This amendment would simply give health care providers of Federal employees the option of providing a full range of reproductive health services, including abortion. This restriction is another attempt by anti-choice forces on the other side of the aisle to make abortion less accessible to women. Not only does it discriminate against women in public service, but it endangers their health. It is wrong and unfair, and that notice took us backward. We need to correct it with this amendment and take women forward once again.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the committee.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding me this time.

Mr. Chairman, this has been called an amendment on choice or life. I have argued this amendment repeatedly and have lost. This amendment is, I think, about whose money is it.

Now, I have propounded this argument before, and it has been rejected by the majority of this House. The gentleman from Pennsylvania (Mr. PITTS) said, and numerous other speakers have said about our money, that it is the taxpayers' money, the Federal Government's money. Now, a Federal employee is in a unique position in that 100 percent of their compensation package, salary, health benefits and retirement, are paid by the taxpayer. If one adopts the premise of the opponents of this amendment, then the Federal employee ought to be in the position of being told how to spend 100 percent of their money. That is the logical conclusion one must draw from the arguments being made today.

The Federal employee goes to work and is told we are going to pay X number of dollars, we are going to get health benefits and there is going to be a retirement system. That is their compensation package.

We take the position, apparently, that with respect to part of it, we are going to tell them how to spend it. We do not tell any other employees in the Nation how they can spend their package. We do not do it. So all of this is turned into a device to the same argument that deeply divides our Nation.

□ 1800

Mr. HOYER. Mr. Chairman, we take this debate and convert it into a debate over an issue that deeply divides this Nation and is an excruciatingly difficult issue. That is unfortunate, because in my opinion, this ought not to be a difficult issue. Because it is about whether or not Federal employees are equal to all other employees in terms of spending their money. It is not the taxpayers' money; they earned it, and the taxpayer converted it to the Federal employee in return for the services they perform for the Federal Government. It is the Federal employees' money.

Now, yes, part of that compensation is, we pay 72 percent of the benefits, but they choose the policy, and they have a wide variety of policies, because we have an excellent program as part of their compensation package.

So, Mr. Chairman, I ask my colleagues to try to look at what the substance of this does. I tell my friend, and good friend from New Jersey, the issue that he argues passionately about I respect him for. It is not, however, the issue raised by this amendment, I would suggest to him.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the remainder of the time to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, very briefly, I think my position on this matter of choice is fairly well known. I have long supported a woman's right to choose. I find myself in a somewhat different position today here, as the chairman of the subcommittee.

What we have attempted to do as a subcommittee is to cut through this Gordian's knot by taking the position that this House has spoken about fairly clearly in the last couple of years. On the one hand, we do have the prohibition, which the gentlewoman from Connecticut (Ms. DELAURO) seeks to strike, that prevents health benefits for Federal employees from including any kind of abortion service. On the other hand, we do also have the provision in there which was debated and fought over this last year which allows for contraceptive services to be offered for those who have Federal employment health benefits.

While this is a difficult position and one that I may not completely support myself, I do believe the position of the committee and the position of the House is in this legislation and should be supported. For that reason, I oppose the amendment.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

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

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

MODIFICATION TO ORDER OF THE HOUSE OF TODAY LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4871, TREASURY AND GENERAL GOVERNMENT APPROPRIATION ACT, 2001

Mr. KOLBE. Mr. Speaker, to correct apparently an error in propounding my earlier unanimous consent request, I now ask unanimous consent that during further consideration of H.R. 4871 in the Committee of the Whole, pursuant to House Resolution 560 and the order of the House of earlier today, the gentleman from Virginia (Mr. DAVIS) be permitted to offer an amendment regarding Federal contracts in lieu of an amendment regarding Federal election contracts.

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

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 560 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4871.

□ 1804

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the demand for a recorded vote on the amendment by the gentlewoman from Connecticut (Ms. DELAURO) had been postponed and title V was open for amendment at any point.

Pursuant to the order of the House today, the previous order of the House

shall be corrected to read, an amendment by ''Mr. DAVIS of Virginia, regarding Federal contracts.''

Are there further amendments to title V?

AMENDMENT OFFERED BY MR. INSLEE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Page 64, after line 8, insert the following new section:

SEC. 521. Not later than 90 days after the date of the enactment of this Act, the Inspector General of each agency funded under this Act shall submit to the Congress a report that discloses—

(1) any agency activity related to the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the agency; and

(2) any agency activity related to entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits to nongovernmental Internet sites.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

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

Mr. Chairman, this is a privacy amendment we are offering to assure ourselves that Congress is made aware of privacy violations or concerns that arise from agencies' review of citizens' actions on the Internet. What we have fashioned here is a relatively simple amendment that will require these agencies, under Treasury and others subject to these appropriations, to report to Congress of any monitoring activities that these agencies are involved in on our use of Internet sites.

Now, what has indicated that this is appropriate is both the proliferation of our use of the Internet and our citizens' use of the Internet, but also some legitimate concerns we have of some of the agencies' activity in monitoring citizens' actions on the Internet.

For instance, we have been told that the Office of National Drug Control Policy had placed cookies on sites that would essentially allow tracking of personal identifiable information and how people surf or travel through the Internet.

There are very legitimate privacy concerns that Congress ought to be aware of before those agency monitoring activities are allowed to continue. We know about the explosion of the Internet; we also are aware of the potential explosion in the violation of citizens' privacy if we do not ride herd on potentially problematic privacy violations. So what our amendment would seek to do is simply require the agencies to notify Congress of the nature of these activities by Federal agencies.

Our people are very concerned and increasingly concerned about privacy on the Internet and otherwise, and it is certainly appropriate that we in Congress as the elected officials know about those potential privacy violations by our own government. This amendment would, in fact, make sure that these agencies told the elected officials about those privacy violations if they were occurring, or at least allow us to determine what should be or should not be allowed in monitoring Internet access by our citizens.

Mr. Chairman, this is a basic, fundamental American right. Let us pass this amendment. I hope the chairman actually would allow it so that we can make sure in Congress that privacy rights of citizens are not being violated.

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

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

The CHAIRMAN. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2001, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2000, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2001, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2001, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2001 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2001 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2000 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2000, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2000, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2000.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 620. No part of any appropriation contained in this or any other Act shall be

available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. (a) IN GENERAL.—For calendar year 2002, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 625. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 626. Hereafter, the Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 627. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 628. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 629. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 630. Section 638(h) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58) is amended by striking ''at noon on January 20, 2001'' and inserting ''on May 1, 2001''.

SEC. 631. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) Care Choices;

(C) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 632. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 633. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the ''Policy and Operations'' account, General Services Administration, with the approval of the Director

of the Office of Management and Budget, funds made available for fiscal year 2001 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 634. (a) IN GENERAL.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) ADVANCES.—Notwithstanding 31 U.S. Code 3324, amounts paid to licensed or regulated child care providers may be paid in advance of services rendered, covering agreed upon periods, as appropriate.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 635. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 636. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 637. (a) CLARIFICATION OF ELECTION CYCLE REPORTING OF CERTAIN EXPENDITURES.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)), as amended by section 641(a) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58), is amended—

(1) in paragraph (5)(A), by inserting after ''calendar year'' the following: ''(or election cycle, in the case of an authorized committee of a candidate for Federal office)'';

(2) in paragraph (6)(A), by striking ''calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office)'' and inserting ''election cycle''; and

(3) in paragraphs (6)(B)(iii) and (6)(B)(v), by striking ''(or election cycle, in the case of an authorized committee of a candidate for Federal office)'' each place it appears.

(b) CLARIFICATION OF PERMISSIBLE USE OF FACSIMILE MACHINES AND ELECTRONIC MAIL TO FILE REPORTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(d)(1) Any person who is required to file a report, designation, or statement under this Act, except those required to file electronically pursuant to subsection (a)(11)(A)(i), with respect to a contribution or expenditure not later than 24 hours after the contribution or expenditure is made or received may file the report, designation, or statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

''(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

''(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

(c) TREATMENT OF LINES OF CREDIT OBTAINED BY CANDIDATES AS COMMERCIALLY REASONABLE LOANS.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking ''and'' at the end of clause (xiii);

(2) by striking the period at the end of clause (xiv) and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(xv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans in the normal course of the person's business.''.

(d) EXPEDITING AVAILABILITY OF REPORTS ON LAST MINUTE FUNDS.—

(1) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE WITHIN 20 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)(A)) is amended—

(A) by striking ''after the 20th day, but more than 48 hours before any election'' and inserting ''during the period which begins after the 20th day before an election and ends at the time the polls close for such election''; and

(B) in the second sentence, by striking ''within 48 hours after the receipt of such contribution'' and inserting the following: ''not later than 24 hours after the receipt of such contribution or midnight of the day on which the contribution is deposited (whichever is earlier),''.

(2) REQUIRING ACTUAL RECEIPT OF CERTAIN INDEPENDENT EXPENDITURE REPORTS WITHIN 24 HOURS.—

(A) IN GENERAL.—Section 304(c)(2) of such Act (2 U.S.C. 434(c)(2)) is amended in the matter following subparagraph (C)—

(i) by striking ''shall be reported'' and inserting ''shall be filed''; and

(ii) by adding at the end the following new sentence: ''Notwithstanding subsection (a)(5), the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.''.

(B) CONFORMING AMENDMENT.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking ''or (4)(A)(ii)'' and inserting ''or (4)(A)(ii), or the second sentence of subsection (c)(2)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. 638. RETIREMENT PROVISIONS RELATING TO CERTAIN MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—(a) QUALIFIED MWAA POLICE OFFICER DEFINED.—For purposes of this section, the term ''qualified MWAA police officer'' means any individual who, as of the date of enactment of this Act—

(1) is employed as a member of the police force of the Metropolitan Washington Airports Authority (hereinafter in this section referred to as an ''MWAA police officer''); and

(2) is subject to the Civil Service Retirement System or the Federal Employees' Retirement System by virtue of section 49107(b) of title 49, United States Code.

(b) ELIGIBILITY TO BE TREATED AS A LAW ENFORCEMENT OFFICER FOR RETIREMENT PURPOSES.—

(1) IN GENERAL.—Any qualified MWAA police officer may, by written election submitted in accordance with applicable requirements under subsection (c), elect to be treated as a law enforcement officer (within the meaning of section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(2) PRIOR SERVICE DESCRIBED.—The service described in this paragraph is all service which an individual performed, prior to the effective date of such individual's election under this section, as—

(A) an MWAA police officer; or

(B) a member of the police force of the Federal Aviation Administration (hereinafter in this section referred to as an ''FAA police officer'').

(c) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any election under this section shall be made. Such an election shall not be effective unless—

(1) it is made before the employee separates from service with the Metropolitan Washington Airports Authority, but in no event later than 1 year after the regulations under this subsection take effect; and

(2) it is accompanied by payment of an amount equal to, with respect to all prior service of such employee which is described in subsection (b)(2)—

(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, United States Code (as the case may be) if such election had then been in effect, minus

(B) the total employee deductions and contributions under such chapter 83 and 84 (as applicable) that were actually made for such service,

taking into account only amounts required to be credited to the Civil Service Retirement and Disability Fund. Any amount under paragraph (2) shall be computed with interest, in accordance with section 8334(e) of such title 5.

(d) GOVERNMENT CONTRIBUTIONS.—Whenever a payment under subsection (c)(2) is made by an individual with respect to such individual's prior service (as described in subsection (b)(2)), the Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund any additional contributions for which it would have been liable, with respect to such service, if such individual's election under this section had then been in effect (and, to the extent of any prior FAA police officer service, as if it had then been the employing agency). Any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.

(e) CERTIFICATIONS.—The Office of Personnel Management shall accept, for the purpose of this section, the certification of—

(1) the Metropolitan Washington Airports Authority (or its designee) concerning any service performed by an individual as an MWAA police officer; and

(2) the Federal Aviation Administration (or its designee) concerning any service performed by an individual as an FAA police officer.

(f) REIMBURSEMENT TO COMPENSATE FOR UNFUNDED LIABILITY.—

(1) IN GENERAL.—The Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount (as determined by the Director of the Office of Personnel Management) equal to the amount necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund (to the extent the Civil Service Retirement System is involved), and for any estimated increase in the supplemental liability of the Fund (to the extent the Federal Employees' Retirement System is involved), resulting from the enactment of this section.

(2) PAYMENT METHOD.—The Metropolitan Washington Airports Authority shall pay the amount so determined in 5 equal annual installments, with interest (which shall be computed at the rate used in the most recent valuation of the Federal Employees' Retirement System).

SEC. 639. (a) For purposes of this section—

(1) the term ''comparability payment'' refers to a locality-based comparability payment under section 5304 of title 5, United States Code;

(2) the term ''President's pay agent'' refers to the pay agent described in section 5302(4) of such title; and

(3) the term ''pay locality'' has the meaning given such term by section 5302(5) of such title.

(b) Notwithstanding any provision of section 5304 of title 5, United States Code, for purposes of determining appropriate pay localities and making comparability payment recommendations, the President's pay agent may, in accordance with succeeding provisions of this section, make comparisons of General Schedule pay and non-Federal pay within any of the metropolitan statistical areas described in subsection (d)(3), using—

(1) data from surveys of the Bureau of Labor Statistics;

(2) salary data sets obtained under subsection (c); or

(3) any combination thereof.

(c) To the extent necessary in order to carry out this section, the President's pay agent may obtain any salary data sets (referred to in subsection (b)) from any organization or entity that regularly compiles similar data for businesses in the private sector.

(d)(1)(A) This paragraph applies with respect to the 5 metropolitan statistical areas described in paragraph (3) which—

(i) have the highest levels of nonfarm employment (as determined based on data made available by the Bureau of Labor Statistics); and

(ii) as of the date of enactment of this Act, have not previously been surveyed by the Bureau of Labor Statistics (as discrete pay localities) for purposes of section 5304 of title 5, United States Code.

(B) The President's pay agent, based on such comparisons under subsection (b) as the pay agent considers appropriate, shall (i) determine whether any of the 5 areas under subparagraph (A) warrants designation as a discrete pay locality, and (ii) if so, make recommendations as to what level of comparability payments would be appropriate during 2002 for each area so determined.

(C)(i) Any recommendations under subparagraph (B)(ii) shall be included—

(I) in the pay agent's report under section 5304(d)(1) of title 5, United States Code, submitted for purposes of comparability payments scheduled to become payable in 2002; or

(II) if compliance with subclause (I) is impracticable, in a supplementary report which the pay agent shall submit to the President and the Congress no later than March 1, 2001.

(ii) In the event that the recommendations are completed in time to be included in the report described in clause (i)(I), a copy of those recommendations shall be transmitted by the pay agent to the Congress contemporaneous with their submission to the President.

(D) Each of the 5 areas under subparagraph (A) that so warrants, as determined by the President's pay agent, shall be designated as a discrete pay locality under section 5304 of title 5, United States Code, in time for it to be treated as such for purposes of comparability payments becoming payable in 2002.

(2) The President's pay agent may, at any time after the 180th day following the submission of the report under subsection (f), make any initial or further determinations or recommendations under this section, based on any pay comparisons under subsection (b), with respect to any area described in paragraph (3).

(3) An area described in this paragraph is any metropolitan statistical area within the continental United States that (as determined based on data made available by the Bureau of Labor Statistics and the Office of Personnel Management, respectively) has a high level of nonfarm employment and at least 2,500 General Schedule employees whose post of duty is within such area.

(e)(1) The authority under this section to make pay comparisons and to make any determinations or recommendations based on such comparisons shall be available to the President's pay agent only for purposes of comparability payments becoming payable on or after January 1, 2002, and before January 1, 2007, and only with respect to areas described in subsection (d)(3).

(2) Any comparisons and recommendations so made shall, if included in the pay agent's report under section 5304(d)(1) of title 5, United States Code, for any year (or the pay agent's supplementary report, in accordance with subsection (d)(1)(C)(i)(II)), be considered and acted on as the pay agent's comparisons and recommendations under such section 5304(d)(1) for the area and the year involved.

(f)(1) No later than March 1, 2001, the President's pay agent shall submit to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, a report on the use of pay comparison data, as described in subsection (b)(2) or (3) (as appropriate), for purposes of comparability payments.

(2) The report shall include the cost of obtaining such data, the rationale underlying the decisions reached based on such data, and the relative advantages and disadvantages of using such data (including whether the effort involved in analyzing and integrating such data is commensurate with the benefits derived from their use). The report may include specific recommendations regarding the continued use of such data.

(g)(1) No later than May 1, 2001, the President's pay agent shall prepare and submit to the committees specified in subsection (f)(1) a report relating to the ongoing efforts of the Office of Personnel Management, the Office of Management and Budget, and the Bureau of Labor Statistics to revise the methodology currently being used by the Bureau of Labor Statistics in performing its surveys under section 5304 of title 5, United States Code.

(2) The report shall include a detailed accounting of any concerns the pay agent may have regarding the current methodology, the specific projects the pay agent has directed any of those agencies to undertake in order to address those concerns, and a time line for the anticipated completion of those projects and for implementation of the revised methodology.

(3) The report shall also include recommendations as to how those ongoing efforts might be expedited, including any additional resources which, in the opinion of the pay agent, are needed in order to expedite completion of the activities described in the preceding provisions of this subsection, and the reasons why those additional resources are needed.

SEC. 640. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

''7.5 January 1, 2001, to December 31, 2002.
7 After December 31, 2002.''

and inserting the following:

''7 After December 31, 2000.'';

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

''8 January 1, 2001, to December 31, 2002.
7.5 After December 31, 2002.''

and inserting the following:

''7.5 After December 31, 2000.'';

(3) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

''8 January 1, 2001, to December 31, 2002.
7.5 After December 31, 2002.''

and inserting the following:

''7.5 After December 31, 2000.'';

(4) in the matter relating to a bankruptcy judge by striking:

''8.5 January 1, 2001, to December 31, 2002.
8 After December 31, 2002.''

and inserting the following:

''8 After December 31, 2000.'';

(5) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

''8.5 January 1, 2001, to December 31, 2002.
8 After December 31, 2002.''

and inserting the following:

''8 After December 31, 2000.'';

(6) in the matter relating to a United States magistrate by striking:

''8.5 January 1, 2001, to December 31, 2002.
8 After December 31, 2002.''

and inserting the following:

''8 After December 31, 2000.'';

(7) in the matter relating to a Court of Federal Claims judge by striking:

''8.5 January 1, 2001, to December 31, 2002.
8 After December 31, 2002.''

and inserting the following:

''8 After December 31, 2000.'';

(8) in the matter relating to a member of the Capitol Police by striking:

''8 January 1, 2001, to December 31, 2002.
7.5 After December 31, 2002.''

and inserting the following:

''7.5 After December 31, 2000.'';

and

(9) in the matter relating to a nuclear materials courier by striking:

''8 January 1, 2001 to December 31, 2002.
7.5 After December 31, 2002.''

and inserting the following:

''7.5 After December 31, 2000.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) The applicable percentage under this paragraph for civilian service shall be as follows:

''Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	After December 31, 2000.
Congressional employee.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	8	January 1, 2001, to December 31, 2002.
	7.5	After December 31, 2002.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Nuclear materials courier.	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.''.

(2) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting ''and'' after the semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C).

(3) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting ''and'' after the semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (50 U.S.C. 2021 note) is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(d) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (22 U.S.C. 4045 note) is amended—

(A) in subparagraph (A)—

(i) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(ii) in the matter after the colon, by striking all that follows ''December 31, 2000.''; and

(B) in subparagraph (B)—

(i) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(ii) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended, in the table in the matter following subparagraph (B), by striking:

''January 1, 2001, through December 31, 2002, inclusive.	7.5
After December 31, 2002	7''

and inserting the following:

''After December 31, 2000	7''.

(e) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking all that follows ''December 31, 2000.'' and inserting the following:

''7.5 After December 31, 2000.''.

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(f) CIVIL SERVICE RETIREMENT SYSTEM.—Notwithstanding section 8334 (a)(1) or (k)(1) of title 5, United States Code, during the period beginning on October 1, 2002, through December 31, 2002, each employing agency (other than the United States Postal Service or the Metropolitan Washington Airports Authority) shall contribute—

(1) 7.5 percent of the basic pay of an employee;

(2) 8 percent of the basic pay of a congressional employee, a law enforcement officer, a member of the Capitol police, a firefighter, or a nuclear materials courier; and

(3) 8.5 percent of the basic pay of a Member of Congress, a Court of Federal Claims judge, a United States magistrate, a judge of the United States Court of Appeals for the Armed Forces, or a bankruptcy judge;

in lieu of the agency contributions otherwise required under section 8334(a)(1) of such title 5.

(g) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

(h) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding any provision of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), during the period beginning on October 1, 2002, through December 31, 2002, each agency employing a participant in the Foreign Service Retirement and Disability System shall contribute to the Foreign Service Retirement and Disability Fund—

(1) 7.5 percent of the basic pay of each participant covered under section 805(a)(1) of such Act participating in the Foreign Service Retirement and Disability System; and

(2) 8 percent of the basic pay of each participant covered under paragraph (2) or (3) of section 805(a) of such Act participating in the Foreign Service Retirement and Disability System;

in lieu of the agency contribution otherwise required under section 805(a) of such Act.

(i) The amendments made by this section shall take effect upon the close of calendar year 2000, and shall apply thereafter.

SEC. 641. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as previously amended by this Act, is amended by adding at the end the following new subsection:

''(e)(1) In addition to any other information required to be reported under this section, the principal campaign committee of a candidate for the House of Representatives or for the Senate who uses any aircraft of the Federal government for any purpose which includes (in whole or in part) carrying out the candidate's campaign for election for Federal office (including using an aircraft of the Federal government for transportation to or from a campaign event), shall file with the Commission a statement containing the following information:

''(A) A description of the aircraft used, including the type or model.

''(B) The number of individuals who used the aircraft, including the candidate and those whose use of the aircraft was paid for (in whole or in part) by the committee.

''(C) The amount the candidate paid to reimburse the Federal government for the use

of the aircraft, together with the methodology used to determine such amount, in accordance with section 106.3 of title 11, Code of Federal Regulations.

''(2) The statements required under this subsection shall be included with the reports filed by the principal campaign committee under subsection (a)(2), except that any statement with respect to the use of any aircraft after the 20th day, but more than 48 hours before the election shall be filed in accordance with subsection (a)(6).''.

(b) The amendment made by subsection (a) shall apply with respect to elections occurring after December 31, 2000.

SEC. 642. (a) Section 5545b(d) of title 5, United States Code, is amended by inserting at the end the following new paragraph:

''(4) Notwithstanding section 8114(e)(1), overtime pay for a firefighter subject to this section for hours in a regular tour of duty shall be included in any computation of pay under section 8114.''.

(b) The amendment in subsection (a) shall be effective as if it had been enacted as part of the Federal Firefighters Overtime Pay Reform Act of 1998 (112 Stat. 2681–519).

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 112, line 8, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments? If not, the Clerk will read the last section of the bill.

The Clerk read as follows:

SEC. 643. Section 6323(a) of title 5, United States Code, is amended by adding at the end the following:

''(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.''.

AMENDMENT OFFERED BY MR. GILMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN:

At the appropriate place in the bill, insert the following new section:

SEC. ____. Section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1988, as contained in the Act of December 22, 1987 (40 U.S.C. 490b), is amended by adding at the end the following:

''(e)(1) All existing and newly hired workers in any child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

''(2) For purposes of this subsection, the term 'executive facility' means a facility that is owned or leased by an office or entity within the executive branch of the Government (including one that is owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government).

''(3) Nothing in this subsection shall be considered to apply with respect to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. GILMAN) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, this amendment is slightly changed from my original amendment, listed as Amendment No. 2 in the CONGRESSIONAL RECORD, and contains language clarifying the definition of an ''executive facility.''

Mr. Chairman, I rise today in support of the Gilman-Maloney-Morella amendment which seeks to close a loophole regarding the safety of child care in Federal facilities throughout our Nation. I would like to thank the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Maryland (Mrs. MORELLA) for their support of this issue and their dedication to improving the quality of child care for all children.

Congress passed the Crime Control Act in 1990, including a provision calling for mandatory background checks for employees hired by a Federal agency. However, some agencies have interpreted that law in such a way that many child care employees are not subjected to background checks.

Currently, Federal employees across the Nation undergo, at the bare minimum, a computer check of their background which includes FBI, INTERPOL and State police records. However, some child care workers who enter these same buildings on a daily basis do not. Federal employees who use federally provided child care should feel confident that these child care providers have backgrounds free of abusive and violent behavior that would prevent them from working with our children.

Moreover, this amendment helps to ensure the overall safety of our Federal buildings. Child care workers step into Federal buildings each day and look after children of Federal employees. Without performing background checks, the children in day care, as well as the employees in Federal facilities, are exposing themselves to possible violent acts in the workplace. A child care worker, with a history of violent criminal behavior, has the opportunity to create a terrorist situation, the likes of which have not been seen since the tragedy in Oklahoma City.

Child care providers working in Federal facilities throughout our Nation have somehow fallen through the cracks and have become exempt from undergoing a criminal history check. This amendment corrects that situation.

Mr. Chairman, I urge our colleagues to vote yes on the amendment.

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

□ 1815

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Gilman-Maloney-Morella amendment to provide criminal background checks for all Federal child care employees. I am very happy to join my colleagues, the gentleman from New York (Mr. GILMAN) and the gentlewoman from Maryland (Mrs. MORELLA), who have been consistent leaders on child care.

I am very pleased that last year a provision offered by the gentlewoman from Maryland has been extended that allows Federal agencies the option of assisting employees with child care expenses. I am very pleased to be a lead cosponsor of several bills introduced by the gentleman from New York (Mr. GILMAN) to expand affordable and available day care.

In 1990, Congress passed the Crime Control Act, which mandates that Federal employees undergo background checks. But because of a funding loophole, this provision does not apply to those who take care of our children in Federal day care facilities. Each day, millions of families around the country go to work and leave children in day care.

Everyone assumes that our children are safe. Everyone assumes that the child care workers have certain kinds of training and children will be protected. Everyone hopes for the best. But because of a current loophole in the law, the people who we trust with our children could be criminals. Child care workers in Federal facilities are contracted through Federal agencies, and therefore, not hired directly by a Federal agency.

This is a dangerous loophole, and we need to correct it. We should not have to worry about who is taking care of our children simply because agencies do not view their child care employees as government agents. Certainly those who care for our children should not be exempt from this law.

This bipartisan amendment makes it clear, criminals will be unable to work in Federal child care agencies. Programs involving children deserve to be 100 percent safe and secure. We must take precautions so that our children, the world's future, are being cared for by people we trust.

I urge my colleagues to support the Gilman-Maloney-Morella amendment. We need to know who is watching our children. It is important. I urge a yes vote.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for her supportive remarks, and I yield the balance of our time to the gentlewoman from Maryland (Mrs. MORELLA).

The CHAIRMAN. The gentlewoman from Maryland (Mrs. MORELLA) is recognized for 1 minute.

Mrs. MORELLA. Mr. Chairman, I rise to support strongly the Gilman-Maloney-Morella amendment. It is a commonsense proposal. It is one I think that everybody in this House can wholeheartedly endorse.

Currently, Federal employees across the country undergo at the bare minimum a computer check on their background, which includes FBI, Interpol,

and police records. However, child care workers who enter these very same buildings on a daily basis do not. These individuals care for small children each day, and our Federal employees should be able to feel confident that they are leaving their children in a safe environment with qualified individuals.

Federal agencies have neglected to perform these background checks because these individuals are hired by the child care center, not the Federal government. But it only takes one missed background check to lead to a devastating situation.

We cannot afford to let that happen. I hope that Members will join me and the other authors of this amendment, the gentleman from New York (Mr. GILMAN) and the gentlewoman from New York (Mrs. MALONEY), in supporting this amendment to the Treasury-Postal appropriations bill and close this loophole.

The CHAIRMAN. Does any Member seek to claim the time in opposition?

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

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. DEUTSCH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEUTSCH:

At the end of the bill, insert after the last section, preceding the short title, the following new section:

SEC. . None of the funds made available in this Act may be used to allow the importation into the United States of any product that is the growth, product, or manufacture of Iran.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Florida (Mr. DEUTSCH) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, today there is an amendment in front of us which specifically deals with what is going on in Iran.

Right now there are forces in Iran which are really the most right-wing forces engaged in activities which have had detrimental effects to America's interests and concerns. The effect of the amendment will weaken those forces.

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

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

Mr. LAZIO. Mr. Chairman, I thank the gentleman for yielding to me. I want to thank him for his working to craft the amendment, along with the gentlewoman from New York (Mrs. LOWEY) and with the gentleman from California (Mr. SHERMAN).

This is an important amendment. Mr. Chairman, in 1911 a Russian Jew named Mendel Beilis was arrested by the czar's secret police. He was accused of a crime resurrected from the dusty, murky depths of medieval anti-semitism, the blood libel. That was an ancient myth that the ritual murder of a child was needed in order to make a Passover Matza. It was an utterly absurd assertion.

Mr. Chairman, we are witnessing an equally obscene perversion of justice today. Earlier this year, ten Jewish residents of the Iranian town of Shiraz were charged by the authorities of the Islamic Republic of Iraq of espionage for Israel.

Mr. Chairman, the analogies between these two cases are instructive. In both cases, there was not a shred of plausible evidence to support the prosecutors' case. In both cases, the government had clear political reasons to proceed with a groundless prosecution. In both of these cases, the scapegoats, who were sacrificed at the altar of political cynicism, were Jews.

Mr. Chairman, we have to support this amendment because it sends a very clear message that we will not tolerate injustice, we will not tolerate persecution, and we will not allow our laws to be used to help the Iranian government and the Iranian revolutionary court prosecute 10 Jews unjustly.

Mr. DEUTSCH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I urge my colleagues to support this amendment, which will send a strong message to the government of Iran and the world that the United States Congress will not tolerate Iran's blatant disregard for basic human rights.

We have heard about the so-called ''moderation'' of Iran, about the power struggle between the hard-line clerics and the reformists led by President Khatemi. I invite my colleagues to examine carefully the face of this moderation.

Ten Iranian Jews were recently sentenced on charges of spying for the United States and Israel. These 10 have been denied due process, were coerced into confessing on Iranian TV, and were prosecuted, judged, and sentenced by the same Revolutionary Court judge.

