itemize their taxes, but 3 million married working couples will no longer need to itemize, simplifying their tax form.

For those who do itemize their taxes, like a homeowner, when you own a home, in many cases you itemize, or if you give to charity or have other deductible contributions, you itemize your taxes. Under this proposal, not only do we double the standard deduction, but we widen the 15 percent tax bracket. Every working American is in the 15 percent tax bracket, and under our legislation, by widening the tax bracket so that joint filers can earn twice what single filers can earn and be in the 15 percent tax bracket, we provide tax relief for those who itemize their taxes as well.

The third component is an important one as well. The earned income credit, which helps working poor families make their ends meet, there is a marriage penalty there as well. We adjust the income threshold so that joint filers, married couples, qualify equally with single people for the earned income credit.

So it is an issue of fairness, and I am proud that this House is now scheduled after the Ways and Means Committee acts tomorrow, to vote on our efforts to eliminate the marriage tax penalty a week from Thursday, on February 10th. That is good news. I really want to salute Speaker HASTERT and the House Republican leadership for making elimination of the marriage tax penalty first out of the box in our efforts to bring fairness to the Tax Code. I am proud of that.

I again want to thank the gentleman from California for his leadership in organizing today's discussion.

Mr. HERGER. I thank the gentleman from Illinois (Mr. WELLER) for leading a similar evening last night on this very important issue. But I believe it really shows just how important it is, how important it is to the leadership of this Congress, certainly to us as Republicans, that we do the right thing as far as families are concerned; and certainly this is where we, I believe, should be beginning and where we are beginning in this legislative year.

I would like to yield again to my friend from South Dakota (Mr. THUNE).

Mr. THUNE. I thank the gentleman from California for yielding.

I would again also say to the gentleman from Illinois who just finished speaking, that he has been a leader in this effort for some time and has introduced legislation which I have cosponsored in previous Congresses, as was noted earlier; and I think this is significant earlier this year; but last year, I should say in 1999, we passed tax relief legislation that would partially reduce the marriage penalty.

Unfortunately, again, the President vetoed that legislation, and, as the gentleman from Pennsylvania pointed out, I think sometimes it takes awhile for the President to recognize a good idea. But when he does discover that there is an idea that resonates with the American people, he soon is pretty quick to try to co-opt it.

I noted the other night in his State of the Union speech he addressed in some fashion this whole issue of the marriage penalty. Unfortunately, his effort is not bold enough, not by the least.

If you look at the relief that the President's proposal provides, it averages about $210 in tax relief to married couples, providing relief again from the marriage penalty, and does not address in a very fundamental way the serious issues at stake here.

In fact, the President's proposal on the marriage penalty helps about 9 million American couples. The legislation that will be acted on tomorrow in the House Committee on Ways and Means will in fact help about 28 million American couples, and to the tune of about $1,400 on average per working couple in this country. So to suggest for a minute here that we have total agreement on this I think would be a mistake, because I do not believe we yet have the President to a position where he is ready to sign off on this.

But I agree again with what the gentleman from California suggested earlier, and that is the President will do the right thing, because it is the right thing. It is a basic matter of fairness. It is a matter of principle, and that is exactly the kind of thing that we want to be, at least I want to be associated with around here, and that is doing the right thing for people in this country, who work hard and pay their bills, who try to make a living, who are trying to raise their kids, who are trying to put aside for college education, trying to put a little bit aside for retirement. And this effort is critical in that regard, because it does get at the heart and the core of what is a fundamentally unfair provision in the Tax Code and one which is desperately long overdue for elimination.

As I mentioned earlier this evening in my remarks, this is a real issue. This is a human issue. This is a personal issue for people. The young couple that I alluded to in my State of South Dakota that came into my office and gave me their situation, who in this next year are going to be punished to the tune of $1,953 because they chose to get married, and they are both working, they are raising two children, and they file jointly. If they filed separately, were not married, they would save about $1,900. That is just flat wrong, and it is something that we need to change. It is long overdue. It is something we have been leading the charge on for some time, and, as I indicated earlier, we have run into roadblocks at various places in the process. Last summer it was the presidential veto.

I hope that this legislation, as we move it through the House, hopefully as well through the Senate, by that time the President will have come around and been persuaded that this is the right thing to do, it is the right thing to do for the country.

I know there is a general resistance and reluctance to do anything that would reduce taxes, you know, at the other end of Pennsylvania Avenue. The White House is generally, as the President laid out the other night, $343 billion of new spending, or about $3.8 billion for every minute of his 89 minute address, that is where he would like to see the surplus dollars go.

We believe, again, in a fundamental way, that after we set aside money to protect Social Security and Medicare and put in place a systematic program for paying down the federal debt, that the dollars left over ought to go back to the American people and not be spent here in Washington. That is a fundamental difference we have; and, frankly, that is a debate we are going to have.

But I hope just on the issue of fairness, fundamental fairness, that the President will be persuaded as he looks at this and as we get this legislation moved through the Congress and to the President's desk, that this is the right thing to do, he needs to sign it into law, he needs to bring relief to married couples across this country, families like the one I mentioned in South Dakota, like so many others across this county, who day in and day out are rolling up their sleeves and going to work and hoping that there is going to be enough at the end of the month to pay the bills; and yet every year the Federal Government is taking $1,400 on average out of their pocket, $1,400 that could be used for many other things, important things, like putting aside for college for their children, for retirement for themselves, car payments, school clothes, family vacation, so many other things, health insurance. Those types of things are ways in which these dollars could be put to work by the American people.

That is why it is so important that we get the surplus dollars out of Washington and we do it in a way consistent with our values and principles, and that is to take this burden off of married couples in this country, to encourage and promote marriage and staying together; and, as I said earlier this evening, we all know that marriage can be sort of an expensive proposition from the get-go. We certainly do not need to add to the cost of that in the Tax Code. We can bring some much needed relief on an annual basis, every year when people fill out their tax returns, by getting rid of this marriage penalty.

So, again, I credit the gentleman from California. The gentleman from Pennsylvania is here this evening to discuss this. Another colleague from California is on the floor and I am sure would like to comment on this as well.

So I will yield back to the gentleman from California, and appreciate the opportunity to share in this discussion and to hopefully draw additional attention and to highlight what I think is an egregious example of an overreach by the Federal Government to tax people for the benefit and privilege of being married in this country.

□ 1815

Mr. HERGER. I thank the gentleman from South Dakota (Mr. THUNE). As the gentleman mentioned part way through his talk was that the marriage penalty is flat wrong. I think that really says it. It is wrong. It is something that should have been corrected long ago.

We are encouraging the President and our colleagues on the other side of the aisle to work with us, it will be before the Committee on Ways and Means tomorrow, and to pass and to correct this.

At this time I would like to introduce a good friend of mine, my neighbor from northern California, an adjoining congressional district, the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from California (Mr. HERGER) for yielding me this time. The gentleman from California (Mr. HERGER) has been a leader in this.

I wanted to come down and visit briefly today on this particular subject, that being the marriage tax penalty. As has been recited very eloquently, the numbers and the facts and the figures of what this existing tax law provision causes, I want to talk about what the consequences of this $1,400 per year in added costs is to married couples. I happen to think that most young people, whether they be planning to get married or having been married planning for their family or their future, typically confront a month-to-month or week-to-week situation where their resources are constrained.

They struggle in many cases to make their ends meet, and to have the opportunity to send to the Federal Government an extra $1,400 a year by virtue of having become married certainly is a privilege that they probably regret having. So I would like to come down and add my voice to those that argue for changing that particular provision of law.

Now, the President has come forward very eloquently this past week suggesting at long last $45 billion worth over the next 10 years of tax relief for married couples, but I want to be clear in my comments that that really is a drop in the bucket. The President's proposals generally boil down to a doubling of the standard deduction and an across-the-board application of that, but he does not delve into the subject of the deductions that are available for married persons when their aggregate income exceeds a certain threshold.

It is there we differ with the President in large measure because we, in fact, on this side of the aisle are attempting to bring equity across the board to married persons, regardless of their situation.

Let me just highlight a few instances where that $1,400 comes into play, that annual $1,400 difference. That is a little bit over $110 a month. That is a night out for mom or for dad or for the two of them, after a long week of taking care of the kids. That is a new car, the difference between being able to make the payment or not make the payment. Perhaps that is the cost to add a room to their house if they have a new child. That is $1,400 a year into their retirement program that they otherwise might not have to make. $1,400 over a lifetime's career is a huge amount of money for retirement security. These are just a couple of the different consequences of providing this tax relief to married persons, and it comes at no cost to unmarried persons. It, in fact, is the same benefit unmarried persons enjoy today.

So what I want to do, what I came down to do, was to back up the arguments that my good friend from northern California makes, and my good friend from Pennsylvania and so many of us make on a day-to-day basis; the arguments that I made when I campaigned for this office, that we ought to have a tax code that treats person

number one the same as person number two, regardless of marital position. It should not make any difference. Those who are married should not be punished for being married. Those who have the privilege of being married should be treated equitably, without discrimination, and yet embedded in our Tax Code is this discrimination to the tune of potentially $1,400 per year that adversely impacts their finances.

I for one strongly urge the President and this Congress to change the Tax Code to allow for an across-the-board equitable treatment of people, regardless of whether they are married or not. That is what the American theme has always been, and I encourage this body to take it up as soon as we can.

I look forward to tomorrow's committee hearing; and, as always, it is a pleasure to be here with my good friend from the north.

Mr. HERGER. Well, I thank my good friend from California (Mr. OSE) for his comments.

The gentleman from California was alluding to some of the comparisons of the two bills of President Clinton's and the House Republican bill, and I would just like to continue that, if I could, for a moment. The President's marriage penalty plan would give relief of $45 billion over 10 years. Our legislation would give relief of $182 billion, about four times more, in tax relief over those same 10 years. The President's plan doubles the standard deduction over 10 years. Our plan doubles the standard deduction by next year, within one year as opposed to 10. The President's plan does not expand the 15 percent income bracket. The Republican plan starts expanding 15 percent income bracket in 2003.

The President's plan provides up to $210 in tax relief per couple per year. Our plan provides up to not $210 but $1,400 in tax relief per couple. The President's plan would help only nonitemizers. So those people who owned a home, who are itemizing, would not be affected by the tax relief. Our plan would help families who itemize deductions, homeowners and nonitemizers.

The President's plan would help 9 million American couples. The Republican plan would help up to 28 million American couples.

So, again, I think the comparison is there. I do want to commend the President for at least becoming involved, for recognizing that there is a problem. I just feel that the President's plan does not go nearly far enough. We need to erase this horrible tax on American couples, and we need to work to do it completely.

At this time I would like to recognize again my friend, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from California (Mr. HERGER) for yielding me this time.

Mr. Speaker, just to follow up on this, the one point I want to mention again and make specifically clear, the President has agreed to double the standard deduction, but he is not going to double it for 10 years. It is going to take 10 years so one is going to get a little bit more next year and a little bit more the next year. Even though that is only one piece of the overall fix to this, he is going to string it out for 10 years.

Why would he do that? Because it is going to have very little impact in this year's budget, and this is the last budget he is concerned about. He wants to spend that money. He does not want to give it back to the married couples of America.

If one listened to the President the other night, it was issue after issue that he spent $20 billion, $30 billion, $10 billion. If I had had an adding machine, I am not so sure I would not have run out of paper because every time he switched gears it was another spending proposal and many people wondered what the figure would really be.

Now, when he came to some issues, I was pleased to hear him talk about defense for the first time and defending this country, making it safe, but he did not give any numbers. He just said we need to make this country safe and we need to strengthen defense, but on many of his issues he gave large numbers of increases. I think a lot of that is about election year politics, too.

Why are people opposed to cutting taxes? They want to spend the money. It has been my view watching Congress for many years that Congress was elected on what they were willing to give the American public, and the American public bought that because they did not stop to think that every new benefit they received that they had to pay for it.

So the Federal Tax Code, as complex as it is, gives us annual tax increases without legislative authority because as our incomes grow, as we sell and buy and do business, we pay taxes.

So it was interesting for over a decade of the eighties and into the nineties, our government growth was three times the rate of inflation. When we stop and think about that, that is three times faster than the growth of our economy.

Now, if the Federal Government continued to grow at that rate it would soon consume everything, because we cannot have one part of our economy growing at three times the rate of inflation without it just taking over.

We have been able to slow that down, and we have been able to stop deficit spending now for 2 years. It is time that we look for some fairnesses in the Tax Code and this is one of the fairness issues, just being fair.

I am sure if we would put the $182 billion on the table over 10 years, or let us talk about a 1-year figure, $18.5 billion is what it will cost each and every year for the next 10 years, that figure, if we were willing to replace that with another tax I am sure the President and the Vice President would both be right down here saying let us do it because they would still have the money to spend, because that is how they hope to get elected in November by offering the American public some more goodies.

What people need to learn is that when they send money to Washington they do not get it all back. Recently in education, I have noticed that from my State less than half of the education dollars ever get back into the classrooms at our schools. So is it wise to send money to Washington and get 40 some cents on the dollar back at our school districts?

We fund this huge bureaucracy over at the Education Department. The State bureaucracies are basically funded with Federal dollars, and we fund regional bureaucracies in every region of the State called intermediate units. In different States they are called different things. In some that is what they are called. All by Federal dollars, but only less than half of the money gets back.

This shell game has been going on in Washington here for a long time, and I do not think the President has learned that the American public basically do not want more government. They do not want to pay more taxes, and if we do not cut taxes they will be paying more taxes because of the complexity of our Tax Code.

Let us just share what some people say about this. Marriage taxes can impose a nearly 50 percent marginal tax rate on second earners, most of whom are wives and mothers. This is a State-sponsored discrimination against women, the unintended consequence of which is to discourage women from entering the labor force. If Congress is sincere in improving the lives of American women and their families, it will eliminate the tax loopholes that choke their paychecks, Independent Women's Forum, Barbara Ledeen, Executive.

From Center for Enterprise and Opportunity, since women still make up the preponderance of secondary earners in married households, these quirks and kinks of the system hit working women hardest. They force married women into a competitive disadvantage since their tax considerations necessarily affect their professional choices. We welcome the marriage tax elimination introduced today by representatives so and so. This bill can be a first step in recognizing in law that the family is the first church and the first school, the first government, the first hospital, the first economy, the first and most vital mediating institution in our culture. In order to encourage stable two-parent, marriage-bound households we can no longer support a Tax Code that penalizes them. That is the Catholic Alliance.

Current law forces many married Americans to pay a higher tax bill than if they remained single and had the same combined income so what we really do is tax the two incomes as if it was one, when it is really two Americans earning an income.

Such a double standard is wholly at odds with the American ideal that

taxes should not be a primary consideration in any individual's economic or social choices. That is from the National Taxpayers Union.

Government, by taxing married couples at higher rates than singles, has far too long been a part of the problem. At a time when family break-ups, and think about this, are so common, in most family break-ups that I know there are financial considerations. They are having difficulties meeting their budget. Congress should pass legislation to encourage marriage and ease the burden of families trying to form and stay together.

This legislation places government on the side of families, from the Christian Coalition.

The list goes on of all the organizations that support this.

□ 1830

Most of them are organizations that are on the side of the taxpayer and on the side of families. If we do not get back to supporting families in this country, this country's future will be bleak.

All of the problems that we deal with, from Columbine on down, are the deterioration of the American family. We have overtaxed the American family and penalized the holy marriage, and that needs to stop in this country. We need to support families. We need to support marriage. I know that if all Americans understood this issue, it would not be 80 percent of them supporting, it would be 100 percent.

Mr. HERGER. I thank the gentleman from Pennsylvania. I think those are points that are very well taken. I thank him for his participation and his help with this this evening on this very important issue.

I again yield to my good friend, the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from northern California for yielding to me.

Mr. Speaker, this past Saturday I had a great opportunity. I was in Sacramento. I went to the Sacramento Hispanic Chamber of Commerce dinner.

I had what I consider to be the privilege to sit with two young men. One was named Moses, one was named Nils. They worked at Intel. Moses is 20, Nils is 25. As I sat with those young men, both of them unmarried, we talked about what do they do at Intel and how is their compensation level, do they participate in the retirement programs, and what have you.

I must say that we have some remarkable young people working in this country. Let me just tell Members a little bit about these two fellows. Both were enrolled in the retirement program. Nils stays in the house owned by Moses. Moses is 20 years old. He has worked at Intel for 3 years.

They are both quality engineers. In other words, what the chip makers produce comes to their shop, and then they check it for quality control. Then, as they both described, they tend to have to send it back to the chip engineers, as they described the flaws.

The substance of the conversation was that both of these young men are enjoying remarkable success in a competitive world environment. Both of them at some point in the coming years, being 20 and 25, will consider the question of whether or not to enter into marriage. These are fellows that have taken the time to gain the skills to give them the opportunity to compete in the employee workplace and enjoy the benefits therefrom.

They are going to confront the question of whether to get married. They are smart, make no doubt about it. There is no doubt about it, these kids are smart. They are going to run through the numbers, as they should in any analysis, and they are going to ask, why is it, when I come home from a long day's work, when I take my money on Saturday and Sunday and I go out and buy real estate or I buy automobiles or I support the communities, the charities in the communities in which I live, why is it that if I get married to another engineer at Intel or a successful young woman in her own business, why is it when we aggregate our income together, so that the total exceeds a certain threshold, why is it that we suffer a discount to the deductions we would otherwise get by virtue of our investments?

Why is it that once we pass this threshold, that the money we pay for property taxes no longer is worth dollar for dollar on our income tax returns? Why is it that the money we pay for maintenance on real estate or investment advisory fees no longer is worth dollar for dollar on our income tax returns what we paid for it?

That is at the heart of the marriage tax penalty. That is, when two people get together in marriage and their incomes exceed a certain level, then the expenses that they confront, whether it be for education or home ownership or investment for their retirement security or what have you, charity, what have you, those contributions, if you will, something that we support, education, investment, real estate ownership, those contributions no longer enjoy the same valuation as someone who is below that income level, that threshold.

What we need to do is to bring equity to that situation. That is what this is all about is giving not only those two young men but every young man and woman in the country who is considering their prospects for the future and the reality that at some point or another they are going to meet Mr. Right or Ms. Right and they are going to get married, that is what this is all about is giving those young people the opportunity to get together and enjoy all those things that at least my wife and I have enjoyed and hundreds of thousands of other couples have, too, and to have no financial disincentive for doing it.

It is not the role of government to place financial disincentives in the way of young people looking to get married, or those who already are. That is why I support this so wholeheartedly. That is why I encourage Members' votes. That is why I applaud the President for coming at least as far as he has, and I encourage him to come all the way.

The gentleman from California (Mr. HERGER) has done great work for bringing this to this point. I thank the gentleman for the opportunity to come down here and visit with him.

Mr. HERGER. Mr. Speaker, I thank the gentleman from California (Mr. OSE) for his work on this, and I thank him for his articulate statements. I thank him very much for joining us.

Mr. Speaker, this is really, I believe, what it is all about: Are we as Americans going to allow a tax that basically tells a young couple, a man and a woman who want to get married, that we are going to penalize them an average of $1,400 for just getting married?

What are we telling them? Are we really encouraging them, to say if they are not married and they live together, they are not going to pay this? Is this the message we want to send them? It certainly is not.

Mr. Speaker, tonight we have laid out the reasons why the marriage tax penalty must be reformed. This tax unfairly penalizes married couples, particularly those with low to average incomes. Providing marriage tax relief could result in up to $1,400 in savings per family currently affected by this tax.

I say that this is something we need to do. Last year Congress passed marriage penalty relief. Regrettably, President Clinton chose to veto our tax relief bill.

Mr. Speaker, we are offering it again. We will be hearing it in committee, marking it up, H.R. 6 tomorrow. We are urging President Clinton to do the right thing. Just last week the President indicated a willingness to work with Congress on the marriage tax penalty issue. Mr. Speaker, we welcome this commitment and look forward to working with the President on this issue, one that should go beyond party politics. It is an issue of common sense and fairness for American families, the backbone of this great Nation. If we can change our Tax Code to make their lives better, then it is our obligation to do so.

Mr. Speaker, I want to thank all of my colleagues who joined me here tonight to express their commitment to passing the marriage penalty relief.

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HERITAGE AND HORIZONS, THE AFRICAN-AMERICAN LEGACY AND THE CHALLENGES OF THE 21ST CENTURY, AN IMPORTANT THEME FOR BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. LEWIS) is recognized for 60 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I want to thank the gentleman so much for yielding to me.

Mr. Speaker, today is February 1, the first day of Black History Month. We thought it will be a good time for us to open up some discussion of what we consider to be a very, very important theme for this year's celebration. The theme for the year 2000 is heritage and horizons, the African-American legacy and the challenges of the 21st century.

Mr. Speaker, as I think about this theme, I think about two quotations, the first written by George Santayana, who wrote that ''Those who cannot remember the past are condemned to repeat it.'' I think all of us remember the past of this great Nation. It is a past that is very checkered.

All of us are aware of the history of the African-American experience in these United States, having arrived here as a people in 1619, at a time when they were considered to be property and brought against their will to serve out an existence of 244 years in slavery. That is ten generations.

In 1863, our Nation brought an end to that institution. So for the past 137 years, African-Americans have lived an existence in our Nation as free people, albeit at one point upon the institution of freedom we were only counted as three-fifths of a person.

When I think about that 137 years since 1863, Mr. Speaker, I think about another quotation that I want to use to lay the foundation for what I would like to say here this evening. It is a quotation from Winston Churchill, who says that, ''If we open up a quarrel between the past and the present, we shall find that we have lost the future.''

So we come tonight not to open up a quarrel between our past and our present. Instead, we come to celebrate a very appropriate theme. We come to understand and appreciate and embrace our past. Just as importantly, we must acknowledge and celebrate the accomplishments of today, and address the challenges which we face in this new century, in this new millennium.

As we prepare for African-American history month celebrations, I would hope that we will focus on critical issues that cry out for solutions. I would hope that all of us as Americans will look to the future with renewed hope.

Mr. Speaker, I am proud to celebrate a portion of South Carolina in this august body. South Carolina has engraved on its great seal the Latin words ''dum spero spiro.'' Translated, that means ''As I breathe, I hope.'' It is with that sort of hope that I come tonight to call upon our citizens the Nation over to think about the challenges that we face as a people, as a Nation, as we celebrate this great history, this great legacy that African-Americans have in our Nation.

I want to mention a couple of things before yielding the floor to my good friend, the gentleman from Georgia (Mr. LEWIS), that I would hope that we will begin to think about as we think about this legacy.

One of the challenges I think that we face this year as we lay the groundwork for this new millenium has to do with the judiciary. We still have in our Nation a problem with fair and proper representation of African-Americans in the judicial arena.

For instance, South Carolina is located in the Fourth Circuit Court of Appeals.

□ 1845

It is one of five States, the other four being North Carolina, Virginia, West Virginia, and Maryland. There are 14 or 15 judges that sit on that court. And as I speak, there are four vacancies on that court. One of those vacancies has been there since 1991, 9 years. And in that 9-year period, we have had four nominations of African-Americans to that court. Four nominations, three different African-Americans. In all four instances, those nominations have not been considered by the other body.

Now, four vacancies, four nominations, no consideration. That might not be all that important but for one thing. That is in the long history of this great Nation there has never been an African-American to sit on the Fourth Circuit Court of Appeals. There is something wrong with that picture. I do not think one has to be a rocket scientist to figure out what is wrong.

As I speak, there is a nomination pending in the other body. It has been there for more than a year, yet no consideration being given to that nomination.

We think that this year will be a good time for us to break with that past. This year would be a good time for us to shut down the quarrel that currently exists between our past and our present so that we will not run the risk of losing our future.

Mr. Speaker, if we look beyond the symbolism of judicial appointments and look at the meting out of justice, we find other threats to the credibility of our judicial system. One of them is something we call mandatory minimums.

Now, the problem I have with mandatory minimums, and the challenge that it offers for the future, is the fact that many of the offenses that carry the most egregious mandatory sentences are offenses that have historically been looked upon as being those offenses that are more often the antisocial behavior of African-American offenders. Now, the problem with this, Mr. Speaker, is that in an instance such as drug crimes, if we look at the drug of cocaine, we will find that crack cocaine carries a 100-to-1 disparity in sentences over powder cocaine.

The scientists have told us that there is no scientific difference between the two. So then the question must be asked why is there such a big difference in the sentences for the two?

All the studies have indicated that there is only one difference between these two drug offenses. One of them is that in the instance of crack cocaine, it is more often African-Americans, and powder cocaine, more often white Americans.

Here is the problem with that. If we were to look at the penalties for 5 grams of powder cocaine, one will get a probationary sentence and be charged with a misdemeanor. But 5 grams of crack cocaine is a 5-year mandatory jail sentence and a felony.

Now, what has been the result of this discrepancy? As I stand here tonight, in the States of Alabama and Florida over 31 percent of African-American males have permanently lost the right to vote. Permanently, over 31 percent. In five other States, that figure is over 25 percent. And in six other States, 20 percent. Some of the experts have predicted by the year 2010 at the rate we are going, 40 percent of African-American men in this country will be permanently without the right to vote.

We think that the time has come and one of the challenges for us this year in this new century, this new millennium, is for us to revisit this issue and remove this impediment to citizenship because it is unfair and we ought to correct it forthwith.

Mr. Speaker, let me give one other example about this, and then I will yield the floor to the gentleman from Georgia (Mr. LEWIS). Let us take the instance of a 16-year-old who makes the mistake and is arrested for possession of 5 grams of crack cocaine. Even if that 16-year-old pleads guilty to avoid, as happens so often, a jail sentence, he or she has just pled to a felony and will have permanently lost the right to vote in at least 17 of our states. Which means that at 36, 20 years later, if this young man grows up and for 20 years lives an impeccable life, generally regrets the mistake, attempts to raise a family and raise children, at 36 in 17 of our states he or she will not be able to vote and would not be able to be a full citizen ever again under our current laws.

We think there is something wrong with that. One of the challenges that we must face up to this month, this year during African-American History Month, is to look at these kinds of discrepancies.

We have these kinds of discrepancies in the health care field as well. We have them in housing and education, employment and the census. And I call upon all Americans, as we pause this month to celebrate African-American History Month, let us not use it for vacations. Let us not use it to recite poetry, though poetry is great. Let us not use it solely to celebrate the great heritage, the great past that so many have left to us. But let us use this month to accept the challenges that are out there ahead of us.

Let us join hands, black and white, young and old, rich and poor, of all

walks of life and let us celebrate African-American History Month of the year 2000 by accepting these challenges and doing what we can to get these challenges that form so many impediments to a full quality of life for so many of our citizens removed from our national psyche.

Mr. Speaker, with that I yield the floor now to the gentleman from Georgia (Mr. LEWIS), whose history we all are proud to celebrate, but whose service here in this body and whose future I think is worth all of our participation.

Mr. LEWIS of Georgia. Mr. Speaker, let me thank my friend, the gentleman from South Carolina (Mr. CLYBURN), a wonderful human being, a great leader as head of the Congressional Black Caucus, for helping to organize this special order tonight. We thank the gentleman for his very kind words, as well as the other participants.

Mr. Speaker, I want to take a brief moment as we celebrate and commemorate African-American History Month to pay tribute to a group of young people. Mr. Speaker, on this day 40 years ago, history was made. February 1, 1960, four young black men, Joseph McNeil, Ezell Blair, Franklin McCain and David Richmond, all freshmen students at North Carolina A&T College, took seats at an all-white lunch counter in a little 5 and 10 store in downtown Greensboro, North Carolina. They ignited what became known as the sit-in movement. They changed our Nation forever.

The sit-ins spread across the south like wildfire. In Nashville, Tennessee, we had been having what we called test sit-ins for several months. We had been studying the philosophy and discipline of nonviolence. We would go into a store and ask to be served, and if and when we were refused, we would leave. We would not force the issue. We would not cause a confrontation. We would go to establish the fact that we would be denied service because of the color of our skin.

Every single day during the month of February for many of us as young black college students, we would sit in or sit down at lunch counters in an orderly and peaceful fashion. Doing our doing our homework. Not saying a word. Someone would come up to us and put a lighted cigarette out in our hair or down our backs, pour hot water, hot coffee or hot chocolate on us. Beat us and pull us off the lunch counter stools. We did not strike back because we had accepted the philosophy and the discipline of nonviolence.

The number of students who wanted to participate in the sit-in grew. Most of them had not prepared as we had, so it was my duty and my responsibility as one of the students to draw up the basic ''do's and don'ts'' of the sit-in movement that read like: Do not strike back if abused. Do not lash out. Do not hold conversations with floor walkers. Do not leave your seat until your leader had given you permission to do so. Do not block entrance to stores outside and aisles inside.

□ 1900

It went on to say, ''Do show yourself friendly and courteous at all times. Sit straight. Always face the counter. Report all serious incidents to your leader. Refer information seekers to your leader in a polite manner. Do remember the teachings of Jesus, Gandhi, and Martin Luther King, Jr.: Love and nonviolence is the way.''

These were the do's and don'ts of the sit-in movement that every student that got arrested in Nashville, Tennessee, on February 27, 1960, had a copy of. The fact is that no matter how well you had prepared, no matter how much you planned what you would do and would not do, in the end you had to hand it over to what we called the spirit. You just had to let the spirit take control. That is why the song came along during the height of the movement, the song we would sing over and over again during this sit-in movement and later, ''I am going to do what the spirit says do. If the spirit says sit in, I am going to sit in. If the spirit says march, I am going to march. If the spirit says go to jail, I am going to jail. I am going to do what the spirit says do.''

During the sit-in movement in 1960, in February, 40 years ago, so many young people, 16, 17 and 18 years old, grew up. They grew up while sitting down on lunch counter stools by sitting in, by sitting down, and by standing up for the very best in American tradition.

As we celebrate African American history month, we pay tribute to the hundreds and thousands of young people that changed America forever. Tonight, Mr. Speaker, we pay tribute to the young people, young students, black and white, who were born only with a dream, who had the raw courage to put their bodies on the line. We all salute them tonight for their work, for their commitment and for their dedication to bringing down those signs that I saw when I was growing up in the American South that said white men, colored men; white women, colored women; white waiting, colored waiting.

We live in a different America, in a better America because these young people, these young children made history. So tonight, Mr. Speaker, I would like to take the time to yield time to the gentleman from the great State of Illinois, the city of Chicago (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman. I was just thrilled to listen to him give that history, that great and glorious history of which he was such an integral part and provided so much of the leadership for.

I could not help but smile, both internally and externally, thinking about how meaningful that period was to those of us who were indeed teenagers at the time, to those of us who had the opportunity to simply take an idea, not really knowing where it was going to take us or what would happen as a result of the action, but simply an idea that, as the gentleman indicated, four freshmen college students would sit down, and because of the fact that they sat down, America ended up standing up.

So I just want to commend the gentleman from Georgia (Mr. LEWIS) for being a part of the leadership of that movement, but then never stopping and understanding that it was the movement that undergirded him and prepared him for the continuation of the great work that he has done for the rest of his life. I am just pleased to be associated with him, and with my other colleagues who kick off Black History Month, African American History Month, in this manner.