Since late May, over 20 newspapers and magazines associated with the reformists have been shut down by the Iranian government, silencing the voices of the independent press in that country.

And just recently, two prominent human rights lawyers in Iran were sent to prison, without trial, on charges of insulting public officials.

No reasonable person could call this ''moderation.''

My colleagues, Iran is not ready to join the community of nations. Each day, Iran produces more and more evidence that the terms of membership in this community—including respect for basic human rights, due process, and freedom, are not terms it can accept. Each day, Iran sends unmistakable messages to the world that it is not willing to embrace the mores of reasonable society. Each day, Iran continues to threaten its neighbors and pursue the development of weapons of mass destruction.

We have heard these messages loud and clear. And we should react accordingly. This is not the time to make concessions to Iran. This is not time to open up our markets to Iran, to allow the government to fill its coffers with dollars from the sale of Iranian goods to the United States. This is not the time to give Iran one iota of legitimacy in the international community. Legitimacy must be earned, and Iran has earned nothing.

I strongly urge my colleagues to support the Deutsch amendment, which would deny funding for the importation of Iranian products. We owe at least this much to the Iran 10, the independent journalists, the human rights lawyers, and all the people of Iran who are still not free.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Chairman, these remarks will be titled, No Justice, No Caviar.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida. We should not do business with Iran until they respect human rights. No justice, no caviar.

On July 1, ten of the 13 Jews held on espionage charges in the southern Iranian city of Shiraz were convicted and sentenced to jail terms from four to 13 years. The men had been arrested in March 1999 and the ten ultimately convicted had languished in prison since that time awaiting trial, which finally began last April. While the death penalty—a distinct possibility in Iran for ''espionage''—was thankfully averted, the conservative Judiciary in Iran still felt it was necessary to take 89 years in total away from the lives of these innocent men.

And let there be no doubt that ''the ten''—as well as the two Muslim accomplices—are innocent. The trial was a joke of the first order. The judge served not merely as a neutral arbiter of the law, but also as the prosecution. There was no jury; the judge/prosecutor, known affectionately by fellow conservatives as ''the Butcher,'' also made the determination of guilt. The proceedings were held in private—no one except the Butcher, the defendants, and their lawyers know what happened in that courtroom. For varying reasons, none of them are talking. Every few days or so during the heat of the trial two more defendants would be paraded before waiting television cameras to ''confess,'' but their confessions were virtually devoid of detail. Stalin at least would have gotten his defendants to confess to some details to back up the official state story.

Last March our government decided to relax its embargo on Iranian fruits, nuts, caviar and rugs. The rationale for this move was that there are ''moderate'' forces in Iran aligned

with President Khatemi who need to be bolstered in their fight against the conservative mullahs.

History and recent experience with Iran strongly argue against this policy. The US needs to take the lead in using our political and economic clout to help win the release of these men. Only then can we rally other governments to make continued favorable business and investment arrangements contingent on this basic human rights issue. Only when Iran sees the impact to its bottom line will it understand the need to release these shopkeepers, clerks and religious men to go home to their families.

We should not accept Iranian goods until the Iranian's respect human rights. I urge my colleagues to support the amendment and to support human rights in Iran.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS of Virginia:

At the end of the general provisions title, add the following new section:

SEC. ____. None of the funds appropriated in this Act may be used to carry out the amendments to the Federal Acquisition Regulation contained in the proposed rule published by the Federal Acquisition Regulatory Council (65 Fed. Reg. 40829) (2000), relating to responsibility considerations of Federal contractors and the allowability of certain contractor costs.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Virginia (Mr. DAVIS) and a Member opposed each will control 10 minutes.

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

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Chairman, let me begin by thanking my good friend and colleague, the gentleman from Virginia (Mr. MORAN), for offering this amendment with me today. This is the Davis-Moran amendment.

Last summer, the administration first proposed regulations that would significantly change our procurement process, jeopardizing the bipartisan procurement reforms of the past few years.

At that time, myself and really hundreds of Members of the private sector had concerns that we expressed at that point. We felt that the administration had drafted overly broad regulations that would violate due process rights of supportive contractors and substantially affect the Federal Government's ability to acquire goods and services at the best value.

We have tried through the years of this administration to work in a bipartisan manner on procurement reform. We have had several successes: The Federal Acquisition Reform Act, the Federal Acquisition Streamlining Act, where we have worked in a bipartisan way together.

Unfortunately, some of the regulations that are currently presented I think are really miscast and take us backwards in terms of procurement reform.

On June 30, 2000, the administration reissued the proposed regulations, portraying them as a clarification of the non-responsibility criteria a contracting officer may use to disqualify a contractor from competing for a Federal contract. Specifically, their stated intention is to clarify what constitutes a satisfactory record of business ethics and integrity.

But the proposed regulations constitute a substantial change to procurement law. They run counter to the existing procurement standards. For that reason, we feel at this point, pending a GAO audit which will show exactly the depth of the problems the administration is trying to correct, pending that audit coming back here, we believe we should put these on hold. For that reason, we are offering this amendment.

For the first time under the proposed regulations, the contracting officers would be required to consider certain nonprocurement laws when reviewing bids without a minimum standard. This would signify when a contractor has met the existing requirement of a satisfactory record of integrity and business ethics.

In trying to clarify this, they are taking a number of nonjudicial decisions, decisions in some cases that have unilaterally come forward from the Federal government in terms of charges which the contractors had no opportunity to rebut. They have taken this, and could be debarred from that and a series of contracts with simply allegations.

Mr. Chairman, I would say that in many of these cases where we get allegations and charges coming from the government, many of these cases, over half of them, are dismissed later, not prosecuted because they are not well-founded. But under this procedure, contracting officers would have to pay attention to this.

This with respect to Federal contractors I think would seriously harm our ability to get the best value for goods and services. This amendment would stop these regulations from moving forward until we have an opportunity to review the GAO audit.

Mr. Chairman, let me begin by thanking my good friend and colleague from Virginia, Congressman MORAN for offering this amendment with me today.

Last summer, the Administration first proposed regulations that would significantly change our procurement process, jeopardizing the bipartisan procurement reforms of the past few years. At that time, I had grave concerns that the Administration had drafted overly-broad regulations that would violate the due process rights of prospective contractors and substantially affect the Federal Government's ability to acquire goods and services at the best value. Last year, I worked through the comment process and met on a number of occasions with the Administration to express my concerns. I was hopeful that the Administration would carefully consider the numerous comments it received on this proposal from Members of Congress, including the bipartisan comments expressed by the Small Business Committee at its hearing in September 1999, and the over 1500 comment letters it received. Unfortunately, the Administration did not.

On June 30, 2000, the Administration reissued the proposed regulations, portraying them as a clarification of the nonresponsibility criteria a contracting officer may use to disqualify a contractor from competing for a Federal contract. Specifically, their stated intention is to clarify what constitutes a satisfactory record of business ethics and integrity.

However, the proposed regulations constitute a substantial change to Federal procurement law and run counter to existing procurement standards. While there is no question that the Federal Government has a responsibility to ensure that it does not do business with bad actors, the Administration has not been able to offer any evidence that there is a problem with Federal contracts being awarded to unscrupulous contractors, specifically because they have no mechanism for tracking that type of information.

For these reasons, I am offering—with Mr. MORAN—this amendment which will not allow any funds available under the Treasury, Postal appropriations bill to be used to implement the regulations until the results of a GAO audit are available. The GAO audit was requested in June and will track the extent to which the Federal Government is contracting with those that are violating the standards put forth in the proposed regulations.

I believe there are a number of flaws with these regulations that run counter to the bipartisan procurement reform efforts that we have enacted since 1993. Although they are intended to clarify existing standards, they actually inject an extraordinary amount of uncertainty into the procurement process. As a result, they most certainly would constitute an arbitrary and capricious rulemaking.

For the first time, contracting officers will be required to consider non-procurement laws when reviewing bids without a common standard that would signify when a contractor has met the existing requirement that it have a satisfactory record of integrity and business ethics. This will create a high level of subjectivity in the review process. This means contractors will not know when violations, or alleged violations of the law, reach a degree of seriousness that will result in contract suspension or how that standard will apply from contract to contract and agency to agency. This regulation will only serve to further complicate the well-intentioned efforts of contracting officers to comply with existing Federal Acquisition Regulations. Moreover, contracting officers and their departmental counsels will now be expected to understand a significant body of law that is now under the jurisdiction of many different federal agencies.

I would also ask, if this regulation is supposed to clarify an existing standard shouldn't it be consistent with past applications of the standard? The proposed regulation must be considered substantial rulemaking because it is putting in place an entirely new standard of law without any direction from Congress on this issue. In fact, what makes up a record of good business ethics and integrity is currently contained in the FAR. There is a list of seven items that are automatically used by a contracting officer in making the responsibility determination currently required for every contract award. As well, suspension of a contract is already available to the Federal government if there are criminal violations are serious civil violations related to the honesty of statements made to the government.

This regulation also runs counter to the long-standing procurement case law and practices currently utilized by contracting officers. When a contracting officer makes a nonresponsibility determination, he or she will do so on the basis that there is a nexus between the contractor's past violation of the law and the contract on which they are bidding. This is clearly the case in the often-cited and misinterpreted bid challenge asserted by Standard Tank Cleaning Corporation on a United States Navy contract. The Navy contracting officer eliminated the bidder from consideration because the contractor had a number of state environmental citations that indicated an inability to effectively perform a contract for hazardous waste removal and disposal. It was found that the company lacked the integrity to perform the contract. None of us would disagree with this standard: an environmental polluter ought not work for the government to clean up the environment.

The regulation also has no due process provisions, contrary to Administration statements on this issue. A contractor may be suspended from receiving a contract based on ''credible information'' or ''complaints, violations, or findings by Administrative Law Judges, or any federal agency, board, or commission.'' Neither of those standards mean that company has gone through a hearing process or had the decision adjudicated. They would largely be denied the opportunity to explain the circumstances related to a nonresponsibility determination.

Moreover, the ''credible information'' standard is nothing short of a mystery to me. I have yet to find an explanation of credible information that a contracting officer may use to guide them in making a nonresponsibility determination. Again, this clearly constitutes arbitrary and capricious rulemaking. Last year, the Administration included the terminology ''alleged violation'' in the original proposed regulations. After assuring me on a number of occasions that they understood the regulations were too vague on this point and violated due process, the Administration just switched words around and came up with ''credible information.'' Who may offer a contracting officer credible information during the bid process: a competing contractor, a disgruntled employee, or an organization pursuing an independent agenda? This standard invites third party mischief into the procurement process. How does a responsible contractor defend himself against this type of misinformation campaign?

Especially important to note is the impact these changes will have on the technology sector, small businesses—many of whom are technology companies—and university research programs. These parties, in particular, will be unable to survive a subjective scrutiny that will result in a delayed federal procurement process, increased litigation, and the proliferation of bid protests. The length of the process alone will jeopardize the viability of many small businesses and our nation's research priorities. In turn, the Federal Government will undermine the benefits it realizes through technological innovation and university-sponsored federal research.

At this point, Mr. Chairman, I ask for unanimous consent that the Information Technology Industry Council letter in support of the Davis-Moran amendment and key vote notice, a letter from my distinguished colleague, Congressman TALENT, Chairman of the Small Business Committee, that lists the affect this regulation could have on small businesses, and a letter of support for the amendment from the American Council on Education that is signed by ten higher education organizations, all be inserted into the RECORD.

Mr. Chairman, this amendment is a reasonable response to flawed attempts to legislate through regulation. I urge all of my colleagues to support our bipartisan amendment.

Mr. Chairman, I include for the RECORD the following letters in support of the amendment:

NFIB,
THE VOICE OF SMALL BUSINESS,
July 19, 2000.

Hon. TOM DAVIS,
224 Cannon House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the 600,000 members of the National Federation of Independent Business, I am writing to support your amendment to the 2000 Treasury and Postal Appropriations bill to prohibit the Clinton Administration from enforcing its federal procurement ''backlisting'' regulation until the General Accounting Office has completed an audit of government contracting practices.

This regulation would effectively blacklist companies from eligibility to receive government contracts if they do not follow arbitrary standards, defined as ''satisfactory compliance with federal laws including tax laws, labor, and employment laws, environmental laws, antitrust laws, and consumer protection laws.'' Satisfactory compliance will be determined subjectively, unfairly politicizing the contracting process.

Ninety-three percent of NFIB members believe that the federal government should not require small businesses to follow such biased rules to receive federally funded projects. Requiring small businesses to abide by subjective and arbitrary terms in order to receive federal contracts discourages competition and is counter to the principles of free enterprise. Further, the proposed regulation would discriminate against small businesses that may not be able to meet the subjective thresholds established under the regulations. For instance, large businesses and others may use small businesses' minor paperwork violations to prevent them from qualifying for federal contracts.

We will strongly urge Members to protect their small business constituents from unfair blacklisting regulations by voting for your amendment when it comes to the floor during consideration of the Treasury, Postal Appropriations bill.

Sincerely,

DAN DANNER,
Senior Vice President, Federal Public Policy.

SMALL BUSINESS
TECHNOLOGY COALITION,
July 18, 2000.

Hon. TOM DAVIS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DAVIS: I am writing you to thank you for your leadership in introducing the Davis-Moran Amendment to the Treasury and Postal Appropriations Bill and to communicate the support of the Small Business Technology Coalition for passage of this amendment. This amendment will postpone implementation of regulation being proposed by the administration, which would otherwise impose significant burdens on the Small Business community our coalition represents. The Davis-Moran amendment simply restricts funds from being spent on implementation of the administration's proposed guidelines on contractor responsibility until the GAO can determine that a problem exists. Until now, no credible evidence has been presented which establishes that a problem exists and it is my position that the proposed regulations will harm Small Businesses doing business with the government.

Respectfully,

RICHARD W. CARROLL,
Chairman.

JULY 18, 2000.

Hon. TOM DAVIS,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN: I want to thank you for offering an amendment to the Treasury-Postal Appropriations bill, which would postpone a burdensome and ill-conceived regulation. National Small Business United (NSBU) strongly supports your amendment and urges all members of the House to vote for it.

These regulations on so-called contractor responsibility would unfairly ''blacklist'' many small businesses from competing for federal contracts, based on whether the business had ever paid any federal fines or penalties. As you know, many small businesses face unfair and unjustified penalties from government agencies, and frequently pay the fine rather than spend the enormous amounts of time and resources necessary to fight the penalty. Moreover, there has not yet been any substantial evidence presented that demonstrates that a serious problem exists on contractor responsibility. Your amendment would postpone these regulations until GAO can determine whether a problem actually exists.

Again, I want to thank you for offering this important amendment in support of small business contractors. NSBU urges its speedy adoption.

Yours truly,

TODD MCCRACKEN,
President.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, July 19, 2000.

Hon. THOMAS M. DAVIS,
Chairman, Subcommittee on the District of Columbia, Committee On Government Reform, Washington, DC.

DEAR CHAIRMAN DAVIS: On October 21, 1999, the Committee On Small Business held a hearing on the proposed changes to the contractor responsibility rules of the Federal Acquisition Regulations. At that hearing, the potential adverse impact of those proposed changes on small business were highlighted. Subsequent to that hearing, the ranking member, Ms. Velazquez, and I filed joint comments with the FAR Council again raising a number of potential barriers that the proposed rule could create in the ability of small businesses to obtain federal government contracts. We noted that the standards

being utilized were vague, imbued contracting officers with excessive amounts of discretion, failed to provide contracting officers with adequate guidance on determining whether a prospective awardee has an adequate record of business ethics and integrity, ignored the implementation problems of the proposal on subcontractors, and requested that the FAR Council perform an adequate regulatory flexibility analysis.

I have examined the new proposed rule issued on June 29, 2000. That proposal fails to address most, if not all, of the concerns raised at the hearing and in the formal comments filed with the FAR Council. The new proposal still imposes new vague standards for contracting officers, does not provide contracting officers with guidance in making responsibility determinations, ignores the subcontracting issue in its entirety, and fails to perform an adequate regulatory flexibility analysis. In fact, the FAR Council continues to maintain, despite the evidence at the hearing, that the proposal will not have a significant economic impact on a substantial number of small entities. That simply is not the case and the FAR Council appears headed to finalize a rule that could substantially raise the bar over which small businesses will have to hurdle in order to get federal government contracts.

While I certainly do not want federal agencies contracting with businesses that have committed serious civil or criminal breaches of federal law, the new proposal still fails to address whether this is a serious problem or an isolated occurrence. It is my understanding that the General Accounting Office will be performing a study to determine whether a problem exists concerning the award of federal government contracts to businesses that have committed serious civil or criminal breaches of the law. I concur in your efforts to delay the implementation of any final rule on contractor responsibility pending the completion of the General Accounting Office study.

Thank you for your leadership on this issue and please feel free to contact me.

Sincerely,

JAMES M. TALENT,
Chairman.

AMERICAN COUNCIL ON EDUCATION
OFFICE OF THE PRESIDENT
July 20, 2000.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, I urge you to support the Tom Davis (R–VA) and Jim Moran (D–VA) amendment to H.R. 4871, the Treasury, Postal Service, and General Government Appropriations Bill, that is expected to be on the House floor this week. The Davis/Moran amendment would impose a moratorium on the implementation of the proposed amendments to the Federal Acquisition Regulations (FAR) as proposed by the Federal Acquisition Regulatory Council pending an outcome of a study by the Government Accounting Office (GAO). The Davis/Moran amendment presents a fair, balanced approach to this issue and provides Congress the opportunity to examine the extent to which the government is contracting with organizations that have unsatisfactory records of compliance with federal law, as well as evidence of contractor violations and their impact on contract performance.

The proposed amendments to the Federal Acquisitions Regulations (FAR) would bar employers, including colleges and universities, from eligibility for federal contracts based on preliminary determinations, unproven complaints, and actual transgressions of federal employment, labor and tax laws. Although portrayed as clarification of existing law, we believe the proposed regulations would, in effect, give new powers to federal contracting officers not granted by Congress.

American colleges and universities, which receive over $18 billion annually in federal grants and contracts, would be directly affected by these proposed regulations. The FAR revisions could have the result of creating a ''blacklist'' of contractors who would be penalized as ineligible to receive government contracts—and potentially debarred—for ''unsatisfactory'' labor and employment practices. Colleges and universities are progressive employers, offering generous benefits and innovative policies such as work-family initiatives and domestic partners benefits. They are also large, complex organizations that are subject to extensive federal regulations. Despite our best efforts, conflicts and disagreements do arise, some of which result in allegations that an institution has violated labor, environment, or other laws.

We believe the federal government should seek to investigate and resolve such allegations in the most constructive manner possible under the current law process within the respective agencies. Unfortunately, the proposed Federal Acquisition Regulations would move in the opposite direction, encouraging adversarial relationships. Under the proposal, violations, preliminary determinations, and unproven complaints of laws—such as the National Labor Relations Act, the Occupational Safety and Health Act, the Fair Labor Standards Act, and employment discrimination statutes such as Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act—could trigger a status akin to ''blacklisting.'' The proposed regulations also would penalize contractors for violations of environmental, antitrust, tax, and consumer protection laws. Adverse determinations could lead to exclusion from preferred vendor lists and from eligibility for contracts and subcontracts.

The proposal would engender mistrust between colleges and universities and the various regulatory and contracting agencies. Moreover, it would invite and encourage persons or organizations who disagree with an institution about employment practices, land use, or various other matters to file formal complaints and thereby invoke the possibility of grave penalties contemplated in the proposed regulations as leverage. That would be an unfortunate distortion and certainly is not the intention of federal laws and other standards.

Under the proposals, federal agents would be empowered to decide what is or is not a ''satisfactory'' record of employee relations from colleges and universities of every size throughout the country. Federal contracting officers do not, by the very nature of their work, possess the expertise or experience in the enforcement of labor and employment laws and regulations, to say nothing of environmental, tax, and antitrust laws and workplace practices. The proposed changes would give them authority to make arbitrary determinations to the detriment of the entire procurement process and the fair enforcement of employment and other laws.

The strong and cooperative relationship between the federal government and the country's colleges and universities has reaped countless gains for each party and for the nation as a whole through the contracting process. In the interest of furthering that long-standing relationship, we urge your support of the Davis/Moran amendment to H.R. 4871.

Sincerely,

STANLEY A. IKENBERRY,
President.

On behalf of:

American Association of State Colleges and Universities, American Council on Education, Association of American Universities, College and University Professional Association for Human Resources, Council for Christian Colleges and Universities, Council of Independent Colleges, Mennonite Board of Education, National Association of College and University Business Officers, National Association of Colleges and Universities, National Association of Independent Colleges and Universities, and the National Association of State Universities and Land-Grant Colleges.

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
Washington, DC, July 19, 2000.

Hon. THOMAS M. DAVIS III,
Hon. JAMES P. MORAN,
House of Representatives,
Washington, DC.

DEAR GENTLEMEN: The Information Technology Industry Council, ITI, wishes to express strong support for the bipartisan Davis/Moran amendment to H.R. 4871, the FY2001 Treasury/Postal Service appropriations bill. We urge Congress to support your amendment.

The Davis/Moran amendment would postpone promulgation of a new regulation on ''contractor responsibility'' determinations, pending the completion of a comprehensive study by the General Accounting Office on whether such a major regulation is needed. We believe such a postponement is necessary to avoid undermining IT modernization efforts by federal agencies. For this reason, we anticipate including your amendment as a key vote in our Year 2000 High Tech Voting Guide.

As you know, the High Tech Voting Guide is used by ITI and the media to measure Members of Congress' support for the IT industry and policies that ensure the success of the digital economy. ITI is the leading association of U.S. providers of information technology products and services. ITI members had world-wide revenue of more than $633 billion in 1999 and employ an estimated 1.3 million people in the United States.

ITI was a strong advocate of the landmark procurement reform legislation enacted by Congress and this Administration during the last decade. The reforms greatly enhanced the government's ability to acquire state-of-the-art information technology by eliminating many of the government-unique rules and procedures that made it too risky and expensive to compete in the federal marketplace. Unfortunately, the new regulation would roll back many of those hard-fought reforms by imposing on contractors certification requirements and recordkeeping burdens that have no corollary in the commercial sector. Ultimately, the regulation could hinder the government's ability to acquire IT products and services.

Clearly, the U.S. government should only do business with responsible, law-abiding contractors. We are unaware of any compelling evidence, however, that indicates the need for a major expansion of current laws and regulations, and in particular, one that leaves so many subjective judgments in the hands of those responsible for their interpretation. For these and other reasons, we urge Congress to order a statutory ''time-out'' in order to allow GAO to conduct a thorough, independent review of the regulation and its potential impact. Your amendment will accomplish that.

Thank you for your efforts. We commend you for your leadership on issues of critical importance to the IT industry.

Sincerely,

RHETT B. DAWSON,
President.

TECHNOLOGY COALITION
FOR RESPONSIBLE PROCUREMENT,
July 18, 2000.

Hon. THOMAS M. DAVIS III,
Hon. JAMES P. MORAN,
House of Representatives, Washington, DC.

DEAR GENTLEMEN: We are writing on behalf of the thousands of responsible information technology (IT) companies that we represent, to express strong support for your amendment to the FY 2001 Treasury and General Government Appropriation Act. As we understand it, the amendment would delay promulgation of the June 30, 2000 proposed rule (65 FR 40830) on ''contractor responsibility'' to allow the U.S. General Accounting Office (GAO) to conduct a comprehensive study of the issues involved. We strongly support this effort.

As an industry, we firmly support the policy that the federal government only does business with contractors that act responsibly and comply with federal statutes. We believe, however, that existing law and regulations already provide the government with sufficient authority and latitude to determine contractor responsibility. This is borne out by the relative lack of a body of evidence to the contrary.

The Federal Acquisition Regulation Council has described the proposed regulation as a clarification of current law. We do not share that view. If implemented, the new regulation would roll back many of the landmark procurement reforms enacted during the 1990s and create undue risk for IT companies that contract with the Federal Government. For example, the Clinger-Cohen Act (PL 104–106) called for the elimination of government-unique certification requirements that had no corollary in commercial practice. The proposed regulation ignores this mandate by creating a new certification requirement that could force companies to create and maintain expensive databases in order to avoid violations. Compounding the risk, the highly proprietary information that would be contained in such databases could be subject to unlimited discovery by the very parties who raised the initial allegations.

To the extent that there are shortcomings in applying or enforcing current rules, rather than creating new regulatory burdens, the Administration should work with Congress to resolve any problems through cooperative efforts or, if necessary, legislation. Another alternative would be to bolster training to ensure that contracting personnel have the necessary tools and skills to do their jobs.

The Federal contracting process already presents significant challenges for commercial IT companies. The additional burdens and risks outlined above may well convince contractors to forgo competing for government business, thereby depriving agencies of the technology that is essential to fulfilling their missions in an efficient and cost-effective manner. Are we willing to take that chance? The comprehensive GAO study currently being researched will provide policymakers with critical information that will enable them to make informed, reasoned decisions on this matter. We urge Congress to provide that opportunity by supporting your amendment.

Sincerely,

Association for Competitive Technology, Computing Technology Industry Association, Electronic Industries Alliance, Information Technology Association of America, Information Technology Industry Association, Professional Services Council.

AMERICAN ELECTRONICS ASSOCIATION,
July 18, 2000.

Hon. TOM DAVIS,
226 House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: The American Electronics Association (AEA), the nation's largest high-tech trade association representing more than 3,500 of America's leading high-tech companies, is writing in support of your amendment to the Treasury/Postal Appropriations bill to prevent the blacklisting regulations from moving forward.

On June 30, the Civilian Agency Acquisition Council and the Defense Acquisition Council published a rule in the Federal Register to ''clarify'' federal contracting rules on what constitutes a ''satisfactory record of integrity and business ethics.'' Under the so-called ''blacklisting'' proposal, a company could be barred from contract award without the due process currently provided under federal contracting rules if a Federal contract officer were to arbitrarily determine the contractor is irresponsible, AEA's 3,500 member companies are extremely concerned about this proposed regulation.

These proposed regulations will complicate the Federal procurement process and threaten to limit government access to the high-tech products and services produced by more than 5 million skilled U.S. workers. Current law already protects the Federal Government from bad actors, so additional regulations are not necessary. Further, these draft regulations will subject the current procurement process to inappropriate third-party influence without due process for contractor exclusion, suspension, and debarment. Moreover, the blacklisting regulation would result in more litigation, as contractors protest both awards and denial of contracts because of the blacklisting regulation.

The proposed blacklisting regulation is a solution in search of a problem. The Federal Government has not brought forth credible evidence that a large number of federal contracts are being awarded to bad actors. The Davis/Moran Amendment simply postpones implementation of the blacklisting regulation until the independent Government Accounting Office (GAO) can determine whether federal contracts are being awarded to companies that routinely violate federal law. Once this study is completed—in about a year—a determination can be made to the need for the blacklisting regulation.

AEA and its members believe the approach taken by your amendment is a reasoned and rational way of addressing the issue of business ethics and contractor responsibility in awarding federal contracts. AEA appreciates your efforts and looks forward to working with you on this important issue.

Sincerely,

WILLIAM T. ARCHEY,
President and C.E.O.

ELECTRONIC INDUSTRIES ALLIANCE,
Arlington, VA, July 18, 2000.

TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: When the House considers the Treasury, Postal Service and General Government Appropriations for Fiscal Year 2001, we understand that Representatives Tom Davis, Jim Moran and other Members are expected to offer an amendment that would prohibit implementation of proposed blacklisting regulations pending completion of a GAO study. On behalf of our more than 2,100 member companies, we urge you to support the Davis-Moran amendment. This vote is very important to our members.

Under the proposal, contracting officers would be allowed to deny federal contracts to companies on the basis of ''relevant credible information'' regarding alleged violations of federal law (labor and employment, environment, tax, antitrust or consumer protection). This would represent a significant and, we believe, an unwarranted change in the Federal Acquisition Regulations (FAR) which currently provide sufficient criteria for determining whether a potential contractor is responsible. Further, the proposal's introduction of a new, overly broad standard for eligibility—''satisfactory compliance'' with such an extensive array of laws during the preceding three years—would provide contracting officers with almost unlimited discretion to make subjective judgments on matters unrelated to procurement and moreover, their area of expertise. Additionally, the proposal would by regulatory fiat vastly expand the penalties authorized by Congress under the aforementioned laws, e.g., environmental, tax and consumer protection. Thus, it is an attempt to circumvent the legislative process. Finally, none of this has any relevance to a potential contractor's ability to provide the required goods and/or services to the federal government.

For all these reasons, we are opposed to the proposed blacklisting regulations and believe that they are unwarranted and inconsistent with sound procurement policy. Accordingly, we respectfully urge your support of the Davis-Moran amendment to the Treasury, Postal Service and General Government Appropriations for FY '01. We find merit in awaiting the GAO's findings prior to implementation of any changes to the FAR; particularly those as overly broad as contemplated by the proposed blacklisting regulations.

Thank you for your consideration.

Sincerely,

DAVE MCCURDY,
President, Electronic Industries Alliance.

JOHN KELLY,
Executive Vice President, JEDEC: Solid State Technology Association.

DAN C. HEINEMEIER,
President, Government Electronics and Information Technology Association.

ROBERT WILLIS,
President, Electronic Components, Assemblies and Materials Association.

COMPTIA,
July 18, 2000.

Hon. THOMAS M. DAVIS III,
House of Representatives,
Washington, DC.
Hon. JAMES P. MORAN,
House of Representatives,
Washington, DC.

DEAR MR. DAVIS AND MR. MORAN: We are writing on behalf of the 8,000 member companies of the Computing Technology Industry Association (CompTIA) to endorse your amendment to the FY 2001 Treasury, Postal Service and General Government Appropriation Act. The amendment will delay promulgation of the June 30, 2000 proposed rule (65 FR 40830) on ''contractor responsibility'' to allow the U.S. General Accounting Office (GAO) to study of the issues involved. We strongly support such a delay.

CompTIA supports the Federal government's existing policy of doing business only with contractors that act responsibly and comply with federal statutes in the areas of employment, environmental, antitrust, tax, and consumer protection. We believe that existing law and regulations already provide the government with sufficient authority

and latitude to determine contractor responsibility. For this reason new regulations are unnecessary.