I also want to reinforce the comments that were made by the chairman of the caucus, the gentleman from South Carolina (Mr. CLYBURN), whose leadership has been impeccable during this past year. And as he begins this year talking about the unfulfilled dreams, the unmet needs, I was listening to his wise counsel as he suggested to all of us throughout America that in addition to looking at the past, in addition to reflecting in the accomplishments that have been made, that in addition to just looking at the great academicians, athletes, entertainers, builders and developers and other heroes of African American life, those who have contributed so richly and so greatly to this country, that in addition to looking at that, in addition to looking at what Frederick Douglass taught us, that struggle, struggle, strife and pain are the prerequisites of change, rather than just talking about it, that we really need to use this month to be engaged in it.

We really need to be making sure that all people who are not registered to vote in African American life make absolutely certain that, in honor of Black History Month, that in honor of Martin Luther King and Medgar Evers, that in honor of Jim Farmer, all of the others, that we make absolutely certain that during the month of February we make sure that we are registered to vote and that all of those who will receive census forms, rather than reciting the creation that James Weldon Johnson wrote, or rather than talking about the great portrait of Langston Hughes, or rather than just reminiscing about the tremendous music of Duke Ellington, that in addition to that, we make absolutely certain that everybody fills out their census form and sends it in so that each and every person in our community will in fact be counted, so that nobody can be missed, so that we will never be three-fifths of a person again.

So it is just a joy, it is a pleasure, and it is a delight to be here with the gentleman from Georgia (Mr. LEWIS) and the rest of my colleagues who use this evening to be so didactic, to be so informative, to be so inspirational, and

to be so accurate and correct as we kick off the beginning of Black History Month, and I thank the gentleman and yield back to him.

Mr. LEWIS of Georgia. Mr. Speaker, I thank my friend and my colleague for those very moving words and thank him for his participation, and I thank him for keeping the faith and for keeping his eyes on the prize.

Mr. DAVIS of Illinois. Well, we have had some great role models. My father is 87 years old, and we just moved him to Chicago from Arkansas, where he was living alone. And we were chatting the other day, and he said to me that in spite of how far we have come, we still have a long way to go. And I think he was absolutely correct. So I thank the gentleman.

Mr. LEWIS of Georgia. There is still history to be made.

Mr. Speaker, what I would like to do now is to yield to my good friend and colleague, the gentleman from the great State of North Carolina, from the city of Charlotte (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. JOHN LEWIS), and what I thought I would like to do in tribute to this Black History Month celebration and in tribute to the wonderful four gentlemen who sat in at the Greensboro lunch counter is to read some excerpts from a publication called ''Weary Feet, Rested Souls.''

Before I do that, I just find it so ironic that we could be here in the chamber with people like the gentleman from Georgia (Mr. LEWIS) and kind of take for granted that he is our friend and our colleague and never really think of him as a hero, yet understand how heroic the things that he did to make our being here possible, how historic and heroic those things are.

I feel much the same way about my good friend Franklin McCain. Franklin McCain and I have been good friends for a long time. I did not know him when he was one of the four participants at the Woolworth sit-ins in Greensboro, North Carolina; but not long after I moved back to Charlotte in 1970–71, I met Franklin McCain. We turned out to be in the same fraternity, and our friendship has grown. His wife and my wife both worked in the school system there in Charlotte. We never think of Franklin McCain as a hero either, but we know that the things that he and the three colleagues of his who started the sit-ins in Greensboro, North Carolina, did were heroic, and we pay tribute to him. And I would like to do it in this way, by reading some excerpts.

On February 1, 1960, after a late-night discussion, four black freshmen from North Carolina A&T University decided to try to get served in the sprawling Woolworth store. A half hour before it closed, they bought a few small items then sat down at the counter and waited. One asked for a cup of coffee. There was no violence, no arrest, no media, and no service. When the store closed, they got up and walked out, peacefully, just like the gentleman from Georgia described earlier in his comments.

Just as the somber-faced foursome left the building, a Greensboro News and Record photographer took the only surviving photograph of this historic event. The first three of these four had been members of the NAACP youth group in Greensboro, which had been active since the 1940s. On the left was David Richmond, wearing a beret. Next to him was the person that I now know as a friend and colleague, not as a hero or a superhero, next to him was Franklin McCain, the tallest of the group.

And Franklin I would characterize as a gentle giant. He is about 6–4, 6–5, but he is about as nice a guy as a person would ever want to meet. He would not harm a fly.

Wearing a soldier's cap, Ezell Blair, Jr., was carrying a paper bag in one hand. And Joseph McNeil from Wilmington, North Carolina, wore a white coat.

From the beginning, the Greensboro sit-ins electrified those who looked for a way to demonstrate discontent with segregation outside the courtroom.

□ 1915

The following day, on February 2, 23 men and women, mostly from North Carolina A&T University, visited the Woolworth's store with similar results to the day before. The next day the sit-ins had filled 63 of the 66 seats at the counter.

Dr. George Simkins, a former constituent of mine until they changed my congressional district and again a person who I never think of as a hero but as a wonderful person and constituent now, was the President of the Greensboro NAACP and he called on CORE for advice about how to keep the campaign going.

With CORE's help and the media spotlight, news of the sit-ins spread like concentric ripples on a still pond. Floyd McKissick, who later headed CORE, led sit-ins in Durham on February 8. ''CORE has been on the front page of every newspaper in North Carolina for 2 days'' exulted an organizer traveling to colleges and high schools in Greensboro, Raleigh, Chapel Hill, and High Point.

Lincoln's birthday brought the first demonstrations in South Carolina, led by 100 students in Rock Hill. The next day, CORE led a sit-in in Tallahassee, Florida. By the end of March, the sit-ins had spread to 69 southern cities. Woolworth's national sales showed a 9 percent drop from the previous March as a result of the boycott and the commotion caused by the sit-ins. These efforts produced the first wave of agreements to integrate not just Woolworth's itself but all the main downtown stores.

By July, Greensboro and 27 other border State cities had adopted integration in some form. By spring 1961, 140 had come around. Pledges to desegregate hardly brought calm to Greensboro. In spring of 1963, more than a thousand protesters led by North Carolina A&T student council president Jesse Jackson, again a person that we know and respect but never think of as a hero, marched each night, raising the arrest totals to more than 900.

On May 19, CORE president James Farmer held a march of 2,000 to the Greensboro Rehab Center, then serving as a makeshift jail. Swayed by these massive turnouts and boycott of Greensboro businesses, the city agreed to a bi-racial commission and marches were suspended. Greensboro was slow to implement changes, however, prompting 500 exuberant students to occupy the area in front of city hall.

The following week, 50 Greensboro restaurants, motels, and theaters abolished the color line in exchange for an end to street demonstrations.

I bring this to a conclusion with this kind of fitting note.

Woolworth's closed its doors here in Greensboro in 1993. The final meal at the counter was attended by all four original protesters, and the management reverted to its 1960 menu prices as a ''tribute'' to the four of them. Today plans are afoot for a three-floor museum created by a nonprofit group called Sit-in Movement, Inc. A portion of the counter, now shaped like four successive horseshoes, ringed with turquoise and pink vinyl seats, will remain on street level in the back. Portions of the original counter are in the Greensboro Historical Museum as part of an exhibit, but one section of the original remains in the store.

Outside on the sidewalk are bronze footprints of the four original protesters, people that we never think of as heroes but who laid the groundwork for us to be able to sit at lunch counters and share, in an integrated setting, food and camaraderie and in a special way pave the way for us to be here as Members of this body and pave the way for me to be here as the representative of the part of Greensboro North Carolina where these sit-ins commenced 40 years ago today.

Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for leading this special order. And more so, I thank him and Franklin McCain and people that we never think of as heroes for the heroic actions and steps that they took to make it possible for us to be here and make this tribute today.

Mr. LEWIS of Georgia. Mr. Speaker, I say to my friend and my brother, the gentleman from North Carolina (Mr. WATT), I think it is so fitting and appropriate for him to be standing here as a representative of the great State of North Carolina because so much did take place in North Carolina, not just the sit-ins in Greensboro that got spread throughout the State and around the South, but a few months later in Raleigh, North Carolina, at Shaw University the founding of the Student Nonviolence Coordinating Committee, where many of the young

people gathered under the leadership of Martin Luther King, Jr., where we really did come together to learn more about the philosophy and the discipline of nonviolence.

Mr. WATT of North Carolina. Mr. Speaker, if the gentleman would continue to yield just for an afterthought. Because on the Martin Luther King holiday, we had a wonderful tribute in Charlotte in which I read part of Lincoln's words to the backdrop of our Charlotte symphony orchestra; and during the reading, they were showing on a television screen kind of excerpts from the sit-ins, and later that night as I was taking my mother home, she said, You know, I saw your brother in those clips that they were showing. I said, You saw my brother? What do you mean you saw my brother? It turned out that my oldest brother, who was about the same age as Franklin McCain, was a student at Johnson C. Smith University and participated in the original sit-ins in Charlotte, and he was right in the front of the sit-in clippings that were shown on that evening.

I certainly never thought of my brother as a hero of sorts. But it is amazing the heroic steps that people like my colleague and Franklin McCain and even my brother took in those trying times. And we of the younger generation that have a little bit more hair than the gentleman from Georgia (Mr. LEWIS) thank him so much for everything that he did.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for his kind words and thank him for participating in this special order.

Mr. Speaker, what I would like to do now is to yield to my friend and colleague from the great State of Brooklyn, New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I thank the gentleman from Georgia for yielding to me. I, too, would like to congratulate him on launching Black History Month in the very appropriate way that he is launching it.

For years we have seen Black History Month take on different meanings for different people and great emphasis has been on the factual reciting of various achievements by blacks, people of African descent because of the fact that in history books and in the popular culture all of the facts of our positive achievements have been left out, and in the schoolbooks they have been left out.

I, as a librarian in the Brooklyn Public Library, working with many teachers to try to get together a united effort to get the Board of Education of the great City of New York to have a more inclusive curriculum with respect to black history, just to get the facts out was always so difficult.

Facts are just the beginning. And, of course, the facts are very important. The details of some of the kinds of things that the gentleman from North Carolina (Mr. WATT) has just recited are still unknown. The details of the development of the whole movement is not known.

I did not know that 400 to 500 students eventually sat down in Greensboro and made the whole city of Greensboro respond across the board, the hotels and stores, everybody. I did not know that fact, and I followed it pretty closely.

The important thing that I would like to add to the dialogue tonight is the fact that what those students did and what the gentleman from Georgia (Mr. LEWIS) did as a member of the Student Nonviolence Coordinating Committee did was to set in motion a process which was the real legacy of the civil rights struggle and of the people of African descent in the United States that ought to be highlighted and carried forward during every Black History Month, and that is the legacy of resistance, you know, resistance to oppression.

The victims resisted and they resisted nonviolently and they resisted en masse. And there was a whole chain reaction of events that led to successful resistance that the whole world now has copied. We do not realize how unique it was.

I was born in Memphis, Tennessee, raised in a city right between Arkansas and Mississippi. The brutality of the oppressive class at that point, the oppressive white leadership at that point, the brutality that you confronted when you tried to do anything, the danger of being lynched, the danger of being brutalized was so very real until most people do not realize what those students did when they went up against established order.

They had to summon up a great deal of courage, and my colleague, of course, repeatedly had to summon up a great deal of courage against very violent attacks. The violence and the brutality was such that when I graduated from Morehouse College in 1956, I left the South defeated, feeling that nothing much was ever really going to change.

I am so happy that those who came after us just 4 years later in 1960 were proving that that was not the case, that if students stood up, they could set in motion a whole series of events which not only electrified a mass movement in Greensboro, in Nashville, all over the South, but it came north.

I was an old man with kids in 1963, but as a member of Brooklyn CORE, we led a movement which had 800 people get arrested protesting discrimination in the employment industry. And of course, it went all over the country. And beyond that, we must realize it went all over the world, that when the Berlin Wall fell, they were singing ''We Shall Overcome'' in the streets of Berlin. When the Czechoslovakian people celebrated the withdrawal of the Soviet troops, they were in the street are singing ''We Shall Overcome.''

The whole pattern and whole message has gone out to the whole world. Victims do not have to accept it. The victims can resist. The victims can resist with nonviolence, and they can organize in such a way to prevail. That is the greatest legacy that the descendants of the American slaves have left to the world, the legacy that the victims can resist, the victims can overcome.

Singing ''We Shall Overcome'' is quite appropriate. When we do it with nonviolence, when we resist, we are able to overcome. I salute the gentleman and all of my colleagues for getting this Year 2000 celebration of Black History Month off to a great start, emphasizing that legacy which is so important and which we have contributed not only to ourselves and to this Nation but to the entire world. We shall overcome.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS), my colleague and associate, so much for his leadership. I thank him for all he did as head of CORE in Brooklyn and for being here tonight to participate in this special order.

It is appropriate for him to mention the theme song of the movement ''We Shall Overcome.'' After the 1960 effort, 5 years later, the President of the United States, President Lyndon Johnson, came and spoke to a joint session of the Congress when he introduced the Voting Rights Act and he said, ''We Shall Overcome'' several times. He said it to the Congress, but he said it to the nation, ''We Shall Overcome.''

So we have come a distance, we have made a lot of progress since February 1, 1960.

It is now, Mr. Speaker, my pleasure and delight to yield to the gentleman from New Jersey (Mr. PAYNE), my good friend from the city of Newark.

Mr. PAYNE. Mr. Speaker, let me first of all commend the gentleman from the great State of Georgia (Mr. LEWIS) for calling this special order highlighting the Greensboro sit-in that began on February 1, 40 years ago. I rise to join my colleagues in honoring this very important and historical day in history.

□ 1930

Let me begin by asking, What is a patriot? Usually the term ''patriot'' evokes images of our first President, George Washington. As a young boy, every class that I went to in my elementary and secondary schools in Newark, New Jersey, had a picture of George Washington. He was the patriot, he was the father of our Nation.

If you were to ask me what a patriot is, however, I would certainly say George Washington was one, but I also would think of the four particular young men who we have been talking about tonight in 1960: Ezell A. Blair, now Jibreel Khazan; Franklin E. McCain; Joseph A. McNeil; and David L. Richmond. These were young men who were patriots, also, because they sparked an American revolution of their own. As we think of these two images, they may seem unrelated, but they are in fact joined by the underlying principle of their actions, liberty, freedom and fairness.

These young men were in search of more than just food and beverages. Their hunger and thirst was much deeper. They wanted to drink from the fountain of equality and freedom and were therefore attacking the social order of the time. The first day there were four; the second day 20. What ensued was that thousands started. As they say, ''If you start me with 10 who are stout-hearted men, then I'll soon give you 10,000 more.'' Of course today we have to be gender sensitive, so I would paraphrase it by saying, ''Start me with 10 who are stout-hearted men or women and I'll soon give you 10,000 more.''

They used to say, ''It is better to build boys than to mend men.'' We have a difficult time making it fit, but I say men and women, too. But let me say that these four young men started a revolution.

So in a world full of images and symbols, I can think of nothing more powerful than the idea of these four young men, because it is said that nothing is as important as a dream whose time has come. As these men sat silently and calm at Woolworth's lunch counter in Greensboro, North Carolina, in 1960, it showed the courage and image that embodied a movement that changed the face of America.

As I conclude, Frederick Douglass once said, in 1857, ''Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its waters. Power concedes nothing without a demand. It never did and it never will.''

I conclude again by saying that we are thankful for those young men at that time. I also participated in Newark by us supporting them in those days, picketing Newark's Woolworth's store. I know recently Woolworth's announced the closing of 500 or so stores. I was just wondering whether that lunch counter in Greensboro, North Carolina, was one of those that finally closed.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from New Jersey, for those kind and moving words.

I yield to my friend and colleague from the great State of Iowa (Mr. GANSKE).

Mr. GANSKE. I thank my friend from Georgia for yielding.

Mr. Speaker, between 1882 and 1968, thousands of black men and women and children were hanged, burned, shot or tortured to death by mobs in the United States. Of those crimes, only a handful ever went to a grand jury. In New York City at this moment, there is a photo exhibition in which 60 small black and white photographs are on display. The name of this exhibition is Witness. It is at the Roth Horowitz Gallery. I am looking on page 17 of the latest New Yorker Magazine which shows one of the photographs from this exhibit. It shows two men, James Allen and John Littlefield, two black men, who in August 1930 were lynched. It shows them hanging from a tree. It shows a large crowd at their feet. There are 13- and 14-year-old young girls in this crowd. Some of them hold ripped swatches of the victims' clothing as souvenirs. This photograph became a souvenir and 50,000 of these postcards were sold at 50 cents each.

I thank the gentleman for having this special order tonight. Here in Washington, we have a Holocaust museum. It would be my sincere hope that this photographic exhibit of 60 small photographs comes to Washington and travels around the country. I think every American should see this as part of a very tragic part of our American history.

Mr. LEWIS of Georgia. I want to thank the gentleman from Iowa for bringing that to our attention. I have seen the exhibit. I have seen the book. It is very, very moving. It makes me very sad sometimes to think that in our recent history that our fellow Americans would do this to other Americans. Some of these photographs makes me want to really cry. It is very painful to see. I think that is a wonderful suggestion, to bring this exhibit to Washington, let it travel around America, because we must not forget this part of our history. Just maybe we will never ever let something like this happen again in our own country.

Mr. Speaker, I want to thank all of my colleagues for participating in this special order.

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THE INTERNATIONAL GLOBAL ECONOMY AND PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, tonight I want to talk about two issues. First I want to talk about the international global economy, and then I want to say a few words about patient protection legislation, just so I will not disappoint any of my colleagues.

While the international global economy is no longer a vision of the future, it is here, it is a reality, we are now establishing the rules that govern this economy; and the outcomes of these debates will have a direct impact upon my State of Iowa as well as on the country as a whole.

Our country and my State have benefited greatly from the growing international marketplace and American efforts to reduce tariffs and trade barriers. For example, my home State of Iowa's exports increased nearly 75 percent over 5 years to $5 billion in 1998. Export sales from Des Moines alone totalled nearly half a billion dollars in 1998. This growth was a two-way street. My State has attracted more than $5 billion in foreign investment. This level of international trade and investment supports thousands of jobs in Iowa and across the country, and it greatly benefits our economy in general.

Over the past 30 years, we have made significant progress in breaking down barriers to trade. The General Agreement on Tariffs and Trade, or GATT; the World Trade Organization, or WTO; and the North American Free Trade Agreement have been effective in promoting the development of free trade. Yet we need to do much more. I have a book in my office published each year by the Office of the U.S. Trade Representative entitled ''National Trade Estimate Report on Foreign Trade Barriers,'' not exactly something that you want to read if you want to stay awake late at night. The 1999 edition is more than 400 pages long, but those 400 pages detail the impediments that still exist to fully achieving a free international economy. America as the largest economic force in the world will benefit greatly if we eliminate those barriers.

So tonight I want to talk about some of the trade issues Congress may be addressing this year and how they tie into the goal of expanding market access and promoting free trade.

One of the first things Congress could do is to enact sanctions reform. The United States uses trade sanctions to apply economic pressure against countries to force them to modify their policies. Our trade sanctions against Cuba are an example. Often, these sanctions prohibit the export of food and medical products. These sanctioned markets currently buy $7 billion in agricultural commodities each year from the international community. That is $7 billion in agricultural commodities that they are not buying from us. The Department of Agriculture estimates that rural communities lose $1.2 billion in economic activity annually as a result of these unilateral sanctions. For this and other reasons, we need to end unilateral sanctions on food and medicine, except in cases of national security.

First, they do not work. Our allies freely supply these products to the sanctioned states, undermining our efforts and taking away potential markets. Second, withholding food and medicine from civilians because we disagree with their governments' policies, in my opinion, is less than civilized. And, third, these unilateral sanctions punish America's farmers and further depress commodity prices by denying access to significant international markets. When our Nation's farmers are struggling for survival, that is not acceptable. By exempting agricultural and medical products from unilateral sanctions, we can provide our farmers with additional market opportunities and provide a humanitarian service to people living under those oppressive regimes.

Another tool we can implement to promote free trade is fast-track negotiating authority. Fast track allows the

President to negotiate international trade agreements and then bring those agreements to Congress for an up-or-down vote without amendments. This authority is authorized for limited periods of time. Beginning in 1974, fast track was extended several times, until its most recent expiration in 1994. Armed with that fast-track authority, Presidents were able to assure our trading partners that they have the necessary authority to negotiate trade agreements and that Congress will not change the conditions of those agreements.

It was under such authority that two multilateral trade agreements were reached under GATT, including the Uruguay Round which produced great dividends for U.S. farmers, U.S. interests and established the WTO, the World Trade Organization. Fast track also helped America reach free trade agreements with Israel in 1985 and Canada in 1988, as well as the North American Free Trade Agreement, or NAFTA, in 1993. But in 1994, authorization for fast track expired; and it has not yet been reauthorized.

Now, last year President Clinton announced in his State of the Union address that he would again seek renewed fast-track authority. Unfortunately, that was followed by a rather anemic and unsuccessful effort by President Clinton in 1998. So today, we still do not have fast-track authority.

I believe that if we wish to continue making substantial improvements and advances in promoting free trade and if we want to shape or have input in the current negotiations of WTO, we need to reauthorize fast-track authority. In this year's State of the Union address just last week, President Clinton spoke about nearly everything, except fast-track authority.

□ 1945

I hope the President and Vice President put full White House support behind an effort to reauthorize fast track, and I hope we in Congress can pass it before we adjourn this fall.

While sanctions reforming fast track will help America's efforts to enhance free trade and market opportunities for our industry and farmers, we must also engage other nations in multilateral agreements if we hope to get anything done. This can be done most effectively through international trade organizations.

The system that has received the most attention lately is the World Trade Organization, the WTO. Everyone is aware of the events that took place in Seattle with the tear gas and the rioting in the streets. The Republican presidential primary candidates have been debating the merits of U.S. participation in WTO.

Despite some of the concerns being expressed, I fully support U.S. membership in WTO and other international trade organizations. Opponents of trade organizations like to focus on the apparent negative effects of an international market. In the current international economic system, nations are looking for competitive advantages. The United States, for example, has great technology and we have an agricultural surplus, so we seek to promote these for our benefit. Others do for their particular industries.

Many have argued that international agreements threaten to weaken other segments in our economy and should therefore be avoided. Some argue that we should not participate in these agreements because they threaten our national sovereignty.

Well, I understand the concerns about opening our markets to other nations and the need to secure ourselves from threats against our sovereignty, and we must never relinquish control over our own destiny. However, these opponents fail to consider that these agreements in which we are involved were reached with our input. The rules of these organizations exist to ensure fair treatment from market to market and to reduce tariffs and restrictions, concepts that have greatly benefited America.

One of the most effective agreements America has brokered is NAFTA. NAFTA has had a significant impact on Iowa's economy since it went into effect in January 1994. The agreement set a schedule for reduction and eventual limitation of tariffs between the United States and our neighbors, Canada and Mexico. This has resulted in a terrific growth for North American trade, greatly increasing our export market.

For example, my home state of Iowa. Exports to Canada and Mexico nearly doubled in NAFTA's first 4 years. In 1998 alone, Canada and Mexico imported $2.3 billion in Iowa products, more than 44 percent of Iowa's export total. This growth supports thousands of jobs and has brought substantial economic benefits to our businesses and agricultural communities.

NAFTA serves as a model for the international community. It reduces barriers, it promotes trade, and it capitalizes on America's advantages. The goal of the World Trade Organization is ''to help trade flow smoothly, freely, fairly, and predictably.'' I believe the WTO has significantly improved the international economy.

The Uruguay Round which produced the WTO established a system of rules for member nations to ensure fair market treatment. In addition, it established a process by which member nations could seek redress for their grievances without resorting to immediate trade retaliation. That action helps prevent disruptions in international markets, and the result has been a global lowering of tariffs, an easing and elimination of import quotas and an overall more free system of trade. These are essential components to future prosperity for America and our trading partners.

Of significant importance to our Nation's agricultural trade was the implementation of the Sanitary and Phytosanitary Agreement, or SPS. This states that a nation or trading block cannot impose restrictions on the import of agricultural or food products based on a health concern unless that concern can be backed by scientific evidence.

This strikes at the heart of many of the barriers that other nations have erected to keep out our American agricultural products. It helps open markets that have traditionally been closed to our farmers.

But I want to talk for a minute about the role of WTO in resolving trade disputes, because it is this function that is at the heart of many of the criticisms of WTO. The set of rules by which members must abide were agreed to by all of the members. However, nations sometimes violate those rules, despite their commitments. When this happens, the WTO dispute settlement process offers a forum through which nations can seek solutions to their differences without immediately imposing trade barriers.

When a member files a complaint, a WTO-appointed commission reviews the case and issues an opinion. Countries have the ability to appeal those findings. After the appeals process is exhausted, the loser of the case must modify their policies to comply with the rules to which they themselves agreed.

Now, the WTO does not have enforcement authority, but it does have international opinion and the collective will of the members of the organization in an enlightened way and enlightened self-interest to encourage nations to comply with World Trade Organization rules. Thus, the WTO is only as strong as the commitment of its member nations. But the collective will of the international market is a significant factor in reducing barriers to trade.

The current round of WTO trade negotiations must address the issue of compliance while seeking to further reduce barriers to trade. If the European Union, one of the largest members of WTO, continues to violate the rules of the agreement, the future of WTO is in jeopardy.

The future of WTO will be determined in the next couple of years, determined by the new round of negotiations and determined by the potential accession of China to the World Trade Organization.

I was very disappointed with events in Seattle at the end of last year. I believe this new round is a terrific opportunity for us to expand our role in the international economy by improving market access for Iowa's products. For the opening session to be disrupted in the way it was was very unfortunate, to say the least. This round will determine the future effectiveness of the World Trade Organization, and the United States should use the WTO to make significant advances in the reduction of barriers to America's goods.

An issue that may change the international market significantly is the

prospect of China joining the WTO. The United States and China a few months ago reached a bilateral agreement on China's accession to the World Trade Organization. This agreement looks very promising, and I would like to point out a few details that may interest you.

Overall, China agreed to cut tariffs from an average of 24.6 percent in 1997 to an average of 9.4 percent by the year 2005. For U.S. priority products, tariffs will be cut to 7.1 percent. That is a 62 to 71 percent drop in tariff rates on most imported goods. In addition, China agreed to phase out most import quotas by the year 2005, making these new tariff rates applicable to most products, regardless of quantity.

China also agreed to give American companies more control of the distribution of their products at both the wholesale and the retail levels. American suppliers will no longer have to go through state trading enterprises or Chinese middlemen. American companies will be allowed to provide maintenance and services for their products, something particularly important, for instance, with automobiles.

In agriculture, China agreed to lower the average tariff on American agricultural products from nearly 40 percent to 17 percent. In addition, it will set tariffs on U.S. priority products, such as pork, beef and cheese, at 14.5 percent. That is a significant concession.

The agreement also establishes tariff rate quotas which represent the maximum level of imported product for which lower tariffs are applied. The goal of trade negotiations are to increase those quotas and eventually eliminate them, thus producing the greatest possible benefits for the exporting nation.

For example, China agreed to eliminate oil seed quotas by the year 2006 and to increase the quota for corn to 7.2 million metric tons by the year 2004. By comparison, China currently imports only 250,000 metric tons of American corn.

China also agreed to abide by the Phytosanitary Safety Agreement and to accept the U.S. Department of Agriculture certification that American meat and poultry is safe. What this means is that China will now open its market to U.S. pork, beef, and poultry, access which has been denied because of China's claim that American meat is not safe enough for consumption.

I can guarantee you, America's meat is safe for export. I go overseas to Third World countries. Let me tell you, on most any given day, I would rather have an American piece of meat.

In addition, China pledged not to provide export subsidies for its agricultural products. Let me repeat that. China pledged not to provide export subsidies for its agricultural products. So they are opening up their market, they are reducing their quotas, they are reducing their tariffs, and they are also agreeing not to subsidize their own producers, giving them an unfair or uncompetitive advantage. These agricultural concessions are very attractive and they hold forth the promise of significant growth for our nation's farmers.

We passed the Freedom to Farm Bill here a few years ago. I think overall moving away from restrictions on planting and giving farmers freedom to plant the crops that they want is a good move, but part of the bargain of that bill is also that we work hard to remove export barriers and import barriers in other countries. This is part of what we are doing with the accession agreement with China.

Another component of the agreement of interest to our nation is in the area of financial services. Currently foreign insurance companies are allowed to operate in only two cities in China. This bilateral agreement will remove all geographic limitations for insurance companies within 3 years. Within 5 years, foreign insurers will be able to offer group, health and pension insurance, which represents 85 percent of all premiums sold.

Foreign firms will be allowed under this agreement 50 percent ownership for life insurance and will be allowed to choose their own joint venture partners. Non-life insurance companies will be allowed to establish local branches, hold 51 percent ownership upon accession, and form wholly-owned subsidiaries within 2 years.

In addition, China agreed to lower tariffs on American automobiles to 25 percent from the current rate of 80 to 100 percent, and American financing programs for these cars would also be available. Tariffs on information technology like computers and Internet-related equipment would be eliminated by the year 2005 and banks and financial institutions would have unprecedented access to the Chinese population. China promised to conduct business in a fair, non-discriminatory manner, and in accordance with WTO rules.

The United States also ensured that its existing anti-dumping protection provisions and product safeguard programs will remain in place for the next 12 to 15 years.

Well, despite the apparent benefits of this agreement, I still think we need to be careful. China does not have a great track record in complying with trade agreements. Currently our trade relationships with China continue to be tilted in favor of China. Despite continued engagement and extension annually of normal trade relations or most-favored-nation status, the U.S. trade deficit with Beijing has increased from $6.2 billion in 1989 to $56.9 billion in 1998.

In 1992, we signed a memorandum of understanding to improve market access between the United States and China.

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The Chinese Government has failed to reduce significant trade barriers to U.S. products. In addition, our bilateral agreement is not the final document concerning China's membership in the World Trade Organization.

China must now complete bilateral agreements with the European Union, with Canada and with other trading partners. These agreements will then be combined into a comprehensive, multilateral package, that would be presented to Congress. Congress must then decide whether to grant China permanent Most Favored Nation status, or normal trade relations.

A year ago, I opposed a 1-year extension of NTR to China. I did so for several reasons, the unfair balance of our trade relationship; the 40 percent import tariffs that China puts on our agricultural products, I do not think that is fair; China's violations of our national security; their disregard for human rights and their threatening posture towards their neighbors.

Additionally, I did not feel that past extensions of NTR had greatly benefited America's interests. Rather, despite NTR, China's actions jeopardized our national and economic security. However, this bilateral accession agreement could open a tremendous market for American and Iowan products, if, and this is the big if, China actually complies with the provisions of the treaty.