The proposed regulation ignores the Clinger-Cohen Act (PL 104–106) mandate requiring the elimination of government-unique certification requirements that had no corollary in commercial practice by creating a new certification requirement that could force companies to create and maintain expensive databases in order to avoid violations. Most of our 8,000 member companies are small business, many of them very small. We estimate that 20% of them do business with the Federal Government. We believe that compliance costs would be substantial for smaller firms.

In addition a number of federal senior procurement policy and contracting executives have expressed concerns off the record that contracting personnel do not have the necessary tools and skills to carry out the requirements of the proposed regulation.

Finally, another potential unintended outcome of the proposed regulation is that some companies may seek to use the proposed regulation as a new bid protest mechanism, seeking to disqualify successful competitors who may have faced real or imagined charges. This could slow down the procurement of time-critical IT products and services.

A comprehensive GAO study will provide policymakers with critical information that will enable them to make informed, reasoned decisions on this matter. We urge Congress to provide that opportunity by supporting your amendment.

Sincerely,

BRUCE N. HAHN,
CAE.

AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA,
Washington, DC, July 19, 2000.

Hon. THOMAS M. DAVIS III,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the member companies of the Aerospace Industries Association of America, I am writing to share our strong support for your amendment to the Fiscal 2001 Treasury-Postal Appropriations bill that would delay implementation of the proposed regulations on so-called contractor responsibility. There are a number of issues with the proposed regulations that require a delay until the General Accounting Office completes its study.

The regulations published on June 30, while improved with respect to earlier versions, raise a number of serious concerns that justify further more detailed study. Among our concerns, the regulations maintain very ambiguous standards regarding ''relevant credible information'' that a contracting officer may use in making a determination concerning a contractor's responsibility based upon integrity and business ethics. Contracting officers are not trained in the intricacies of tax, environmental, labor, and antitrust laws about which they would be required to make decisions based on this ambiguous standard. Moreover, the proposed regulations would effectively deprive contractors of existing due process rights under the suspension and debarment process.

The need for the proposed regulations has not been established. Our member companies support the existing mechanisms for ensuring contractor responsibility and compliance with federal law. These mechanisms have proven sound and have struck a balance between effectiveness and the preservation of adequate due process for all parties. No analysis has been undertaken to demonstrate a need for imposing the additional burdens on the federal acquisition process that would follow from the implementation of the proposed regulations.

At a minimum, there needs to be a delay in implementation sufficient to allow further study and resolution of these important issues. Such a delay will ensure that regulations of this nature will not undermine our shared goals of integrity, efficiency, and fairness in federal procurement.

Sincerely,

JOHN W. DOUGLASS,
President.

PROFESSIONAL SERVICES COUNCIL,
Arlington, VA, July 18, 2000.

Hon. THOMAS D. DAVIS III,
House of Representatives, Washington, DC.
Hon. JAMES P. MORAN,
House of Representatives, Washington, DC.

DEAR GENTLEMEN: On behalf of the members of the Professional Services Council, I am writing to express our strong support of your amendment to the FY 2001 Treasury and General Government Appropriation Act which would delay the promulgation of the June 30, 2000 proposed rule on ''Contractor responsibility.'' In summary, the proposed rule (65 FR 40830) is profoundly antagonistic to the spirit of acquisition reform. It represents the worst form of ill-conceived, overreaching and arbitrary regulatory design. Your amendment represents an appropriate and reasoned response to the proposed rule by requiring the U.S. General Accounting Office (GAO) to conduct a comprehensive study of the issues involved before the federal government proceeds.

As you know, PSC is the principal national trade association representing the professional and technical services industry. Our sector's products are ideas, problem-solving techniques, and system that enhance organizational performance. Primarily, these services are applications of professional, expert, and specialized knowledge in areas such as defense, space, environment, energy, education, health, international development, and others used to assist virtually every department and agency of the federal government, state and local governments, commercial, and international customers. Our members use research and development, information technology, program design, analysis and evaluation, and social science tools in assisting their clients. This sector performs more than $400 billion in services nationally including more than $100 billion annually in support of the federal government.

The proposed rule has been discussed and opposed by all responsible industry parties based on its inherent inapplicability and because it runs counter to the recent reforms of the Federal Acquisition Reform Act and the Federal Acquisition Streamlining Act, which were aimed at simplifying and commercializing federal government contracting. Further, the proposal is in direct conflict with the Administration's own National Performance Review, aimed at restructuring the management of federal agencies to make them more businesslike and less burdened by command control-type regulations. The acquisition reform process ought to engender openness, partnering, and fairness. The proposed rule creates the opposite environment and would represent one more onerous regulatory manifestation further discrediting the federal government in the public's eye.

It is important to recognize that all of the issues the proposed rule purports to protect are covered already in their own domains, through extensive labor relations statutes, equal employment statutes, and others. The parallel system that this proposed rule would create would have no benefits and would inevitably create redundant and conflicting regulatory activity.

This proposal will have a serious negative impact on contractors currently providing goods and services to the federal government and will inject another disincentive for firms the government seeks to attract into the federal market. Indeed, there is a very strong and growing sentiment among many of our nation's most respected and capable private sector companies that doing business with the federal government may not be work the regulation and social engineering arbitrarily being imposed on them. With commercial opportunities increasing dramatically, companies are under pressure form their stakeholders and shareholders to pursue these instead of potentially higher-risk and over-regulated federal government work.

The comprehensive GAO study that you are requesting in your amendment will provide policymakers with critical information that will enable them to make informed, reasoned decisions on this matter. We urge Congress to provide that opportunity by supporting your amendment.

Sincerely,

CHARLES H. CANTUS,
Acting President.

CONTRACT SERVICES ASSOCIATION OF AMERICA,
Washington, DC, July 19, 2000.

Hon. TOM DAVIS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the members of the Contract Services Association of America (CSA), I would like to register my strong support for the amendment you will be offering with Representative Jim Moran to the Treasury-Postal Appropriations bill. Your amendment would place a much needed moratorium on implementation of the unwarranted ''blacklisting'' regulations until GAO has finished the report you've requested and Congress has had a chance to do some oversight.

Now in its 35th year, CSA represents over 350 government service contractors, and their hundreds of employees, that provide a wide array of services to the Federal government, as well as numerous state and local governments. Small businesses represent a large portion of our membership, and many of our members (of all sizes) are headquartered in Virginia. Attached is a list of our members, all of whom support your proposal.

As you well know, there are already stringent laws and regulations on the books that fully protect the Federal government's interest on labor, environment, tax and other matters, and effectively address the issues of irresponsible or unethical business practices. If implemented, these regulations would move us away from the significant acquisition streamlining measures supported by the Congress and the Administration that is intended to modernize the Government and move it toward using more commercial practices. And, it would discourage commercial companies, particularly high tech firms, from entering the Government marketplace.

I applaud your amendment. This is very necessary measure to restore fairness and balance to the Government contracting process.

Sincerely,

GARY ENGEBRETSON,
President.

CONTRACT SERVICES ASSOCIATION OF AMERICA MEMBER COMPANIES

AAI Engineering Support, Inc., A-Bear Janitorial Service, Inc., Ace Services, Akima Corporation, Akin, Gump, Strauss, Hauer & Feld, Alan A. Bradford, Inc., Alcaraz, Palanca & Pernites, Ltd., All Star Maintenance, Inc., All Risks, Ltd., All-Pro Electric,

Inc., Allen Norton and Blue, Allstate Security and Investigative Services, Alltech, Inc.—A Parsons Brinckerhoff Co., Alutiiq Management Services, LLC, American Operations Corporation, American Service Contractors, L.P., AMERTAC, INC., Anderson Dragline, Inc., AON Risk Services, Inc., Applied Innovative Management, Arc Ventura County, Arctic Slope World Services, Inc., Aronson, Fetridge & Weigle, ASRC Communications, Atlantic Power Services, Inc., Baker Support Services, Inc., Bardes Services, Inc., Bay Span Construction, Inc., BDM Contracting Corporation, BDMS International, Beeman Plumbing & Mechanical, Inc., Belzon, Inc., Benefits Design, Inc., BeneTek Corporation, Blank, Rome, Comisky & McCauley, Blueprint Plumbing Corp., BMAR & Associates, Inc., BMT Services, Bob Holtz Services Inc., Bodenhamer, Inc., The Boon Group, BRB Contractors, Inc., Briarcliff Development Company, Brookwood Landscape, Inc., Brown & Root Services Corporation, BRPH Service Company, Burns and Roe Services Corporation, Business Plus Corporation, C & F Construction Co., Inc., C & T Associates, Inc., Career Smith, Carris, Jackowitz Associates, The Carroll Dickson Company, CC Distributors, Inc., CDS Inc., Centennial Contractors Enterprises, Inc., The Centers for Habitation, Chatham Technical Services, CH2M Hill, Inc. EES Business Group, Chesapeake Insurance Group, Inc., Chugach Alaska Corporation, Colossale Concrete, Inc., Complete Building Services, Con Rod Concrete Construction, Condor, Government Solutions Division, Congress Construction Company, Inc., Contracting Services, Inc., Craford Benefits Consultants, Crown Management Services, Inc., C.R. Snowden Co., The Cube Corporation, Cubie Worldwide Technical Services, Inc.,

C.W. Resources, Inc., Dale Rogers Training Center, Day & Zimmerman Services, Inc., DDD Company, De Leon Technical Services, Inc., DEL–JEN, INC., Deltek Systems, Inc., Denali Ventures, Inc., DGS Contract Services, DiRienzo Mechanical Contractors, Diverse Technologies Corporation, DLS Engineering Associates, Inc., Dominick Dan Alonzo, Inc., Double D Pipeline, Inc., DTSV, Inc., DUCOM, Inc., Dyer, Ellis & Joseph, Dynamic Science, Inc., Eastern Maintenance & Services, Inc., Eastland Construction, El-Co Contractors, Inc., Electronic Transport Corp., Elite Painting & Wallcovering, Inc., Enron Federal Solutions, Inc., Erection and Welding Contractors, LLC, Eurest Support Services/Compass Group, Fairfax Opportunities Unlimited, FCC O&M, Inc., February Enterprises, Inc., First Capital Insulation Inc., FlexForce, FOUR WINDS Services, Inc., General Landscape and Maintenance Co., G.E. McKim Civil Constructors, General Trades & Services, Inc., Global Associates, Goodwill Industries, Inc., Gosney Construction Company, Government Contracting Resources, Inc., Government Contractors Insurance Services, Gray Waste Management Corp., Griffin Services, Inc., Group Benefit Design, Harris Technical Services Corporation, Hathaway General Engineering Contractor,

Hawpe Construction, Inc., H.E. Julien and Associates, Inc., High Lite Construction, Hirota Painting Company, Inc., Holmes & Narver Services, Inc., Horton Dry Wall Company, Howrey & Simon, Gov't. Contracts Group, HWA, Inc., IP Worldwide Services, INNOLOG, InsurMark Group, Inc., Inter-Con UPSP Services Corporation, IT Corporation, ITT Systems, JAD Business Services, Inc., J & J Maintenance, Inc., J.A. Jones Management Services, Inc., Jacobs Engineering Group Inc., Jantec, Inc., J.C. Company and Associates, The J. Diamond Group, Inc., J.D. Steel Company, Inc., Johnson Controls World Services Inc., Jones Technologies, Inc., Jordan Fireproofing, Kenyon Building Maintenance, Inc., Kervin Plumbing, KIRA, Inc., Knight Protective Service, Inc., Knox Electric, Inc., K.W. Electrical Construction, Inc., KWG Associates, Lad Glass Company, Lakeview Concrete & Masonry, Inc., Lear Siegler Services, Inc., Lockheed Martin Technology Services Grp., Louise W. Eggleston Center, Inc., Maccarone Plumbing, Inc., Madison Services, Inc., Makro Janitorial Services, Inc., M & P Underground, Inc., Manuel Bros., Inc., MAR, INCORPORATED, Mark G. Jackson Attny. & Couns.-at-Law, Mark Diversified, Inc.,

MAX of D.C., Inc., McLaughlin Brothers Contractors, The McDonald Glenn Company, McKenna & Cunco, L.L.P., McManus, Schor, Asmar & Darden, The Mercer Group, Inc., Mike Garcia Merchant Security, Inc., Miranda's Landscaping, Inc., Modern Asphalt, Inc., Montvale Corporation, Morrison-Knudsen Corporation O&M Grp., Mr. Electric Service Co., Inc., N & N, Inc., National Association of Special Police, National General Supply, Inc., Native Landscape, Noack and Dean/Interwest Insur. Brokers, The Occupa. Training Cntr/Burlington Co., Ott & Purdy, P.A., Pacific Southwest Roofing Group, Inc., Pacific West General, Pacific 17, PAE Government Services, Inc., P & P Properties, Inc., Paug-Vik, Inc. Ltd., Pavetec Industries, Inc., PCL Civil Constructors, Inc., Permis Construction Corporation, Pestmaster Services, Inc., Phelps Program Management/L.L.C., Phoenix Management, Inc., Piliero, Mazza & Pargament, Piper Marbury Rudnick & Wolfe L.L.P., Pitman Electric Service, Inc., Pompan, Murray & Werfel, Precision Wall Tech, Inc., Premier Security, Pride Industries, Pro Con Concrete, Inc., Program Unlimited Plumbing & Heating, Proposal Technologies & Services, Inc, Protemp Staffing Services, Public-Private Partnerships Corp., Quantum Services, Inc., Raven Services Corporation,

Raytheon Technical Services Company, Real Escape, Inc., Recchi America, Inc., Red River Service Corporation, Rio Construction, RTL Ventures, Inc., Rural/Metro Corporation, Satellite Services, Inc., Schultz Contracting, Science Applications Int'l. Corporation, Science and Technology Corporation, SciTech Services, Inc., Seaward Services, Inc., SecTek, Inc., Securiguard, Inc., Security Concepts, Inc., Serco, Inc., Serveor, Inc., Seyfarth, Shaw, Fairweather & Geraldson, Shor-Form, Inc., Sidtron, Inc., SKE International, Inc., Society Contracting, LLC, South Coast Electric, Space Mark, Inc., Spartago Masonery, Inc., Spiess Construction Co., Inc., Standard Construction Corp., Stephen J. Johnson Law Office, Steve Lynch Masonry, Inc., Stout Construction, Inc., Stow Construction, Inc., Sun Construction, Inc., Suncoast Pipeline, Inc., Superior Services, Inc., SYMVIONICS, INC., Szerlip & Company, Inc., TAC Services Incorporated, Taritas Power Services, Ins., Ted L. Vance & Sons, Tetra Tech Technical Services, Inc., 3J Mechanical, Inc., TMI Services, TNT Painting and Contracting, Inc., Trandes Repair, Manuf. and Technology.

NATIONAL DEFENSE INDUSTRIAL ASSOCIATION,
Arlington, VA, July 18, 2000.

Hon. THOMAS M. DAVIS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE DAVIS: NDIA strongly supports the Davis-Moran Amendment to the Fiscal Year 2001 Treasury-Postal Appropriations Bill that would impose a moratorium on the implementation of the proposed contractor labor relation regulations that were issued June 30th.

NDIA, the largest defense-related association, has nearly 900 corporate firm members and 25,000 individual members. As such, we represent the full spectrum of the technology and industrial base, firms of all sizes from the smallest to the mega-sized businesses, and the preponderance of the two million men and women in the defense sector.

We support the moratorium for the following reasons:

The requested General Accounting Office Study of the implications and impacts of the proposed regulations is just underway and will not be completed before the anticipated implementation of the final rule.

Congress should have the opportunity to conduct comprehensive oversight hearings on the proposed regulations before they take effect. With the compacted congressional schedule, it is unlikely that adequate hearings could be held before the targeted adjournment date.

The proposed regulations effectively amend critical areas of law involving consumer protection, environmental protection, anti-trust matters and taxes. Further, these changes would be made through administrative actions rather than through legislative actions.

Under the proposed regulations, a subsequent regulation would be issued dealing with contractor debarment. This provision should not be treated separately from the pending proposed regulations.

Contracting officers have not been properly prepared or trained to assume primary responsibility for making responsible contractor determinations based on the new criteria contained in the proposed regulations.

Clearly, the federal government system should be designed to ensure that only ethical businesses receive contracts. Current law and regulation provide for such protections. In our view, the proposed regulations are fatally flawed because they effectively undermine the progress made to date encouraging commercial high technology firms to do business with the Federal Government, and represent serious threats to small business to secure its fair share of the Federal Market.

Therefore, NDIA believes that the Davis-Moran Amendment represents a prudent balanced and equitable approach to resolve this matter and to afford Congress adequate time to consider the policy and procedural issues associated with the proposed regulations. There is no compelling requirement to rush to judgment on this matter. We sincerely urge your colleagues to support your amendment.

Sincerely,

LAWRENCE F. SKIBBIE,
President.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, July 18, 2000.

Hon. THOMAS DAVIS II,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: On behalf of the National Association of Manufacturers' ''18 million people who make things in America,'' I am writing to express the NAM's support for your amendment to the Treasury, Postal Service and General Government Appropriations bill which would defer implementation of the Administration's proposed responsibility-determination regulations pending completion of a requested GAO audit. The NAM represents 14,000 member companies, including more than 10,000 small and mid-sized manufacturers and 350 member associations serving manufacturers and employees in every industrial sector in all 50 States. Many of our members, both large and small, contract with the government.

The Administration's proposed regulation, published June 30, 2000, purports to provide

guidance to contracting officers regarding responsibility determinations. In fact, the proposed rule will undermine sound procurement practices and set back the hard-won procurement reforms accomplished during the past two decades. Contracting officers will be empowered to decide, on an ad hoc basis, whether a contractor is ''responsible'', using factors wholly unrelated to a contractor's ability to perform. Furthermore, it is unclear that a regulation effecting such drastic procurement changes is actually needed. This is precisely why we need to wait until the GAO audit has assessed the situation.

As this issue potentially has a significant impact on our members the vote for this very important amendment will be considered for designation as a Key Manufacturing Vote in the NAM Voting Record for the 106th Congress.

Sincerely,

MICHAEL ELIAS BARODY.

U.S. CHAMBER OF COMMERCE,
Washington, DC, July 18, 2000.

TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The House is expected to consider soon the Treasury, Postal Service, and General Government Appropriations Bill. On behalf of the U.S. Chamber of Commerce, I urge your support for an amendment sponsored by Representatives Davis (R–VA) and Moran (D–VA) to prohibit implementation of proposed regulations which would effectively ''blacklist'' employers from receiving federal contracts until a study by the General Accounting Office is completed on the issue.

The proposed regulation would disqualify companies from eligibility to receive government contracts if they do not have ''satisfactory compliance with federal laws including tax laws, labor and employment laws, environmental laws, antitrust laws, and consumer protection laws.'' (See *65 Fed. Reg. 40833*). This issue is of great concern to the business community for many reasons, but particularly because the regulation's standard for eligibility—''satisfactory compliance''—covering an enormously complex matrix of laws—is so broad and vague as to be meaningless, effectively empowering individual government agents with virtually unlimited arbitrary discretion to deem which contractor will, or will not be, favored with a government contract. Even unproven, pending allegations can be considered.

Further, even the best-intentioned employer can get caught in the vast maze of confusing and often conflicting agency rules and regulations. Regulations relating just to employment laws cover over 4,000 pages of fine print, environmental regulations cover over 14,000 pages and the complexity of tax and anti-trust laws is legendary. Even the federal government, with its legions of agencies and specialists with expertise in every nuance of the law, is confused by what is or is not required by the laws.

Finally, it should be emphasized that the proposed regulation is an attempt to circumvent the legislative process by adding, through regulation, a major, new draconian penalty—disqualification from government contracts—to employment, tax, environment, antitrust and other laws of the land. Any changes to these laws should receive full consideration by the Congress, rather than be adopted through the back door of the administrative agencies.

Because of the importance of this issue to American businesses, the U.S. Chamber will consider using votes on the Davis/Moran amendment in our annual ''How They Voted'' 2000 ratings.

Sincerely,

R. BRUCE JOSTEN.

ASSOCIATED BUILDERS AND CONTRACTORS,
Rosslyn, VA, July 18, 2000

The Honorable ,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: You will soon be voting on the Fiscal Year 2001 appropriations legislation for the Treasury Department, the U.S. Postal Service and related agencies. On behalf of Associated Builders and Contractors (ABC), and its more than 22,000 contractors, subcontractors, suppliers, and related firms from across the country, I urge you to support a bipartisan amendment to be offered by Representatives Tom Davis (R–VA) and Jim Moran (D–VA) which would prohibit implementation of proposed regulations which would effectively ''blacklist'' employers from receiving federal contracts until a study of the General Accounting Office is completed on the issue.

ABC strongly opposes the Administration's amended regulations because they will create a ''blacklist'' of contractors who are alleged to have ''unsatisfactory'' compliance with federal laws. For example, an allegation against a contractor for lack of compliance with tax, anti-trust, labor, employment, environmental, or consumer protection law may cause a prospective contractor to be denied a federal contract.

We are particularly concerned about the impact of the proposed regulations on small construction firms. As the nation's second largest employer, with 6 million workers, 94% of all construction companies are privately held and 1.3 million construction companies are not incorporated. Small firms would be particularly vulnerable to being ''blacklisted'' from federal contracts due to the vast maze of confusing and often conflicting agency rules and regulations. For example, regulations relating to employment laws cover over 4,000 pages of fine print, environment laws cover over 14,000 pages, and the complexity of tax and anti-trust laws are legendary.

Under the proposed regulations, government contracting officers would have the power to deny federal contracts to companies based on pending, unproven alleged violations of any of the above laws. A charge need only be filed before considered as part of an employer's record to be reviewed, including complaints pending with the NRLB, OSHA, IRS, and EPA. These types of charges—many of which are frivolous and without merit—are commonplace in the construction industry, and under the proposed regulations would all be considered, even before a final determination of guilt or innocence is made.

The federal government's role has always been to maintain a position of absolute neutrality in the awarding of federal contracts to protect against favoritism and abuses with tax dollars and this practice must continue. These regulations will insert an unacceptable level of subjectivity into the process.

ABC will use the Davis/Moran Amendment as a ''Key Vote'' for our ''How They Voted'' 2000 ratings.

Sincerely,

WILLIAM B. SPENCER,
Vice President, Government Affairs.

LPA,
July 19, 2000.

Representative TOM DAVIS,
Cannon House Office Building,
Washington, DC.
Representative JIM MORAN,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVES DAVIS AND MORAN: LPA is pleased to endorse your amendment to the Treasury-Postal Appropriations Bill for FY 2001, which will suspend the Administration's proposed blacklisting regulation.

As you know, LPA is a public policy advocacy organization representing senior human resource executives of more than 230 of the leading companies doing business in the United States. LPA member companies employ more than 12 million employees, or 12 percent of the private sector workforce.

The Administration's proposed rule would amend federal acquisition regulations (FAR) to make it easier for contracting officers to deny federal contracts to businesses by changing the criteria used to determine whether a potential contractor is deemed ''responsible.''

The proposed regulations would dramatically expand the scope of the threshold determination that contracting officers must make. First, the majority of the new criteria that contracting officers should consider are identical to those on which debarment procedures are based. However, there is virtually no due process or opportunity to respond to a contracting officer's not-responsible determination. Consequently, decisions that are now reached through an adversarial process, providing each side an opportunity to present evidence and cross-examine witnesses, will now be made unilaterally by contracting officers.

Secondly, under the new proposal, a not-responsible determination would be too easily triggered. Contracts could be denied based on ''credible information'' including mere allegations of wrongdoing. Likewise, the regulation requires contracting officers to give great weight to initial agency determinations such as charges or complaints by any federal agency or board, even though initial determinations are often overturned or the matter is later settled amicably.

In addition, contracting officers will be called on to make judgments about laws with which they have no experience. For example, a contracting officer at the Environmental Protection Agency may have to make a responsibility determination based on an unfair labor charge found by an administrative law judge at the National Labor Relations Board. Such a policy will obviously yield inconsistent results.

The proposal also adds new self-certification requirements, in direct conflict with acquisition reform enacted as part of the Defense Authorization Act in 1996. These provisions were designed to streamline the procurement process and eliminate unnecessary burdens that contractors faced in hopes of decreasing contract costs and making federal contracting more attractive to mainstream businesses. The Administration's proposal is clearly inconsistent with the law's prohibition against new self-certification provisions.

Finally, the Administration's proposal is not new. Less ambitious proposals have been introduced and defeated in Congress numerous times for over twenty years. The Administration should not now try to accomplish by regulation what the Congress has consistently defeated.

Thank you again for your leadership in offering this important amendment. Please do not hesitate to contact LPA if we can provide additional information on this matter.

Sincerely yours,

MICHAEL J. EASTMAN,
Director, Government Relations.

FOOD DISTRIBUTORS INTERNATIONAL,
Falls Church, VA, July 19, 2000.

DEAR REPRESENTATIVE: As the House considers the Treasury, Postal Service and General Government Appropriations bill this week. I urge you to support an amendment

to prohibit implementation of proposed regulations to ''blacklist'' employers from receiving federal contracts until the completion of a study already underway by the General Accounting Office. The bipartisan amendment will be offered by Reps. Tom Davis (R–VA) and Jim Moran (D–VA).

Food Distributors International members supply and service independent grocers and foodservice operations throughout the United States, Canada and 19 other countries. The association, has 232 member companies that operate 819 distribution centers with a combined annual sales volume of $156 billion. Foodservice member firms annually sell nearly $45 billion in food and related products to restaurants, hospitals and other institutional foodservice operations including the military and other federal government facilities.

The proposed regulation would create a broad and irresponsibly vague standard of ''satisfactory compliance'' with federal laws ranging from labor and employment to tax and environmental laws. They would empower individual contracting officers to disqualify companies on an arbitrary basis, and even allows officers to consider pending and unproven allegations. Labor unions or other organizations could then use the regulations as a club by filing frivolous charges and threatening companies with the loss of their federal contracts.

The Federal Acquisition Regulations (FAR) already contain provisions requiring compliance, along with procedures to penalize companies for non-compliance. The new rules are a dramatic expansion of these provisions, and fail to provide adequate due process protections for employers who could be debarred for mere allegations of wrongdoing. Such a radical rewrite of the FAR has been repeatedly rejected by Congress and should not be done by executive fiat.

This is an issue of vital importance for food distributors. For that reason, Food Distributors International will include this vote in our congressional vote ratings.

I urge you to support the Davis/Moran amendment on blacklisting. These regulations are unnecessary and would simply result in additional costs for the federal government, which ultimately must be borne by the American taxpayer.

With best wishes,

KEVIN M. BURKE,
Vice President, Government Relations.

INTERNATIONAL PAPER,
Washington, DC, July 19, 2000.

Hon. ,
U.S. House of Representatives, Longworth House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE: I encourage your strong support for an amendment to be offered by Rep. Tom Davis and Jim Moran to prohibit implementation of the so-called blacklisting regulations being promulgated by the Office of Federal Procurement Policy. The amendment will likely to offered during debate on the Treasury-Postal Appropriations bill as early as Wednesday, July 19.

The defeat of these regulations has been a priority of International Paper since they were first proposed by Vice President Al Gore almost three and one-half years ago. IP's CEO, John Dillon, serves as Chairman of a task force at the Business Roundtable organized specifically to marshal opposition to this initiative.

While the arguments against the blacklisting rules are numerous, perhaps the principal reason to oppose them is because of the harm they will do to our nation's fair, open and competitive federal procurement process. If we allow political expediency to transform this system to one characterized by favoritism and third-party influence, we will have dealt a significant blow to years of effort to create a world class procurement system that is open to all responsible contracts.

The regulations are now on a fast track to implementation and could carry the force of law before the end of September. Please support the strong bipartisan effort to block implementation of these rules at least until the General Accounting Office has completed a review of their justification and impact. Your support will mean a great deal to our company.

Sincerely,

LYN M. WITHEY.

SOCIETY FOR HUMAN RESOURCE MANAGEMENT,
Alexandria, VA, July 19, 2000.

Support Davis-Moran Blacklisting Amendment

DEAR REPRESENTATIVE: On behalf of the 140,000 members of the Society for Human Resource Management, I am writing to urge your support for an amendment to be offered by Congressmen Tom Davis (R–VA) and Jim Moran (D–VA) which would prohibit implementation of proposed regulations which would effectively ''blacklist'' employers from receiving federal contracts until a study by the General Accounting Office is completed on the issue. The amendment will be considered as part of the Treasury, Postal Service, and General Government Appropriations bill. The House is expected to take up the spending bill as early as tomorrow.

If finalized, the proposed regulation would disqualify companies from eligibility to receive government contracts if they are not in ''satisfactory compliance with federal tax, labor and employment, environmental, antitrust, and consumer protection laws.'' (See 65 Fed. Reg. 40833). This issue is of great concern to the business community for many reasons, but particularly because the regulation's standard for eligibility—''satisfactory compliance'')—covering an enormously complex matrix of laws—is so broad and vague as to be meaningless, effectively empowering government agents with unlimited discretion to deem which contractor will, or will not be, favored with a government contract.

Even the best-intentioned employer can get caught in the vast maze of confusing and often conflicting agency rules and regulations. Even the federal government itself, maintaining multiple agencies and specialists who have expertise in every nuance of the law, is confused by what is or is not required by the extensive matrix of federal laws.

Finally, it should be emphasized that the proposed regulation is an attempt to circumvent the legislative process. Changes to laws such as this should receive the full benefit of the legislative process rather than a back door adoption by the administrative agencies. I again urge you to support the Davis-Moran Amendment during floor consideration of the Treasury, Postal Service, and General Government Appropriations bill.

Sincerely,

SUSAN R. MEISINGER,
SPHR, Executive Vice President/COO.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 20, 2000.

DEAR COLLEAGUE: Please see the attached letters of support/key vote letters for the Davis-Moran Amendment to H.R. 4871, Treasury Postal Appropriations. This amendment is widely supported by small businesses, Universities and Colleges, and the technology industry. If you need more information on the Davis-Moran amendment, please feel free to contact Melissa Wojciak of Representative Tom Davis' office at X5–6751, or Melissa Koloszar of Representative Jim Moran's office at 5–4376.