The unprecedented access for international businesses would expose Chinese society to outside influences like never before. While the jury is still out, the fine print has not yet been made available for review, I expect the President will request Congress to waive the Jackson-Vanick amendment which requires annual extension of NTR for China and ask us to improve permanent NTR status.

This is going to lead to a vigorous and energetic debate on this floor of the House of Representatives. The stakes are very high. This may sound like an arcane subject. Maybe it is not as personal as the patient protection legislation that I am going to be talking about in a few minutes, but I can say what we decide on the floor of this Congress on this treaty could have significant impact on each and every one of us in this country in terms of how our economy is going to do.

If Congress approves permanent normal trade relations for China and abandons the annual review requirement, do we risk losing valuable leverage in future negotiations? If we grant permanent NTR, will we actually experience significant reform in the Chinese markets, or will China renege on its promises as it has in the past?

If we do not grant permanent normal trade relations, will we be watching from the sidelines as other nations take advantage of new market opportunities to 1 billion people? These are some of the questions that Congress will have to ask this session. I look forward to the debate, and I am learning more about the fine print of this agreement.

In summary, I think the United States must pursue free trade whenever possible. This includes reforming our sanctions policies to provide American food and medicine to needy civilians. It involves granting the President fast track negotiating authority to ensure our place in global trade negotiations. It involves participating in international trade organizations to open new and expanding markets. It involves reducing trade barriers in order to spur further economic growth for our economy, but we must remain aware of the implications such action may have on our security, and we must make those decisions appropriately.

At this time, I am leaning towards a yes vote on permanent normal trade relations with China, and I am looking forward to the debate.

PATIENT PROTECTION LEGISLATION

Mr. GANSKE. Mr. Speaker, I want to say a few words about patient protection legislation, particularly in response to what I consider to be a rather inaccurate publication that has been sent to Congress, all Members of Congress recently, by the HMO industry.

Before I go any further, I want to be crystal clear what my position has been throughout this long debate. As we have developed patient protection legislation, I have always believed that any entity, whether a doctor, a health plan or a business, that makes decisions on medical necessity must be held responsible for those decisions. Moreover, I find it reprehensible that there are those who would promote the argument that an entity should be able to wrongfully cause the death of a patient and be shielded from legal responsibility.

Currently, doctors are held responsible for the medical decisions they make, but health plans and even employers can dodge such responsibility through the ERISA preemption clause. Recognizing that plan sponsors and some employers do make these decisions, the Norwood-Dingell-Ganske bill, the Bipartisan Consensus Managed Care Improvement Act of 1999, erases this unintended shield by making those plans responsible for any decision they make regarding medical necessity.

Of those lawsuits that are brought, most would not be against employers or plan sponsors because they are generally not involved in the medical necessity decisions that could lead to a personal injury or death. Therefore, our bill protects health plans and employers by ensuring that they can only be sued if they decide to do more than offer health insurance. In a recent communication entitled Health Plan Liability, What You Need to Know, the American Association of Health Plans makes a number of dubious assertions about the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Improvement Act of 1999. I would advise my colleagues to take this with a grain of salt. In fact, my colleagues may want to take it with a whole truckload of salt that is currently cruising the streets here in Washington.

To begin with, the AAHP implies that supporters of the Norwood-Dingell-Ganske bill are promoting lawsuits, but the supporters of the Norwood-Dingell-Ganske bill believe that patients should have an opportunity to pursue internal and external review in a timely fashion before they are harmed. It is the appeals process with an independent review panel that will improve quality of care and ensure that patients receive necessary health care, but as Governor Bush says, ''at the end of the day, HMOs must be responsible for their actions.''

Then AAHP claims that HMOs already can be sued under ERISA. Well, again, take that characterization with a huge grain of salt, because it is true that under ERISA HMOs can be sued but only for the costs of treatment denied. Now, how is that a just outcome for a child that has already lost his hands and his feet or somebody else who has lost their life? It is a travesty that many of these people and their families find that their legal remedy, under ERISA, through their employer plan, for their loss, is only the cost of treatment denied.

That is an unfair burden on patients. It was never the congressional intent and the Norwood-Dingell-Ganske bill provides appropriate liability and external appeals process protections for patients and their families.

Next, the American Association of Health Plan little manual says, ''The current medical malpractice system demonstrates that making correct decisions does not preclude lawsuits,'' but under the Norwood-Dingell-Ganske bill the external appeals panel makes a determination on the appeals that are brought before it. If the health plan does not abide by the panel's decision, then the patient and his family have the ability to pursue liability action. However, if the plan abides by the independent panel's decision, then it is protected under our bill, the bill that passed this House by a vote of 275 to 151, it is protected from the punitive damages that the health plans are so concerned about.

On this point, an additional claim that our bill, ''requires external review to be completed in all cases before an individual can sue the plan. Therefore, few claims will ever reach court,'' AAHP then states that the Norwood-Dingell-Ganske bill would, ''allow enrollees to bypass external review when an enrollee claims that he or she had been harmed before an external review is initiated.''

AAHP fails to point out that the Norwood-Dingell-Ganske bill allows them to go directly to State court only, I repeat only, if they have suffered personal injury or wrongful death. After a patient has already been killed, seeking any further treatment or an appeal is absurd. On external review AAHP says that we say, ''expanded health plan liability is necessary because plans may not adhere to the decisions of the external review even at this time.''

AAHP states that, ''There is no evidence demonstrating that in States that have a binding external review system, health plans do not adhere to the decision of external review entities.''

However, in the House Committee on Commerce, we heard testimony from Texas that refutes this statement by the HMO industry. That lawsuit, Plocica versus NYLCare is a case in which the managed care plan in Texas did not obey the law, and a man died. This case exemplifies why we need accountability at the end of the review process.

Mr. Plocica was discharged from a hospital suffering from severe clinical depression. His treating psychiatrist informed the plan that he was suicidal and required continued hospitalization until he could be stabilized. Texas law requires an expedited review by an independent review organization, one of those IROs that Governor Bush speaks about. Prior to discharge, such a review was not offered to the family by the plan, by the HMO.

Mr. Plocica's wife took him home. During the night he went to his garage. He drank half a gallon of antifreeze and he died a horrible, painful death.

This case shows that external review and liability go hand in hand. Without the threat of legal accountability, HMO abuses like those that happened to Mr. Plocica will go unchecked.

The lesson from Texas also is that there will not be an avalanche of lawsuits. In fact, when HMOs know that they will be held accountable, there will be fewer tragedies like those that happened to Mr. Plocica.

A couple of Sundays ago, just before the Iowa caucuses, AARP, the American Association of Retired Persons, ran a one-hour infomercial on TV. They interviewed all of the Presidential candidates on their positions on a number of issues interesting and of importance to senior citizens. One of the questions that they asked was, what is your opinion on patient protection legislation? And they had quotes from all of the candidates, both Republicans and Democrats.

I want to read a transcript of what Texas Governor George W. Bush had to say about this issue. These are Governor Bush's words. ''As governor of Texas, I have led the way in providing for patient protection laws when it comes to managed care programs. I am proud to report that our State is on the leading edge of reform. People who are in managed care programs in the State of Texas have the right to choose their own doctor so long as it does not run up someone else's premium. People in my State are able to take advantage of emergency room needs and yet be covered by managed care. Women have direct access to OBGYNs. Doctors are not subject to gag rules.''

Governor Bush continued. ''We have information systems now that are made available for consumers who are in managed care programs. We have

done a good job of making the managed care systems in our Texas consumer friendly, as well as provider friendly.''

Governor Bush continued. ''I have also allowed a piece of legislation to become law that allows for people to take disputes with managed care companies to an objective arbitration panel called an independent review organization.''

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''It is a chance for the insurance provider and for consumers to resolve any disputes that may arise.''

Here is the important part of this statement. These are in Governor Bush's words. This is from the Texas experience.

''If after the arbitration panel makes a decision, and if the HMO ignores that decision, i.e., in this gentleman's case where he drank half a gallon of antifreeze case and died because of that HMO's medical necessity decision, then consumers in the State of Texas will be able to take the HMO to a court of law to be able to adjudicate their dispute.''

George Bush finished his statement by saying, ''I believe this brings accountability to HMOs, and I know it gives consumers the opportunity to take their case to an objective panel. This law is good for Texas. I believe this law will be good law for America, as well.''

Mr. Speaker, the bill that we passed here a few months ago, the Bipartisan Managed Care Consensus Reform Act of 1999, the Norwood-Dingell-Ganske Act, was modeled after the Texas laws. Let me give some examples.

The Norwood-Dingell proposal on utilization review, when a plan is reviewing the medical decisions of its practitioners, it should do so in a fair and rational manner. The bipartisan consensus bill lays out basic criteria for good utilization review: physician participation in development of review criteria, administration by appropriately qualified professionals, timely decisions. All of these things, and the ability to appeal those decisions, are in the Norwood-Dingell bill.

Guess what, this became law in Texas in 1991. These provisions that were in the Norwood-Dingell bill were enhanced in Texas law in 1995.

How about internal appeals? The bill that passed the House says, ''Patients must be able to appeal plan decisions to deny, delay, or otherwise overrule doctor-prescribed care and have those concerns addressed in a timely manner. Such an appeal system must be expedient, particularly in situations that threaten the life and health of the patient, and conducted by appropriately credentialed individuals.''

What is the situation in Texas? In 1995, these internal appeals were promulgated by regulations by the Texas Department of Insurance.

How about external appeals? In the Norwood-Dingell-Ganske bill, individuals must have access to an external independent body with the capability and authority to resolve disputes for cases involving medical judgment. The plan must pay the costs of the process. Any decision is binding on the plan. If a plan refuses to comply with the external reviewer's determination, the patient may go to court to enforce the decision. The court may award reasonable attorneys' fees in addition to ordering the provision of the benefit.

What is the Texas law? The same thing. It became law in 1997. Since it has been enacted, 700 patients plus have appealed their health plan's decisions, with 50 percent of the decisions falling in favor of the patients and 50 percent of the decisions in favor of the health plan. The Texas external appeals process is being challenged in court. It could be overturned unless we act here in Congress.

How about insurer accountability? In the Norwood-Dingell-Ganske bill, health plans are currently not held accountable for decisions about patient treatment that result in injury or death under ERISA.

Currently, the Employee Retirement Income Security Act preempts State laws and provides essentially no remedy for injured individuals whose health plan decisions to limit care ultimately cause harm. If the plan was at fault, the maximum remedy is the denied benefit. The bipartisan consensus bill would remove ERISA's preemption and allow patients to hold health plans accountable according to State law.

However, plans that comply with the external reviewer's decision may not be held liable for punitive damages. That is those $50 million or $100 million awards. Additionally, any State law limits on damages or legal proceedings would apply. What is the situation in Texas? The same thing. It became law in 1997. Since that time, only three lawsuits are known to have been filed as a result of the Texas managed care accountability statute.

Mr. Speaker, this missive that we need to take with a truckload of salt put out by AHP says, oh, yes, but there are a bunch of cases out there in Texas that have not been filed, so we do not really know. I would point out that Texas is tracking suits filed, not decided. In Texas, there is a 2-year statute of limitations on bringing suits. If those suits were out there, we would know about them because they would have to be filed. It simply is not happening.

Before Texas passed this law in 1997, the insurance industry, the HMOs, said the sky would fall, the sky would fall. There would be a plethora of lawsuits. Instead, we have seen three filed. However, we have seen probably over 1,000 of those disputes resolved before an injury occurred. That is what we want to do.

Choice of plans, the provision that is in the Norwood-Dingell-Ganske bill, the same thing in Texas, became law in 1999.

Provider selection provisions, those regulations have already been promulgated by the Texas Department of Insurance in 1995. Women's protections that are in the bipartisan consensus bill became law in Texas in 1997. Access to specialists in the Norwood-Dingell-Ganske bill, the bipartisan bill, were promulgated by regulation in Texas by the Texas Department of Insurance in 1995.

Drug formulary, prescriptions. The provisions that are in our bill that passed this House with a vote of 275 became law in Texas in 1999.

Mr. Speaker, maybe Governor Bush and for that matter Senators MCCAIN and HATCH, Senator LOTT, the majority leader, the gentleman from Texas (Mr. ARMEY), and presidential candidate Gary Bauer are also aware of the December poll by the Harvard School of Public Health and the Kaiser Family Foundation which found that nearly 70 percent, let me repeat that, 68 percent, to be precise, of Republican respondents, that is two out of three, more than two out of three Republicans, said that they would favor patients' rights legislation that included the right to sue their health plans.

It is awfully hard for somebody to argue that an industry which is making life and death decisions should have a shield from liability that no other industry in this country has. Do automobile makers have a shield from liability if they make a car that explodes? Do medical manufacturers have a shield from liability if their product causes a patient to die? No. I do not know of too many Americans that think they should.

When each and every one of us is not only a purchaser but a participant in this health system, when we know that a member of our family or a friend or a colleague at work has been mistreated by their HMO and denied medically necessary care, that is why about 85 percent of the people in this country think that this Congress ought to pass strong bipartisan patient protection legislation.

I sincerely hope that we move in that direction before the end of this session. I look forward to working with my colleagues on both sides of the aisle to try to effect a bill that we can get on the President's desk, get it signed into law, that handles the medical necessity issue and that provides an effective enforcement mechanism.

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AMERICA'S PROBLEMS WITH ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to return to the floor in really the second half of this session of Congress to renew my continued efforts to bring to the attention of the Members of this body and the American people the problem that we as a Nation face in our

tremendous problem of illegal narcotics and drug abuse that have ravished our land.

Tonight I will probably begin my 20-something special order of the 106th Congress by first of all reviewing a little bit of what has taken place in some of the omissions of the President in his State of the Union Address, particularly in regard to the threat we face as a Nation from illegal narcotics.

Then I would like to focus a bit on a General Accounting Office report that I requested last year which is on drug control. It was released a few weeks ago, the end of the last year, in December. It is entitled ''Assets That DOD Contributes to Reducing the Illegal Drug Supply Have Declined.'' I will speak about that particular report that I requested, along with one of my colleagues from the other body.

Tonight again I think it is important that I cover and the Congress pay attention to items relating to illegal narcotics and drug abuse that were not mentioned by the President of the United States, and as this problem affects our state of the Union.

Just a few days ago, last week, the President took the podium behind me and he gave only glancing lines, one or two lines, a sentence or two, in a very lengthy presentation to the Congress and the American people on the State of the Union, and in particular, with regard to illegal narcotics and drug abuse. I will try to fill in some of the gaps in what really is probably the most serious problem facing us as a Nation, the most difficult social and judicial problem that we face, and one that I have a small responsibility in trying to develop a policy for in the Congress, particularly in the House of Representatives, as chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

I think that anyone who just takes a few minutes to look at social problems facing us has to be struck by the sheer magnitude of the illegal narcotics problem. Since President Clinton took office in 1993, and he did not mention these figures, nearly 100,000 Americans have lost their lives as a direct result of illegal narcotics, overdoses and activities related to illegal narcotics and drug abuse. That is only the tip of the iceberg because there are many, many tens of thousands of other deaths related to illegal narcotics that are not even reported in statistics and in the numbers that I have cited.

Just in the most recent reporting period, over 15,900 Americans lost their lives as a result of narcotics in our land. The problem is not diminishing, the problem is in fact growing. That is confirmed by just about every statistical report our subcommittee has received, and also by the sheer facts that we see in picking up our daily newspapers, whether it is in our Nation's Capital, Washington, D.C., or throughout this land.

This problem we did not hear the President talk about has resulted in the incarceration of an unprecedented number of Americans, with over 1.9 million Americans in jail today. It is estimated 60 to 70 percent of those individuals behind bars are there because of drug-related offenses.