National Federation of Independent Business.
Small Business Technology Council.
National Small Business United.
American Council for Education.
College University Professional Association for Human Resources.
American Association of State Colleges and Universities.
Association of American Universities.
Council for Christian Colleges and Universities.
Council of Independent Colleges.
Mennonite Board of Education.
National Association of College and University Business Officers.
National Association of Independent Colleges and Universities.
National Association of State Universities and Land-Grant Colleges.
Information Technology Industry Council.
American Electronics Association.
Electronics Industry Alliance.
Consumer Electronics Alliance.
Government Electronics and Information Technology Association.
Electronic Components, Assemblies, and Materials Association.
JEDEC: Solid State Technology Association.
CompTIA
Society for Human Resource Management.
Aerospace Industries Association.
Contract Services Association.
National Defense Industrial Association.
Professional Services Council.
Information Technology Association of America.
Telecommunications Industry Association.
U.S. Chamber of Commerce.
National Association of Manufacturers.
Association of General Contractors.
Associated Builders and Contractors.
Labor Policy Association.
Food Distributors International.
International Paper.

Sincerely,

TOM DAVIS,
Member of Congress.
JIM MORAN.
Member of Congress.

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
July 18, 2000.

Hon. THOMAS M. (TOM) DAVIS III,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN DAVIS: The Associated General Contractors of America urges you to support the Davis-Moran Amendment to the Treasury/Postal Appropriations bill. This amendment will ensure that federal contractors maintain their right to due process and will prevent the Administration from inserting a new, unnecessary level of subjectivity into the procurement selection process.

On June 30, the Administration proposed an amendment to the Federal Acquisition Regulation (FAR) that would increase the subjectivity of contract award decisions made by contracting officers. Any change of a violation of federal law could subject a contractor to the loss of a federal contract. A contracting officer would be forced to judge a federal contractor who had not yet had his or her day in court before a federal contract could be awarded. These contracting officers are trained to determine a contractor's ability to perform the work required by the government, not to make technical judgements about alleged violations of environmental, tax, labor, or consumer protection laws.

Federal contractors should be judged based on their ability to perform the work or provide services the government requires. There are other forums in which to judge a contractors guilt or innocence on alleged

charges. If these problems impact the ability of the contractor to perform work or the contractor is truly a ''bad actor,'' then the government already has the ability to suspend or debar contractors. These two procedures allow a full investigation of the charges with both sides able to present their case to a federal attorney with a full understanding of the legal issues. The Administration's proposal short-circuits the federal debarment process.

The Davis/Moran Amendment preserves the due process rights of federal contractors. This amendment would prevent the Administration from undermining the integrity of the federal procurement system. There is no evidence that the federal government is contracting with so-called ''bad actors.'' Until there is such evidence, this is a solution in search of a problem that could adversely impact the government's procurement process, economically harm innocent contractors and their employees, subcontractors and suppliers, and increase the administrative burden of federal contractors to an unmanageable level.

Sincerely,

LOREN E. SWEATT,
Director Congressional Relations
Procurement and Environment.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 5 minutes to my friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in very strong support of this amendment offered by my friend, the gentleman from Virginia (Mr. DAVIS).

As the gentleman has stated, this amendment would simply prohibit funds from being expended to implement the administration's contractor responsibility rules until the General Accounting Office completes an ongoing study of them. We are not trying to kill the rules, we are just saying the GAO ought to look into the basis for them and make a determination as to what is the problem, and then suggest some remedy for that problem, if a problem exists.

Let me emphasize at the outset that the gentleman from Virginia (Mr. DAVIS), the gentlemen from California, Mr. OSE and Mr. DOOLEY, myself, and a number of Members from both sides of the aisle have been involved with this issue for almost a year.

When the rule was first proposed, we met with administration officials to express deep concerns about the rule's justification and about its potential impact on the industries and the workers in our districts. We questioned whether contracting officers are really equipped to apply a wide array of complex Federal laws to routine procurement decisions.

We are asking these contracting officers to be familiar with all of the Federal laws, to make some determination as to whether there is satisfactory compliance with all the Federal laws before they carry out their responsibilities as to who is eligible for bidding on a contract and who ought to get that contract.

Many of us were concerned that the rule runs completely contrary to the procurement reforms that I believe are a major achievement of the Clinton-Gore administration.

Unfortunately, very little has changed in the year in which we have been working with the administration. Our questions have not been fully resolved. The contractor responsibility rule remains a solution in search of a problem. At no point has the administration furnished us with an adequate justification for why this new rule is necessary, despite the fact that it could adversely affect thousands of American workers employed by high-tech companies, by small and large businesses, defense contractors, and institutions of higher education.

The rule would vastly expand the power of Federal contracting officers under existing procurement law. They could cite a single adverse finding by an administrative law judge, a complaint from a Federal agency, or an order or decision from an agency as a reason to disqualify a contractor from doing business with the Federal government.

Unlike existing law, there would be no requirement for a nexus between the alleged violation of Federal law and the contractor's ability to perform the contract. We are trying to get contracts awarded to people who can perform the contract, and these things can potentially be totally unrelated to the ability to perform the contract.

I do not believe we should put Federal contracting officers in that position. They should not have to determine whether a company's compliance with a wide range of Federal laws, unrelated to the performance of a contract, is sufficient to allow the company to do business with the Federal government. There is no way that they can have that kind of information.

The only guidance the rule provides in allowing contracting officers to make a nonresponsibility determination is the vague and potentially arbitrary standard of ''credible information.'' What is ''credible information?'' It is entirely up to the contracting officer to determine what that means, ''credible information.'' It can mean a complaint, it can mean a rumor, whatever they determine to be credible information.

Let me emphasize that the importance of this issue extends far beyond the many industries that are potentially affected by the rule. Consider, for example, the comments of Stanley Ikenberry, the President of the American Council on Education.

I quote: ''American colleges and universities, which receive over $18 billion annually in Federal grants and contracts, would be directly affected by these proposed regulations.'' He said these ''revisions could have the result of creating a 'blacklist' of contractors . . .'', and this is his word, ''a blacklist of contractors.''

□ 1830

Mr. Ikenberry continues, ''The strong and cooperative relationship between the Federal Government and the country's colleges and universities has reaped countless gains for each party and for the Nation as a whole through the contracting process. In the interest of furthering that relationship, we urge your support of the Davis/Moran amendment to H.R. 4871.''

This is Dr. Ikenberry's letter. It was sent on behalf of the American Council on Education, the Association of American Universities, and a number of other groups that represent American Higher Education. American Higher Education is scared of this regulation. They strongly support this amendment. Mr. Chairman, it should be adopted.

Mr. Chairman, again, this amendment needs to be adopted. The blacklisting rule makes Federal procurement much more complicated, not less so.

It is contrary to the procurement reforms that this administration has achieved. It confers excessive new authority on Federal contract officers without a justification. It could potentially stifle innovation and job growth for thousands of American workers.

This amendment needs to be adopted, and I strongly urge that the Congress do so. Again, I appreciate the gentleman from Virginia (Mr. DAVIS) for introducing this amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Virginia (Mr. DAVIS) has 1½ minutes remaining.

Does any Member seek to claim the time in opposition?

Mr. HOYER. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 10 minutes.

Mr. HOYER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in opposition to this amendment. The amendment is argued passionately for by the gentleman from Virginia. The Clinton administration's proposed contractor responsibility reforms simply clarifies and reinforces the long-standing rule that requires government to do business only with responsible contractors.

Now, Mr. Chairman, how often have we heard that a contractor was doing business for the Government, making a lot of money, and was a major polluter? How often have we heard that the contractor was a major violator of OSHA or other labor provisions? How often have we heard that and responded that, how do we do this?

Why do we do this? Should we not do business with people who comply with the rules, regulations, and laws of our country? Should not we advantage those contractors who seek to comply? The regulations that have been promulgated here I suggest to my colleagues are reasonable regulations, and we ought to allow them to go forward and reject this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, we have three additional speakers of 30 seconds each, but we only have 1½ minutes remaining.

Mr. HOYER. Mr. Chairman, let me use some time then.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, the previous speakers have greatly overstated their case. The overkill is amazing. To protect the Government's interest, laws have been on the books for decades requiring that the Government can only give Federal contracts to responsible contractors, that has been there all the time, those with a satisfactory record of financial and technical capability, performance, and business ethics and integrity.

The only thing that is happening now is that the administration has moved to clarify this and pinpoint more exactly what it means by responsible contractors. That is what is new. We do not need another study by the GAO. For decades, they have been observing and studying, and there is a whole body of experience that goes into the need to clarify what we mean by responsible contractor.

Last month, the administration issued a proposal to clarify the rules for determining who is a responsible contractor. The proposed regulations clarify that a relevant factor in deciding whether a contractor meets a responsibility test is its record of complying with the law. I mean, is that not easy enough to understand, a record of complying with the law, the tax law, labor and employment law, consumer protection laws, environmental law, and other Federal laws?

This is a modest common sense proposal that furthers the Government's interest in efficient, economical, and responsible contracting. It stands for and reinforces an important principle. Taxpayer-funded government contracts should go to responsible contractors with respect for the law.

All across the Nation, there are certain municipalities and towns and States that have laws which already go much further than this. One cannot get a contract in certain places unless one has complied with the law and one does not have a record of having violated the law. But this does not go that far. It does not blacklist anybody for having violated a law at once.

Opponents have attacked the proposal, saying it is a blacklist. These claims are unfounded. Nothing in the proposed clarifying rules will create a blacklist, nothing that prohibits contractors from bidding on future property. It is far too generous.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, quite frankly, I am in support of the Davis-Moran amendment. We fully agree, I think, on this floor that the Federal Government should do business with ethical and law-abiding companies, and that is why Congress, working with the Office of Federal Procurement Policy, has passed already a substantial body of statutes to which the Federal contractors must adhere. We do not need this blacklisting regulation. I, therefore, urge this body to support the Davis-Moran amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Virginia (Mr. DAVIS) and the gentleman from Virginia (Mr. MORAN). In opposing this amendment, to me, the issue is one of simple fairness.

Very simply, I see no reason we in the Congress should delay implementation of regulations which require contractors to be responsible, to be in compliance with the law, all laws, environmental laws, labor laws; nor is there any reason the taxpayers' dollars, the dollars of hard-working Americans, should be used to reimburse the attorney's fees of contractors even when those contractors have been found guilty of violating labor laws.

Finally, Mr. Chairman, I see no reason why taxpayer money should be used to reimburse contractors the cost of conducting anti-union campaigns.

Mr. Chairman, very simply, I believe the contractors doing business with the Federal Government must be responsible. The taxpayers' money must not be squandered. I call for the defeat of this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. DAVIS) has 1 minute remaining. The gentleman from Maryland (Mr. HOYER) has 6 minutes remaining.

Mr. DAVIS of Virginia. Mr. Chairman, I ask unanimous consent that each side be allotted 1 additional minute.

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

There was no objection.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I rise in support of the Davis-Moran amendment; and given that I have but a minute, I will be brief.

The issue here is not union/nonunion, open shop/closed shop. The issue here is procurement policy. Current regulations already in place protect the Federal Government from unscrupulous contractors.

I would cite for my colleagues the Federal acquisition regulations that exist today, in fact, include a phrase ''the contractor is subject to a decision by the contracting officer that that organization or person have a satisfactory record of integrity and ethics.''

This is not about open or closed shops. This is not about union or nonunion shops. This proposal by the administration in the form of these new regs is very dangerous, because today we have an administration of one party suggesting one thing. Six months from now, we may very well have a different administration of another party.

This Moran amendment makes sense. Support it.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, when the gentleman from Virginia (Mr. MORAN) first talked to me about this issue, I thought it sounded reasonable. I have been involved in a lot of disputes between labor and companies with the Defense Department.

I had some procurement officers come in to see me today, and they told me they need systematic guidance about how to deal with these contracts. Now, they believe that this kind of guidance that has been set up or proposed in these regulations is the type of regulation that they need in order to be able to consummate the contracts. In other words, if the person is not violating the law or a regulation, they go forward. If by some chance the contracting officer makes a mistake, they have a recourse; and the recourse, of course, is appeal, and damages can be awarded to that particular company.

So if they have a legitimate bid, and they are not awarded the contract, and yet they would be otherwise, and it is very clear that the reason that they were not given the contract was because they did not comply with other Federal regulations or the law, then they have the recourse of going to the appeal and getting damages.

So I think we make a serious mistake if we were to delay these regulations at this time. I know my colleagues have been working a long time. But my feeling from the procurement officers themselves, the people that deal with this, is that they need guidance which says they are a systematic violation of the law or regulations, and that is the kind of guidance which helps them make a decision on whether to accept a contract or do not accept it.

So I would urge the Members to defeat this amendment.

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

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to this amendment.

The long-standing policy of the Federal Government has been to make a determination of responsibility. All the rules have attempted to do is to make more specific, to establish certain standards of performance that the people who are doing these deliberations

can have some absolute objective guidance rather than subjective criteria.

I think it is very, very important to establish certain rules and regulations that these contract negotiators must follow. The taxpayers are involved in this. We have to make absolutely sure that the contractors who are being awarded these contracts are responsible, pay their taxes, follow the law, abide by the environmental requirements, OSHA requirements, and all of those other standards.

My State is full of Federal contracts, thanks to the gentleman from Pennsylvania and his generosity in coming and providing these contracts to our military bases. But it is very important that those contractors who come in abide by standards, otherwise the people of my State will be left paying the penalties.

Mr. Chairman, the amendment would prevent the Administration from adopting a rule that would reaffirm the principle that the Federal government should not award contracts to companies that chronically violate federal law.

The concept of the proposed rule is simple—if you are a persistent and serious violator of federal law, the federal government will take that into account in determining whether to grant you a contract.

The proposed rule simply clarifies the existing rule that the federal government should only contract with ''responsible contractors.'' It specifies what ''business ethics and integrity'' means for federal contractors. The standard includes compliance with federal tax, labor and employment, environmental, antitrust and consumer protection laws.

This amendment would prevent that.

A 1995 GAO study identified the kids of serious workplace violations that Federal contractors have committed. According to the GAO, ''for 88 percent of the 345 inspections, OSHA identified at least one violation that it classified as serious—posing a risk of death or serious physical harm to workers. For 69 percent, it found at least one violation that it classified as willful-situations in which the employer intentionally and knowingly committed a violation. At the work sites of 50 federal contractors, 35 fatalities and 85 injuries occurred.'' The Davis-Moran amendment would tell the Federal government to ignore these violations in deciding to award a Federal contract.

Another 1995 GAO report studied the labor records of Federal contractors. The report found that fifteen federal contractors had either ''been ordered to reinstate or restore more than 20 individual workers each or had been issued a broad cease and desist order by the National Labor Relations Board.''

The amendment is opposed by the Alliance of Mechanical, Electrical and Sheet Metal Contractors. The Alliance represents over 12,000 construction companies. It recognizes that an objective assessment of the past performance of federal contractors benefits the government and rewards contractors that obey the law. The private sector increasingly uses past contract and performance criteria including safety, training and workers compensation to assess contract compliance. So should the Federal government.

An economical and well functioning procurement system can only be based upon contracts with law-abiding citizens. Let's reject this ill-advised amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment because it does the wrong thing in the wrong way. Federal contract officers ought to have clear guidance when a contract competitor has engaged in a pattern and practice of disregard or violation of the law. People who engage in a pattern and practice of violation are bad risks, and they subject the taxpayers to the risk of poor performance or overpayment.

Moreover, this is done, I believe, in the wrong way. The administration has carefully looked at the policy issues involved in this, and I do not believe that a brief debate in the context of an appropriations bill is also a place to overturn that judgment.

With all due respect, the Committee on Education and the Workforce could and should take a look at this. I believe we will reach the same conclusion the administration did. It is bad business to do business with those who do that business badly.

Mr. Chairman, I urge defeat of the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. DAVIS) has 1 minute remaining. The gentleman from Maryland (Mr. HOYER) has 3 minutes remaining and the right to close.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, is it too much to expect that Congress wants our laws obeyed? Is it too much for citizens to expect that their taxes are protected from law breakers? Our society expects individuals to follow the law. When they do not, there are consequences.

When a company applies for a Federal contract to perform work paid for by the taxpayers, existing laws say it should be a law-abiding company. If it is not, regulations recently proposed would deny the law-breaking company eligibility to bid for a contract.

But this amendment prevents the Government from expecting that Federal contractors obey the law. This amendment would reward law breakers with taxpayer funds. This amendment would reward companies that break our environmental, labor, and consumer safety laws with lavish Federal contracts.

I regretfully must ask for a no vote on the Davis amendment.

□ 1845

Mr. DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Chairman, the administration's new rules would create a standard which is so broad and so vague that it would cripple employers in the high-technology industry, and both sides want to do something here. This is an opportunity for small businesses and college and university research, but the administrations' new rules would add cost and, I think, would negatively impact the taxpayers.

So I ask colleagues on both sides to support the Davis-Moran amendment, which has bipartisan support, and which merely postpones the implementation of these regulations until GAO has the time to adequately assess them.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

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

Mr. GOODLING. Mr. Chairman, last October I wrote to the Office of Federal Procurement Policy requesting any data or information upon which a procurement policy decision was made. I asked specifically for any information with specific contractors that had failed to comply with the laws. I asked for any specific complaints received from contracting officers involving the inadequacy of the current Federal acquisition laws. I asked for examples of specific government contractors that had been unable to fulfill their contracts.

Guess what the answer was? ''We do not keep any data that would give us an opportunity to answer your question.'' Well, then, where do they get any data to write these regulations?

Mr. Chairman, Congress needs to be responsible enough to get to the bottom of this proposed rule. If there is credible evidence showing a problem, then this is an issue we should address through the legislative process. But the Clinton administration needs to make a case that there is a problem.

The administration had the good sense to withdraw its first proposal. It should have the good sense to do the same with this revised proposal. Let me tell my colleagues, this proposed rule does not just implicate federal labor and employment laws. The regulation impact tax, environmental, antitrust, and consumer protection laws as well. Let me also point out that unless we pass the Davis-Moran Amendment, our colleges and universities may also lose important research contracts with the federal government under these proposed changes. The American Council on Education urges passage of this Amendment. I urge my colleagues to vote yes on the Davis-Moran Amendment.

Mr. Chairman, I submit for the RECORD letters relating to the subject matter of this amendment.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 5, 1999.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter dated October 5, 1959, regarding ''Proposed Rulemaking/Federal Acquisition Regulations.''

In your letter you asked me to respond to three questions concerning data about procurement problems. You asked about contractors who have failed to comply with laws and the resulting problems in the procurement process. You also asked for information on government contractors who have been unable to fulfill contracts with the government because of labor and employment law violations. Finally, you asked about complaints from contracting officers concerning suspension and debarment procedures.

Section 19 of the Office of Federal Procurement Policy Act (codified at 41 U.S.C. 417), entitled ''Record Requirements'' delineates the procurement files every executive agency must establish and maintain. These unclassified files, which are computerized, record individuals facts about each procurement greater than $25,000. Procurement facts concerning contracts below $25,000 are recorded in a summary fashion. These agency records are then entered into the Federal Procurement Data System (FPDS), as discussed in Subpart 4.6 of the Federal Acquisition Regulation (FAR). The FPDS is the authoritative source of Government-wide procurement information. Federal agencies do not keep, and hence the FPDS files do not reflect, data from which answers to your questions can be derived. (Enclosures 1 and 2 are hard copies of the forms used by the agencies.)

The files kept on individual contract actions (there are nearly 12 million actions each year) are also not helpful in answering your questions. With the exception of a certification (Enclosure 3), those files are not set up to reflect contractor failure to comply with the law. Rather, they reflect performance or nonperformance of the contract.

In answer to your question concerning suspension and debarment procedures, the procurement debarment and suspension process under FAR Subpart 9.4 appears to be working effectively. The Department of Labor also has the authority to debar and suspend for failure to follow certain labor requirements under their jurisdiction. I have no current information concerning these non-FAR procedures. All debarments and suspensions are consolidated on a master list used by contracting officers, grants officers, and, in some cases, Government loan officers.

The proposed change to the FAR, however, does not concern debarments or suspensions; it concerns responsibility determinations. Responsibility determinations are actions taken by contracting officers on individual contracts. In contrast, suspensions and debarments are actions taken by agency suspension and debarment officials, and are effective in regard to all contracts and grants for the entire Government. The proposal would change 9.104–1 of the FAR but would make no change to Subpart 9.4. While Subparts 9.1 and 9.4 are related, they have separate purposes and procedures. We believe the proposed change does not concern, and will have no impact on, suspensions and debarments.

Sincerely,

DEIDRE A. LEE,
Administrator.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES
Washington, DC, October 5, 1999.

Ms. DEIDRE A. LEE,
Administrator, Office of Federal Procurement Policy, Acting Deputy Director for Management, OMB, Old Executive Office Building, Washington, DC.

Re: Proposed Rulemaking/Federal Acquisition Regulations

DEAR MS. LEE: As you are aware from numerous correspondence between this Committee and the executive branch, I, and a growing number of other members of Congress, strongly believe the administration's proposed ''blacklisting'' regulations published in the Federal Register July 9, 1999, are unfair, unnecessary, and without technical merit.

Testimony heard before this Committee last year demonstrated—as will testimony before House and Senate Committees in the future no doubt further demonstrate—that these changes will grant procurement officers discretion over laws with which they are not expert; are unnecessary in light of the protections against ''bad actors'' found in current law; and are so vague with regard to the standard potential contractors must meet they raise serious due process concerns.

Equally disturbing is the administration's attempt to bypass the proper legislative role of Congress effectively to amend the penalty provisions of dozens of federal laws—including the labor and employment laws within this Committee's jurisdiction.

I am writing today to urge you again to reconsider this political effort to cheapen the federal procurement process. In addition, I request that you provide to this Committee by October 19, 1999, specific data upon which your Office and the administration relied in fashioning these proposals. Specifically, what contractors have failed to comply with what laws causing what problems in the procurement process? What specific complaints have you received from contracting officers regarding the inadequacy of the current FAR suspension and debarment procedures? Also, what specific government contractors have been unable to fulfill contracts with the federal government because of labor and employment law violations? Finally, I also request any other data or information upon which this policy decision was made.

I thank you in advance for your attention to this request. If you have any questions, please contact Peter Gunas of my Committee staff, at 202–225–7101.

Sincerely,

BILL GOODLING,
Chairman.

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
Washington, DC, July 20, 2000.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, I urge you to support the Tom Davis (R–VA) and Jim Moran (D–VA) amendment to H.R. 4871, the Treasury, Postal Service, and General Government Appropriations Bill, that is expected to be on the House floor this week. The Davis/Moran amendment would impose a moratorium on the implementation of the proposed amendments to the Federal Acquisition Regulations (FAR) as proposed by the Federal Acquisition Regulatory Council pending an outcome of a study by the General Accounting Office (GAO). The Davis/Moran amendment presents a fair, balanced approach to this issue and provides Congress the opportunity to examine the extent to which the government is contracting with organizations that have unsatisfactory records of compliance with federal law, as well as evidence of contractor violations and their impact on contract performance.

The proposed amendments to the Federal Acquisition Regulations (FAR) would bar employers, including colleges and universities, from eligibility for federal contracts based on preliminary determinations, unproven complaints, and actual transgressions of federal employment, labor and tax laws. Although portrayed as clarification of existing law, we believe the proposed regulations would, in effect, give new powers to federal contracting officers not granted by Congress.

American colleges and universities, which receive over $18 billion annually in federal grants and contracts, would be directly affected by these proposed regulations. The FAR revisions could have the result of creating a ''blacklist'' of contractors who would be penalized as ineligible to receive government contracts—and potentially debarred—for ''unsatisfactory'' labor and employment practices. Colleges and universities are progressive employers, offering generous benefits and innovative policies such as work-family initiatives and domestic partners benefits. They are also large, complex organizations that are subject to extensive federal regulations. Despite our best efforts, conflicts and disagreements do arise, some of which result in allegations that an institution has violated labor, environment, or other laws.

We believe the federal government should seek to investigate and resolve such allegations in the most constructive manner possible under the current law process within the respective agencies. Unfortunately, the proposed Federal Acquisition Regulations would move in the opposite direction, encouraging adversarial relationships. Under the proposal, violations, preliminary determinations, and unproven complaints of laws—such as the National Labor Relations Act, the Occupational Safety and Health Act, the Fair Labor Standards Act, and employment discrimination statutes such as Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act—could trigger a status akin to ''blacklisting.'' The proposed regulations also would penalize contractors for violations of environmental, antitrust, tax, and consumer protection laws. Adverse determinations could lead to exclusion from preferred vendor lists and from eligibility for contracts and subcontracts.

The proposal would engender mistrust between colleges and universities and the various regulatory and contracting agencies. Moreover, it would invite and encourage persons or organizations who disagree with an institution about employment practices, land use, or various other matters to file formal complaints and thereby invoke the possibility of grave penalties contemplated in the proposed regulations as leverage. That would be an unfortunate distortion and certainly is not the intention of federal laws and other standards.

Under the proposals, federal agents would be empowered to decide what is or is not a ''satisfactory'' record of employee relations from colleges and universities of every size throughout the country. Federal contracting officers do not, by the very nature of their work, possess the expertise or experience in the enforcement of labor and employment laws and regulations, to say nothing of environmental, tax, and antitrust laws and workplace practices. The proposed changes would give them authority to make arbitrary determinations to the detriment of the entire procurement process and the fair enforcement of employment and other laws.

The strong and cooperative relationship between the federal government and the country's colleges and universities has

reaped countless gains for each party and for the nation as a whole through the contracting process. In the interest of furthering that long-standing relationship, we urge your support of the Davis/Moran amendment to H.R. 4871.

Sincerely,

STANLEY O. IKENBERRY,
President.

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

Let us cut to the chase here as to what this amendment is about and why these regulations came about. My friend and colleague, the gentleman from California (Mr. OSE) mentioned the criteria here. ''Responsible bidder: Necessary technical and financial capability, performance record, and business integrity and ethics.''

There seems to be a fear that somebody will make a subjective judgment. Well, the fact is that is a very broad criteria that is difficult to define. So what has been proposed? The administration is proposing that we have some definition of what ethics and integrity is. They simply say that that test of responsibility is the contractor's record of complying with the law. Certainly, we want our contractors to do that, including environmental laws, consumer laws, labor and employment laws, and other Federal laws, so that it will not be simply a subjective judgment as to what ethics and integrity are, but it will have some specific criteria to direct officials in overseeing whether or not somebody is a responsible contractor.

Is that not a reasonable step to take to give direction to Federal decision makers, as opposed, ironically, because the sponsors of the amendment think the opposite is true, of giving this very broad latitude currently existing to make a determination of whether somebody is ethical or has integrity? That certainly is a very broad base. Somebody may have complied with all of the laws but be deemed by somebody as not ethical in its behavior.

My suggestion, my colleagues, is to reject this amendment because, in fact, I think it does the opposite of what its proponents want to do. Its proponents want to give some definition and preclude arbitrary and capricious action. In my opinion, the regulations do exactly that. We ought to sustain them and reject the amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to this amendment which seeks to prevent the administration from implementing its contractor responsibility proposal.

I want to put this in the simplest terms. The administration has proposed that when awarding a Federal contract, we should ensure that the company who receives the contract has satisfactorily complied with federal laws, including environmental laws, labor laws, and consumer protection laws.

This is a commonsense proposal. If a company is illegally polluting our communities, endangering consumers, violating workplace safety laws, and not paying taxes, we should not be awarding them federal contracts. Instead, we should award the contract to a law-abiding company.

It is also important to understand that this is simply a refinement of current law. Since 1984, federal contractors have had to have a ''satisfactory record of integrity and business ethics'' under federal procurement law. The pending proposal states that in examining this record, a federal grant officer should consider whether the company has demonstrated ''satisfactory compliance with federal laws including tax laws, labor and employment laws, environmental laws, antitrust laws, and consumer protection laws.''

Now, maybe some business lobbyists think we should reward lawbreaking companies with federal contracts, but I believe the American people want their tax dollars to support upstanding companies that comply with the law. In the words of the Sierra Club, ''Companies that fail to comply with environmental laws do not deserve to be rewarded with taxpayer-funded contracts.''

Mr. Chairman, I urge all Members to oppose this amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Virginia (Mr. DAVIS) will be postponed.

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

The CHAIRMAN pro tempore. Will the gentleman suspend?

Mr. KOLBE. Mr. Chairman, I believe the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the committee, was on his feet.

The CHAIRMAN pro tempore. The gentleman is correct. The Chair finds itself in the following position: I did not see the gentleman from New Jersey. We have just considered a Republican amendment and I was going to go to the most senior Democrat. But since the gentleman from New Jersey is a member of the committee and asks to be recognized, the gentleman from New Jersey will be recognized.

AMENDMENT NO. 6 OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment No. 6.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FRELINGHUYSEN:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds made available in this Act may be used for use of a Federal Internet site to collect information about an individual as a consequence of the individual's use of the site.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, the intent of my amendment is quite simple. Government Web sites exist to serve the public. They should not be used to collect personal information about people who use these sites, unless the public chooses to disclose personal information to the government.

Recent news reports reveal that some Federal agency Web sites are placing what are called ''cookies'' on the personal computers of people who view and access government Web sites. This cookie technology basically allows the operator of a Web site to follow users around as they visit the site, and has the potential to continue to follow that user around after they have left the site.

I think that the use of this cookie technology on government Web sites raises many serious questions. For instance, do we really want the Federal Government to keep information on a user that tells them what page on the National Institutes of Health site the user looked up; how many times the user looked at the site; what time the user visited the site; what information the user downloaded from the site; and where the user went on the Web after they left that particular site? More important, why are they collecting this information? What are they using it for? What could this information be used for? Could it be misused? And, most especially, under what force of law do these agencies have the right to collect this information?

In response to the public outcry about government Web sites using cookies, the Federal Office of Management and Budget did issue a policy directive on June 22 of this year. And while it is a step in the right direction, let me just quote from the directive, which states, ''Under this new Federal policy, cookies should not be used at Federal Web sites unless in addition to clear and conspicuous notice the following conditions are met: A compelling need to collect data on the site, appropriate and publicly disclosed privacy safeguards, and personal approval by the head of the agency.''

Mr. Chairman, one agency's idea of what they call a ''compelling need'' may very well be in violation of my constituents' privacy. I do not think we want to put these decisions in the hands of every agency head, nor do I think we want privacy protections that vary from agency to agency. We need this time out, or moratorium, where agencies are barred from using these technologies until we have a government-wide consistent policy under force of law that provides the necessary protections against the unintentional and involuntary collection of people's personal information.

Mr. Chairman, I know that this is a whole new arena for all of us in government as well as in the private sector,

and we need the time to sort it through. I look forward to working with the chairman and others in Congress on this very important issue.

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

Mr. FRELINGHUYSEN. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to commend the gentleman for the amendment he has offered. Members of this body have been working closely with the gentleman from New Jersey and his staff for some time on this.

I think the gentleman has raised an important issue and, as he suggests here, we really need to have a consistent government-wide policy on the use of gathering information about people who are on the Internet and who seek access to Internet sites, including government sites. So I commend him for what he is doing. We do have some concerns that we have talked to him about the way his amendment is drafted, but we think we can work those out.

Members will also note this is the second amendment on this topic that we have had here tonight. The gentleman from Washington offered one which proceeds from the presumption that Internet access is being looked at and he asked to study it. This one proceeds from the idea that cookies should not be used. I think that is the appropriate way to look at this for the moment.

So I commend the gentleman for offering this amendment and thank him for yielding.

Mr. FRELINGHUYSEN. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments.

The CHAIRMAN pro tempore. Does anyone claim the time in opposition?

If not, the question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RANGEL

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RANGEL:

At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used by the Department of the Treasury to enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except those provisions that relate to the denial of foreign tax credits, or to the implementation of the harmonized tariff schedule of the United States.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 10 minutes.

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

Mr. DIAZ-BALART. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) reserves a point of order.

The gentleman from New York (Mr. RANGEL) is recognized for 10 minutes on his amendment.

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

It has been the policy of our country not to use food and medicine as a tool for foreign policy, and yet, as relates to the government of Cuba, we have been doing just that. We have allowed the people of the United States to believe that we have enacted the so-called Helms–Burton law in an effort to promote democracy in Cuba, but we have seen that sanctions really have not pushed democracy in Cuba.

The fact is that we have been using a different technique as it applies to communism in North Korea, in North Vietnam and in, more recently, China. It would seem to me that, if we really want to be consistent with our foreign policy, what is good in terms of trying to turn around these other Communist countries should be good for a Communist country that is only 90 miles from us.

In addition to this, so many American businesses are suffering unnecessarily because of this embargo. Our farmers are looking for new markets; the tourism industry; our bankers. There are just great opportunities. Not only that, but the same arguments relate to China; that other countries are ignoring this so-called embargo. They are doing business in Cuba at our expense. As a matter of fact, ironically, Cuban-Americans, who best know Cuba, are being denied the opportunity to do business in their homeland.

So what I am asking is that we just strike all of the funds that would be used to enforce this economic embargo against Cuba and allows us to have a consistent foreign policy and not to use food and medicine as a tool against them; not to deny people an opportunity to send money back home; not to deny people the opportunity, especially Americans, to go where they want to go, when they want to go, without fear of spending money or suffering sanctions from the United States Government.

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So I am asking for an aye vote on this so that America foreign policy and trade policy with Cuba would be in alignment with our overall universal policy.

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

The CHAIRMAN. Does the gentleman from Florida (Mr. DIAZ-BALART) insist on his point of order?

Mr. DIAZ-BALART. Mr. Chairman, I withdraw the point of order, and I rise in opposition to the amendment.

The CHAIRMAN. The point of order is withdrawn. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 10 minutes.

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

Mr. Chairman, just a few years ago, the Cuban dictator shot down two unarmed civilian aircraft over international waters killing three United States citizens including a Vietnam war hero and a legal resident of the United States.

Castro publicly admitted that he ordered the murders. Time Magazine, March 11, 1996: ''I personally ordered the shootdowns,'' he said.

In lieu of military action against Castro's Cuba, President Clinton agreed to sign the codification of our embargo against Castro's regime. Castro's act of terrorism against Americans was an unprecedented act of direct state terrorism. Not even Iraq or North Korea or Iran have done this, or Syria.

He did not pay or train terrorists to kill Americans. He did so with his own air force under his own orders. This was not 40 years ago. This was not during the Cold War. This was 4 years ago after as many of our colleagues say he no longer poses a threat to anyone.

Now, what has Castro done to merit the consideration and the courtesies that our colleagues seek to bestow upon him today? For us to send a signal saying, in effect, he can kill American citizens; do not worry about military action. And in 4 years we might want to make a buck from them?

What has he done except for his dinners and his banquets when he tries to charm visitors with his so-called wit during his 10-hour dinners? Increased repression. Thousands of political prisoners languish at this moment in his dungeons. And he continues to harbor U.S. fugitives from justice, including murderers of policemen.

I include for the RECORD, Mr. Chairman, the following letter received yesterday from the national president of the Fraternal Order of Police:

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC., July 19, 2000.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development and Related Agencies, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the more than 290,000 members of the Fraternal Order of Police to express our strong concern about amendments to various appropriations measures which would ''normalize'' trade and relations with the Communist dictator in Cuba.

It is well known that the Cuban government is harboring scores of criminals wanted in the United States. Perhaps the most notorious case involves Joanne Chesimard, who murdered New Jersey State Trooper Werner Foerster and severely wounded his partner, Trooper James Harper. She escaped a maximum security prison in 1979 and fled to Cuba, where she now lives under the protection of the Cuban government as an example of ''political repression'' in the United States.

Fidel Castro also plays host to at least two members of a group called the ''Republic of New Africa,'' who murdered New Mexican State Trooper Robert Rosenbloom. And while some Members of Congress may see no problem normalizing relations with Cuba, the Fraternal Order of Police believes

strongly that before any normal relations—trade or otherwise—are considered, Fidel Castro must return those wanted fugitives. We ought not to reward the Cuban policy of providing a safe haven for the murderers of Americans.

I realize that relationships with other governments are sensitive and complex, which require compromise and nuanced accommodation. However, the American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the fabric of our society to foreign dictators like Fidel Castro.

I ask that the Senate reject any and all amendments which would normalize relations between the United States and Cuba unless the issue of these murderous fugitives are resolved to our satisfaction. Trade bought with the blood of American law enforcement officers doing their job on American soil is too high a price to pay.

Please contact me if I can be of any further assistance on this or any other issue.

Sincerely,

GILBERT G. GALLEGOS,
National President.

After going through a number of State troopers, for example, State Trooper Werner Foerstar, murdered by someone who Castro has given ''asylum'' to and today is receiving his protection in Cuba; and State Trooper James Harper, who was maimed; State Trooper Robert Rosenbloom.

The Fraternal Order of Police writes yesterday: ''The Fraternal Order of Police believes strongly that before any normal relations, trade or otherwise, are considered, Fidel Castro must return those wanted fugitives. We ought not to reward the Cuban policy of providing a safe haven for the murderers of Americans. Trade bought with the blood of American law enforcement officers doing their job on American soil is too high a price to pay.''

This is the Fraternal Order of Police yesterday.

I reject the argument that we hear over and over again that the embargo has not worked. Number one, as leverage for a democratic transition after Castro is no longer on the scene, it is not supposed to work yet. Just like the European Union's demand of democracy for Franco's Spain or for Oliveira's Portugal did not work until they were gone from the scene, but it sure as heck worked when they were gone from the scene. And those countries are now part of the fully democratic European Union.

But with regard to other key aspects, the embargo has already worked. The embargo constitutes a red line to the kind of massive investments in credit and hard currency including, yes, through mass U.S. tourism that would give Castro an extraordinary economic boost if it were lifted.

Imagine the Cuban dictator with unlimited investments and credits with the kind of cash that he had when the Soviets were a superpower, with the kind of cash that he would have if the Rangel amendment were adopted, with the kind of cash that would be available if U.S. tourism were available.

It was just a few years ago, Mr. Chairman, just a few years ago that Castro had armies in Africa, surrogate armies throughout this hemisphere. Imagine Castro's support for international terrorists if he once again had the cash. Imagine the export arms industry that he would have developed, the chemical or biological weapons he would have manufactured if only he had the cash.

It certainly would not be like it is today. Because of our policy and because of Castro's brutality and his ineptness, his regime is a bankrupt tyranny condemned yearly by the United Nations Human Rights Commission with a radically diminished offensive capability, a radically diminished offensive capability that did not happen because of osmosis but that happened because of a wise bipartisan policy that this Congress and every administration has maintained because of the national security threat that his regime has signified.

U.S. sanctions, Mr. Chairman, have hurt the Cuban tyranny and denied the regime precious resources that Castro will use to work to overthrow elected governments, spread violence and terrorism, and work to defeat democracy throughout the hemisphere and indeed other hemispheres.

So I ask not that we stay on these pretexts; but rather, that we recognize, Mr. Chairman, there are three steps that U.S. law and policy call for for an end to all sanctions, for all American tourists to be able to go there, for all the billions that many seek to see and go to Cuba, go ahead and go there, only three steps that we call for in U.S. law: freedom for all the political prisoners, those languishing in prison today; legalization of political parties, labor unions and the press; and the scheduling of free elections.

We are the first to want to see an end to those sanctions, Mr. Chairman. Simply join us, we ask our colleagues, in demanding those three steps. And if not, just stop the pretext and admit that what is being sought is to bolster a regime that has oppressed our closest neighbors brutally for 41 years, that has killed Americans, and that continues to harbor fugitives from American justice, including murderers of U.S. policemen.

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

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

Mr. Chairman, I am not prepared to argue against the arguments made by my distinguished colleague, the gentleman from Florida (Mr. DIAZ-BALART).

I just refuse to believe that those people who voted for permanent trade relations with China were supporting the government of China or North Korea or North Vietnam. It was just a considered thought of this body that the best way to try to disrupt these types of communist governments is sunshine and let the light shine on the economic progress that countries can make through trade.

And so it just seems to me that we should not have a double standard. And no one is trying to help President Castro. From what I see, it does not appear to me that he is in need of food or medicine. But what we are saying is that the Cuban people should not suffer while we have seen that this man, Castro, has outlived nine or 10 United States Presidents while we have been looking for change. And we should not use the denial of food and medicine and the denial of the rights of Americans to go where they want to go when they want to go just because we are concerned, and rightly so, about the conduct of this man in Cuba.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. Mr. Chairman, first of all, I would like to thank the gentleman from New York (Mr. RANGEL), my brother, for being courageous enough to always bring up this issue.

The fact that we continue to bring this issue is to the celebration of the day and of the time because this issue is not going to go away. As I said before on this floor, time is running out.

Today we will see something that has not happened before today. We will see Republican amendments on this floor dealing with the Cuba issue and deal with the Cuba issue as we see it, as I see it, allowing travel, allowing exchanges, allowing commerce between the two countries.

Now, we can continue here to espouse all the points we want about what is wrong with Cuba, but the fact of life is that the relationship we want is with the Cuban people. No one here is supportive of the Cuban Government or Chinese Government or Vietnamese Government. We are supportive of people.

At this point in our relationship with the rest of the world, it makes no sense whatsoever to continue to say that we will not deal with Cuba because somehow they present a threat to us and to our security and to the rest of the world.

We present a threat to the people in Cuba. We present a threat to the children in Cuba. Every time we deny contact through travel, every time we deny food and medicine, every time we deny our culture, our behavior, our ideals, our way of being and of conducting business to be seen and heard up close in Cuba, we are hurting the Cuban people.

But we continue to believe that somehow, if we squeeze Cuba a little bit more, its government will fall apart and we keep hearing that.

Well, 6 months from now the Cuban Government will be on its 11th president, American President. The only reason they are not on their 13th president is because Reagan and Clinton were reelected.

So we better get used to the fact that the change has to come over here in

terms of how we are going to behave with them. As long as we stand on this floor and we see support for China, Vietnam and Korea, there has got to be support for Cuba.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, this amendment seeks to provide funds to the oppressive Castro regime without current U.S. policy requirements and those requirements deal with human rights, civil liberties, and political freedoms.

Do the supporters of this amendment believe that it is a bad thing to require democracy and liberty for the Cuban people first and require that U.S. policy not prolong their suffering?

By propping up the regime that oppresses them, by providing hard currency to the Castro regime, this amendment postpones the inevitable. And that is what we want for Cuba is we want democracy and we want liberty.

But this amendment condones the murder of these children and all of the other victims killed by Fidel Castro.

In this instance, Fidel Castro's coast guard rammed their small tugboats and turned their power hoses on these children, drowning them in their cries of anguish. Six years later, the regime refuses to turn over their bodies to the relatives.

This amendment would allow the Cuban dictatorship to purchase even more weapons such as those shown in this poster for Castro's brand of calisthenics for children when they lift rifles above their heads.

This amendment would propagate the system of apartheid, which is established by the regime denying access to food, medicine, and hotels to the Cuban people in favor of the tourists.

This amendment would allow Castro officials to keep political prisoners and human rights dissidents, such as Dr. Oscar Elias Biscet, in isolation in a squalid jail cell denied of food and medical attention, denied even the Bible.

That is what the Rangel amendment will do.

Mr. RANGEL. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. Lee).

Ms. LEE. Mr. Chairman, I want to thank the gentleman from New York (Mr. RANGEL) for offering this amendment and for really allowing us to come to the floor to debate this issue which is so, so important.

Opening the door for the sale of food and medicine to Cuba is really a step in the right direction for America and for Cuba.

More than a decade has passed since the end of the Cold War. Yet one of the most Draconian policies from that era still exists, the United States trade embargo against Cuba. This is outrageous.

Now, I have visited Cuba on several occasions, and I have seen firsthand the immoral and inhumane impact of food and medical sanctions. I have witnessed the suffering and fear of people on kidney dialysis machines which need American parts in order to function properly so that their lives can be saved.

The Cold War has been banished to the ash bins of history. But unfortunately, the trade embargo with Cuba lives on. It is time to lift this embargo, especially on food and medicine, against an island of about 10 or 11 million people, 90 miles away from the coast of Florida. Even our own Department of Defense said that it poses no national security threat to the United States of America.

I support real action on this issue like the Rangel amendment, not watered down compromises. I urge my colleagues to support this amendment and further implore the President of the United States to lift the economic sanctions against Cuba.

The CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining. The gentleman from New York (Mr. RANGEL) has 2¾ minutes remaining, including the right to close.

Mr. DIAZ-BALART. Mr. Chairman, I yield the remaining time to the gentleman from New Jersey (Mr. MENENDEZ).

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

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Mr. MENENDEZ. Mr. Chairman, I rise to oppose the gentleman from New York's amendment. And I regret that I do not hear the voices of my colleagues, for example, who spoke very passionately on China about human rights, about labor rights, about democracy issues and who voted as I did in that context to deny MFN status to China because we believed that those issues were so tantamount, so important, that that trade should not be granted to that country.

The fact of the matter is that what the gentleman from New York (Mr. RANGEL) seeks to do in his amendment would not actually change existing law. In other words, the embargo would remain, but the ability supposedly to administer and enforce it would be gone, and, of course, this would not only create confusion but it would create lawlessness. Because what it would say to U.S. citizens is, ''Go ahead, break the law because the government can't catch you.''

What is even more important for those who do not believe in our policy is that the Treasury Department would be prevented from continuing to issue legal licenses for certain travel and food and medicine sales as is now allowed under existing law and the Department would be prohibited from providing that humanitarian assistance to the people of Cuba. By the way, Mr. Chairman, it is the United States of America through nongovernmental organizations that is the greatest remitter of humanitarian assistance to the people of Cuba over the last 5 years. It has sent over $2 billion over the last 5 years to help the people of Cuba.

So what hurts my family that still lives in Cuba is not the embargo of the United States. What hurts my family that lives in Cuba is the dictatorship of Fidel Castro, his failed economic policies, his rationing of people. There is plenty of food for tourists, plenty of food for tourism. There are plenty of medicines for what they call health tourism. There are medicines to export to other parts of the world but they are not there for the people of Cuba.

Therefore, we should vote against the Rangel amendment and preserve our policy in order to ensure freedom and democracy.

Mr. RANGEL. Mr. Chairman, I yield myself the balance of my time.

I think all of us have compassion in trying to find some way to bring democracy in all parts of the world and certainly Cuba being so close to us, we would like to see that happen there.

When we talk about people voting against China and not giving them normal trade relationship, a lot of people did that. But an embargo is close to an act of war.

I have heard some of my colleagues say, ''Well, didn't you support an embargo against South Africa? Why do you think it is so different from China?''

An embargo is not effective when it is a unilateral embargo. No one respects our embargo. They know it is a political thing. It has nothing to do with our foreign policy or with our trade policy. What we are doing is because there is a constituency, a constituency that wants to make certain that this deviates from our policy, and a good policy, and, that is, not to use food, not to use medicine in order to change the political composition of any government. We should not use it as a political tool. That is what we are doing here.

Anyone can tell you, anyone that served in any administration as Secretary of State or any Assistant Secretaries of State in charge of Latin affairs would tell you that the embargo is bad foreign policy for the United States of America. We should not get involved in this type of thing, and it is not working. But, my God, if you can see American businessmen over there, to see tourists over there, to see students over there, to see our doctors and our scientists exchanging information over there. The Cuban people are not stupid. When they see what Americans can do, how they think and the competitive nature of their business and see how democracy really works, that is how you get rid of Communist government. You do not deny people the opportunity to listen, to travel, to send money, to do trade, to have commerce. That is when you are ashamed of your government and you do not want them

to see things. We want to have this thing wide open, so Americans can see what is going on in Cuba and Cuba can see what is going on in the United States.

Why should we be fearful in terms of our national defense of this small handful of people that are in Cuba? Why can we not make them our friends and a part of the Caribbean Basin Initiative? Why can we not bring all countries to trade with us? What country are we denying the opportunity that is this close to us that is in our hemisphere not to be a part of our trading partners? I ask you all to think about our farmers, think about our businesspeople, and support this amendment.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from New York (Mr. RANGEL) will be postponed.

AMENDMENT NO. 12 OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mrs. MORELLA:

Page 112, after line 13, insert the following new section:

SEC. 644. (a)(1) Title 5, United States Code, is amended by inserting after section 5372a the following:

"§ 5372b. Administrative appeals judges

''(a) For the purpose of this section—

''(1) the term 'administrative appeals judge position' means a position the duties of which primarily involve reviewing decisions of administrative law judges appointed under section 3105; and

''(2) the term 'agency' means an Executive agency, as defined by section 105, but does not include the General Accounting Office.

''(b) Subject to such regulations as the Office of Personnel Management may prescribe, the head of the agency concerned shall fix the rate of basic pay for each administrative appeals judge position within such agency which is not classified above GS–15 pursuant to section 5108.

''(c) A rate of basic pay fixed under this section shall be—

''(1) not less than the minimum rate of basic pay for level AL–3 under section 5372; and

''(2) not greater than the maximum rate of basic pay for level AL–3 under section 5372.''.

(2) Section 7323(b)(2)(B)(ii) of title 5, United States Code, is amended by striking ''or 5372a'' and inserting ''5372a, or 5372b''.

(3) The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5372a the following:

''5372b. Administrative appeals judges.''.

(b) The amendment made by subsection (a)(1) shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning on or after—

(1) the 120th day after the date of enactment of this Act; or

(2) if earlier, the effective date of regulations prescribed by the Office of Personnel Management to carry out such amendment.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from Maryland (Mrs. MORELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

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

First and foremost, I just want to say that I am offering this amendment today to right a wrong that has gone unchanged for the last 10 years. The amendment I am offering is simply a matter of fairness. There currently are 20 administrative appeals judges who serve on the Appeals Council for the Social Security Administration. These judges review numerous decisions made by administrative law judges, and yet they are not even compensated at the very same level. Prior to the enactment of the Federal Employee Pay Comparability Act in 1990, both of those judges, the ALJs and the AAJs, were compensated at the GS–15 level. That FEPCA, the Comparability Act, elevated the pay of ALJs to a new level that is from 10 to 15 percent higher than the GS–15 level. Unfortunately, Congress did not include the administrative appeals judges in this new pay category. Therefore, it has resulted in the situation where the Appeals Council is now the only administrative appellate body in government whose members are paid less than the judges whose orders and decisions that they review. This amendment would remedy this inequity. It would ensure that administrative appeals judges are paid at the very same level as those judges whom they review, the administrative law judges.

Actually, I bring this before the body because frankly we are in terrible difficulty with regard to losing those administrative appeals judges, and we need them desperately. This is an equity matter. I will just simply ask that the RECORD include my full statement and ask the chairman of the committee for his consideration of this amendment.

First and foremost, I would just like to say that I am offering this amendment today to right a wrong that has gone unchanged for the last ten years. The amendment I am offering is simply a matter of fairness. There currently 20 Administrative Appeals Judges (AAJs) who serve on the Appeals Council (AC) for the Social Security Administration. These judges review numerous decisions made by Administrative Law Judges (ALJs), yet they are not compensated at the same level. Prior to the enactment of the Federal Employee Pay Comparability Act in 1990, both ALJs and AAJs were compensated at the GS–15 level. FEPCA elevated the pay of ALJs to a new level that is from 10 to 15 percent higher than the GS–15 level. Unfortunately, the Congress did not include AAJs in this new pay category, resulting in the situation where the Appeals Council (AC) is now the only administrative appellate body in government whose members are paid less than the judges whose orders and decisions they review. This amendment would remedy this inequality and ensure that Administrative Appeals Judges are paid at the same level as those judges whom they review, Administrative Law Judges.

1. The AAJ's when compared to other Appellate Board members, whose grades are set by statute at the Senior Level (SL) or SES, operate with equal responsibility and authority. The Appeals Council (AAJ's) decide on complex legal/medical issues which at the very least equal those members of other Appellate boards within government. The decisions of the Appeals Council constitute the final administrative rulings in the case, and are not referred to any higher authority for approval or rejection.

2. Prior to FEPCA, the AC was stable in membership and few of its members sought appointments as Administrative Law Judges. Subsequent to FEPCA, 14 AAJ's have accepted appointments as Administrative Law Judges (and 16 of the present Administrative Appeals Judges are on the waiting list to become Administrative Law Judges). As a result, more than 50% of the Administrative Appeals Judges serving on the Appeals Council have less than two years experience. In addition, since FEPCA was introduced, only one Administrative Law Judge has applied for a vacancy. Consequently, the AC has suffered diminution of institutional memory and working experience.

3. And most importantly this amendment does not add any money to the Treasury/Postal Appropriations bill. The Social Security Administration will pay these salaries. We are simply asking OPM to authorize these changes and OPM is in support.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for yielding and for offering this amendment. I am prepared as chairman of the subcommittee to accept the amendment.

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentlewoman for offering this amendment. I think it is a very positive addition to the bill. I join the chairman in support of the amendment.

Mrs. MORELLA. I thank both the chairman and the ranking member of the subcommittee for that. I want to point out to this body that it adds no money to the Treasury-Postal appropriations bill.

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

The CHAIRMAN. Does anyone seek time in opposition to the gentlewoman's amendment?

If not, the question is on the amendment offered by the gentlewoman from Maryland (Mrs. MORELLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. No funds in this bill may be used in contravention of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; popularly known as the ''Buy American Act'').

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

This is a very simple, straightforward amendment. No funds in the bill may be used in contravention of the Buy American Act. There is a lot of money in the bill. If the IRS is going to buy computers, they should attempt wherever possible to buy American-made computers.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, this has been added to other bills. The gentleman from Ohio knows my particular views on this issue, but I think we are prepared to accept the amendment here.

Mr. TRAFICANT. Mr. Chairman, I ask for an ''aye'' vote.

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

The CHAIRMAN. Does any Member wish to speak in opposition to the gentleman from Ohio's amendment?

If not, the question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SANDERS:

Page 112, after line 13, insert the following:

SEC. 644. None of the funds appropriated by this Act may be used by the Internal Revenue Service for any activity that is in contravention of section 411(b)(1)(H)(i) or section 411(d)(6) of the Internal Revenue Code of 1986, section 204(b)(1)(G) or 204(b)(1)(H)(i) of the Employee Retirement Income Security Act of 1974, or section 4(i)(1)(A) of the Age Discrimination in Employment Act.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this tripartisan amendment is cosponsored by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. MCHUGH), the gentleman from New York (Mr. HINCHEY), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. BARRETT). It is also supported by the AARP, the Pension Rights Center, the Communication Workers of America and many other unions.

This amendment is simple and straightforward. It simply would prohibit the Internal Revenue Service from using any funding for activities that violate current pension age discrimination laws, laws that have been on the books since 1986.

Mr. Chairman, if a company reduced pension benefits based on race or religion or gender, the Federal Government would be sure to take appropriate action against the company. We can do no less when it comes to age discrimination in pension plans. The truth is that with regard to cash balance plans, the Federal Government has been asleep at the wheel and it is time to give them a wake-up call. That is what this amendment does.

Let me quote from a letter I received from the AARP today:

''This issue has largely been brought into focus because of the most recent corporate pension trend of changing traditional pension plans to so-called cash balance plan formulas. Older workers face inequitable treatment under these plans, and AARP believes the cash balance plans violate current law prohibitions on age discrimination. Already, hundreds of charges of age discrimination have been filed with the Equal Employment Opportunity Commission. In addition, the IRS, in consultation with other government agencies, has begun a process of review of the age discrimination issues involved in cash balance conversions. All this amendment requires is that the IRS not take any action in contravention of current age discrimination law. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm that older workers should not be subject to age discrimination.''

Mr. Chairman, this tri-partisan amendment is co-sponsored by Mr. GUTKNECHT, Mr. KUCINICH, Mr. MCHUGH, Mr. HINCHEY, Mr. CONYERS and Mr. BARRETT.

It is also supported by the AARP, the Pension Rights Center, the Communication Workers of America and many other unions.

This amendment is simple and straightforward. It simply would prohibit the Internal Revenue Service (IRS) from using any funding for activities that violate current pension age discrimination laws—laws that have been on the books since 1986.

Mr. Chairman, if a company reduced pension benefits based on race, or religion, or gender, the federal government would be sure to take appropriate action against the company. We can do no less when it comes to age discrimination in pension plans. The truth is that with regard to cash balance plans the federal government has been asleep at the wheel and it is time to give them a wake up call. And that's what this amendment does.

Mr. Chairman, let me quote from a letter that I received today from the AARP:

This issue has largely been brought into focus because of the most recent corporate pension trend of changing traditional pension plans to so called ''cash balance'' plan formulas. Older workers face inequitable treatment under these plans, and AARP believes that cash balance plans violate current law prohibitions on age discrimination. Already, hundreds of charges of age discrimination have been filed with the Equal Employment Opportunity Commission. In addition, the IRS (in consultation with other government agencies) has begun a process of review of the age discrimination issues involved in cash balance conversions. All this amendment requires is that the IRS not take any action in contravention of current age discrimination law. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm that older workers should not be subject to age discrimination.

A vote in support of this amendment is a vote to protect the pensions of older Americans and I urge all of my colleagues to vote for this amendment.

Why are we offering this amenmdent? Mr. Chairman, hundreds of profitable companies across the country, including IBM, AT&T, CBS and Bell Atlantic have converted their traditional defined benefit pension plan to a controversial cash balance plan. Cash balance schemes typically reduce the future pension benefits of older workers by as much as 50 percent. Not only is this immoral, it is also illegal because the reductions in benefits are directly tied to an employee's age.

What makes the conversions even more indefensible is the fact that many of these companies have pension fund surpluses in the billions of dollars. It is simply unacceptable that during a time of record breaking corporate profits, huge pension fund surpluses, massive compensation for CEOs (including very generous retirement benefits), that corporate America renege on the commitments that they have made to workers by slashing their pensions. Mr. Chairman, Congress must stand with older workers and insist that anti-age discrimination statutes are enforced.

Mr. Chairman, I have heard from hundreds of workers throughout the country who have expressed their anger, their disappointment and their feelings of betrayal by cash balance conversions. These employees had stuck with their company when times were tough, and there have been some tough times for American workers. Some of these people are salaried employees who worked 60 or 70 hours a week for their company with no additional compensation, and missed their kids' Little League games or family activities because they were determined to do their jobs well. These are employees who went to work for their company and stayed at their company precisely because of the pension program that the company offered.

And these are the same employees who woke up one day, to discover that all of the promises that their companies made to them were not worth the paper they were written on. Mr. Chairman, this is outrageous. We must provide protections for these workers that have been screaming out to Congress for help. We must pass this amendment.

Large, multinational companies with defined benefit pension plans receive $100 billion a

year in tax breaks from private pension plans alone according to the Office of Management and Budget. Mr. Chairman, the IRS should not be giving tax breaks to companies that willfully violate the pension age discrimination statutes.

To do so, not only violates public law and policy, it also provides taxpayer subsidies for illegal pension conversions. Mr. Chairman, there should be no tax breaks for companies that discriminate on the basis of age.

The fact that cash balance plan conversions violate current pension age discrimination laws is clear. According to Edward Zelinsky, law professor at the Benjamin N. Cardozo School of Law,

As a matter of law, the typical cash balance plan violates the statutory prohibition on age-based reductions in the rate at which participants accrue their benefits . . . There is no dispute about the underlying arithmetic: as cash balance participants age, the contributions made for them decline in value in annuity terms.

Mr. Chairman, if you are still wondering if cash balance schemes violate pension age discrimination laws, consider this:

Mr. Chairman, pension security is vital to the working men and women of America, and we must do all we can to ensure that employees of the most profitable companies in America do not lose their retirement benefits as a result of age discrimination. I urge my colleagues to stand up for American workers and vote for this amendment.

AARP,
Washington, DC, July 20, 2000.

Hon. BERNIE SANDERS,
Rayburn HOB, House of Representatives, Washington, DC.
Hon. GIL GUTKNECHT,
Cannon HOB, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES SANDERS AND GUTKNECHT: AARP supports your amendment to the Treasury-Postal Appropriations Act to ensure that the Internal Revenue Service does not use any funds in contravention of current law prohibitions on age discrimination in pension plans.

In 1986, on a bipartisan basis, Congress enacted a set of parallel amendments to the Age Discrimination in Employment Act (ADEA), the Internal Revenue Code (IRC), and the Employee Retirement Income Security Act (ERISA) to prohibit the reduction of an employee's benefit accrual because of age. These provisions highlight Congressional concern about fairness to older workers in the operations of pension plans. The overall objectives of the amendment were two-fold: to assure that employee pension benefit plans do not discriminate on the basis of age and to remove disincentives to older employees to remain in the workforce. Prior to these changes, many plans made older workers face a cruel choice—retire, or watch the value of their retirement benefits erode substantially.

Your amendment would not change current law, but would simply require that IRS not use any funds that violate these current law provisions.