The toll goes on and on. The most recent statistic cited in this GAO report has identified $110 billion in costs to our economy.

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And if all the costs related with this social problem are added up, it could be as much as $250 billion a year.

So the cost is dramatic. The cost in dollars is dramatic, but the cost in destroyed lives across this land is absolutely incredible.

Mr. Speaker, it is something to talk to parents who have lost a young life and drugs, illegal narcotics particularly, impact our youth population. But to try to understand the agony of people that must deal with addiction, the agony of people that have young or adult individuals in their family hooked on illegal narcotics, the ravages that this has done to our economy and what could otherwise be productive lives is just untold.

So we have a problem that has been swept under the table. It was not mentioned by the President in his address, but again except a glancing and I think talking briefly about aid to Colombia, and I will talk about that very shortly.

But we got into this particular situation not by accident, I believe, because in the 1980s under the leadership of President Ronald Reagan and President George Bush, we began a decline. At that point we had a cocaine epidemic and drug epidemic in the early 1980s that we were beginning to get under control. If we look at the statistics, we see clear evidence that, in fact, drug use and prevalence of drugs, particularly among our young people was on the decline. That there was, in fact, a war on drugs in the 1980s and the beginning of 1989.

Mr. Speaker, that multifaceted and comprehensive program was, in fact, dismantled beginning in 1993 with the Clinton administration taking office. Very purposefully, the President began dismantling that effort. Some of that dismantling is detailed in this report that I requested. And, again, not my statistics, but actual statistics compiled by and information compiled independently by the General Accounting Office we will go over a bit tonight.

But the first thing that was done was the dismantling of the drug czar's office which was slashed from 120 staffers to 20 staffers. I ask, how can we conduct a war or a concentrated effort against narcotics, against the scourge of drugs by slashing the command structure? I say that is impossible, but that was the very first step in this process.

The next step, and I brought these charts up before, but let me just bring them out again, was dramatic declines starting in 1992–93, here we see dramatic declines in drug spending for international programs. Now, many people might wonder what international programs are. International programs would be stopping drugs at their source.

So this war on drugs or fighting a war on drugs is not really rocket science. It does not take somebody years and years to develop a strategy, because we know that 100 percent of the cocaine that is produced, I will say 99.5 percent of it that is produced, there might be a little bit somewhere else, but we know that it is produced in Bolivia, Peru and Colombia. Again, not rocket science.

We know that it is very cost-effective for a source country eradication program to deal with the problem. We tried it and if we eliminate drugs where they are grown, coca that produces cocaine in a limited area of the world where it can be grown, we do not have a lot of cocaine production. Simple.

We also know that today some 65 to 70 percent of the heroin produced in the world that is on our streets, and we know factually that it is on our streets from the fields of Colombia, comes from, in fact, Colombia. We know where the heroin comes from that is spilling over in unbelievable quantities on our streets and throughout our communities.

The reason that we have incredible supply of drugs in this country is basically because in 1993–1994, during the Clinton administration and a Democrat-controlled Congress, they made a very direct decision to cut these cost-effective eradication crop alternative and drug programs in source countries.

Actually, this chart shows the 1995–96, the period the new majority and Republicans took over, that we have begun to restore funds. If we use 1992 dollars in 1999, we are just about back to the 1995 levels.

The same thing happened in interdiction. Let me put this chart up if I may. Again, we are going to stop and think about this. It is a common sense approach. If they cannot produce drugs and we stop them at their source, we have stopped some of the supply. Now, the next most cost-effective way to stop illegal narcotics and a huge supply from reaching our streets is simple. It is to stop it as it is leaving the source where it is produced. That can be very cost-effectively done, as the Reagan administration demonstrated and the Bush administration, with interdiction programs.

We brought the military into the process in the 1980's, not for our military to be law enforcement officers, not for them to conduct combat against illegal narcotics traffickers, but to provide surveillance intelligence information.

Now, first of all we have to realize that our military is conducting this around the world all the time. I must admit some of our resources have been strained to the limit because this President has deployed more forces in

various deployments throughout the world than probably any President in the history of the Nation. But in any event, we have in this arena for the most part military, and we have resources in this area. So what they have been supplying is intelligence, surveillance, and information. That is the interdiction program heart and soul.

Now, again, using the military in this fashion, again, 1993, we see a dramatic reduction. In fact, a 50 percent slash. This GAO report which I will cite tonight details even more what took place. It is pretty startling what took place about taking the military and our assets out of this effort.

Again, if we look back here in the Republican administration actually, the Republican control of the House of Representatives and the other body in 1995–96, we began to restore the funds. And, again, because of 1992 dollars versus 1999 dollars, we are just about back at those levels. But, in fact, it has been very difficult to put together those resources. Again, in interdiction programs also with a Department of Defense, which this report outlines that has not really been willing to cooperate, and an administration, starting with the Commander in Chief who has not wanted to conduct a real cost-effective and targeted war on illegal narcotics.

So, again, stopping drugs at the source is most cost-effective, and then the second most cost-effective thing is getting the drugs as they are coming from the source. What is interesting too is that practice, and what I am talking about in interdiction really does not require forces of the United States to go after these. These would be primarily giving intelligence and working in a cooperative international effort with countries like Bolivia, Peru, and Colombia where the heroin and cocaine is produced. We then allow them, and they have, except where the administration has blocked the information and the intelligence, gone after the drug traffickers, in some cases shot them down or had the information and the surveillance fed to them so that they could cost effectively go after drugs as they came from the source but before they reached our border.

Now, this administration has picked the least cost-effective way of going after the war on drugs in my opinion. In 1992 or 1993, they began an effort to, in fact, put most of our war on drugs in the treatment category. Most of the expenditures from the Congress were dedicated or redirected towards treatment. Now, treatment by itself is very necessary, but alone it will not solve the problem. And it is very costly and sometimes fairly ineffective, particularly public sponsored treatment programs which have a 60 to 70 percent failure rate.

I compare this a little bit, if one is going to conduct a war, they target the source, which was not done by the Clinton administration. Then one tries to get at the target as the destruction comes from the source, which is interdiction. This method of the Clinton administration has been pretty much just treating the wounded in the battle, and that is those who were afflicted by illegal narcotics.

In fact, we have almost doubled since 1993 the amount of money for treatment. Now, the President also came up with his 100,000 cops on the street and put the Congress in a bind to fund those. We have funded those. I submit tonight that that is probably one of the most costly approaches to fighting this war on drugs. And we can continue to put cops on the street, it can be effective. Tough enforcement can be very effective. But it is a costly way of doing it, as opposed to putting a few dollars at the source country to stop drugs before they ever get to the street.

The difficulty is once they reach our borders, illegal narcotics, it is almost impossible for all the law enforcement agencies at every level, whether it is local, State or national, to get all the drugs; particularly in the huge quantities that are coming across our borders, again, because the drugs have not been stopped at their source.

So there has been, in my estimation, a major flaw in the whole strategy of the Clinton administration and really a misappropriation of resources in this effort. The results are pretty dramatic. In fact, let me leave this interdiction chart up here. Let me show here the long-term trend and lifetime prevalence of heroin use. As we see in the Reagan and Bush administration, there is some activity here and a decline, activity, and a decline. With the institution of the Clinton-Gore policy in 1992–93 here, this is where it would take effect, we see a dramatic rise in the prevalence of heroin use.

It is amazing how this chart, if we took it and had an overlay of the previous two charts, would show, again, the failure of the current drug policy of this administration.

□ 2045

That is probably why President Clinton did not want to talk about it the other night when he came before the Congress. We see here a slight decline, and that is with the advent of a Republican-controlled policy and the beginning of our trying to get resources back in place.

One of the problems we have here is the Clinton administration blocking assistance to Colombia. It was their policy that got us into a situation where the President next week is going to make a request to the Congress for $1.5 or $1.6 billion. Now, he sort of mumbled over the situation in Colombia, but Colombia, in his term of office, has become the major producer of cocaine and heroin.

Again, in 1992–1993, there was almost no coca production in Colombia. Almost no heroin production. Almost zip in Colombia. And what the President did through very direct actions, and I will be glad to detail them for the House of Representatives, he actually began the increase of heroin and cocaine production in Colombia.

The first step was in 1994. And having served in the House of Representatives during the 1993–1994 period, let me detail what took place. I served on the committee that oversaw drug policy. I was in the minority at that time. I personally requested and had 130-plus Members, Republicans and Democrats, request a hearing on this change that the Clinton administration had made, on the Clinton's so-called drug policy, the changes that were made. Because I saw then the beginning of a disaster. That request was ignored. One hearing was held. One hearing specifically on the drug policy. There were cursory hearings on the budget items.

In contrast, when the Republicans took control of the House of Representatives, we held dozens and dozens of hearings, both under Mr. Zeliff, who chaired the subcommittee with drug policy responsibility, and then under the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House and former chairman who was involved in restarting most of the anti-narcotics effort in the Congress, and particularly in the House of Representatives as chair of that subcommittee.

But the first step in this disaster and how we were going to end up, the taxpayers of this country, with a $15.5, $1.6 billion next week, is that on May 1, 1994, the sharing of drug trafficking intelligence and information with the governments of Peru and Colombia ceased. This was a, and I am sorry to put this into the RECORD, but a cockamamie plan and decision by the administration and out of the Department of Defense under the Clinton administration, that we would cease sharing intelligence information with Colombia.

Actually, this raised the ire on both sides of the aisle. And I remember meeting the President at the Hemispheric Conference in Miami. He was inundated by protest from Members on both sides of the aisle, and in a closed-door meeting he said he did not know that this had taken place. In fact, the administration fought us in trying to restart this effort, claiming they needed additional legislative authority.

And I might say that the House of Representatives and the Congress did act. And a GAO report in May of 1994 said the decision of the administration to not share this information with Colombia made life easier for drug traffickers. But Congress did step in, passed a law that would require the administration to provide intelligence and information. And even then, after that took place and the damage that was done from that, the administration continued to block aid and assistance to Colombia.

Incidentally, in January of 1995, under heavy pressure from both Democrats and Republicans, the intelligence

sharing was resumed. The problem was again in actions by the administration, this administration, to cut off assistance to Colombia so it could effectively bring a halt to narcotics trafficking and narcoterrorism in its country.

In 1995 to 1996, I remember writing a request to the administration and to others to try to get aid to that country. In 1997, critically needed law enforcement assistance, such as helicopters, to replace those shot down; defensive ammunition and ballistic protective equipment was delayed by the Department of Defense.

I also brought, and was able to find, a letter dated August 25, 1994, asking the then drug czar to respond to Mr. Clinger about information, intelligence sharing, with the governments of Colombia. And this was in response to protests from Congress about the policy that the administration had adopted dealing with providing that needed intelligence information to Colombia. I just thought it was interesting that we have good documentation of showing exactly how this administration and various agencies thwarted every attempt of the Congress and request of the Congress to get needed critical equipment to Colombia.

Unfortunately, the policy of decertifying Colombia as not participating in the war on drugs was inappropriately handled by the administration. Having dealt in the development of that law in the 1980s, there is a provision in decertification law to allow the President, when they consider whether a country should be eligible for aid and assistance, to grant a national interest waiver so that assistance, such as counter-narcotics aid, can get to that country. The administration failed to implement the waiver and kept any type of assistance in the war on drugs from reaching Colombia during a critical period.

So first we take away information sharing up to 1995, and then from 1995 into 1998 we decertify Colombia and not make it eligible in a manner that could be done with a waiver to get aid and assistance so they could find narcoterrorism and drug production and trafficking in that country. The results are absolutely incredible.

As I said, now we have 65 to 75 percent of the heroin that enters the United States coming from Colombia. We have a majority of the cocaine produced in Colombia today. And again, some 6 or 7 years ago Colombia was not even in the production business of either of these hard narcotics.

Tonight I wanted to focus on a report that I requested, and requested it last year with the Senate caucus chairman on International Narcotics Control, the Honorable CHARLES GRASSLEY. This report, prepared by the GAO, details exactly what we suspected about this administration's policy. The GAO report is entitled ''Assets DOD Contributes to Reducing the Illegal Drug Supply Have Declined.''

The report details some of that decline, and again the Clinton administration's dismantling of anything that could be termed even close to a war on drugs. The report states, in fact on page 4, the number of flight hours dedicated to detecting and monitoring illicit drug shipments declined from approximately 46,000 to 15,000, or a 68 percent decline from 1992 through 1999. Likewise, the GAO report says that the number of shipped days declined from about 4,800 to 1,800, or 62 percent over the same period.

Again, this report details a dismantling of any type of an effort that might even be termed close to a war on drugs. The decline in DOD assets that DOD uses to carry out its counter-drug responsibility is, according to this report, due to a lower priority assigned to the counter-drug mission and, secondly, they say, to reduction in defense budgets and force levels.

Now, I might say that most of the reductions, and we looked at the interdiction, most of the reductions to the war on drug effort were instituted in 1993–1994 by a Democrat-controlled Congress. Only in the last several years have we been able to up the spending in the defense category. And even some of the money that we have appropriated for anti-narcotics efforts has been diverted, according to this report. And even some of the assets have been diverted to other deployments, according to this report, such as Kosovo, Haiti, and other activities directed by the President.

The GAO report also is very critical of DOD's really basic activities or commitments in the war on drugs. It says that DOD has failed to develop measures to assess the effectiveness of its counter-drug activities and recommends that such a system of measuring the effectiveness of its counter-drug activities be instituted.

DOD officials noted that the level of counter-drug assets will continue to be restrained by DOD's requirement to satisfy other priorities. So basically, drugs have not become a priority.

It is also interesting to see the results of the change in policy by the administration. And again I just want to show what has taken place since 1980 with Ronald Reagan and the long-term trend in lifetime prevalence of drug use. In the 1980s we see the beginning of a decline down through the end of President Reagan's term, and on down to a bottom when President Bush left office. The policy adopted by this administration, back again in 1993, with the election of President Clinton and Vice President Gore, shows a steep return to the prevalence of drug use. And this is lifetime drug use.

If we took this chart and just showed our youth, the statistics are even more dramatic.

□ 2100

Now, this report that again I bring before the House tonight, the GAO report on the decline of our military assets in the war on drugs, has some startling information and comments. I want to take them right out of the report.

According to General Wilhelm, and General Wilhelm is the general in charge of SOUTHCOM, SOUTHCOM is the Southern Command, which is in charge really of this surveillance operation, the detection and interdiction effort. According to General Wilhelm, the Southern Command commander, the Command can only detect and monitor 15 percent of key routes in the overall drug trafficking area about 15 percent of the time. And this is in the report, and I met with General Wilhelm during the recess and he confirmed this statement.

What is even of greater concern and should be a concern to every Member of Congress and every American citizen is not only have they closed down any semblance of the war on drugs and cost-effectively dismantled interdiction and we are down to this capability, but even as this report was written, we had the further damage done to this whole effort by the United States last May being dislodged from Howard Air Force base in Panama.

Almost all of the operations for forward surveillance and forward operating locations in the war on drugs is located at Howard Air Force Base in Panama. All flights ceased last May 1. So we have had an incredible gap left wide.

That is why we continue to see incredible amounts of heroin. And this is not the heroin of the 1980s that was 10 percent pure. This is the heroin of the 1990s that is now 70 and 80 percent pure. That is why we continue to see the death and destruction that we see.

I come from an area that has had heroin overdose deaths, particularly among its young people, that now exceed the homicides in Central Florida. And I represent one of the most prosperous, well-educated districts in the Nation. So we have seen an incredible number of deaths.

I met with local law enforcement officials and particularly the High Intensity Drug Traffic Area Group that I helped establish to deal with this problem of, again, drugs coming into our region in Central Florida. I met with them during the recess, and I was stunned to hear their commentary that the deaths have basically leveled out. We have still a record number of deaths but they have leveled out some. But the overdoses continue to explode.

The only reason that the deaths are not greater in my area and other areas is that medical emergency treatment has become better in helping save young lives and people who suffer from drug overdose. That is sort of a sad commentary that we have even more overdoses, and the only way that we are really making any slight progress is through additional and swifter and better medical treatment for overdose folks.

But if my colleagues want to know where the illegal narcotics are coming from, this basically says that the war

on drugs was closed down in 1993 by the Clinton administration. It does not paint a very pretty picture and I know that people are not happy to see this by the commander of our Southern Command who is in charge of that effort, but that basically is what has taken place.

The report is even more disturbing in that in this chart we conducted a hearing the morning of the President's State of the Union address on January 27 and had DOD, the Coast Guard, and U.S. Customs come in, whose activities are also detailed in this record, but we use this chart and it is taken right from the report again and it shows that in the blue here it shows the requested assets of the Department of Defense by SOUTHCOM.

So our commander who is in charge of the interdiction, the important part of keeping drugs from our shores, requested, and these are his requests in blue and part of the graph here in red is what asset he received from DOD.

So we see the requests here again in blue and the red is actually what he got. This is even more disheartening because Congress has put more money into defense and defense in this administration are providing fewer and fewer assets in the war on drugs.

Now, I take great exception to anyone who tells me that the war on drugs is a failure. Because the war on drugs, and I can bring back the chart of the Clinton administration and the Bush-Reagan administration, here, my colleagues, is the failure. It is very evident. This details exactly what took place. That is the failure. And how in heaven's name can Congress appropriate additional money to DOD, and we have appropriated some of the first increases since again the fall of communism and the Berlin Wall to defense.

Now, I know a lot of that has been diverted to Kosovo, Bosnia, Haiti, and Somalia, but even in this scenario it is just unbelievable that very few assets and the policy of this administration has diverted assets again from this effort.

Now they are coming forward with an emergency appropriation for Colombia. The situation in Colombia, as I said, was really generated by direct policy decisions of this administration, and we are now going to pay for them in a very big way with a very big tab. But this shows again the lack of putting any real cost-effective method of fighting illegal narcotics.

This chart, and I will hold it up for just a minute, shows the decline in the assets that DOD contributes to reducing illegal drugs. And in this chart, this center red here shows DOD decline. A little bit of the slack has been taken up since 1995 by the Coast Guard, which is in this line, I believe it is green, you are dealing with a color blind Member of Congress; and this blue line here is the total assets contributed.

So some of the slack has been taken up by the Coast Guard and also by U.S. Customs. That is the only reason things are not even worse today even with the commitment that the new majority has made since 1995 in the war on drugs.

And again this is the result of what we see today. And these are the latest statistics on heroin. This is provided to me by DEA, our Drug Enforcement Agency, and they can tell us because of scientific analysis, just like DNA analysis, where heroin is coming from. We know South America, and this is all Colombia, 65 to 70 percent is coming from there.

What is scary here is the chart I got from 1997 shows Mexico, which again in the early 1990s was a very very small producer of heroin, is now a 17-percent producer. And that is also I think directly as a result of this administration's policy of give Mexico every possible trade benefit, give Mexico every possible financial benefit, give Mexico access to our financial and international assistance programs, and get nothing in return.

And what we have gotten in return is an increase in heroin produced in that country. And then southeast Asia produces about 14 percent. But the bulk of the heroin that we have seen that is flooding into our streets and our communities, and we have to remember that this red portion would not even have appeared in the early 1990s has been as a direct result of not targeting, going after, the source of illegal narcotics and again in a very cost effective way.

Now, you may say can that be effective. Let me say, since 1995 when we took over, I went with Mr. Zeliff and then also with the gentleman from Illinois (Mr. HASTERT) who chaired this subcommittee into Peru and Bolivia. We met with President Fujimori, we met with Hugo Banzer Suarez and other leaders of those countries and asked what will it take to reduce cocaine production. And we got small amounts of money, it is almost insignificant in the amounts of money that we are spending and the impact on our economy, but somewhere between $20 million or $40 million out of $178 billion to those countries.

In 2 years of work and 2 years of planning, we have been able to reduce the cocaine production in Bolivia by 53 percent and by almost 60 percent in Peru, which is absolutely remarkable. So very little money has helped curtail that.

Now, there is one problem that we have seen, and in fact that is production of cocaine, and this is from one of the newspapers just a few days ago, January 19 in an Associated Press, ''Cocaine Production Surges in Colombia.''

Why is it surging in Colombia? Because the resources that Colombia has requested still have not gotten to Colombia, the resources that this Congress appropriated to Colombia. We appropriated $300 million to Colombia in the last fiscal year, which ended in December. We are into October in a new fiscal year.

To date, this administration has continued to block or bungle getting aid to Colombia. The record is just unbelievable.

Now, my colleagues may have heard that Colombia is now the third largest recipient of United States foreign assistance. Well, that would be all well and great and factual if they got that money. But, in fact, the record of this administration in blocking and thwarting and bungling getting aid to Colombia is just unbelievable.

Our hearing helped detail some of that. Our closed-door meetings with the Department of Defense, Department of State and other agencies indicated a horrible job and failure in getting assistance there.

Let us take a minute and look at what has happened with the $300 million that Congress appropriated in the past fiscal year. Where is that money? Less than $100 million, a third of that, is actually in Colombia today. Most of $100 million, or one-third of that, is in the form of three Blackhawk helicopters.

It is absolutely unbelievable. It is mind boggling. Every Member of Congress should be contacting the Department of State tomorrow and asking why those helicopters that we have given to and asked for for 3 or 4 years and finally gotten down to Colombia late last fall are still not flying because they do not have protective armor, they do not have ammunition to even conduct combat or participate in the war on drugs.

□ 2115

What an incredible bungling. We did not hear anything about that from the President when he spoke at the podium last week. We will not hear about that next week when the President asks for $1.5 or $1.6 billion of hard-earned taxpayer money. We will not also hear the incredible story, I do not have this totally documented but I am told by staff that during the holidays when everyone was concerned about the terrorist threat and everything, that the ammunition that was to be delivered years ago and requested and appropriated partly through the $300 million and even promised before that as surplus material for the war on drugs to Colombia, the ammunition was delivered to the back door loading dock of the State Department. This in fact is not only the administration that closed down the war on drugs, this is the administration that bungled the war on drugs. I do not mind putting whatever resource we can cost effectively into these countries to combat illegal narcotics. But what an incredible fiasco to find out that the helicopters that we paid for still are not conducting a war on drugs, to find out they are not armed, to find out they are idled, to find out that the ammunition we have requested time and time again cannot even be delivered to the country in an orderly and timely fashion.

And what do we see? Cocaine production surges in Colombia. Now, I wonder why.

This report also details an incredible story about a request from the United States Ambassador to Peru. Now, that would be a Clinton appointee. The U.S. Ambassador to Peru on page 17 and 18 of this report warned in an October 1998 letter to the State Department that the reduction in air support could have a serious impact on the price of coca and coca production in Peru. Here we put in place a very cost-effective and effective program and we have gotten a 60 percent reduction in cocaine and coca production in Peru. The Ambassador asked for assistance and warned that the reduction that is detailed here, the reduction that this administration has directed basically taking us out of this effort is going to result in additional coca production. I was stunned to learn by information provided to me at the Southcom briefing in Miami by our leaders down there that for the first time they are now seeing an increase in production of cocaine and coca in Peru again. It is incredible that we cannot get minimal resources and cost-effective resources to the source countries to stop illegal narcotics production and then get the drugs before they get to our shores, interdict them and at least provide the intelligence and surveillance information to countries that have the will like President Fujimora who instituted a shootdown policy. The drug dealers go up and they shot them down. Some people did not want us to provide that information to the government of Peru. Some people said that was cruel and unusual punishment on those drug dealers. I would like to take those who believe that and let them talk to the mothers and fathers in my district that have lost a young person to drug overdose. I would like to take them to the 15,900 Americans who just in 1 year to their families, the survivors who have lost a loved one and see what they think about this failed policy.

I think it is also important to see what this policy has wrought on this Nation of late. Just during the recess in the last few days, there was a report, and actually this is from last week, this is January 27, ironically the same day the President stood a few feet from where I am now standing and talked to us about the State of the Union. He did not talk about the State of the Union in this headline: Drug Use Explodes in Rural America. Not only have our urban centers been decimated by illegal narcotics, not only has now our suburban area, the other parts of the country, and I represent a suburban area that had really not been victim here, but now, thanks to this great policy and this great failure, we have managed to make our rural areas a killing fields. The statistics are unbelievable. The percent of eighth graders who said they used a drug at least once, the highest percentage of this use in marijuana, cocaine, crack, heroin and amphetamines is now in our rural areas. We did not hear the President talk about that. Nor did we hear him talk about this failed policy. And now we know why, because the legacy of this administration to address the most serious social problem we face in our Nation, that is again destroying countless lives, that again is impacting our youth in every part of our country, metropolitan, suburban and now rural, we see why we have gotten ourselves into this situation by again failed policies.

It is nice to talk about who failed, and I do not want to be partisan in that, but I think people must be held accountable. I should also report that the Republican majority has begun to put this effort back together. We have begun to restore the cost-effective programs, the one I described in stopping cocaine production in Peru and Bolivia. We would like to restart it in Colombia, but we need an administration that is capable of at least delivering the resources to our allies in this effort and restarting a real war on drugs where the drugs are produced, where the drugs are coming from. Additionally, we have brought the Coast Guard back and United States customs and provided additional funding and resources. We are back up to the 1992–1993 funding levels for that.

Now, we know that just restarting interdiction and source country programs is not the answer. I had proposed legislation that would require our media and particularly those broadcast media, because I know television, radio impact our lives and particularly our young people, influence their opinion more than just about anything today. But I had proposed that they devote more of their time. In fact, we mandate that that time, public airtime be given to drug messages and not just at odd hours but throughout prime time. The President, of course, has had a different approach, which was spending, and he proposed expenditure and purchase of those. The compromise, and, of course, we must deal in a compromise situation to get anything done here because we have a great diversity and a very narrow majority, the compromise was a plan that combined my plan with the President's plan, and we have $1 billion appropriated for 3 years for drug education, we are 1 year into it, and the other part of the compromise was to have at least a match in donated time. We are 1 year into it. I am not real pleased with the beginning. I thought it was not a good start. Hopefully we will have even more effective drug and antinarcotics ads, education ads for our young people and adults, because it is important that education along with eradication, interdiction, enforcement and also treatment be part of a multifaceted approach.

I look forward to working with my colleagues and bringing that multifaceted approach. I am pleased to report again on this issue to the Congress and the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today after 12 p.m. on account of family matters.

Mr. LARSON (at the request of Mr. GEPHARDT) for January 31 on account of airport delays.

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SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MCNULTY) to revise and extend his remarks and include extraneous material:)

Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today and February 2.

Mr. SWEENEY, for 5 minutes, February 8.

Mr. METCALF, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today and February 2.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. KINGSTON, at his own request, for 5 minutes, today.

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ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 2, 2000, at 10 a.m.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5923. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Technical Amendments to FDIC Regulations Relating to Rules of Practice and Procedure and Deposit Insurance Coverage (RIN: 3064–AC30) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5924. A letter from the Director, Office of Thrift Supervision, transmitting the annual report on the national flood insurance program, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

5925. A letter from the Secretary of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for fiscal year 1999, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

5926. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the quality of ground water in the nation and the effectiveness of state ground water protection programs; to the Committee on Commerce.

5927. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing, and Handling of Food [Docket No. 94F–0455] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5928. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Revocation of Cardiac Pacemaker Registry [Docket No. 85N–0322] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5929. A letter from the Inspector General, Corporation for National Service, transmitting Results of audits conducted by the Office of Inspector General and the Corporation's Report of Final Action, pursuant to 5 app; to the Committee on Government Reform.

5930. A letter from the Office of the Chairman, Panama Canal Commission, transmitting the semiannual report for the period April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5931. A letter from the Secretary of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1, 1999 through September 30, 1999, pursuant to 5 app.; to the Committee on Government Reform.

5932. A letter from the Assistant Attorney General, Department of Justice, transmitting the report entitled ''Entry into the United States of Salvador Generals Jose Guillermo Garcia Merino and Carlos Eugenio Vides Casanova''; to the Committee on the Judiciary.

5933. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of the Army, transmitting notification of plans to implement the project through the normal budget process; (H. Doc. No. 106–185); to the Committee on Transportation and Infrastructure and ordered to be printed.

5934. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of the Army, transmitting notification of plans to implement the project through the normal budget process; (H. Doc. No. 106–186); to the Committee on Transportation and Infrastructure and ordered to be printed.

5935. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of the Army, transmitting the authorization and plans to implement the project through the normal budget process; (H. Doc. No. 106–188); to the Committee on Transportation and Infrastructure and ordered to be printed.

5936. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of Army, transmitting notification of plans to implement the project through the normal budget process; (H. Doc. No. 106–184); to the Committee on Transportation and Infrastructure and ordered to be printed.

5937. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—Domestic Baggage Liability [Docket No. OST–1996–1340, formerly Docket 41690] (RIN: 2105–AC07) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5938. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair [Docket No. RSPA–98–4733; Amdt. 192–88; 195–68] (RIN: 2137–AD25) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5939. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and establishment of Class E Airspace; Dayton, Wright-Patterson AFB, OH [Airspace Docket No. 99–AGL–50] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Alice, TX [Airspace Docket No. 99–ASW–23] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5941. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Fulton, MS [Airspace Docket No. 99–ASO–22] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Mineral Wells, TX [Airspace Docket No. 99–ASW–20] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Georgetown, TX [Airspace Docket No. 99–ASW–18] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Corpus Christi, TX [Airspace Docket No. 99–ASW–22] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Falfurrias, TX [Airspace Docket No. 99–ASW–21] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5946. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Standard Measurement System Exemption from Gross Tonnage [USCG–1999–5118] (RIN: 2115–AF76) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5947. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: BellSouth Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07–99–082] (RIN: 2115–AE46) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5948. A letter from the The American Legion, transmitting the proceedings of the 81th National Convention of the American Legion, held in Anaheim, California from September 7, 8 and 9, 1999 as well as a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 106–187); to the Committee on Veterans' Affairs and ordered to be printed.

5949. A letter from the Director, Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule—Extended Production Incentive Benefits to Jewelry Manufacturers in the U.S. Insular Possessions [Docket No. 990813222–9309–02] (RIN: 0625–AA55) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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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 calender, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 412. Resolution providing for consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business (Rept. 106–491). Referred to the House Calendar.

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PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILBRAY (for himself and Mr. LIPINSKI):

H.R. 3561. A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Intelligence (Permanent Select), 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. MURTHA:

H.R. 3562. A bill to amend title 37, United States Code, to authorize the Secretary of Defense to set the rates for the basic allowance for housing for members of the uniformed services based on the costs to members for adequate housing and to remove the limitation on the total amount of all such allowances that may be paid in a fiscal year; to the Committee on Armed Services.

By Mr. BLAGOJEVICH:

H.R. 3563. A bill to prevent the theft of firearms from commercial carriers; to the Committee on the Judiciary.

By Mr. ISAKSON:

H.R. 3564. A bill to amend chapter 11 of title 31, United States Code, to include projected 3 percent cuts in the budget of each department or agency of the Government within the President's annual budget submission; to the Committee on the Budget.