This issue has largely been brought into focus because of the most recent corporate pension trend of changing traditional pension plans to so called ''cash balance'' plan formulas. Older workers face inequitable treatment under these plans, and AARP believes that cash balance plans violate current law prohibitions on age discrimination. Already, hundreds of charges of age discrimination have been filed with the Equal Employment Opportunity Commission. In addition, the IRS (in consultation with other government agencies) has begun a process of review of the age discrimination issues involved in cash balance conversions. However, IRS has yet to issue any definitive guidance in this area.

All this amendment requires is that IRS not take any action in contravention of current law. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm that older workers should not be subject to age discrimination in their pension plans.

If you have any further questions, feel free to call me, or have your staff call David Certner of our Federal Affairs Department at 202–434–3760.

Sincerely,

HORACE B. DEETS.

PENSION RIGHTS CENTER,
Washington, DC.

Hon. BERNARD SANDERS,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN SANDERS: The Pension Rights Center, the nation's only consumer organization working solely to protect the pension rights of workers, retires and their families, strongly supports your amendment to the Treasury-appropriations bill to prohibit the Internal Revenue Service (IRS) from using any funding for activities that violate current age discrimination laws. We believe that this amendment will help protect older Americans' pensions.

This amendment will ensure that the IRS does not approve cash balance conversions, a practice that clearly violates age discrimination laws. These cash balance conversions have received widespread attention because they significantly and irreparably reduce older workers' pension benefits. Loyal employees from some of the largest blue chip corporations—IBM, Bell Atlantic, Citibank and SBC—have been bewildered, angered and frustrated to learn that their companies have broken the long-standing pension promises that they counted on to make ends meet in retirement. Many of these employees have come to the Pension Rights Center asking us to help them protect their rights.

As you have noted, cash balance plans violate the age discrimination provisions of the Internal Revenue code, ERISA and the Age Discrimination Enforcement Act by reducing benefit accruals of people as they age. Many cash balance conversions also violate age discrimination rules by effectively freezing the benefits of older workers while providing new benefits only to younger workers through a controversial practice called, ''wearaway.''

The argument that the prohibition of cash balance plans will erode the defined benefit system is fallacious. The fact is, employers are switching to cash balance plans to save millions of dollars by reducing benefits of older workers. Employers know that if they were to terminate their overfunded defined benefit plans and set up a defined contribution plan, they would be required to pay a substantial excise tax. But by restructuring their plans into a cash balance arrangement, employers have been able to avoid paying taxes while essentially recapturing the ''surplus'' in their pension plans for corporate purposes. In face, recent articles in the Wall Street Journal, the New Times and Business Week have exposed how companies have used this practice to pump up the bottom line.

We have heard from thousands of employees who wonder how profitable corporations with overfunded pension plans have been able to unilaterally and unfairly break promises to them. If Members of Congress are concerned about the long-term viability of the private pension system, they should support your amendment to help restore faith in the nation's private pension system. Unless the IRS stops cash balance conversions, taxpayers will rightly question why they are being asked to foot the bill for $80 billion in tax breaks to encourage pension plans if these plans are not serving their interest.

We look forward to working with you as you continue your efforts to champion legislation that fairly promotes the interests of employees and their families.

Sincerely,

KAREN W. FERGUSON,
Director.
KAREN FRIEDMAN,
Pension Fairness Project.

The CHAIRMAN. Does a Member rise in opposition to the amendment?

Mr. PORTMAN. Mr. Chairman, I do rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes in opposition to the amendment.

Mr. PORTMAN. Mr. Chairman, I yield myself such time as I may consume. This is a rather unusual amendment offered by the gentleman from Vermont. It is unusual because by its own terms it says the IRS shall not use the funds appropriated to it under this bill to violate specific provisions of the Internal Revenue Code, ERISA and the Age Discrimination in Employment Act. I hope this is unnecessary.

Under current law, the Internal Revenue Service is required to interpret and enforce the law and is prohibited from acting in contravention of the law. It is also unusual in that we are in the appropriation process and this addresses tax policy.

I do not see any particular harm in the amendment, I just think it is a little unusual.

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

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding. I am not going to oppose the amendment for the same reason that the gentleman mentioned. I have discussed with the gentleman from Vermont, but not the gentleman from Ohio yet. But I would hope that the amendment is not necessary because I believe that the IRS is following the law. I understand that that is the purpose of the amendment, however, and we are not going to oppose it.

Mr. PORTMAN. Reclaiming my time, I do want to take this opportunity to say that I have a bigger concern here which is whether the IRS has the resources available to it today to properly implement the laws that Congress is passing.

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Let me talk specifically about the resources necessary to implement the historic restructuring reform act that this Congress passed only 2 years ago providing the most sweeping reforms of the IRS in 46 years.

My colleagues will recall that the Clinton administration initially opposed this effort but ultimately an

overwhelming bipartisan majority of this House on both sides agreed that reform was needed. The RRA, Restructuring and Reform Act, required a number of major reforms, including a taxpayer friendly total reorganization of the entire Internal Revenue Service to improve customer service for every taxpayer.

We also directed the IRS to undertake a desperately needed computer modernization effort. Every Member of the House has heard horror stories from their constituents about erroneous computer notices received by constituents; where the left hand does not seem to know what the right hand is doing. The only way to get at this is by investing in improved IRS technology. This House made a commitment to do that.

Mr. Chairman, we need to protect our constituents from these very kinds of computer problems. The RRA also took steps to reduce IRS paperwork by moving toward taxpayer-friendly electronic filing, but there is an initial cost to that. We know there is a 22 percent error rate with paper returns, but only a 1 percent error rate with electronic filing. That is why we mandated that the IRS move to 80 percent electronic filing by 2007.

We are just beginning to see some improvements in the IRS, just beginning to see some progress. Yet, here, we are not funding the IRS at adequate levels. Earlier this year, the GAO reported that the processing time for tax returns on paper this year was 14 percent faster than last year. Electronic filings increased about 17 percent this year.

The IRS assistance lines are being answered at a higher rate, although not nearly at the private sector rate, and it is not nearly adequate. The point is that we are making some progress. There also have been some bumps along the road. Among other things, we desperately needed the IRS oversight board that the administration has dragged its feet on.

Although I agree that Commissioner Rossotti is doing a good job at trying to turn the agency around. He cannot do it without adequate resources. We need to continue funding the IRS at an adequate level to ensure that we do not jeopardize the very reforms that again so many Members of this House supported so enthusiastically just 2 years ago.

I hope, Mr. Chairman, as we move forward with this legislation that the House and Senate will be able to work together to find the needed funds to provide the taxpayers service improvements that we require in our IRS reform package.

Mr. Chairman, I commend the gentleman from Arizona (Chairman KOLBE) for his help with regard to the RRA; he was a big part of it. I commend the gentleman from Maryland (Mr. HOYER), the ranking member as well, for the difficult job both of them have done now in pulling together this legislation before us today and making sure it fits within the budget caps.

I know how committed both of them are to ensuring that the IRS modernization effort works for taxpayers. I would hope that the gentleman from Arizona (Chairman KOLBE) will work with the colleagues in the Senate to attempt to adequately fund the IRS restructuring and reform effort.

Again, I would say to the gentleman from Vermont (Mr. SANDERS), my friend, this amendment before us, I think, is probably unnecessary, but my bigger concern is whether the IRS has the resources to be able to follow the very requirements that we put in place through the IRS Restructuring and Reform Act.

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

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I want to say to all colleagues in the House, I do not think there is anybody in the House who has spent more time on making sure that the Internal Revenue Service is an effective agency efficiently collecting the revenues that are due to the government that can be used for the benefit of the American public and to do so in a manner that is consistent with the best interests of the taxpayer and his focus on giving it the proper resources to do the job we expect of it I think has been untiring and unwavering, and I congratulate him for his efforts.

Mr. SANDERS. Mr. Chairman, I yield 1¼ minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time.

I must say to my friend from Ohio (Mr. PORTMAN), this is not about more computers. It is not about more people. It is about the IRS doing its job. I have here the dictionary definition of vested, and it says, law, settled, fixed or absolute, being without contingency, as in a vested right.

What this is about, ladies and gentlemen, is forcing the IRS to finally offer us a ruling on whether or not the conversion of some of these pensions violate the age discrimination laws that we already have on the books. That does not require a new computer. That does not require more staff. It simply requires that they do what we expect them to do, and that is interpret the law the way I think most of us would say.

I would say to all of my friends on either side of the aisle, could we imagine what would happen if we started tinkering with Federal employees with their vested pension rights? I might to say to some of my friends in the military, what would happen here in this very Chamber if we began to tinker with the vested rights for some of our people who serve us in the Armed Services. But that is happening right now in violation, in my opinion, of age discrimination laws, and this IRS and this administration has refused to do anything about it.

This is a simple amendment. It is supported by the AARP, and, frankly, it will be supported by millions of Americans. I hope my colleagues will join me in supporting this amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I support the amendment, cash balance pension conversion completely reverses the incentive older workers now have. Under cash balance pensions, workers have hypothetical retirement accounts that grow by earning interest.

The longer a worker stays with the company the larger effect of this compound interest; therefore, an older worker with only 10 years left before retirement does not have as much time as a younger worker with 25 years before retirement in which to earn interest. So this older worker will retire with a smaller retirement than a younger worker will when he retires. That just is not fair.

This amendment would compel compliance with the laws saving many American workers from losing the pensions they work for and halting the illegal and unethical conversion of workers pension to cash balance plans.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this amendment is necessary. It is necessary, particularly in light of some of the omissions in the pension bill that passed the House yesterday. Among those omissions was the failure to deal with the increasing propensity of many major corporations across America to move from defined benefit pension plans to cash balance pension plans, and thereby, as a result of that move, reducing pension benefits for the more senior employees in the organization.

So this amendment is absolutely necessary. It draws attention to that omission, and, in fact, it draws attention of the IRS to the fact that its responsibilities with regard to pensions has to be observed, particularly, those responsibilities with regard to protecting older employees in their retirement.

This amendment is necessary. It should be passed.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to applaud my colleague from Vermont (Mr. SANDERS) for this excellent amendment.

This is an amendment that is necessary. The issue here is cash balance pensions, and what we have heard from many corporations is that they are doing this to help younger workers being more mobile. We do not need to do this to help the younger workers. We are hearing that it is being done to make it easier for people to understand what their balances are. We do not

need to do it. What we do need is, we do need the IRS to make it clear that you cannot convert a pension plan and rip off workers, and that is why it is important that this amendment be added. It is important that the age discrimination laws in this country be followed by the IRS as well.

Mr. KUYKENDALL. Mr. Chairman, today we are considering an amendment offered by the gentleman from Vermont to restrict the use of funds by the Internal Revenue Service to take any action that would undermine the pension laws or age discrimination in employment act. The intent of the amendment is to retaliate against companies converting defined benefit plans to cash balance plans. Ultimately, the gentleman seeks to prohibit such conversions because they may be detrimental to the retirement benefits of long-term employees. Because defined benefit plans provide the greatest amount of value towards the end of the employees relationship with the company, the effect of these conversions may fall more harshly on older, long-term employees who have spent their entire careers with one employer.

I share the gentleman's concern about the impact of these conversions on long-term employees. In fact, the issue hits me personally as my wife is one of those employees in a defined benefit plan who is within a few years of retirement. While I believe that we should consider how to change our pension laws to protect these employees, this amendment does not accomplish that objective. I also strongly disagree with my colleague's assessment that cash balance plans should be prohibited.

The amendment says that the Internal Revenue Service cannot fund any action that violates relevant tax, pension or age discrimination laws. On its face, the amendment is targeting the wrong party. The amendment has to take this approach to be considered on the floor today. It is a classic example of why legislation is not permitted on appropriations bills—they simply are too clumsy to be effective policy-setting tools. On a more technical level, these laws say that accrued—or earned—benefits cannot be reduced on the basis of age. However, future accrual are not protected by these laws. Moreover, while long-term employees may bear a greater burden, they are not being singled out on the basis of age because the conversion affects everyone in the company. For this reason, there is genuine disagreement over whether the conversion violates age discrimination laws. Most observers assert that cash balance plans are not inherently flawed and, in fact, the problem is not with cash balance plans but how the transition from defined benefit to cash balance plan is implemented.

Finally, cash balance plans play an important role attracting workers in a period when labor markets are tight and the workforce increasingly mobile. Portability is not a characteristic that should be penalized in our zeal to protect older and/or less mobile employees. The solution must take a broader view of the conversion, requiring employers to provide other benefits to long-term employees facing the prospect of having their future benefits cut. This approach reflects the economic reality for most conversions while preventing examples like the IBM conversion that have generated most of the negative publicity.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COBURN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COBURN:
Strike Section 640

The CHAIRMAN. Pursuant to the order of the House earlier today, the gentleman from Oklahoma (Mr. COBURN) will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

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

Mr. Chairman, under agreement with the gentleman from Maryland (Mr. HOYER), the ranking member, and the gentleman from Arizona (Mr. KOLBE), the chairman of the committee, I have chosen to later withdraw this amendment during this discussion.

But I think it is very important that the American public know what we have done in this bill, and the reason I am offering it is to describe once again the tendency of us as a body, well-intentioned as we are, to think in the short term.

In 1995, we passed a budget out of this House that said we would change the contribution of Federal employees for their retirement. We did that again in 1996. The agreement with the President in 1997 was the same. In 1997, we had a 5-year moratorium to bring that up to 7.5 percent participation rate. What the committee did in trying to benefit Federal employees is to rescind the next few years of that agreement.

Although, I hold no malice towards our Federal employees, I think we ought to be very frank about what we are doing. We are spending $1.3 billion of Federal monies that we had previously agreed that we will not spend, so we reversed, once again, a commitment we made to the American public with the administration about how we would fix the finances of our country.

We do have a better revenue stream. There is no question about that, but our children do not have a better revenue stream. If we look at the unfunded obligations for Medicare and Social Security, unless we think about the future, instead of about today, we are going to put them in a tremendous financial box.

We all know that; that is why we are all grappling with ways to fix Medicare and Social Security. But under the Federal pension benefit, we have an unfunded liability of three-quarters of a trillion dollars, a very high number equating close to one of these other two that I have mentioned.

Mr. Chairman, I want to make a case so that the American people know that if you compare to the top 800 corporations in this country defined benefits in terms of retirement, the Federal employees on average have 40 percent better benefits than the top 800 corporations for the same wages. They also have rising COLAs every year which those benefits they do not have in the private sector. They are going to be paying with this past the same level of contribution for a much expanded benefit as they paid in 1969, where those in the private sector have had significant increases in terms of 30 percent or 40 percent.

So although I hold no malice towards our Federal employees, I do hold malice on our judgment for going back on our long-term commitments to protect the future for our children and look honestly about what we need to be doing in terms of addressing this need. How are we going to pay for the retirement of the Federal employees?

Nobody has a plan out there. It is an unfunded liability of three-quarters of a trillion dollars, $763 billion today; this is going to add $1.3 billion to that and that we are going to take and assume.

I offer this amendment so that we can discuss this and understand what we are doing as we do this, and I have every intention of withdrawing it.

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

Mr. HOYER. Mr. Chairman, I yield myself 6 minutes and I rise in opposition to the amendment. I realize the amendment is going to be withdrawn.

I appreciate the gentleman from Oklahoma (Mr. COBURN) raising this for purposes of discussing why we are doing this; that is appropriate. I am pleased to rise and explain why we are doing this. I think it will be less animated than I otherwise would have been because the gentleman is going to withdraw the amendment.

Let me say that, first of all, I appreciate the remarks of the gentleman with respect to looking long term and looking to the future, ensuring that we manage the finances of America responsibly.

I have been here for longer than the gentleman, serving here since 1981. I think we were incredibly fiscally irresponsible as a Nation. Everybody went into debt very deeply in America in the 1980s. When I say everybody, consumers went deeply into debt. Business went deeply into debt, and government went deeply into debt.

First of all, in 1990, we adopted a budget which started us on the road of fiscal responsibility. It was very controversial. Then President Bush signed the legislation and was severely criticized for doing so, but most economists say that that was the first step in reaching where we are today. The second step, was 1993 when we thought about the future. Some called it a piece of legislation that was going to drive us deeply into recession, explode unemployment and explode the debt. Mr. Gingrich said that, the gentleman from Ohio (Mr. KASICH) said that, the gentleman from Texas (Mr. ARMEY) said

that, that numerous other leaders in this House said that. In point of fact, exactly the opposite happened.

We have the best economy that any of us have seen in our adult lifetimes. In 1997, in furtherance of the effort to ensure that we were going to have a balanced budget and would not be deficit financing, we said to Federal employees you are going to pay an additional half point on your retirement.

□ 1945

It is only for the purposes of solving our deficit problem; and, therefore, because the budget projections now show a deficit balance as of 2002, we will sunset it in 2002 and go back to what they were paying in 1997. We then thought that 2002 would be the time when we would balance the budget. Well, lo and behold not only because of the 1990 bill, the 1993 bill and the 1997 act, which was a bipartisan act, the economy, mostly because of a high-tech explosion that has occurred and the global success that we have had, we balanced the budget earlier than we thought; in 1999.

As a result, we are now saying to those Federal employees, because we asked for the extra half percent and took it out of their paycheck to contribute to solving the deficit problem, we have now solved that deficit, operating deficit, on an annual basis and as a result what we are now saying is we are going to give it back. We are now going to return them to where they were, as we said we would in 1997.

So I say to my friend, the gentleman from Oklahoma (Mr. COBURN), we are doing exactly what we said we would do. We said when the budget was projected to be in balance we will roll back this temporary increase. All we are saying today is we have had good fortune and because we have met the premise of that act, we will now do what we said we would do, and do it early. That is all we are doing.

Now, I tell my friend, I represent a lot of Federal employees, as the gentleman from Oklahoma (Mr. COBURN) knows. If the policies that were in place in 1981 had not been changed, Federal employees in those 19 years would have received over a quarter of a trillion dollars more in pay and in benefits. A quarter of a trillion dollars Federal employees have contributed to getting this deficit down, by reduced pay and reduced benefits; a quarter of a trillion dollars.

Now, I say further to my friend, who mentions those 800 corporations, no Federal employee gets a stock option. No Federal employee can cash in his stocks at the end of the day or at the end of his career. They do not get a windfall. He does not get a golden parachute. The fact of the matter is, the Federal employees, as my friend knows, under FEPCA, the Federal Employee Pay Comparability Act, consistently is concluded by every analyst, and now it may differ as to the amount but by every analyst, to be paid less than his private-sector counterpart. Therefore, this is the fair thing to do. It is the right thing to do, and I am pleased that we are doing it.

Again, I thank the gentleman for raising it, and I thank the gentleman for agreeing to withdraw it at the appropriate time. I think it was appropriate to have it aired, and I am pleased to do so.

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

Mr. COBURN. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I would make some points. First of all, the American people should look at the national debt clock. We are doing so well that the debt is going to rise this year. So if we want to measure whether or not we are balanced and whether we are in surplus, just look at how much debt we are going to leave for our children because it is going to be higher at the end of this year than it was at the end of last year. That is number one.

Number two, in 1960, the Federal employee contributions provided 84.8 percent of the benefit outlets. In 1995, that went down to 12.5 percent, and in the next 10 years it is to be below 10 percent, so that the fact is for the benefits as they rise, the Federal employees' share are at a decreasing and decreasing amount.

What does that mean? That means that our grandchildren's level and share is at an increasing amount. The point is that we still have a marked differential.

Let the record show, there is a thrift savings plan that most employers do not offer to their employees that Federal employees have. The comparisons that he made in terms of employees are based on professional employees, not bureaucrats, not midlevel employees. It is based on professional. So although I think the gentleman is right in his position to defend those that are his constituents, I still stand with my position that we are not prudent for our grandchildren; we are not prudent for the investment of the future; we are not prudent for their standard of living because what we are going to do is leave them a legacy of debt.

Although we talk about retiring debt, we are talking about retiring publicly held debt. We are not retiring total debt. We still have the obligations, and the only thing it changes is our cash flow, not our actual amount of money costed in interest. So I understand the rhetoric in Washington about the debt and about the balanced budget, and I respect that that is the way it has been talked about; but in terms of an accounting standpoint, it is baloney. We are not in a budget surplus yet, even though we are calling it a surplus because we have a consolidated accounting that does not recognize our obligations.

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

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, let me first of all thank my friend, the gentleman from Oklahoma (Mr. COBURN), who I disagree with on this issue but I think has shown an amazing amount of integrity as he deals with the budget deficit, really taking no prisoners or favorites as he goes out, trying to make sure that that budget becomes in balance. It has been a crusade with him since he joined the House; and as he leaves the House, I think he has left his mark on that. I respect and admire what he is trying to do.

On this particular amendment let me just tell the gentleman why I disagree with him. I represent 54,000 Federal employees, some of the hardest-working people we will find in America, but this money was taken from them to help balance the Federal budget. Their retirement system was actuarially sound. It was not in any jeopardy. They did not need to make a greater contribution to make it actuarially sound. The Civil Service Retirement System, the old system that is being paid out had problems, but these were people who came in under a contract; and we were trying to keep the contract with them, and yet they gave up a half of 1 percent of their salary to help balance the Federal budget.

They, in addition to that, gave up about $180 billion by last calculation of other benefits they were in line to receive to help reduce the deficit over the last decade and a half.

So it is not our money. It is their money. All we are doing in this particular case is restoring to them the benefits and the money that they had rightly owned and were willing to give up to help us balance the budget. Well, we have done that. We have done it 3 years early. Under the original act, this was going to be returned to them in 2003 when we thought the budget would meet the criteria that it is now meeting.

So I think it is fitting that we go ahead with this now. It is for that reason that I take exception to this amendment, but I appreciate what he is trying to accomplish and again his tenacity in pursuing a goal that I think we are all trying to get to.

Mr. COBURN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would state that anything that is backed by the Federal Government is actuarially sound even through we know Medicare is not, we know Social Security is not, and we know that the Federal Employee Retirement System is not as well.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NADLER:

H.R. 4871

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. Section 9101 of the Balanced Budget Act of 1997 (111 Stat. 670) is repealed.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order.

Pursuant to the order of the House earlier today, the gentleman from New York (Mr. NADLER) and a Member opposed each will be recognized for 5 minutes.

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

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

Mr. Chairman, it is a rare event indeed that a 172-acre island just off the tip of Manhattan that includes beautiful historic buildings, its own infrastructure and vistas of open space becomes available.

Since the U.S. Coast Guard left Governor's Island, thousands of New Yorkers, never short on opinions, have weighed in with proposals for its use, ranging from relocating Yankee Stadium to building an education center, to keeping an open space.

The future of the island has attracted national attention as well. In an effort to balance the Federal budget in 1997, a provision was included in the Balanced Budget Act, despite the strong objections of the New York delegation, mandating that the island be sold by 2002 for not less than $500 million, a price which even in New York's thriving real estate market is absurdly out of the question.

I rise today to reiterate the call to strip the arbitrary sales price of $500 million from the Balanced Budget Act and to voice my strong support for transfer of the island to the State or City of New York at no cost.

The island was donated to the Federal Government by New York 200 years ago, for no cost, for use as a military base; and now that the military no longer needs it, it is only right that the Federal Government return it to New York with the same courtesy and graciousness with which it was donated in 1800.

The island was used inappropriately a few years ago as collateral to help balance the budget; but now that we have extraordinary surpluses, the proposed auction of this island must be canceled.

For several years I have been working with the gentlewoman from New York (Mrs. MALONEY) in trying to free Governor's Island from the chains of the Balanced Budget Act. In that vein, we were pleased to be joined recently by Mayor Giuliani and by Governor Pataki in putting forward a framework for a conceptual plan to redevelop the island.

Many of those interested in the return of the island to the public agree that this plan, if followed, is a promising first step in this process. The island would be mixed use, meaning a significant portion of it would be devoted to open space and educational facilities to teach and remember the history of the island, along with some limited commercial activities such as park concessions, a hotel and a convention center to be established in one of the existing buildings in order to pay for the island's upkeep.

With this limited development, it is hoped the island could sustain itself financially while providing an enjoyable and educational place for everyone who visits New York. While we still have some stumbling blocks to overcome in New York in the way of local issues, we have begun a dialogue. It is a dialogue that I believe will produce an outcome satisfactory to the governor, the mayor, local elected officials, local planning and civic organizations and, most importantly, to those in New York and throughout the United States who would want to enjoy this treasure in New York Harbor.

Unfortunately, Mr. Chairman, it is this body in which virtually no dialogue on this subject has taken place. When we were scrambling to balance the budget, Governor's Island was seen as an easy mark for a fictitious $500 million.

I would point out that this Congress is now scrambling to find new and creative ways to give the money back to Americans. I would say this is a perfect opportunity.

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

The CHAIRMAN. Is there a Member who rises in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I will not take the time in opposition, but I just want to continue to reserve my point of order, and will make it at the appropriate time.

Mr. NADLER. Mr. Chairman, I yield 1 minute and 45 seconds to the gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from New York (Mr. NADLER) for yielding me this time.

Mr. Chairman, I strongly and firmly support his amendment, as does the mayor and the governor, and really in a bipartisan spirit, the delegation of New York State. Along with the gentleman from California (Mr. HORN), we held a series of hearings on Governor's Island in New York, and basically this bill is a reality check. In no way is this island worth $500 million; and if this price tag is attached to it, then we will not be able to develop it for the public service purpose that the governor and the mayor and all of the citizens of New York State and indeed everyone who visits New York could benefit from the development of this island.

This island was given to the country for defense 200 years ago, and now we are celebrating really the anniversary of that time; and it is time for the Federal Government to return the island to New York with the same generosity that New Yorkers showed by returning it to us at no cost so that we can follow through with the governor's and mayor's plan for development of it in a cost-effective, balanced way with educational, cultural, and as a tourist attraction. It has many historic forts that would benefit really the country.

□ 2000

It is an important opportunity for this Congress to really respond in a reasonable way and support the gentleman's amendment, and it is certainly in the best interests of New York State and, I would say, the country.

Mr. NADLER. Mr. Chairman, having taken this opportunity to air these issues on the floor of the House, and hoping that the House will see its way clear in the next year or so to deal with this issue properly, I will not cause the chairman to exercise his point of order.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT NO. 14 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SANFORD:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

The CHAIRMAN. Pursuant to the order of the House of earlier today, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 10 minutes.

Does the gentlewoman from Florida (Ms. ROS-LEHTINEN) seek to control the time in opposition?

Ms. ROS-LEHTINEN. Yes I do, Mr. Chairman.

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

Mr. Chairman, this amendment would simply make it possible for an American to enjoy his constitutional right to travel; specifically, to travel to Cuba. I think that this is important, first of all, because if one wants to change the policy in Cuba, if we want to end Castro, I think that travel is inevitably a good part of that success.

We have tried 40 years of one program, and it has not worked. So I think by sending Americans as diplomats, in essence, for our American way of life and for the need to change, we could change the Castro regime.

Mr. Chairman, I say this as a conservative. It was, in fact, Ronald Reagan that used this exact strategy in Eastern Europe in working to bring down the Berlin wall. He allowed Americans to travel with backpacks throughout Eastern Europe and it was part of what brought down the Berlin wall. In fact, this is what the U.S. Information Agency paid for in apartheid South Africa. When the entire world had an embargo on South Africa, the U.S. Information Agency paid for exchanges for American students to go to South Africa and for South African students to come to America because we thought that that personal diplomacy was very important in changing things in apartheid South Africa.

Finally, I would say this is simply important because this is what I heard when I went to Cuba myself and talked to political dissidents. What they said is that if you want to send the Castro regime, if you want to send him packing, the key to that is these personal diplomats coming down and flooding Cuba with American ideas. I say this in particular as one who voted for Helms-Burton. Helms–Burton has not worked, the strategy has not worked. I thought it might at the time; it did not work, and I think we need to move on.

Mr. Chairman, I would say that this is a constitutional right that can be abridged I think only under the weightiest of national security reasons. In fact, the U.S. Defense Intelligence Agency came out with a report in 1998 that said Cuba is no longer a military threat to the United States. So right now, in place, there are only three places in the world one cannot travel to: Libya, Iraq, and Cuba. The State Department can legitimately make the claim that it is dangerous to travel to Libya or Iraq, and therefore, we cannot travel there, but they cannot make the claim with Cuba. That is why Treasury handles it, and that is why this amendment specifically goes after the funding with Treasury.

So we have a very odd policy right now. One can travel to Vietnam or Pakistan or Serbia or Afghanistan, North Korea, China, to Sierra Leone, and a host of other places, many of which have repressive regimes, but we cannot travel to Cuba, and I think that travel would be important in changing things down there.

Finally, I would just make the point that this is a gut-check vote on how consistent we are, particularly as Republicans, because many of us believed in the idea of PNTR, the idea of being engaged with China to bring about change in China. If we think it will work in China, I do not know how it does not work in a country but 60 miles off our coast.

I would say up front that I admire the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for the way that they are advocates for their congressional districts. But what we need to get away from in our current national policy is having three congressional districts drive our policy toward Cuba. I think that this proposal, this is not lifting the embargo, but specifically goes after just travel, is a modest amendment, and it is bipartisan, it is the Sanford-Rangel-Campbell–Serrano amendment. I would urge its adoption.

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

The CHAIRMAN. The gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 10 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

While there may be some merits to this issue and the debate is certainly one that this House should have, it does not belong on this appropriation bill. This appropriation bill has enough weight on it, and I would urge my colleagues not to add this amendment to this bill. I urge the rejection of this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment allows the continuation of an oppressive communist dictatorship who, according to the State Department Human Rights Reports has actually increased its persecution and harassment of human rights dissidents. It denies medical treatment and food to political prisoners; it imprisons anyone at any time for expressing political views and beliefs that run contrary to the communist dictatorship.

This amendment would give the Cuban dictatorship additional funds to host killers of U.S. police officers, cop killers such as Joanne Chesimard who gunned down in cold blood New Jersey State trooper Werner Foerster, or those who murdered New Mexico State trooper James Harper. It would help keep other fugitives of U.S. justice in the lap of luxury, fugitives who are wanted for murder and kidnapping and armed robbery, among other heinous crimes.

This amendment gives funds to a dictatorship that condones the silencing of the opposition in Cuba by a regime which is classified by the Special Rapporteur for Freedom of Expression in the Hemisphere as the worst violator of human rights in all the Western Hemisphere.

Mr. Chairman, this amendment would give funds to enable Castro's intelligence service to expand its espionage in and against the United States. After all, they suffered a severe blow in 1998 when one of their spy rings was discovered by the FBI for their penetration of U.S. military bases, an action which threatened U.S. national security.

Mr. Chairman, this amendment would help support a regime who has sent special agents to Vietnam to help torture American POWs.

The only ones who will benefit from this amendment are the Castro brothers and their band of thugs who use violence and terror to hold on to power. They trample on the human rights and civil liberties of its citizens.

This amendment tells the Castro regime that it is okay for the regime to hold hostage the children of constituents in my district such as Jose Cohen, a Cuban refugee who escaped from prison 5 years ago. It tells the Castro regime that the 9-year-old daughter of Milagros Cruz Cano, a blind human rights dissident who escaped from Castro's gulag last November, is the property of the regime and she will not be allowed to be reunited with her mother here in the United States.

This amendment would give money to this regime, and the supporters must understand, as the Fraternal Order of Police has stated, that attempts to normalize relations with Fidel Castro and, they say, the American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the very fabric of our society to foreign dictators like Fidel Castro.

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

Mr. SANFORD. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MOAKLEY).

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

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

Mr. Chairman, our policy prohibiting Americans from visiting Cuba is really a relic of the Cold War. Forty years ago, it might have been a great idea. Today it is not.

My colleagues are offering a great amendment, one that will open dialogue, break down the barriers, and foster understanding.

Mr. Chairman, after the collapse of the Soviet Union, Cuba lost much of its military strength. In 1998, the Defense Department said that Cuba was no longer a threat to national security. I would say to my colleagues, if the Defense Department does not think Cuba is a threat, why can American citizens not visit there? We allow American citizens to travel all over the world; we should certainly allow them to travel 90 miles away to Cuba.

In 1982, the South African government was engaging in the most hideous kind of apartheid, and U.S. citizens were allowed to travel there. In 1988, when communism still existed, the United States citizens were allowed to travel to Czechoslovakia, Hungary, Poland, Romania, the Soviet Union. Today, when terror still abounds, U.S.

citizens are allowed to travel to Syria. Mr. Chairman, the only countries besides Cuba which American citizens are prohibited from traveling to are Iraq and Libya. I would submit, Mr. Chairman, that we have a lot more reasons to fear Saddam Hussein and Moammar Khadafi than we do Fidel Castro.

History has shown that communism crumbles when exposed to the light of American democracy. Mr. Chairman, let us put the light on Cuba.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, we may live in the land of the free but that's only if you don't want to visit the country 90 miles off the coast of Florida.

I rise in strong support of the Sanford amendment to allow U.S. citizens to travel to Cuba.

Mr. Chairman, our policy prohibiting Americans from visiting Cuba is left over from the cold war. Forty years ago it might have been a good idea, today it's not.

My colleagues are offering an excellent amendment, one that will open dialogue, break down barriers, and foster understanding.

Mr. Chairman, after the collapse of the Soviet Union, Cuba lost much of its military strength. In 1998, the Defense Department declared that Cuba was no longer a threat to national security.

I would say to my colleagues: If the Defense Department doesn't think Cuba is a threat, why can't Americans go there?

We allow American citizens to travel all over the world. We should certainly allow them to travel to Cuba.

The United States treats Cuba differently than any other country, Mr. Chairman. And some people say that is part of our foreign policy.

I would like to state, for the record, that prohibiting face-to-face diplomacy has never been a part of American Foreign Policy.

In 1972, when Nixon normalized relations with China, U.S. citizens were allowed to travel to China.

In 1977, only 2 years after the end of the Vietnam War, U.S. citizens were allowed to travel to Vietnam.

In 1982, when the South African Government was engaging in the most hideous kind of apartheid, U.S. citizens were allowed to travel to South Africa.

In 1988, when communism still existed, U.S. citizens were allowed to travel to Czechoslovakia, Hungary, Poland, Romania, and the Soviet Union.

Today, when terrorist threats still abound, U.S. citizens are allowed to travel to Syria.

Mr. Chairman, the only countries, besides Cuba, to which American citizens are prohibited from traveling, are Iraq, and Libya.

I would submit, Mr. Chairman, that we have a lot more reasons to fear Saddam Hussein, and Moammar Khadafi, than we do Fidel Castro.

Far too few Americans have visited a country that is far too close for us to ignore.

I believe we should lift the food and medicine embargo on Cuba, I believe Americans should be allowed to travel to Cuba, I believe American companies should be allowed to do business in Cuba.

We should send Cuba our food, our tourists, and our Reeboks and Gillette products.

American tourists will bring to Cuba American ideas of freedom. History has shown us that communism crumbles when exposed to the light of American democracy, Mr. Chairman, let us expose Cuba to the light.

I urge my colleagues to support this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, I rise in strong opposition to this amendment. I do so because I have been listening to this debate, and I am rather appalled by the notion that we won the Cold War by allowing Americans to go visit, and I disagree with my friend from South Carolina. Ronald Reagan did not win the Cold War by engaging and appeasement. Ronald Reagan did the right thing by standing up and pointing to the Communist dictators that killed millions and millions of people, and called them what they are, the evil empire. Called them the evil empire. Fidel Castro is evil.

Now, it might be nice to send American citizens down as tourists to pad the pockets of Fidel Castro and fund his habit, but where is our compassion for the people of Cuba, the people, the thousands upon thousands of people in Cuba that have been maimed, killed, buried? Where is our compassion for the American citizens that Fidel Castro has killed in a murderous way?

This is a tiny island, this is not Eastern Europe, this is not the Soviet Union, this is a tiny island with an evil dictator that is oppressing his citizens. Yes, it has not worked the way it should have worked, because we have not been turning the screws on him and screwing him down and putting pressure on him, so that his people will rise up and throw him out for what he is.

Let me just tell my colleagues something. We talk about apartheid. The tourist industry in Cuba is apartheid. The Cubans do not get to go to the tourist facilities except to work there, as long as they are very well screened and the right kind of people that will work with the tourists. There is no interchange here. You go down, you lay on the beach, a nice hotel, you get to go to all of these wonderful places. This is an evil empire on the island of Cuba, and we should not lift the embargoes, we should screw it down tighter.

Mr. SANFORD. Mr. Chairman, I would just make the point that while Ronald Reagan did indeed call Communist countries the evil empire, he nonetheless allowed Americans to travel to Eastern Europe, and it was part of bringing down the Berlin wall.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. Well, Mr. Chairman, it finally happened, the last speaker let the cat out of the bag. Cuba is a small island, not a large European country. That is the problem. If it was a large European country or an Asian country, he would be lobbying, as he did, for free trade with Cuba, because he was the chief sponsor of lobbying on behalf of President Clinton for free trade with China.

But he said it. Cuba is a small island, and for 41 years, we have been saying, you are a small island, you are insignificant, you speak another language, we are going to step all over you. Well, the big news tonight is that it is no longer a Serrano amendment, it is a Sanford-Campbell-Serrano amendment, and even the chairman of the subcommittee, who I respect tremendously said, it does not belong in this bill, but he never said the amendment stinks, he said we should debate it.

Mr. Chairman, that is the change, that we want to begin to debate it, and it is a matter of time before this policy falls apart. Because it was improper, and it finally came out. It was never about what was right, it was about Cuba being a small little island, and China being a big country, and Russia being a big country.

□ 2015

Well, Cuba will remain a small, little island, but the small children of Cuba should be able to greet and meet the children of America. Contact is the best way. Of all the things we have done to try to isolate Cuba, the travel ban is the most unconstitutional. It is unheard of. It is anti-American at its core to say people cannot travel, and this will have to end.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind my colleague that once upon a time he was always advocating on behalf of a free Cuba. It is a shame that now he is on the other side.

Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ), the esteemed minority whip.

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

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the Sanford amendment.

Mr. Chairman, I would tell the gentleman, I take offense to the gentleman's statement that in fact three congressional districts, that supposedly we are working on behalf of our congressional districts, three congressional districts driving policy.

That would be the equivalent of saying that Irish American Members of this House who promote peace and justice in northern Ireland are driving that policy, or that Jewish Members of this House are driving the policy on the Middle East, or that African-American Members of this House who believe very passionately about the need to invoke and engage in Africa are driving that policy.

I reject that view. I find it distasteful.

Let me say that I hope to hear from some of our colleagues about human

rights, about democracy, about the hundreds of prisoners in Castro's jails. They are very eloquent in other parts of the world. They are silent as it relates to Cuba.

Twelve types of travel are now permitted under existing law. Thousands are going to Cuba for legitimate media, cultural exchanges, academic, and religious purposes. This provision would actually create a set of circumstances where Americans, because the law would not be changed, Americans would have to otherwise travel to Cuba who can travel to Cuba legally; under these licenses, they would now have to choose between traveling illegally or not going at all.

I do not believe that sunning one's buns on the beaches, I do not believe that sipping rum at the bar, I do not believe that smoking cigars or that the poor slave labor at the Hotel Nacional ultimately promotes freedom, democracy, and human rights. That is, in essence, what we are doing, throwing an economic lifeline to Castro.

Mr. SANFORD. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, what is clear is that the present policy towards Cuba has failed. What completely leaves us incapable of understanding is why we would ban American travel. Are we fearful that Americans would somehow be beguiled by Castro's political system, and they would go over?

It seems to me clear that our policy for 40 years has failed. If Members want to undermine Fidel Castro, get out of the way, let Americans of Cuban descent and every other national origin go there. The contrast will undermine Fidel Castro.

Somehow Members think that Americans would lose their faith in our political system, or Americans might go over to the other side. There is no physical harm or danger to Americans. It is clear the American embargo on Cuba has only isolated America.

The answer here is clear: Let us change the policy, and we will change Fidel Castro. Continue this policy and we only shore up Castro.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

I would remind our colleague that contracts were destroyed by Fidel Castro.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the gentleman from South Carolina (Mr. SANFORD) is a distinguished member of our Committee on International Relations for whom I have the highest regard. However, I find it necessary to oppose his amendment.

This Sanford amendment would make enforcement of travel restrictions to Cuba virtually impossible. The travel restrictions themselves would not be lifted. People who violated law would still be subject to criminal penalties.

Furthermore, this amendment would end the Treasury Department's ability to issue case-by-case licenses for travel to Cuba, as is now permitted under existing regulations. People who wanted to travel to Cuba legally for purposes that we all support would not be able to get licenses. In effect, the amendment would prevent law-abiding people from visiting Cuba.

The net effect of this amendment would be to encourage people to break the law. We must not send that kind of a message, particularly not to our Nation's young people.

This is particularly true when our fundamental quarrel with Fidel is that he refuses to allow the rule of law in Cuba. The Castro government refuses to take the steps that would permit us to lift the provisions of our embargo: freeing political prisoners, permitting opposition political parties, freeing labor unions to organize, and scheduling free, fair, internationally supervised elections.

With all due respect to my good friend, the gentleman from South Carolina, I urge our colleagues to oppose this amendment.

Mr. SANFORD. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, if the United States listened to the people of Cuba, to Cuba's religious leaders, and to the overwhelming majority of its human rights activists and dissidents, it would lift its embargo and begin to normalize relations with the island.

What we should be doing is learning from our own mistakes. Whether we brand a country Communist or not, evil is evil, bad is bad. But we should learn from our own mistakes, for surely in this country it just took to 1965 to where all Americans in this country had the right to vote in America, in a democracy.

We can look back, back in the 1950s, when we sent people like Paul Robeson, Junior, away from this country. We did not allow people to do various things and exercise human rights in this country.

So what we should do, we should take this opportunity to show what we have learned by our mistakes, that understanding that engaging with Cuba, when clearly for 40 years holding them at bay has not done anything, but by engaging with them, we could bring democracy.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I would point out to my colleagues, we have talked about apartheid and what existed in South Africa. One of the things we could do is ask every American who would travel to Cuba not to stay in a hotel that carries out apartheid.

Many of my colleagues have visited Cuba. Maybe they are not aware that literally no Cuban is literally even allowed into the lobby of the hotel legally under Cuban law; that when they meet with my colleagues, they actually have to get specific exemptions from that law to meet with my colleagues in those hotels.

That is the regime we are dealing with, a regime that, if we do this, we throw an economic lifeline to them. That is a mistake. Cuban workers who get paid 25 cents an hour do not get paid that. It goes to the Cuban government, and they get paid 10 cents an hour.

I urge the defeat of the amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield the balance of my time to my other colleague, the gentleman from South Florida (Mr. DIAZ-BALART) of the Committee on Rules, to close on our side.

The CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 minute.

Mr. DIAZ-BALART. Mr. Chairman, I want to say to my distinguished friend, the gentleman from South Carolina, his measure, if passed, would constitute the most significant hard currency generator for the Cuban dictatorship that we could pass in this Congress.

Secondly, it would in that way contribute more than any other measure to the oppression by the repression machinery of the Cuban people by the dictatorship.

I would remind the gentleman from South Carolina when just a few years ago we were in Guantanamo we met with 35,000 refugees. For the first time in 35 years, they were able to elect a council. The council said, tighten sanctions, do not ease them.

Then I asked him here, right here where the gentleman from Maryland (Mr. BARTLETT) is right now, just a few weeks ago, is there any difference between the views of the people they met in Cuba and the people they met in Guantanamo? And the gentleman said no.

So with all respect, I do not understand the change in the gentleman from South Carolina. Do not agree to this amendment, defeat it. It would be the singular, the most significant way in which we could increase hard currency to the dictatorship. Defeat the Sanford amendment.

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

Mr. Chairman, I would say that we come at this with the same goal: ending Castro's regime in Cuba. I think we need to be careful about maligning the intentions of others. The gentleman from New York (Mr. SERRANO) may see a different way than the gentlewoman

from Florida (Ms. ROS-LEHTINEN), but the end goal is the same, which is, how do we change things in Cuba?

The evidence, based on 40 years of our policy not working, comes out decidedly on the side of engagement. I say that from the standpoint of history. If we look at history, Members will recall, sanctions have never worked in the history of mankind. I do not know why there would be an exception with Cuba.

Two, I would say, based on personal experience, 50,000 people a year travel to Cuba basically illegally. I tried that myself. I went down on my own, under the radar screen, and stayed in a person's home. This is not about getting money to Castro. I paid $35 a night to stay in a person's home. We ate at their cousin's house. I paid money to eat at their house. This is about getting money in to the regular Cuban citizenry, which can then combat the Castro regime that I think we are all against.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

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

Mr. SANFORD. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on this measure will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. MALONEY of New York:

Page 112, after line 13, insert the following new section:

SEC. 644. The Office of Personnel Management shall conduct a study to develop one or more alternative means for providing Federal employees with at least 6 weeks of paid parental leave in connection with the birth or adoption of a child (apart from any other paid leave). Not later than September 30, 2001, the Office shall submit to Congress a report containing its findings and recommendations under this section, including projected utilization rates, and views as to whether this benefit can be expected to—

(1) curtail the rate at which Federal employees are being lost to the private sector;

(2) help the Government in its recruitment and retention efforts generally;

(3) reduce turnover and replacement costs; and

(4) contribute to parental involvement during a child's formative years.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Mrs. MALONEY) will control 5 minutes and a Member in opposition will control 5 minutes.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself 1 minute.

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

Mrs. MALONEY of New York. Mr. Chairman, last year when my chief of staff was expecting a baby I inquired what the Federal leave policy was, and I was surprised to learn that there is no paid leave for the birth or adoption of a child.

There have been many news articles talking about the difficulty of maintaining a talented staff for the Federal Government. In response, along with my colleagues, the gentleman from Virginia (Mr. DAVIS), the gentleman from Maryland (Mr. HOYER), the gentleman from New York (Mr. GILMAN), and the gentlewoman from Maryland (Mrs. MORELLA), we introduced the Federal Employees Paid Parental Leave Act, H.R. 4567.

This amendment will help us understand and quantify why this bill is so important. We are asking OPM to conduct a study to understand the impact of providing paid parental leave to Federal employees. We often hear that we need to run government more like a business. This study will lay the foundation for the Federal government to do just that.

Mr. Chairman, we are here today in support of families.

Everyone talks about supporting families, but when you look at the policies, they are not as supportive as they should be.

In a Federal Government that says it is family friendly, public employees should not lose pay for becoming parents.

Last year, when my District staff director was having a baby, I reviewed our office policy. I also wanted to consult the federal leave policy.

I was shocked to learn that the Federal Government does not provide its employees with any paid leave for the birth or adoption of a child!

In the Federal Government, unless you have stowed away all your vacation and sick days, there is no way to take off even one day without taking a cut in your paycheck.

Then, in May the Washington Post informed us that the Federal Government is suffering from a talent drain because it is not providing competitive pay or benefits as compared to private sector companies.

In response to these problems, I, along with Mr. DAVIS of Virginia, Mr. HOYER of Maryland, and Mr. GILMAN of New York, and Mrs. MORELLA of Maryland introduced H.R. 4567, the Federal Employees Paid Parental Leave Act.

This bipartisan bill would give Federal employees 6 weeks of paid parental leave for the birth or adoption of a child.

Since we introduced the bill in May, I have heard from men and women across the country who have relayed their stories to me about the great impact this legislation would have on their families.

Mary Bassett wrote to tell me her story.

When Mary was pregnant with her son in 1993, she was placed on bedrest for the last six weeks of her pregnancy.

She was forced to exhaust all of her sick and annual leave.

When her son was born, he was critically ill and was in Intensive Care for two weeks.

Since Mary had used up all of her sick leave and accrued vacation time, she was forced to return to work when her son was 7 weeks old.

Her family could not survive without her paycheck so May was forced to make a choice:

Stay home with her sick newborn, or put food on the table for her family.

I also heard from Dee Kerr. Dee works for NASA.

When her daughter was born, she had accrued a lot of leave and was able to take time off with pay.

Now, at 40, Dee would like to have another child but doesn't have any paid leave saved up.

She is now wondering if she and her husband can have a second child because they cannot afford to take time off without pay.

Dee has to make a choice:

Have a second child or put food on the table for her family.

Today, I join with Representative HOYER and Representative GILMAN in introducing an important bipartisan amendment.

This amendment will help us understand and quantify why H.R. 4567 is so important.

We are asking OPM to conduct a study to understand the impact of providing paid parental leave to Federal employees.

This study will likely reveal that the Federal Government will become more competitive with the private sector by offering paid parental leave.

This study will likely show that the government's recruitment efforts will be boosted and that the costs related to turnover and replacement will be greatly reduced.

Finally, this study will conclude that the Federal workforce can win back dedicated and qualified workers to the Government if we offer a benefit that is already being offered by the majority of private sector companies.

Everyone always says that the Federal Government should be run more like a business.

This study will lay the foundation for the Federal Government to do just that.

Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from New York (Mr. GILMAN), co-author of this amendment.

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

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I am pleased to support this amendment benefiting our Federal employees. I applaud my colleagues, the gentlewoman from New York (Mrs. MALONEY), the gentleman from Virginia (Mr. DAVIS), and the gentleman from Maryland (Mr. HOYER), for

their leadership on this important issue calling for a study looking into offering paid parental leave for Federal employees, a benefit that many of their counterparts in the private sector now enjoy.

The time has finally arrived for the Federal government to become more competitive with the private sector to help gain and retain qualified employees. The private sector has been able to hire the best and brightest employees and offer competitive benefits and pay, while the Federal government has seen its top workers fleeing for higher-paying private sector jobs.

Employees will not be forced to choose between their new child and their jobs. Paid leave will afford Federal employees the opportunity to welcome their child into the world and adjust to their new life without worrying about whether or not they can pay next month's gas bill.

I am pleased to support the amendment, confident that this study will lead to extending 6 weeks of paid leave for Federal employees. Families will celebrate the arrival of a child with fewer worries, which will help create a more family-friend Federal Government. I urge support for the amendment.

Mrs. MALONEY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), the chair of the Democratic Children's Caucus.

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

Ms. WOOLSEY. Mr. Chairman, it makes good sense to have the OPM study the best ways to give Federal employees paid leave following the birth or adoption of a child, and to study the effect paid leave will have on the Federal work force, because it then can be a model for the rest of the country.

Today if a child is fortunate enough to have two parents living with them, chances are that both parents work long hours and commute long distances. So then we have to ask the question, who is taking care of our children? Compared to 33 years ago, parents spend 52 fewer days a year with their children. That is almost one day a week.

□ 2030

We must do something to help parents bridge the gap between work and family, especially when they have a new baby. The Maloney-Gilman-Hoyer amendment is a good first step that will let American parents respond to the question, who is taking care of our children? Then we can have a simple answer. That answer can be we all are.

Mrs. MALONEY of New York. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman from New York for yielding to me. I thank her for introducing this amendment along with the gentleman from New York (Mr. GILMAN), the gentleman from Virginia (Mr. DAVIS), and the gentleman from Maryland (Mr. HOYER). I firmly and wholeheartedly support it.

The majority of private sector companies do provide paid leave to their employees, but the Federal Government does not. In fact, the Federal Government does not provide its workers with any paid leave for the birth or adoption of a child. That is why this study is really important.

I want to refer to the fact that Steve Barr, who writes for the Washington Post, recently wrote a series of articles showing that the Federal Government is suffering from a talent drain because it is not providing competitive pay or benefits as compared to private sector companies.

We do need to attract and retain the most qualified, dedicated workers to serve in our workforce; and these family-friendly policies that can be brought about and enhanced by virtue of this study are critically important.

Mrs. MALONEY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I stand today, Mr. Chairman, to support this amendment to require OPM to conduct a study on alternative means to provide Federal employees with at least 6 weeks of paid parental leave in connection with the birth or adoption of a child.

I am an original cosponsor of H.R. 4567, which would provide that at least half of any leave taken by a Federal employee for the birth, adoption, or placement of a child be paid leave. Parenting is a key component to a child's development and eventual success in and contribution to a society.

In 1993, the President signed the Family Medical Leave Act providing Federal workers with up to 12 weeks of unpaid job-protected leave for childbirth or adoption, which has benefited more than 20 million Americans. However, parents need more support to help balance their family and work responsibilities.

A recent poll released by the National Parenting Association found that low-income parents and parents of very young children are the least likely to be able to take family leave due to the loss of income.

Therefore, Mr. Chairman, I support this amendment.

The CHAIRMAN. Is there a Member wishing to claim the time in opposition to the amendment of the gentlewoman from New York (Mrs. MALONEY)?

If not, the question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MORAN of Kansas:

At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used to implement any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 402 of the Agricultural Trade Development and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act of 1992) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries.)

The CHAIRMAN. Pursuant to the order of the House earlier today, the gentleman from Kansas (Mr. MORAN) and a Member opposed each will be recognized for 10 minutes.

For what purpose does the gentleman from New Jersey (Mr. MENENDEZ) rise?

Mr. MENENDEZ. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) will be recognized for 10 minutes.

POINT OF ORDER

Mr. DIAZ-BALART. Mr. Chairman, I make a point of order against the amendment of the gentleman from Kansas (Mr. MORAN).

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

Mr. DIAZ-BALART. Mr. Chairman, the amendment of the gentleman from Kansas (Mr. MORAN), in my view, violates clause 2 of rule XXI of the House rules by, in effect, legislating on an appropriations bill.

The amendment would add significant new responsibilities and duties to the Treasury Department, for example, to determine whether there are agreements when it refers to in the last sentence of the amendment, ''pursuant to agreement with one or more countries, the Treasury Department would have to determine whether there are agreements to whether such agreements could grant legal authority for the President to take legal action.'' What is meant by an agreement? Does it have to be a written agreement, a treaty, or is an action in concert sufficient?

I guess I would ask of the author of the amendment, is an action in concert sufficient? Is that what he seeks to mean by agreement?

Even U.N. multilateral embargoes, Mr. Chairman, for example, they require the U.N. Participation Act to grant the President the legal authority to impose any sanctions agreed upon by the United Nations.

So for those reasons, and I ask the question in the context of making the point of order, is action in concert sufficient, or is a written bilateral agreement necessary? Due to that, I believe, especially since it is unclear, that

there is a significant possibility, and I believe it does constitute legislating on an appropriations bill.

The CHAIRMAN. Does the gentleman from Kansas (Mr. MORAN) desire to be heard on the point of order?

Mr. MORAN of Kansas. Mr. Chairman, I am happy to be heard on the point of order.

Mr. Chairman, I believe that current designations by OFAC designating which countries we have unilateral sanctions against is specified in the rules and regulations. They would easily and readily be able to determine the definition of the phrases included in the amendment.

Mr. DIAZ-BALART. Mr. Chairman, addressing the point of order, this applies as well to future agreements. So my point is, is action in concert sufficient to constitute a future agreement under this amendment, or is a written bilateral agreement necessary? This amendment, without any doubt, Mr. Chairman, applies to future agreements.

The CHAIRMAN. Does the gentleman from Kansas (Mr. MORAN) wish to be heard further on the point of order?

Mr. MORAN of Kansas. No, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Texas (Mr. STENHOLM) wish to be heard on the point of order?

Mr. STENHOLM. I certainly do, Mr. Chairman.

Mr. Chairman, I believe that, based on all precedents within the House concerning appropriations bills and limitation of spending thereon, the amendment of the gentleman from Kansas (Mr. MORAN) meets all of the criteria as established under due precedence of this House. It is not that complicated. It is simply saying that none of the funds may be made available under this act to implement any sanction imposed.

It is something that the Parliamentarian has upheld, the Speaker has upheld many times, and I would urge the upholding and the ruling against this particular appealing of the Chair or the rule.

The CHAIRMAN. Does the gentleman from Florida (Mr. DEUTSCH) wish to be heard on the point of order?

Mr. DEUTSCH. Yes, Mr. Chairman, on the point of order.

Again, I would hope that each of us has an opportunity to read the amendment specifically. I would say to the gentleman from Texas (Mr. STENHOLM) that this is much broader than a limiting amendment, and I would agree completely with the gentleman from Florida (Mr. DIAZ-BALART).

If we read the language, it specifically asks someone, without any legislation, to determine other than a sanction imposed pursuant to an agreement with one or more other countries.

It is not a limiting amendment. A limiting amendment talks specifically about limiting funds on a specific program in a specific way without creating this additional category which would take investigative power, which would, in fact, take expenditure of funds, which by definition a limiting amendment cannot expenditure funds, which is exactly what this does.

So I think it is a pretty black and white case that we are spending money. This is authorizing money effectively, because that is the only way to do what this amendment asks us to do is spend money.

So I urge the Chair to rule the amendment out of order.

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order?

Mr. DIAZ-BALART. Mr. Chairman, is a verbal agreement by the President with any other country sufficient to constitute an agreement? Or is a bilateral written agreement or multilateral written agreement necessary? That is my question.

The CHAIRMAN. The amendment is in the form of a limitation accompanied by an exception. The limitation confines itself to the funds in the instant bill and merely imposes a negative restriction on the availability of those funds for specified purposes, to wit: implementing certain international sanctions. The exception excludes sanctions ''imposed pursuant to agreement with one or more other countries.''

The Chair finds it appropriate to construe the word ''agreement,'' as used in the context of international sanctions, as meaning accords between or among sovereigns. The Chair similarly finds it appropriate to engage a presumption of regularity in finding that officials of the United States who are charged with the implementation of international sanctions with a specific knowledge of unilateral sanctions are likewise charged with knowledge of the bases on which they proceed, including the ''corporate'' knowledge of their Executive agency concerning the provenance of a particular sanction.

On these premises, the Chair holds that neither the limitation nor the accompanying exception imposes new duties of discernment, occasions new burdens of investigation, or otherwise requires Executive action beyond the call of existing law.

The point of order is overruled.

PARLIAMENTARY INQUIRY

Mr. DEUTSCH. Mr. Chairman, I have a parliamentary inquiry of the Chair.

Mr. Chairman, I was given a copy of this amendment earlier this evening, and the amendment that is at the desk is a different amendment. I would inquire of the Chair if the unanimous consent agreement allowed for the gentleman from Kansas (Mr. MORAN) to change his amendment.

The CHAIRMAN. The unanimous consent agreement to which the House concurred simply specified an issue. Under the order of the House the gentleman from Kansas (Mr. MORAN) may offer an amendment regarding sales to any foreign country. It was not a numbered amendment. That was part of the order.

Mr. DEUTSCH. Mr. Chairman, that is not the amendment in front of us. The amendment in front of us specifically speaks to only one country; and, therefore, it is not in order based on the unanimous consent agreement of this House today.

The CHAIRMAN. The Chair will state again, the order of the House states that the amendment may regard sales to any foreign country, so one foreign country would obviously be included in that description.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would make clear that the amendment that I am offering this evening restricts the use of funds in this appropriations bill solely for food and medicine and solely related to the country of Cuba. It is different than any amendment offered previously today by other Members of the House.

Our embargo against sales to Cuba has done little to change the behavior of this island nation. In fact, it appears to me that the only thing that U.S. sanctions have done is to give Cuba, its government, an excuse to blame us for their failed policies.

This policy has been in place for 38 years, and a failed policy does not have to be permanent. We have debated this issue on this floor numerous times, and I think it is now time for the House to speak its will in regard to whether or not this sanction policy should be continued.

Why is this amendment in order appropriate to the Treasury-Postal appropriation? United States sanctions are enforced by the Office of Foreign Asset Control, a branch of the U.S. Treasury Department. This amendment, again, would prohibit the use of funds to implement those sanctions which are, in fact, unilateral on food and medicine to Cuba.

When the world acts together, and I might point out that, if our policy on sanctions toward Cuba was a good one, one would expect other countries, democracies, perhaps, who share our ideals, to join us in the effort of imposing sanctions against the country of Cuba.

That has not been the case. When the world acts together, we can perhaps achieve some success in influencing the behavior of another country or its government. However, in today's global economy, unilateral sanctions simply have been proven ineffective.

I encourage support of this amendment for several reasons that I would like to defer until my opportunity to close.

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

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Kansas for yielding me this time, and I rise in strong support of the amendment of the gentleman from Kansas.

To those that have argued previously and will argue again that this is not the time and the place, I would agree. It would have been much better to have had this issue freely and openly debated on the floor of the House months ago. But having not done that, it would have been next better to have had it dealt with on the Agriculture appropriations bill; but it was not to be.

No way now do I, though, endorse the type of government that has existed in Cuba for 5 decades.

□ 2045

But it should be obvious to all that sanctions, unilaterally applied, do not work; cannot work.