By Mr. NETHERCUTT:

H.R. 3565. A bill to amend title 10, United States Code, to provide that covered beneficiaries under chapter 55 of such title shall not be required to pay a copayment for health care services received under TRICARE Prime; to the Committee on Armed Services.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI):

H.R. 3566. A bill to provide off-budget treatment for the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EWING (for himself, Mr. STUMP, Mr. YOUNG of Florida, Mr. SPENCE, Ms. BALDWIN, Mr. ROGAN, Mr. LATOURETTE, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mrs. MEEK of Florida, Mr. MURTHA, Mr. FOLEY, Mr. SHOWS, Mr. CRAMER, Mr. BOEHLERT, Mr. OBERSTAR, Mr. SPRATT, Mr. LARGENT, Mr. LAMPSON, Mr. HERGER, Mr. GIBBONS, Mr. DOYLE, Mr. DEAL of Georgia, Mr. JOHN, Mr. FRANKS of New Jersey, Mr. GUTIERREZ, Mrs. EMERSON, Mr. PACKARD, Mr. MCHUGH, Mr. MILLER of Florida, Mr. GOODE, Mr. SWEENEY, Ms. DANNER, Mr. WAMP, Mr. KENNEDY of Rhode Island, Mrs. MINK of Hawaii, Mr. OBEY, Mr. MICA, Mr. DIXON, Mr. JENKINS, Mr. HINCHEY, Mr. FORBES, Mr. RAHALL, Mr. FILNER, Mr. WALSH, Mr. PETERSON of Minnesota, Mr. ROHRABACHER, Mr. BACHUS, Mr. WEXLER, Mr. GOSS, Ms. ROYBAL-ALLARD, Mr. THOMPSON of California, Mrs. MORELLA, Mr. STEARNS, Mr. LUCAS of Oklahoma, Mr. LOBIONDO, Mr. SKELTON, Mr. TRAFICANT, Mr. LIPINSKI, Mr. BONILLA, Mr. BUYER, Mr. ROMERO-BARCELO, Mrs. JONES of Ohio, Mr. BILBRAY, Mr. HEFLEY, Mr. BORSKI, Mr. EVANS, Mr. BARTLETT of Maryland, Mr. UNDERWOOD, Mr. OXLEY, Mr. MCGOVERN, Mr. WATTS of Oklahoma, Mr. BAKER, Mr. PICKERING, Mr. CAPUANO, Mr. OWENS, Mr. PASCRELL, Mr. FROST, Mr. CUNNINGHAM, Mrs. NAPOLITANO, Mr. METCALF, Mr. BARRETT of Nebraska, Mr. RANGEL, Mr. MARTINEZ, Mr. COBLE, Mr. WEINER, Ms. KAPTUR, Mr. SHIMKUS, Mr. STENHOLM, Mr. FARR of California, Mr. CONDIT, Mr. GEJDENSON, Mr. POMEROY, Mr. MATSUI, Mr. SHAYS, Mr. BLAGOJEVICH, Mr. MASCARA, Mr. MEEHAN, Mr. SAM JOHNSON of Texas, Mr. TANCREDO, Mr. LAHOOD, Mr. RILEY, Mrs. KELLY, Mr. DINGELL, Mr. CONYERS, Mr. SMITH of Texas, Mr. KING, Ms. ESHOO, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. MOLLOHAN, Mr. VISCLOSKY, Mr. WOLF, Mr. LEACH, Mrs. CAPPS, Mr. TERRY, Mr. LEWIS of California, Mr. TOOMEY, Mr. STUPAK, Mr. COOKSEY, Mr. SAWYER, Mr. CASTLE, Mr. WAXMAN, Mr. NORWOOD, Mr. MCNULTY, Mr. HOBSON, Mr. PAYNE, Mr. MOORE, Mr. KINGSTON, Ms. GRANGER, Mrs. MCCARTHY of New York, Mr. HALL of Ohio, Mr. PICKETT, Mr. HANSEN, Mr. HORN, Mr. KUYKENDALL, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. GREEN of Texas, Mr. SNYDER, Mr. HUTCHINSON, Mr. TAYLOR of North Carolina, Ms. CARSON, Mr. TALENT, Mr. MCINTYRE, Mr. INSLEE, Mr. DELAY, Mr. FORD, Mr. ARMEY, Mr. DELAHUNT, Mr. RYAN of Wisconsin, Mr. REYES, Mr. SCHAFFER, Mr. LUCAS of Kentucky, Mr. GUTKNECHT, Mr. SISISKY, Ms. HOOLEY of Oregon, Mr. PALLONE, Mrs. BIGGERT, Mrs. WILSON, Mr. DEMINT, Mrs. CLAYTON, Mr. THUNE, Mr. RUSH, Mr. MANZULLO, Mrs. NORTHUP, Mr. GREEN of Wisconsin, Mrs. FOWLER, Mr. HOYER, Mr. EHRLICH, and Mr. GEKAS):

H.J. Res. 86. A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes; to the Committee on Armed Services.

By Mr. JENKINS:

H. Con. Res. 245. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 764; considered and agreed to.

By Mr. KUYKENDALL:

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress regarding elimination of the portion of the national debt held by the public by 2015 or earlier; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma:

H. Res. 410. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FROST:

H. Res. 411. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

□

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 113: Mr. HALL of Texas.
H.R. 175: Mr. HASTINGS of Washington.
H.R. 355: Mr. KUYKENDALL.
H.R. 460: Mr. STUPAK and Mr. HINCHEY.
H.R. 531: Mr. GILLMOR.
H.R. 583: Mr. PRICE of North Carolina and Mr. SHOWS.
H.R. 623: Mr. WELDON of Florida and Mr. BOEHNER.
H.R. 670: Mr. HOEKSTRA and Mr. MOLLOHAN.
H.R. 688: Mr. TOOMEY.
H.R. 721: Mr. BURTON of Indiana and Ms. DELAURO.
H.R. 802: Mr. LAMPSON.
H.R. 809: Mr. MORAN of Virginia and Mr. WALSH.
H.R. 826: Mr. HOLT and Mr. LAFALCE.
H.R. 827: Mr. LAMPSON.
H.R. 860: Ms. DELAURO.
H.R. 900: Mr. DIAZ-BALART.
H.R. 923: Mr. MCINTYRE, Mr. SHIMKUS, and Mr. PALLONE.
H.R. 937: Mr. BAKER.
H.R. 959: Mr. WU.
H.R. 1032: Mr. KOLBE.
H.R. 1046: Mr. CROWLEY, Mrs. WILSON, Mr. PALLONE, Mr. MARTINEZ, Mr. EVANS, and Mr. GEJDENSON.
H.R. 1093: Mr. JOHN.
H.R. 1130: Mr. HALL of Ohio and Mr. THOMPSON of California.
H.R. 1172: Mr. FRELINGHUYSEN and Mr. CHABOT.
H.R. 1260: Ms. LEE.
H.R. 1304: Mr. SAWYER and Mr. RANGEL.
H.R. 1313: Mr. DEFAZIO, Mr. NADLER and Mr. CAPUANO.
H.R. 1387: Mr. EWING.
H.R. 1450: Mr. LAMPSON.
H.R. 1488: Mr. EVANS and Mr. HALL of Texas.
H.R. 1592: Mr. REYES, Mr. DINGELL, and Mr. GANSKE.
H.R. 1625: Mr. MATSUI, Mr. NADLER, Mr. MARTINEZ, Mr. CONYERS, and Mr. HALL of Ohio.
H.R. 1760: Mr. UPTON, Ms. DELAURO, and Mr. MCINTYRE.
H.R. 1793: Mr. BACA.
H.R. 1917: Mr. LAMPSON.
H.R. 1933: Mr. SHADEGG, Mr. SHAYS, and Mr. LIPINSKI.
H.R. 2059: Mr. HUTCHINSON, Mr. RAHALL, and Mr. METCALF.
H.R. 2166: Mr. ACKERMAN and Mr. NADLER.
H.R. 2192: Mr. KENNEDY of Rhode Island.
H.R. 2282: Mr. VITTER, Mr. DICKEY, and Mr. ISAKSON.
H.R. 2298: Mr. SABO.
H.R. 2345: Ms. LEE, Ms. RIVERS, and Mr. GUTIERREZ.
H.R. 2372: Mr. JENKINS.
H.R. 2463: Mr. UDALL of New Mexico.
H.R. 2620: Mrs. MALONEY of New York, Mr. SMITH of Texas, Mr. THORNBERRY, and Mr. KUYKENDALL.
H.R. 2631: Mr. CONYERS.
H.R. 2645: Mr. DAVIS of Illinois.
H.R. 2655: Mr. HEFLEY.
H.R. 2680: Mr. OLVER.
H.R. 2686: Mr. MORAN of Virginia.
H.R. 2697: Mrs. KELLY.
H.R. 2706: Mr. GUTIERREZ.
H.R. 2749: Mr. KUYKENDALL.
H.R. 2750: Mr. SALMON.
H.R. 2812: Mr. ENGLISH, Mr. PASTOR, Mr. MEEKS of New York, Mr. CLYBURN, and Mrs. CHRISTENSEN.
H.R. 2867: Mr. GALLEGLY.
H.R. 2870: Mr. MCDERMOTT.
H.R. 2945: Ms. LEE, Mr. PRICE of North Carolina, Mr. STARK, Mr. UPTON, Mr. CUNNINGHAM, Mr. GEJDENSON, Mr. BERMAN, Mr. DEFAZIO, Mrs. LOWEY, Mr. KENNEDY of Rhode Island, Mr. WYNN, and Ms. ESHOO.
H.R. 2947: Mr. MINGE, Mr. TIERNEY, Mr. WALDEN of Oregon, Ms. HOOLEY of Oregon, and Ms. BALDWIN.
H.R. 2966: Mr. RADANOVICH, Mr. BACHUS, Mr. BILIRAKIS, and Mr. WATT of North Carolina.
H.R. 2992: Mr. CAMPBELL.
H.R. 3103: Mr. MATSUI.
H.R. 3136: Mr. FARR of California.
H.R. 3144: Mr. BARCIA.
H.R. 3161: Mr. BOUCHER.
H.R. 3174: Mr. HOBSON, Mr. STUMP, and Mr. BURTON of Indiana.
H.R. 3180: Ms. RIVERS, Ms. WOOLSEY, Mr. LATOURETTE, Mr. GEJDENSON, Mr. EWING, and Mr. STRICKLAND.
H.R. 3193: Mr. INSLEE, Mr. OBERSTAR, Mr. KLECZKA, Mr. MOORE, Mr. DELAHUNT, Mr. FOLEY, and Mr. RANGEL.
H.R. 3195: Mr. WAXMAN, Mr. POMEROY, Mr. OWENS, Mr. ROMERO-BARCELO, Mr. HASTINGS of Washington, Ms. KILPATRICK, Mr. BENTSEN, Mr. KUCINICH, Mr. STENHOLM, and Mr. LAHOOD.
H.R. 3222: Mr. BLUNT.
H.R. 3278: Mr. PRICE of North Carolina and Mrs. MYRICK.
H.R. 3293: Mr. WEINER, Mr. PICKERING, Mrs. JOHNSON of Connecticut, Mr. QUINN, Mr. SKELTON, and Mr. CAMP.
H.R. 3329: Mr. LANTOS and Mr. FRANKS of New Jersey.
H.R. 3377: Mr. LATOURETTE, Mr. PALLONE, Mr. OLVER, Mr. MOAKLEY, Mr. MARKEY, Mr. UDALL of Colorado, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. NADLER, Mr. MCGOVERN, Mr. WYNN, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. DELAHUNT, Ms. MCKINNEY, Mr. BARRETT of Wisconsin, and Mr. CLAY.
H.R. 3405: Mr. TANCREDO, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. GUTIERREZ, Mr. SPRATT, Mr. BORSKI, Mr. FROST, Mr. ACKERMAN, Mr. TRAFICANT, Mrs. MORELLA, Mr. BURTON of Indiana, Mr. PASCRELL, Mr. FOLEY, Mr. PORTER, Mr. HASTINGS of Florida, Mr. DOYLE, Mr. SALMON, Mr. DIAZ-BALART, Mr. MCNULTY, Mr. WAXMAN, and Ms. BERKLEY.
H.R. 3420: Mr. HUTCHINSON and Mr. BACA.
H.R. 3439: Mr. COSTELLO, Mr. LATHAM, Mr. PHELPS, Ms. BERKLEY, Mr. HILL of Montana, Mr. DICKEY, and Mr. GALLEGLY.
H.R. 3520: Mr. CASTLE.
H.R. 3525: Ms. DUNN, Mr. BILIRAKIS, Mrs. EMERSON, Mr. GREEN of Wisconsin, and Mr. GEKAS.
H.R. 3530: Mr. BONILLA, Mr. MCINNIS, Mrs. MYRICK, Mr. GREENWOOD, Mr. HUTCHINSON, Mr. SOUDER, Mr. MCHUGH, Mr. PITTS, Mr. TOOMEY, Mrs. NORTHUP, and Mr. LARGENT.
H.R. 3539: Mr. HEFLEY.
H.R. 3540: Mr. SHIMKUS, Mr. GUTKNECHT, and Mr. SMITH of Washington.
H.R. 3546: Mr. EHRLICH, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. PASCRELL, Mr. BLUMENAUER, and Mr. MEEHAN.
H. Con. Res. 74: Mr. FARR of California and Mr. MARTINEZ.

H. Con. Res. 77: Ms. RIVERS.

H. Con. Res. 177: Ms. HOOLEY of Oregon, Mr. BERMAN, Ms. STABENOW, Mr. DAVIS of Illinois, and Mr. PRICE of North Carolina.

H. Con. Res. 209: Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. GIBBONS, Mr. FILNER, Mr. OXLEY, and Mr. HOLT.

H. Con. Res. 226: Mr. SHOWS, Mr. LATOURETTE, Mr. RAHALL, Mr. CROWLEY, Mr. SANDERS, Ms. DANNER, Mr. STRICKLAND, Mr. TIERNEY, Mr. STUPAK, Mr. BACA, Mr. FOLEY, Mr. RANGEL, and Mrs. EMERSON.

H. Con. Res. 238: Mr. STUPAK, Ms. BALDWIN, Mr. LUTHER, Mr. BONIOR, and Mr. KLECZKA.

H. Con. Res. 240: Mr. FARR of California, Mr. STENHOLM, Mr. OLVER, Mr. KLECZKA, Mr. CLAY, and Mr. COYNE.

H. Res. 347: Mr. TANCREDO, Mr. STUPAK, and Mr. DINGELL.

H. Res. 388: Mr. TANCREDO.

H. Res. 406: Mrs. MCCARTHY of New York.

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DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 72: Mr. GALLEGLY.

□

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2005

OFFERED BY MR. CHABOT OF OHIO

AMENDMENT NO. 1: Page 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee; and

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

H.R. 2005

OFFERED BY: MR. CHABOT

AMENDMENT NO. 2: 1. Paage 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee;

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

2. Page 2, line 14, delete the ''.'' and insert ''; and''.

3. Page 2, insert after line 14 the following:

(3) subparagraph (a)(1) of this section does not supersede or modify any statutory or common law that authorizes an action for civil damages, cost recovery or any other form of relief for remediation of the environment as defined in section 101(8) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended (42 U.S.C. 9601(8)).

H.R. 2005

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 3, strike lines 15 through 19 and redesignate the succeeding subsection accordingly.

H.R. 2005

OFFERED BY: MR. TERRY

AMENDMENT NO. 4: Page 3, insert the following after line 14:

(4) PRODUCTS NOT STATE-OF-THE-ART.—This Act shall not apply in the case of a durable good that, at the time it was produced, was not state-of-the-art.