And the reason they cannot work, or as a previous speaker said today, what we ought to be doing is tightening the screws down on Mr. Castro. That is impossible to do when we have unilateral sanctions. When we unilaterally deny the sale of food and medicine to the Cuban people from the United States and our ''friends'' from Canada, from Europe, from Asia, from all over the world sell to that market, who are we kidding when we say we are hurting anyone other than the people of Cuba, who still like Americans; and producers in America, who otherwise would have the opportunity to compete for those sales?

Sanctions do not work unilaterally applied. How many years is it going to take for this body to understand they cannot possibly work if they are unilaterally applied? If they are multilaterally applied, in which all countries of the world decide this is what we should do, whether it be to any country of the world, then we have a chance.

Tonight we have a clear shot, up and down, for every Member of this body to express themselves as to whether or not we should lift the sanctions on Cuba on food and medicine. That is what this vote is about.

Mr. MENENDEZ. Mr. Chairman, I yield myself 2½ minutes.

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

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Kansas, and I want to state something. This is not about lifting the sanctions on food and medicine, because the law still will exist. And any sales to Cuba, other than those that are licensed, will still be illegal. So we will not be achieving what the gentleman wishes to achieve.

Secondly, the amendment speaks of agricultural commodities and, as such, chemicals can be sold under that heading, including precursor chemicals, which I do not believe we want the Castro regime, which is still on our list of terrorist states and which harbors fugitives from the United States, to have access to. Voting for this amendment would prohibit the United States from enforcing the sale of precursor chemicals that can be used for weaponry, including bombs, biological and chemical weaponry.

Lastly, the fact of the matter is that we constantly hear that our sanctions are affecting the Cuban people, even though we are the greatest remitters of humanitarian assistance to the people of Cuba, $2 billion over the last 5 years, more than all the other countries of the world combined during the same time period. Yet it is Castro's failed economic system and his dictatorship that refuses to give the Cuban people what they deserve. He can buy from anyplace in the world. He has to have the money to do so. He does not have the money to do so.

And I would note that this amendment, if we believe that it is going to accomplish lifting it, which it does not, lifting the sale of food and medicine, it says nothing about credits and, in fact, can be interpreted to permit credits and can be interpreted to permit government subsidies. Now, the last thing I believe that this body would want is to use subsidies to sell to a dictatorship that uses food and rations as a form of control, which is exactly what Castro does. He uses rationing as a form of control over his people.

So this is not about selling to the average Cuban, which I probably would be for. This is about selling to the regime and then having the regime ration their own people, as they do today, as my family has to do, standing in line, because the regime does not give them the resources and opportunities in a free marketplace for them to purchase.

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

In response to the gentleman from New Jersey (Mr. MENENDEZ), this amendment deals strictly with an agricultural commodities; does not talk about agricultural chemicals. And the issue of credit remains with the administration, as it does today with our dealings with any other country. The President has the ability, and has used it in my tenure in Congress, to defeat the opportunity to sell agricultural commodities by refusing to extend credit.

So the amendment does not in any way increase or decrease the authority of the administration, of a President of the United States, in regard to credit.

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

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment ensures U.S. Government financing to the Castro regime. Our U.S. taxpayers would be subsidizing a dictatorship. Our country was founded on the principles of freedom, of democracy, of human rights. As the leader of the international community, this amendment means that our principles are being sacrificed. It means that we are no longer upholding, defending and, indeed, demonstrating the moral guidelines which have directed U.S. policy of helping oppressed people.

This amendment would provide funds to a regime which violates human rights, which denies its citizens the right to participate in their religious beliefs. It tortures men and women for thinking differently and for voicing their dissenting opinions despite the threat to their personal safety.

The safeguards that this amendment seeks to remove are in place so that the Castro regime does not take U.S. food and medicine and then sells it to a third country so that it can further increase its war chest, a war chest which it uses to torture, to harass, to intimidate and to oppress the Cuban people.

This amendment would allow the unbridled, unrestricted trade with a brutal dictatorship using U.S. taxpayer funds, and it would only prolong the suffering of the Cuban people.

This amendment would send a message that this pariah state is now being forgiven for their practices, despite the cost in human life and the dignity of each individual who suffers under the dictatorship.

This amendment sends the signal that the United States will no longer serve as a moral compass for emerging democracies to emulate; that the United States' sense of right and wrong is succumbing to commercial interests.

The safeguards in place through the licensing process at the Department of Commerce and the Department of Treasury ensure that the food and medicine donated to the Cuban people actually reach the men, the women, and the children that they are intended for. These safeguards ensure that they will not be diverted by the Castro regime for the use of its officials and for foreigners. This amendment seeks to remove those safeguards and has U.S. taxpayer money going to the Castro regime.

Mr. MORAN of Kansas. Mr. Chairman, may I inquire as to the balance of the time?

The CHAIRMAN. The gentleman from Kansas (Mr. MORAN) has 4½ minutes remaining, and the gentleman from New Jersey (Mr. MENENDEZ) has 5½ minutes remaining.

Mr. MORAN of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in strong support of this amendment.

I would agree on one point that one of the opponents of this amendment made, and that is that none of us are apologists for the actions of Castro. Truly, he has infringed upon human rights, he has impeded religious freedoms, he has impeded the advancement of democracy. But where I absolutely disagree is what is the policy that this country can adopt that is going to advance democracy in Cuba? And it is a policy of engagement.

This simple amendment we are talking about today is one that we will

allow for the sale of U.S.-produced agricultural products and medicines to Cuba. A policy of isolation has done nothing to advance democracy over the past 40 years. It is time for us to adopt a policy that will let us flood Cuba with U.S.-produced rice, with U.S.-produced wheat, with U.S.-produced beef products. That is going to do more to achieve our objectives.

I think it is somewhat ironic that Cuba today, per capita, is probably exporting more doctors throughout the world than any other country, yet the United States, the economic power, the leader in medicine technology, is refusing to sell medicinal products to Cuba. That is outrageous. That is not a policy that this country should be proud of.

If we truly are a country that respects democracy, that understands how we can best influence the actions of a country, then we should be embracing the policy of economic engagement which we adopted with China, that we should adopt in Vietnam, and which we should adopt in Cuba to make a difference in advancing the rights of the people of Cuba.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I can agree in a sense with the gentleman from California (Mr. DOOLEY), but I want to talk a bit about specifics.

I really plead with my colleagues to think about the specifics of what this amendment does. The specifics is really selling to the Castro government. It is not selling to Cuba. It is selling to the Castro government. It is selling to Castro. It is literally propping Castro up.

As my colleague from New Jersey said, I think all of us would be in agreement if there was a way that we could sell to NGOs and get food and medicine to Cuba, which we support, but that is not what this amendment does. And, in fact, the Cuban government has restricted, in fact has prevented the ability to even give food and medicine through NGOs to the Cuban people.

Cuba is not China in any sense, where the leadership has changed. Mao Tse-tung does not exist in China today. Again, the specifics of this amendment would strengthen the Castro regime. I urge its defeat.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to this amendment. We are not talking about free trade, we are talking about pulling Castro's fat out of the fire right at the last minute.

We are not talking about anything that is going to promote freedom or prosperity or goodness for the Cuban people, we are talking about keeping in power a dictatorship; a country in which the jails are full and the newspapers are censored.

What is going to happen down there if we pass this? We are going to demoralize all the people in Cuba who long for freedom and democracy. We are going to cut the chances for freedom in that country in half, or cut them down to nothing if we pass this amendment.

The fact is we can trade with Cuba any time Castro permits us to. We can sell them anything that Castro will permit us to sell them. Only one stipulation: Castro has to have a free election.

What is standing in the way of trade with Cuba? One man, a dictatorship based on one personality, one guy who has thrown everybody who has ever opposed him or his system in the clink. We do not want to support that guy either. Oppose this amendment.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I think a better dialogue would be as to how both sides on this issue could come together.

I do not support the amendment. I wish we had a White House that would not walk softly and carry a big stick of candy, and that is either a Republican or a Democrat; that would force the policies that we want. I do not believe a stick of candy to Cuba is the right thing, without a State Department that will stand up for an agreement. And I think the same thing is true with China, and I supported PNTR.

We need an Intel apparatus that will let us know, because there is a national security threat with Cuba. I disagree with the gentleman that said there was not. They are a current threat, even to Guantanamo.

We need to take a look at the food and medicine distribution; make sure that someone like a Red Cross or an international group would distribute that instead of giving it to Castro and letting him sell it for money and power.

□ 2100

Those are the kind of things that could draw us together instead of just blasting each other on each side of this issue.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time.

I would like to start by saying I have no better friend in the House than my friend, the gentleman from Kansas (Mr. MORAN). But I think this amendment is ill conceived. It can produce unknown results. We do not change the law, but we do not provide any funds to enforce the law.

As the gentleman from California (Mr. MENENDEZ) pointed out earlier, the whole sanctioning process, the whole way to get an ability to work around the sanctions is not available if we cannot enforce the law. It confuses the question of whether or not U.S. credit can be available to Cuba if we cannot enforce the sanction law; does that mean Cuba has access to U.S. Government programs.

On our side of the aisle, we have had good-faith negotiations to try to come up with a position that we were comfortable with where both sides gave, where we would in fact deal with the fact that Cuba is handled differently in the law than other countries and clarify that in a way that helps American farmers but does not help Castro.

I think this amendment confuses that. I urge my colleagues to vote against it.

Mr. MENENDEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas (Mr. MORAN).

This amendment, like others being offered on this legislation, seeks to prohibit funds from being used to enforce U.S. law. This makes no sense. Congress makes our nation's laws and we appropriate funds so these laws may be enforced. We are a nation of laws. That is what makes our country different from Cuba. That is what makes us strong. Congress should not adopt measures that encourage people to break our laws. This is a wrong signal to send.

This amendment could open up the taxpayers pockets to underwrite the Castro regime. Federal Government financing for exports to Cuba could flow to a bankrupt regime that sponsors terrorism. Accordingly, I urge my colleagues to join in opposing the amendment offered by the gentleman from Kansas, Mr. MORAN.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume to simply say, why does Castro have enough food for all the tourists that come to Cuba but not enough food for the people of Cuba. Why is it he has medicines that he can export from Cuba, Meningitis B vaccines and others, but he does not have enough for the people of Cuba? And is the food for the tourists, or is it for the people of Cuba?

Mr. Chairman, I yield the balance of the time to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, to those who support the dictatorship, I am not addressing these words but, rather, to those who think that American business is being somehow left out of Cuba at this point by not dealing with the dictatorship.

The Cuban people, since this Congress 100 years ago, stood alone in the world after the Cubans had been fighting for 100 years for independence with the Cuban people, ever since then they have had great respect and admiration

for the American people, including for American business.

Those who want to go in now and do business with the apartheid economic system and the dictatorship are, in effect, seeking to lose the good will that American business will have in the future in a democratic future if they now go in and become tainted like the Europeans and others who are participating in creating and helping to prop up the apartheid economy.

So for business sense, not for those who idealogically support the dictatorship, I am not talking to them. For those who think that American business is losing out, no, keep the good will, stand on the side of the Cuban people and against the oppressor of the Cuban people; and that will be, for those who are so interested in business, good business in the future.

Defeat this amendment. Defeat this amendment that is defeating the good will of the American people and would defeat the good will of the American business community in the future democratic Cuba.

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been a difficult amendment for me to offer. The opponents to my amendment feel very strongly in opposition to this amendment, and it raises emotional chords within them as well as all of us.

I would tell my colleagues that I feel very strongly about the importance of this amendment and would not be on the House floor today trying to stress to my colleagues why it matters.

I have been in this Congress for 4 years. Not one step of progress has been made toward sanction relief and reform that we have been promising our farmers in Kansas and across the country since I have been a Member of this Congress.

How long do we have to wait before we can determine the will of this body on the issue of sanctions in regard to Cuba and other countries?

Let me reiterate, this amendment deals only with Cuba. Let me reiterate, it is a different amendment than the gentleman from New York (Mr. RANGEL) offered, which opens all trading opportunities from the United States. This is limited solely to food and medicine, agricultural products.

It matters to agriculture, to farmers and ranchers, who are trying to eke out a living today in this country. But it is more than just about economics. It is about our ability to export our products, our ideas.

I am a firm believer, as I was in the debate on dealing with China, that personal freedom follows economic freedom; and when people around the world see our market system, the glimmer of hope for personal freedom is enhanced, not diminished.

It is time for us to end a failed policy that improves not only our own economic livelihoods but provides an opportunity for freedom to be increased, not diminished.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. MORAN).

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

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Kansas (Mr. MORAN) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 8 OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of the Treasury (among other parties).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. HOSTETTLER) and the gentlewoman from New York (Mrs. MCCARTHY) will each control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, today I rise to offer an amendment that would prohibit the Department of Treasury and specifically the Bureau of Alcohol, Tobacco and Firearms, or BATF, from using taxpayer dollars to enforce the provisions of a settlement agreement between Smith & Wesson, the Treasury Department and the Department of Housing and Urban Development.

Mr. Chairman, this is not a new amendment, but it is new circumstances in which I offer it given the fact that the agreement constitutes the 22 pages of legislation that was never considered in these Chambers nor passed by Congress and includes new duties for the BATF.

Now the BATF will no longer just enforce Federal laws; they will now enforced a private civil agreement. This greatly expands the BATF's scope of power without Congress's approval.

Failure to pass this amendment will allow the executive branch to continue to coerce legal industries, in this particular case the gun industry, to enter into these agreements whenever they feel they cannot get their agenda through Congress.

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

Mrs. McCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last month my colleague, the gentleman from Indiana (Mr. HOSTETTLER), attempted to turn back the clock on gun safety. He failed twice and the House bipartisanly rejected his amendments. Well, it is time to defeat this amendment again.

The bill has changed, but the amendment is the same. Instead of the Department of Justice or HUD, the gentleman from Indiana (Mr. HOSTETTLER) tries to prevent the Department of Treasury from spending any money related to the HUD-Smith & Wesson agreement.

More than 500 communities across the Nation from Los Angeles to Long Island, New York, have endorsed this agreement. Secretary Cuomo and more than 10 of the Nation's mayors successfully negotiated the agreement with gun manufacturer Smith & Wesson in March. This agreement is making our communities safer, and we should allow it to continue without congressional tampering.

Mr. Chairman, the Committee on Appropriations has agreed to hire 600 ATF agents and fund DNA ballistics technology that will assist law enforcement in arresting criminals. My ENFORCE bill authorizes the same programs.

The funding levels of this bill are a victory for gun enforcement. It is the first time gun safety and pro-gun Members have decided to give law enforcement the tools necessary to enforce existing gun laws. Now we all agree gun enforcement equals more ATF agents and funding for ballistic technology.

While the bill's funding level also increases gun enforcement, the Hostettler amendment cuts gun enforcement. It says that the ATF cannot enforce the Smith & Wesson agreement.

Here is a quote from the mayor of Bloomington, Indiana. Mayor John Fernandez calls these efforts a ''direct attempt to preempt our ability,'' their ability, the mayors, ''to build these kinds of successful efforts in partnership with the Federal Government, partnerships that will save lives in our cities and help make our communities safer.''

Here is a quote from Police Chief Trevor Hampton of Flint, Michigan: ''The gun manufacturers, like Smith & Wesson, can help police departments do their jobs by adjusting the guns they produce. For example, by putting a second hidden serial number in the inside of every gun they make.''

This only helps our police officers track those guns.

We constantly hear that Congress should not meddle in the affairs of our cities and our counties. The Hostettler amendment is meddling. It says local communities cannot work with the Federal Government to reduce gun violence. This amendment says the Department of Treasury should not keep

their word. It says it is trivial that 12 children are killed every day by gun violence.

The Department of Treasury reached an agreement with Smith & Wesson, and Congress should honor that agreement.

I urge all Members, Republicans and Democrats, to again defeat this amendment.

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

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Virginia (Mr. GOODE).

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

Mr. GOODE. Mr. Chairman, first I want to thank the gentleman from Indiana (Mr. HOSTETTLER) for his efforts on behalf of the second amendment. He has taken the time to analyze this 24-page Smith & Wesson agreement and to understand its ramifications.

Many may think this applies only to Smith & Wesson, the Department of Treasury, HUD, and the localities that signed it. Not so. This has a direct and significant impact on individuals.

For example, a widow living alone who wanted to buy a firearm to protect herself in her own home goes to a gun store and, under this agreement, can she get a firearm? No, she cannot, unless she has taken a government-approved course or passed a government-approved test.

What if she wanted to buy something besides a Smith & Wesson, a Colt, a Berenger, or some other brand? No, she cannot get it under this agreement.

I urge my colleagues to read this agreement. We want our second amendment right preserved. I ask my colleagues to stand up for their right to defend themselves, their right to own a firearm, and vote for the Hostettler amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, what the gentleman from Indiana (Mr. HOSTETTLER) has continued to do here in each and every appropriations bill is to undo a freely negotiated settlement between the Department of HUD and Smith & Wesson.

Smith & Wesson is synonymous with not only gun safety over the years but, just as importantly, an excellent reputation for community service. And also it is a major employer in my district.

What troubles me about this is that we always hear these complaints about the intrusive nature of the Federal Government. This agreement was not forced upon Smith & Wesson. They voluntarily entered into this agreement. Overwhelmingly, the American people agree with the negotiated settlement. It is sensible and visionary public policy.

The continued effort here to resist this negotiated settlement is what is intrusive. This interference that has come now on three appropriations bills is what is intrusive. It is a mistake to proceed in this manner. We should allow this agreement to stand as it is, and we ought to honor it.

Mr. HOSTETTLER. Mr. Chairman, I yield myself 1½ minutes to respond to some of the comments made earlier.

Mr. Chairman, I once again want to reiterate the fact that the gentlewoman from New York (Mrs. MCCARTHY) said that this amendment is going to stop cities and Smith & Wesson from continuing in this agreement. This amendment does not.

This amendment merely stops the Federal Government from intruding in this situation from being a part of this agreement. So if Smith & Wesson and the cities and towns that are involved in this want to collude to compromise the safety of their men and women in uniform, they are free to do that.

Secondly, I would like to say that the gentleman said that this was an agreement that was freely entered into. It is not. This kind of Congress that makes the laws that the BATF is supposed to enforce never entered into this agreement. The people's House did not speak. This agreement was made between a private company, and the Congress said nothing.

□ 2115

But the gentleman from Massachusetts said now we are interfering. Now the Congress of the United States is interfering in legislation that was crafted by the executive branch and Smith & Wesson. Well, pardon us for interfering in the legislative process, but that is what we are here to do.

According to article 1, section 1 of the Constitution, all legislative power shall be vested in a Congress, not the lawyers at HUD, not the lawyers at Treasury and not the lawyers with Smith & Wesson. It is our prerogative to create policy as the Congress of the United States and not these entities that we have mentioned before.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, well, here they go again. Today, the gun lobby and their congressional friends are again trying to hijack the will of the American people.

Since the Smith & Wesson deal was announced, over 500 police departments and community leaders have pledged to buy only firearms that meet at least minimal safety standards, standards much like the ones included in this deal.

For some inexplicable reason, gun safety threatens some of my colleagues in this Chamber. Instead of obstructing responsible gun manufacturing as this amendment would do, we should be encouraging it. As parents and legislators, our job should be to promote responsibility, ensure safety and educate the American people when it comes to owning, selling and manufacturing firearms. It is certainly not our job to get in the way of responsible Americans who want responsible gun safety standards.

Mr. Chairman, it is time for children to once again feel safe in our schools and our neighborhoods. And it is time for this Congress to once again defeat this reckless amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the balance of my time.

In closing, I just want to remind my colleagues that this issue is not an issue about gun safety. You do not need a 24-page agreement crafted by lawyers at HUD, BATF and Smith & Wesson to create an agreement considering gun locks, trigger locks and new modes of creating pistols that make those handguns more safe.

This is an argument of gun control and our second amendment rights and should we allow the Federal Government to bypass the legislative process to create more gun control and deprive us of our second amendment rights.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong opposition to the amendment.

I am outraged at this attempt by Congressional Republicans to prohibit gun safety agreements . . . not gun control agreements but gun safety agreements.

The Republican leadership has done everything in its power to prevent common sense handgun reforms from becoming law.

They blocked attempts to pass child safety locks and close the gun show loophole.

They ignore efforts to pass consumer product regulations for handguns, licensing of gun owners and registration of firearms.

Now they come to the floor with this amendment that frustrates agreements reached voluntarily by the private sector.

This amendment is pure and simple evidence that the Republican leadership is against gun safety because this amendment is about gun safety, not gun control.

How can the party that so loudly praises smaller government and greater freedoms for the private sector . . . be afraid of an individual manufacturer deciding to apply smart gun technology and safety locks, and to stop straw purchases by shady gun dealers?

Instead of this Congress answering the call, we have forced the private sector to take up the cry of our children, our families and one million mothers.

We should be ashamed that it has come to this.

We should be ashamed of our own inability to pass legislation.

We should be ashamed that we have been incapacitated for two years on this issue.

But now that this Smith and Wesson agreement has been reached, the least this Congress can do is get out of the way.

I urge all my colleagues to vote for gun safety and defeat the Hostettler amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

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

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SANFORD:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used for travel on a trip with the President by more than 120 individuals employed in the Executive Office of the President, excluding Secret Service personnel.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

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

I would make the point that I plan to withdraw this amendment, but prior to doing so would simply mention to the chairman of the subcommittee that what this amendment would have gotten at is an issue of imperial travel.

I think that within the executive branch, we have moved to a whole different stage on travel. I think it needs to be addressed and much more closely looked at than is now the case.

I say that because Nixon's official trip to China consisted of 34 Members from the executive branch to China. If you look at Reagan's trip to Iceland with Gorbachev, it was 40 members of the executive branch. Forty-seven members on the G–7 summit in Italy.

In contrast, I see here these recent trips are just plain bizarre. There were 1,300 folks that went with the current President to Africa. There were 592 people to Chile. There were 510 people to China. I think that we really have moved on to a stage of imperial travel, and I would just ask the chairman of the subcommittee to closely look and monitor, whether it is George Bush or whether it is AL GORE that is President, that we begin to look and try to do something about the size and scale of executive branch travel.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 560, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment by the gentleman from Louisiana (Mr. VITTER); the amendment by the gentlewoman from Connecticut (Ms. DELAURO); the amendment by the gentleman from Virginia (Mr. DAVIS); the amendment by the gentleman from New York (Mr. RANGEL); amendment No. 14 by the gentleman from South Carolina (Mr. SANFORD); the amendment by the gentleman from Kansas (Mr. MORAN); amendment No. 8 by the gentleman from Indiana (Mr. HOSTETTLER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. VITTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 134, not voting 16, as follows:

[Roll No. 421]

AYES—284

Abercrombie
Ackerman
Aderholt
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Boehner
Bono
Boswell
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Chabot
Chambliss
Clayton
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hoekstra
Holden
Holt
Hooley
Hostettler
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
Kuykendall
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Mink
Moore
Moran (KS)
Napolitano
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Pallone
Pastor
Pease
Pelosi
Petri
Pickering
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson
Wise
Wu
Young (AK)

NOES—134

Allen
Andrews
Archer
Baldacci
Baldwin
Barcia
Bateman
Becerra
Bilirakis
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clement
Clyburn
Conyers
Coyne
Davis (IL)
Davis (VA)
DeFazio
DeLauro
Deutsch
Dingell
Ehlers
English
Fattah
Frank (MA)
Frelinghuysen
Gilman
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hobson
Hoeffel
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Manzullo
Markey
Matsui
McCarthy (MO)
McGovern
Meek (FL)
Miller (FL)
Miller, George
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Owens
Packard
Pascrell
Paul
Payne
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Porter
Portman
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schakowsky
Sherman
Simpson
Sisisky
Skeen
Slaughter
Stark
Strickland
Stupak
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Visclosky
Waxman
Weldon (FL)
Wexler
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2145

Messrs. GEORGE MILLER of California, WELDON of Florida, DAVIS of Virginia, KENNEDY of Rhode Island, ARCHER, and MANZULLO changed their vote from ''aye'' to ''no.''

Messrs. MCDERMOTT, GEJDENSON, MARTINEZ, TRAFICANT, LUTHER, HOLDEN, SHAW, SPRATT, MCNULTY, SNYDER, CUMMINGS, DIXON, GILCHREST, HOLT, WATT of North Carolina, LEWIS of California, PRICE of North Carolina, MEEKS of New York, Ms. BROWN of Florida, Ms. VELAZQUEZ, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, Mrs. EMERSON and Mrs. CLAYTON changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2145

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 560, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. DE LAURO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 230, not voting 20, as follows:

[Roll No. 422]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kuykendall
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Crane
Crowley
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baca
Barton
Berman
Brown (OH)
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
Kaptur
Matsui
McInnis
McIntosh
Roemer
Rush
Sanchez
Smith (WA)
Vento
Weller

□ 2152

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 190, not voting 16, as follows:

[Roll No. 423]

AYES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent

Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Snyder
Stabenow
Stark
Strickland
Stupak
Sweeney
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2200

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. RANGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 241, not voting 19, as follows:

[Roll No. 424]

AYES—174

Abercrombie
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berry
Biggert
Bishop
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Brown (OH)
Capps
Capuano
Carson
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
English
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Ganske
Gejdenson
Gonzalez
Hall (OH)
Hastings (FL)
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Ramstad
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sessions
Shays
Shimkus
Shows
Slaughter
Snyder
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wynn

NOES—241

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Borski
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Cook
Cox
Crane
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—19

Baca
Barton
Berman
Brown (FL)
Burton
Campbell
Cannon
Clay
Cooksey
Delahunt
Hayworth
John
McInnis

McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2207

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHN. Mr. Chairman, on rollcall No. 424, I was unavoidably detained and missed rollcall vote 424. Had I been present, I would have voted "aye."

Ms. BROWN of Florida. Mr. Chairman, I was unavoidably detained and missed rollcall vote No. 424 on the Rangel amendment.

Had I been here, I would have voted "aye."

AMENDMENT NO. 14 OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 14 offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 186, not voting 17, as follows:

[Roll No. 425]

AYES—232

Abercrombie
Aderholt
Allen
Baird
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bishop
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Ford
Frank (MA)
Gallegly
Ganske
Gejdenson
Gilchrest
Gonzalez
Gordon
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Ney
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Radanovich
Ramstad
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Slaughter
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn

NOES—186

Ackerman
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Bateman
Berkley
Bilirakis
Blagojevich
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Cook
Cox
Crane
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Emerson
Engel
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Hansen
Hastert
Hastings (WA)
Hayes
Hefley
Hill (MT)
Hobson
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kennedy
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Lazio
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Martinez
McCollum
McCrery
McHugh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Murtha
Myrick
Nethercutt
Northup
Norwood
Ortiz
Ose
Packard
Pallone
Pascrell
Pease
Petri
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Rahall
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stabenow
Stearns
Stump
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Traficant
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Spence
Vento
Weller

□ 2215

Mrs. ROUKEMA and Mr. DICKEY changed their vote from "aye" to "no."

Mr. HILLEARY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2220

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 301, noes 116, answered "present" 2, not voting 16, as follows:

[Roll No. 426]

AYES—301

Abercrombie
Aderholt
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
DeMint
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson

Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wilson
Wise
Woolsey
Wynn

NOES—116

Ackerman
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Berkley
Bilirakis
Blunt
Bonilla
Brady (TX)
Bryant
Burr
Canady
Cannon
Chabot
Chenoweth-Hage
Cook
Cox
Crowley
Cunningham
Davis (VA)
DeLay
Deutsch
Diaz-Balart
Doolittle
Dreier
Engel
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gekas
Gephardt
Gilman
Goss
Graham
Granger
Green (TX)
Gutierrez
Hastert
Hastings (WA)
Hayes
Hobson
Hunter
Hyde
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kennedy
King (NY)
Kingston
Knollenberg
Kolbe
Lazio
Lewis (CA)
Lipinski
Lucas (KY)
Martinez
McCollum
McKeon
Menendez
Metcalf
Miller (FL)
Miller, Gary
Nethercutt
Northup
Ortiz
Packard
Pallone
Pascrell
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Scarborough
Schaffer
Shadegg
Shaw
Shuster
Skeen
Smith (NJ)
Souder
Spence
Stearns
Tancredo
Tauzin
Taylor (NC)
Traficant
Vitter
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Boehner
Emerson

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2223

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

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

So the amendment was agreed to.

The result the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 8 offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 204, noes 214, not voting 16, as follows:

[Roll No. 427]

AYES—204

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fowler
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOES—214

Abercrombie
Ackerman
Allen
Andrews
Archer
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2231

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Treasury and General Government Appropriations Act, 2001''.

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 560, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 202, not voting 17, as follows:

[Roll No. 428]

YEAS—216

Abercrombie
Archer
Armey
Bachus
Baird
Baldacci
Ballenger
Barrett (NE)
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hill (MT)
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McKeon
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Payne
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Salmon
Saxton
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stenholm
Stump
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—202

Ackerman
Aderholt
Allen
Andrews
Baker
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Bentsen
Berkley
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chabot
Chenoweth-Hage
Clement
Coburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dingell
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gekas
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Moakley
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Shadegg
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Wise
Woolsey
Wu

NOT VOTING—17

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Waters
Weller

□ 2251

Messrs. Gary MILLER of California, CUNNINGHAM, PAYNE, COX, RILEY and EVERETT 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.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise to inquire of the gentleman from California (Mr. DREIER) the schedule for the remainder of the week and next week.

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER) the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my dear friend from Mt. Clemens for yielding to me.

Mr. Speaker, I am pleased to announce that the House has completed its legislative work for the week and am happy to report, and I know it comes as no surprise, that the House will not be in session tomorrow.

The House will next meet on Monday, July 24, at 12:30 p.m. for morning hour debates and 2 o'clock for legislative business. We will consider a number of measures included under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday, no recorded votes are expected before 6 p.m. On Tuesday, July 25, and the balance of the week, the House will consider the following measures subject to action by the Committee on Rules:

H.J. Res. 99, disapproving the extension of the waiver authority under the Trade Act of 1974 with respect to Vietnam;

District of Columbia Appropriations Act for Fiscal Year 2001; and

H.R. 4865, the Social Security Benefits Tax Relief Act.

We also expect, Mr. Speaker, several motions to go to conference on appropriations bills and plan to consider conference reports next week as they become available.